



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Proposed Resolution 22-0552, “Sense of the Council in Opposition to Concealed Carry Reciprocity Resolution of 2017”
- Department of Energy and Environment announces funding availability for the Fiscal Year 2019 Clean Water Construction Treatment Works projects
- Department of For-Hire Vehicles schedules a public hearing on the proposed amendments to the District’s shared riding and wait time standards
- Department of Health Care Finance updates requirements for participation in the ID/DD Waiver services
- Department of Housing and Community Development issues the Rental Housing Commission 2018 Resolution for the Social Security Cost-of-Living Adjustment
- Executive Office of the Mayor establishes the Age-Friendly DC in 2023 Task Force (Mayor's Order 2018-026)
- Department of Small and Local Business Development announces funding availability for the Emerging Business District grants
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2018-2019 Pre-Kindergarten Enhancement and Expansion funding

# 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](http://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.).

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-258**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 7, 2018**

To amend the Innovation Fund Establishment Act of 2013 to rename the Innovation Fund the City Innovation Fund, to specify the grant-managing entity for the fund, to raise the maximum subgrant amount, to specify the agency to oversee the fund, and to specify funding subject to the appropriations process.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "City Innovation Fund Re-Establishment Amendment Act of 2018".

Sec. 2. The Innovation Fund Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.221 *et seq.*), is amended as follows:

(a) Section 1012 (D.C. Official Code § 1-325.221) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Innovation Fund" and inserting the phrase "City Innovation Fund" in its place.

(2) Paragraph (2) is amended by striking the phrase "Community Foundation for the National Capital Region pursuant to section 1016" and inserting the phrase "Greater Washington Community Foundation" in its place.

(b) Section 1013 (D.C. Official Code § 1-325.222) is amended as follows:

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

"(a)(1) There is established as a special fund the City Innovation Fund ("Fund") to provide subgrants to nonprofit organizations in education, job training, health, services for seniors, arts, public safety, and the environment.

"(2) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(3) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

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

"(b)(1) The Mayor shall make one or more grants to the grant-managing entity from the Fund, which shall be used to make subgrants for the purpose of promoting a growing economy, education improvement, increasing sustainability, and improving the quality of life for all residents.

## ENROLLED ORIGINAL

“(2) Any costs to the District to administer the grant funds shall be paid out of the Fund.

“(3) Up to 6% of each disbursement from the Fund to the grant-managing entity may be utilized by the grant-managing entity for administrative expenses and evaluation of the Fund.”.

(3) Subsection (d)(2) is amended by striking the phrase “\$100,000” and inserting the phrase “\$200,000” in its place.

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

“(f) The Fund shall be overseen by the Deputy Mayor for Health and Human Services; provided, that the Chief Financial Officer shall assign an individual agency-level code for the Fund in the District’s financial system.

“(g) The budget of the Fund shall be \$15 million annually, subject to annual appropriations through the budget process.”.

(c) Section 1016 (D.C. Official Code § 1-325.225) is amended to read as follows:

“Sec. 1016. Authorization for grant-managing entity.

“The grant-managing entity shall be required to enter into a Memorandum of Understanding (“MOU”) with the District of Columbia government. The MOU shall set forth certain administrative requirements for the grant-managing entity to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the grant-managing entity’s responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.”.

(d) Section 1017 (D.C. Official Code § 1-325.226) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “DC Children and Youth Investment Trust Corporation (“Trust”)” and inserting the phrase “Office of Out of School Time Grants and Youth Outcomes (“Office”)” in its place.

(2) Subsection (b) is amended by striking the word “Trust” and inserting the word “Office” in its place.

### Sec. 3. Applicability.

(a) Amendatory subsection (g) in section 2(b)(4) of this act shall apply upon the 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 amendatory subsection (g) in section 2(b)(4) of this act.

ENROLLED ORIGINAL

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~~

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Mayor  
District of Columbia  
February 6, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-259**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Contract No. NFPHC-207 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD., to provide insurance coverage to the Not-for-Profit Hospital Corporation, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-207 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-207 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD., to provide insurance coverage to the Not-for-Profit Hospital Corporation, and authorizes payment in the amount of \$1,647,623 for the services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

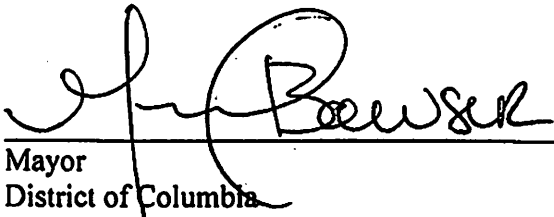
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-260**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification No. 2 to Contract No. CW55235 with Avid Systems, LLC, to provide temporary support services, and to authorize payment for the goods and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification to Contract No. CW55235 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 to Contract No. CW55235 with Avid Systems, LLC, to provide temporary support services, and authorizes payment in the not-to-exceed amount of \$10 million for the goods and services received and to be received under the modification.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

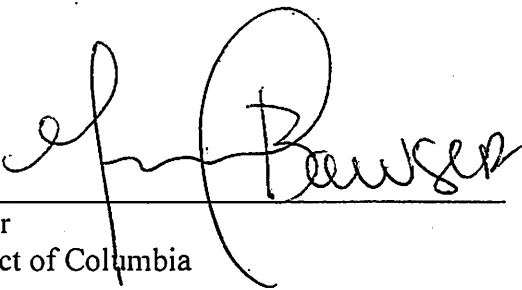
ENROLLED ORIGINAL

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)).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
February 21, 2018



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-261**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification Nos. 17 and 18 to Contract No. DCFA-2015-C-2292-SS/CW37092 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCFA-2015-C-2292-SS/CW37092 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 17 and 18 to Contract No. DCFA-2015-C-2292-SS/CW37092 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and authorizes payment in the estimated amount of \$3,680,215 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

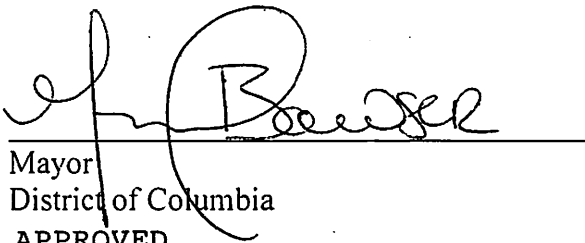
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-262**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification No. 1 to Contract No. DCPL-2018-C-0034A with Baker & Taylor, Inc. to provide books, materials, and other services, and to authorize payment for goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification to Contract No. DCPL-2018-C-0034A with Baker & Taylor Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. DCPL-2018-C-0034A with Baker & Taylor, Inc. to provide books, materials, and selected services, and authorizes payment in the not-to-exceed amount of \$1.3 million for goods and services received and to be received under the contract for the base period ending September 30, 2018.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

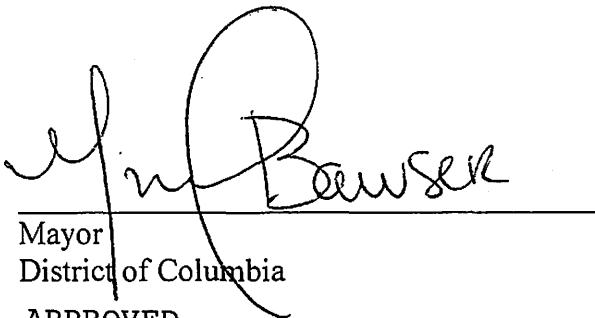
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-263**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification No. 1 to Contract No. DCPL-2018-C-0034C with Ingram Library Services, LLC to provide books, materials, and other services, and to authorize payment for goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification to Contract No. DCPL-2018-C-0034C with Ingram Library Services, LLC Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. DCPL-2018-C-0034C with Ingram Library Services, LLC to provide books, materials, and selected services, and authorizes payment in the not-to-exceed amount of \$1.3 million for goods and services received and to be received under the contract for the base period ending September 30, 2018.

Sec. 3. Fiscal impact statement.

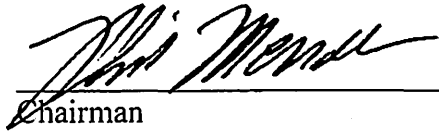
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

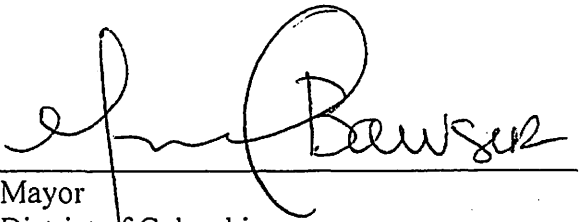
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-264**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification Nos. 3, 4, 5, 6, and 7 to Contract No. DCKA-2016-T-0046 with Motivate International, Inc. to operate, maintain, and expand the existing, regional Capital Bikeshare system, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCKA-2016-T-0046 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 3, 4, 5, 6, and 7 to Contract No. DCKA-2016-T-0046 with Motivate International, Inc. to operate, maintain, and expand the existing, regional Capital Bikeshare system, and authorizes payment in not-to-exceed amount of \$7,672,856.60 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


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


Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
February 21, 2018



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-265**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To approve, on an emergency basis, Modification Nos. 15, 16, and 17 to Contract No. CW20202 with Lucky Dog, LLC to provide solid waste hauling and disposal services, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW20202 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 15, 16, and 17 to Contract No. CW20202 with Lucky Dog, LLC to provide solid waste and disposal services, and authorizes payment in the not-to-exceed amount of \$2.66 million for the services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-266**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 21, 2018**

To amend, on an emergency basis, due to congressional review, the District of Columbia Health Occupations Revision Act of 1985 to allow pharmacists to prescribe and dispense certain contraceptives pursuant to established protocols; to amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to cover certain health care services without cost-sharing, to require that insurers authorize dispensing of up to a 12-month supply of a self-administered hormonal contraceptive prescribed and dispensed by a licensed pharmacist, to provide to certain employers a religious exemption from, or accommodation for, the coverage of contraceptive products and services, and to require insurers to provide information regarding coverage to enrollees and potential enrollees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Defending Access to Women's Health Care Services Congressional Review Emergency Amendment Act of 2018".

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

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

(1) A new paragraph (9A) is added to read as follows:

"(9A) "Long-Acting Reversible Contraceptive" means a contraceptive that requires administering less than once per cycle or month."

(2) A new paragraph (12B) is added to read as follows:

"(12B) "Self-administered hormonal contraceptive" means a contraceptive containing hormones approved by the U.S. Food and Drug Administration that is administered by the patient orally, transdermally, or vaginally."

(b) Section 102(11)(A) (D.C. Official Code § 3-1201.02(11)(A)) is amended by striking the phrase "the compounding, dispensing, and labeling of drugs and devices;" and inserting the phrase "the compounding, dispensing, and labeling of drugs and devices, including self-administered hormonal contraceptives;" in its place.

(c) Section 208 (D.C. Official Code § 3-1202.08) is amended by adding a new subsection (g-1) to read as follows:

"(g-1)(1) An individual licensed to practice pharmacy pursuant to this act may prescribe

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and dispense up to a 12-month supply of self-administered hormonal contraceptives if certified to do so by the Board and pursuant to a written protocol established by the Board and the Board of Medicine under paragraph (2) of this subsection.

“(2) The Board and the Board of Medicine shall jointly develop and issue regulations establishing protocols for the prescription and dispensation of self-administered hormonal contraceptives. The protocols shall include the following requirements:

“(A) If the pharmacist has not already undergone training as part of the pharmacist’s formal educational program, that the pharmacist complete a training program approved by the Board and the Board of Medicine for prescribing and dispensing self-administered hormonal contraceptives;

“(B) That the patient use a self-screening tool developed by the Board and the Board of Medicine that will identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria for Contraceptive Use developed by the Centers for Disease Control and Prevention;

“(C) That a pharmacist may determine, based on the results of the self-screening tool described in subparagraph (B) of this paragraph, when it is safe to dispense a 12-month supply of self-administered hormonal contraceptives;

“(D) That when a self-administered hormonal contraceptive is prescribed and dispensed, the patient shall be provided, in a manner that ensures patient confidentiality, appropriate counseling and information on the product furnished, including dosage, effectiveness, potential side effects, safety, the importance of receiving recommended preventive health screenings, and that a self-administered hormonal contraceptive does not protect against sexually transmitted infections;

“(E) That the pharmacist refer the patient to the patient’s primary care provider or reproductive health provider or, if the patient does not have a primary care provider or reproductive health provider, to a nearby clinic, upon prescribing and dispensing a self-administered hormonal contraceptive pursuant to this subsection or if it is determined that the use of a self-administered hormonal contraceptive is not recommended; and

“(F) That the pharmacist provide the patient with written material, developed by the Board and the Department of Health, describing all U.S. Food and Drug Administration-approved contraceptives, including Long-Acting Reversible Contraceptives.

“(3) The reimbursement to a pharmacist from an individual health plan or group health plan, and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program for services required by regulations issued pursuant to paragraph (2) of this subsection, shall be limited to an amount determined through regulation by the Department of Insurance, Securities, and Banking.

“(4) This subsection does not alter the requirement under federal and District of Columbia law that the provision of contraceptive drugs, devices, products, and services, including contraceptive counseling, shall be covered without cost-sharing, which includes the prescription and provision of contraceptives by any in-network provider, including a pharmacist.

“(5) The Board shall maintain a list of all pharmacists certified to prescribe and

## ENROLLED ORIGINAL

dispense contraception, including the location of the pharmacy where the pharmacist currently practices, and make that list readily accessible to the public.

“(6) A pharmacy shall display in stores and online a list of the times during which a pharmacist certified to prescribe and dispense contraception is available.

“(7) The Board shall provide to all licensed pharmacists annual notice of the requirements of this subsection, including opportunities for training.

“(8) By January 1, 2019, the Board and the Board of Medicine, in consultation with the American Congress of Obstetricians and Gynecologists, shall jointly develop and promulgate regulations to implement the provisions of this subsection.”.

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

(a) Section 5a (D.C. Official Code § 31-3834.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Medicaid shall provide benefits that allow for the dispensing of up to a 12-month supply of a covered prescription contraceptive at one time.” and inserting the phrase “Medicaid and the D.C. Healthcare Alliance program shall provide coverage for a supply of contraceptives intended to last over the course of a 12-month period, that shall be dispensed all at once or over the course of the 12 months at the patient’s election, including for over-the-counter contraceptives and contraceptives obtained from a licensed pharmacist pursuant to section 208 (g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6 - 99; D.C. Official Code § 3-1202.08(g-1)); provided, that the D.C. Healthcare Alliance program shall not be required to provide coverage for a supply of contraceptives intended to last longer than the period of recertification for the D.C. Healthcare Alliance. The costs of any consultation by the pharmacist shall also be covered.” in its place.

(2) Subsection (c) is repealed.

(b) New sections 5b, 5c, 5d, and 5e are added to read as follows:

“Sec. 5b. Coverage of preventive health services.

“(a) An individual health plan or group health plan and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program shall provide coverage for, and shall not impose any cost-sharing requirements on, women for the following preventive health services and products:

“(1)(A) Breast cancer screening;

“(B) Breast feeding support, services, and supplies;

“(C) Screening for cervical cancer, including HPV testing;

“(D) Screening for gestational diabetes;

“(E) Screening and counseling for HIV;

“(F) Screening and counseling for interpersonal and domestic violence;

“(G) Screening and counseling for sexually-transmitted diseases;

“(H) Screening and counseling for Hepatitis B and C;

## ENROLLED ORIGINAL

“(I) Well-woman preventive visits, including visits to obtain necessary preventive care, preconception care, and prenatal care;

“(J) Folic acid supplementation;

“(K) Breast cancer chemoprevention counseling and preventive medications;

“(L) Risk assessment and genetic counseling and testing using the Breast Cancer Risk Assessment tool approved by the National Cancer Institute; and

“(M) Rh incompatibility screening;

“(2) Those evidence-based items or services that have in effect a rating of “A” or “B” in the recommendations of the United States Preventive Services Task Force as of September 19, 2017; and

“(3) Any additional health services or products identified by rules issued pursuant to subsection (c) of this section.

“(b) A health insurer and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program offering health insurance coverage exclusively for prescription drugs shall provide coverage for, and shall not impose any cost-sharing requirements for women for contraceptives, including over-the-counter contraceptives and contraceptives prescribed and dispensed by a pharmacist pursuant to section 208(g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-1)), and the following:

“(1) Those evidence-based prescription-drug items or related services that have in effect a rating of “A” or “B” in the recommendations of the United States Preventive Services Task Force as of September 19, 2017; and

“(2) Any additional contraceptive drug products identified by rules issued pursuant to subsection (c) of this section.

“(c)(1) Within 30 days after the effective date of the Defending Access to Women’s Health Care Services Amendment Act of 2017, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-106), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules listing the items and services defined in subsections (a) and (b) of this section to be covered without imposing any cost-sharing requirements.

“(2) The Mayor shall amend the rules required by this subsection as necessary to:

“(A) Include additional preventive services or products for women or expansions of covered preventive services or products for women identified by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services after September 19, 2017; and

“(B) Remove items or services defined in subsections (a) and (b) of this section that a federal agency determines to pose a significant safety concern, consistent with the requirements of 45 C.F.R. § 147.130(b).

“Sec. 5c. Coverage of additional preventive health services.

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“(a) Health insurance coverage through Medicaid or the D.C. Healthcare Alliance program shall also provide coverage for and shall not impose any cost-sharing requirements for the following:

“(1) Voluntary sterilization procedures for women;

“(2)(A) All contraceptive products approved by the U.S. Food and Drug Administration (“FDA”), including emergency contraception; provided, that:

“(B) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or product, coverage shall also include either the original FDA-approved contraceptive drug, device, or product or at least one of its therapeutic equivalents, without imposing any cost-sharing requirements;

“(C) If the covered contraceptive drug, device, or product is deemed medically inadvisable by a provider, the health insurer shall defer to the determination and judgment of the attending provider and provide coverage for the alternative prescribed contraceptive drug, device, or product without imposing any cost-sharing requirements; and

“(D) Nothing in this section shall prohibit a health insurer from requiring the use of a generic prescription drug when providing coverage for preventive contraceptive services, so long as such health insurer:

“(i) Has a process for a member to seek medically necessary coverage of a covered brand name contraceptive drug as determined by the member’s prescribing provider; and

“(ii) Provides coverage for a brand name contraceptive drug when there is no generic substitute available in the market;

“(3) Contraceptive services including consultation with a pharmacist, patient education, and counseling on contraception; and

“(4) Follow-up services related to the drugs, devices, products, and procedures covered under this section, including management of side effects, counseling for continued adherence, and device insertion and removal.

“(b) Beginning on January 1, 2019, or the next date when carrier forms are approved, whichever is earlier, an individual health plan or group health plan shall also provide coverage for and shall not impose any cost-sharing requirements for all products and services listed in subsection (a) of this section.

“Sec. 5d. Religious exemption and accommodation.

“(a)(1) An employer organized and operating as a nonprofit entity and referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2740; 26 U.S.C. § 6033(a)(3)(A)(i) or (iii)), may be exempt from any requirement to cover contraceptive products and services under section 5a and section 5b.

“(2) An employer claiming an exemption under this subsection shall provide its employees and prospective employees reasonable and timely notice of the exemption before enrollment with the group health plan, and the notice shall list the contraceptive products and services for which the employer does not provide coverage.

“(3) Nothing in this subsection shall be construed to allow for the exclusion of

## ENROLLED ORIGINAL

coverage for contraceptive supplies as prescribed by a provider, acting within his or her scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

“(b)(1) Nothing in this act shall be construed to require an employer to provide coverage for contraceptive products or services through its group health plan if the employer has provided to its group health insurance issuer a notice of request for accommodation, in a form and manner specified by the Mayor, and the insurer has certified that the employer meets the requirements of subsection (c) of this section.

“(2) Beginning on January 1, 2019, and on a quarterly basis thereafter, a group health insurance issuer shall notify the Department of Insurance, Securities, and Banking which employers have been granted an accommodation pursuant to subsection (c) of this section.

“(3) An employer that receives an accommodation pursuant to subsection (c) of this section shall provide, through its group health plan, coverage for contraceptive supplies as prescribed and dispensed by a provider, acting within her or her scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, and for contraception that is necessary to preserve the life or health of an enrollee.

“(c) A group health insurance issuer shall provide an employer with an accommodation to the requirements of section 5a or section 5b upon receipt of a self-certification, in a form and manner specified by the Mayor, that the employer is:

“(1) A nonprofit entity that holds itself out as a religious organization and objects to covering some or all of the contraceptive services on account of its sincerely held religious beliefs; or

“(2) A closely-held for-profit entity; provided, that its highest governing body (such as its board of directors, board of trustees, or owners, if managed directly by its owners) has adopted a resolution or similar action establishing that it objects to covering some or all of the contraceptive services on account of the owners’ sincerely held religious beliefs.

“(d) Upon receipt of a notice of request for accommodation that conforms to the requirements of subsection (c) of this section, a group health insurance issuer shall:

“(1) Exclude contraceptive coverage from the group health insurance coverage provided in connection with the employer’s group health plan; and

“(2) Provide separate payments for any contraceptive products or services required to be covered under sections 5a and 5b without imposing any cost-sharing requirements or any other fee directly or indirectly on the employer, the group health plan, or plan participants of beneficiaries.

“(e) For the purposes of this section, the term “closely-held for-profit entity” means an entity that:

“(1) Is not a nonprofit entity;

“(2) Has no publicly traded ownership interests of any class of common equity securities required to be registered under section 12 of the Securities Exchange Act of 1934,



## ENROLLED ORIGINAL

approved June 6, 1934 (48 Stat. 892; 15 U.S.C. § 781); and

“(3) Has more than 50% of the value of its ownership interest owned directly or indirectly by 5 or fewer individuals, or has an ownership structure that is substantially similar thereto, as of the date of the entity’s self-certification pursuant to subsection (c) of this section.

“Sec. 5e. Notice of rights to healthcare coverage.

“(a) An insurer that is subject to section 5a or section 5b shall make readily accessible to enrollees and potential enrollees information regarding:

“(1) Full and accurate information relevant to coverage and cost-sharing for contraceptive services by each health insurance plan, including an explanation of an insured’s financial responsibility for payment of premiums, coinsurance, copayments, deductibles, and any other charges;

“(2) The coverage of other services, drugs, devices, products, and procedures described in sections 5a and 5b; and

“(3) The right to receive up to a 12-month supply of contraception prescribed and dispensed by a licensed pharmacist, pursuant to section 208(g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-1), without cost-sharing requirements.

“(b)(1) The insurer shall provide the information described in subsection (a) of this section in a consumer-friendly format:

“(A) That can be viewed on the insurer’s public website through a clearly identifiable link or tab without requiring an individual to create or access an account or enter a policy or contract number;

“(B) By email or letter within 14 days after a request by an enrollee; and

“(C) Within one year after the effective date of the Defending Access to Women’s Health Care Services Amendment Act of 2017, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-106), or whenever written materials are reprinted, whichever is sooner, in written materials that explain benefits or coverage that are provided to enrollees and potential enrollees, including in an addendum summarizing benefits and coverage.

“(2) This subsection shall be construed consistently with section 2715 of the Public Health Services Act, as amended by the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 132; 42 U.S.C. § 300gg-15).

“(c) The Department of Insurance, Securities and Banking shall provide health insurers operating in the District of Columbia with an annual notice of their obligation to provide coverage for services, drugs, devices, products, and procedures described in sections 5a and 5b.”.

#### Sec. 4. Applicability.

(a) Except as provided in subsection (b) of this section, this act shall apply as of February 21, 2018.

(b)(1) Section 2(c) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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


(B) The date of publication of the notice of the certification shall not affect the applicability of this section.


Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Defending Access to Women’s Health Care Services Amendment Act of 2018, enacted on January 31, 2018 (D.C. Act 22-246; \_\_ DCR \_\_), 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
February 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-267**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 26, 2018**

To approve, on an emergency basis, Modification No. 2 to Contract No. NFPHC-121 between the Not-for-Profit Hospital Corporation and Washington Imaging Associates of Maryland, to provide radiology services to the Not-for-Profit Hospital Corporation, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 2 to Contract No. NFPHC-121 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 to Contract No. NFPHC-121 between the Not-for-Profit Hospital Corporation and Washington Imaging Associates of Maryland, to provide radiology services to the Not-for-Profit Hospital Corporation, and authorizes payment in the amount of \$1,104,900 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

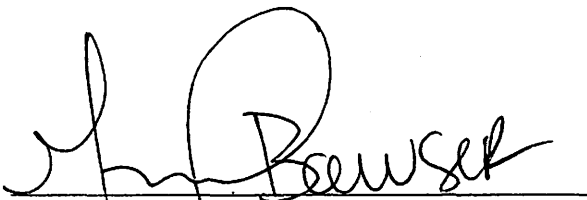
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
February 26, 2018

ENROLLED ORIGINAL

AN ACT

**D. C. ACT 22-268**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 26, 2018**

To approve, on an emergency basis, Contract No. NFPHC-2018-460 between the Not-for-Profit Hospital Corporation and Kaiser Foundation Health Plan of the Mid-Atlantic, to provide employee health benefits services to the Not-for-Profit Hospital Corporation, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-2018-460 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-2018-460 between the Not-for-Profit Hospital Corporation and Kaiser Foundation Health Plan of the Mid-Atlantic, to provide employee health benefits to the Not-for-Profit Hospital Corporation, and authorizes payment in the amount of \$5,332,090 for the services received and to be received under the contract.


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

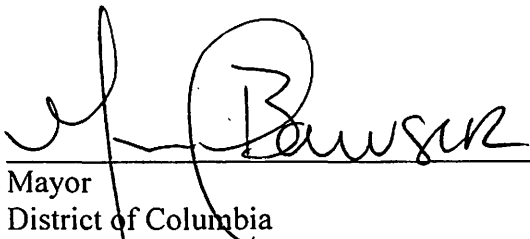
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
February 26, 2018

## ENROLLED ORIGINAL

## AN ACT

**D.C. ACT 22-269**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
**FEBRUARY 26, 2018**

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of neglected child and abused to include a victim of sex trafficking or severe forms of sex trafficking; and to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Neglect and Sex Trafficking Emergency Amendment Act of 2018".

Sec. 2. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

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

"(1)(A) "Abused", when used in reference to a child, means:

"(i) Abused as that term is defined in D.C. Official Code § 16-2301(23);; or

"(ii) Sexual abuse, which shall include sex trafficking or severe forms of trafficking in persons as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A)).

"(B) Nothing in this paragraph shall be construed as preventing or intending to prevent sex trafficking or severe forms of trafficking in persons from being considered a form of sexual abuse for purposes of D.C. Official Code § 16-2301(32)."

(b) Paragraph (15A) is amended to read as follows:

"(15A) "Neglected child" means a child who is a:

"(A) Neglected child as that term is defined in D.C. Official Code § 16-2301(9); or

"(B) Victim of sex trafficking or severe forms of trafficking in persons as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A))."

ENROLLED ORIGINAL

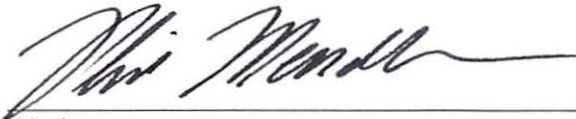
Sec. 3. Section 2(a) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase “neglected child, as defined in D.C. Code, sec. 16-2301(9), shall” and inserting the phrase “neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(15A)), shall” in its place.

Sec. 4. Fiscal impact statement.

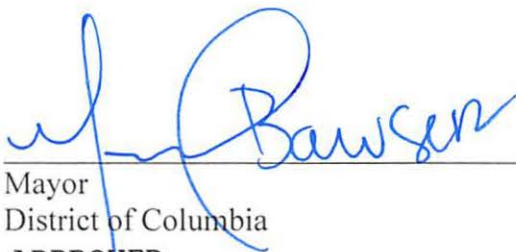
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 26, 2018



## ENROLLED ORIGINAL

## A RESOLUTION

22-409

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 6, 2018

To declare the existence of an emergency with respect to the need to approve Modification No. 2 to Contract No. NFPHC-121 between the Not-for-Profit Hospital Corporation and Washington Imaging Associates of Maryland, to provide radiology services to the Not-for-Profit Hospital Corporation, and to authorize payment for the services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 2 to Contract No. NFPHC-121 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve Modification No. 2 to Contract No. NFPHC-121 ("Contract") between the Not-for-Profit Hospital Corporation ("NFPHC" or "Hospital") and Washington Imaging Associates of Maryland, to provide radiology services to the Hospital and to authorize payment for the services received and to be received under the modification.

(b) The base year of the Contract began on December 1, 2016, in the amount of \$1,104,900.

(c) Under the management of a new consultant, NFPHC continues to undergo operational and fiscal analysis to improve performance and efficiency. Frequently, this review process results in contracting and procurement adjustments.

(d) Additionally, the Hospital has undergone a series of transitions in personnel that, unfortunately, may have caused delays with respect to the negotiation, preparation, and transmittal of the Council contract package.

(e) Council approval of the Contract is necessary as it has an aggregate value that exceeds \$1 million in a 12-month period.

(f) Emergency approval of this Contract in the amount of \$1,104,900 is necessary to prevent any impact to the provision of radiology services to the Hospital.

(g) Without Council approval, Washington Imaging Associates of Maryland cannot be paid for the services provided in excess of \$1 million.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 2 to Contract No. NFPHC-121 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-417

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 6, 2018

To declare the existence of an emergency with respect to the need to amend the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of neglected child and abused to include a victim of sex trafficking or severe forms of trafficking in persons.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Neglect and Sex Trafficking Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Child Abuse and Prevention Treatment Act, approved January 31, 1974 (88 Stat. 5; 42 U.S.C. § 5101 *et seq.*) (“CAPTA”), provides federal funds to states and the District for child protective service programs.

(b) Section 802 of the Justice for Victims of Trafficking Act of 2015, approved May 29, 2015 (129 Stat. 263; codified in scattered cites in the U.S. Code), amended CAPTA by requiring that child welfare agencies consider a child who is a victim of sex trafficking or a victim of a severe form of trafficking in persons as a victim of “child neglect” and “sexual abuse” as a condition of receiving CAPTA funds.

(c) To maintain the District’s eligibility for CAPTA funds, the Council previously enacted the Child Neglect and Sex Trafficking Emergency Amendment Act of 2017, effective May 17, 2017 (D.C. Act 22-61; 64 DCR 4931), and the Child Neglect and Sex Trafficking Temporary Amendment Act of 2017, effective July 28, 2017 (D.C. Law 22-7; 64 DCR 8555). Those pieces of legislation amended the definitions of a “neglected child” and “abused” in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2–22; D.C. Official Code § 4-1301.02), to include sex trafficking and severe forms of trafficking as defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 164; 22 U.S.C. § 7102(10) and (9)(A)).

(d) As the Child Neglect and Sex Trafficking Temporary Amendment Act of 2017 expires on March 10, 2018, emergency legislation is necessary to ensure that the District of Columbia maintains its compliance with the federal requirements and preserves its eligibility for CAPTA funding.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child Neglect and Sex Trafficking Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

22-418

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 6, 2018

To declare the existence of an emergency with respect to the need to establish new standards governing the regulation of semi-private swimming pools in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Pools Without Penalties Emergency Declaration Resolution of 2018".

Sec. 2. (a) This legislation is necessary to override regulations issued by the Department of Health concerning the management and operation of semi-private swimming pools by condominiums, cooperatives, apartment buildings, motels, and hotels, that provide little discernable improvement in the safety or quality of life of District residents.

(b) These regulations could deprive residents in multi-unit buildings of the health benefits of swimming by reducing the operating hours of semi-private swimming pools or causing the closure of such.

(c) Additionally, the existing Department of Health regulations could needlessly lead to an increase in condominium fees.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Pools Without Penalties Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

2/28/2018

**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.)
2/26/2018	2/26/2018	Department of Behavioral Health (Joint Hearing with Committee on Health and Committee on the Judiciary and Public Safety - Room 500; 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)
2/27/2018	2/27/2018	University of the District of Columbia (Time change from 10:00a.m. to 2:00p.m. - COW; Room 412)
2/28/2018	2/26/2018	Destination DC (Finance & Revenue - Room 412; 10:00a.m.)
3/2/2018	2/13/2018	Recovering Department of Small and Local Business Development (Business & Economic Development - Room 123; 9:00a.m.)
3/2/2018	3/1/2018	Deputy Mayor for Planning and Economic Development (Business & Economic Development - Room 123; 9:00a.m.)
3/5/2018	3/2/2018	Recovering Department of Small and Local Business Development (Business & Economic Development - Room 123; 11:00a.m.)
3/6/2018	2/26/2018	Department of Housing & Community Development & Housing Production Trust Fund - Public Witnesses Only (Housing & Neighborhood Revitalization - 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**

<b>MONDAY, FEBRUARY 5, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Subject</b>
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**

<b>THURSDAY, FEBRUARY 8, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>MONDAY, FEBRUARY 12, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>MONDAY, FEBRUARY 12, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>MONDAY, FEBRUARY 12, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:labor@dccouncil.us) or by calling 202-724-7772.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>TUESDAY, FEBRUARY 13, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cautrey@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE OF GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>TUESDAY, FEBRUARY 13, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.



**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 13, 2018; Room 123</b>	
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**

<b>WEDNESDAY, FEBRUARY 14, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

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

<b>THURSDAY, FEBRUARY 15, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

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

<b>THURSDAY, FEBRUARY 15, 2018; Room 412</b>	
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, FEBRUARY 15, 2018; Room 120</b>	
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**

<b>TUESDAY, FEBRUARY 20, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

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

<b>WEDNESDAY, FEBRUARY 21, 2018; COUNCIL CHAMBER (Room 500)</b>	
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 ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

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

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**

<b>WEDNESDAY, FEBRUARY 21, 2018; Room 123</b>	
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](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

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

<b>WEDNESDAY, FEBRUARY 21, 2018; Room 120</b>	
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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

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

<b>THURSDAY, FEBRUARY 22, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:labor@dccouncil.us) or by calling 202-724-8835.

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

<b>THURSDAY, FEBRUARY 22, 2018; Room 412</b>	
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, FEBRUARY 22, 2018; Room 123</b>	
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**

<b>THURSDAY, FEBRUARY 22, 2018; Room 120</b>	
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>FRIDAY, FEBRUARY 23, 2018; Room 412</b>	
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](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**JOINT HEARING WITH COMMITTEE ON HEALTH AND COMMITTEE ON JUDICIARY AND PUBLIC SAFETY** **Chairperson Vincent Gray**  
**Chairperson Charles Allen**

<b>MONDAY, FEBRUARY 26, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>MONDAY, FEBRUARY 26, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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 ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 27, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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**

<b>TUESDAY, FEBRUARY 27, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
2:00 p.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](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>TUESDAY, FEBRUARY 27, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>TUESDAY, FEBRUARY 27, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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: Chanell Autrey ([cautrey@dccouncil.us](mailto:cautrey@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 28, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>WEDNESDAY, FEBRUARY 28, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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 ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

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

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 THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, MARCH 1, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>FRIDAY, MARCH 2, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE OF GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>FRIDAY, MARCH 2, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>FRIDAY, MARCH 2, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>MONDAY, MARCH 5, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto: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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

Chairperson Kenyan McDuffie

MONDAY, MARCH 5, 2018; Room 123	
Time	Agency
11:00 a.m. - End	Department of Small and Local Business Development 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](mailto:cautrey@dccouncil.us)) or by calling 202-724-8053.

**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 ( <b>Public Witnesses Only</b> ) Housing Production Trust Fund ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto: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 ( <b>Public Witnesses Only</b> ) Workforce Investment Council ( <b>Public Witnesses Only</b> ) Deputy Mayor for Greater Economic Opportunity ( <b>Public Witnesses Only</b> )

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

**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](mailto: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 ( <b>Government Witnesses Only</b> ) Housing Production Trust Fund ( <b>Government Witnesses Only</b> ) 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](mailto: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](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>THURSDAY, MARCH 8, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto: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**

<b>THURSDAY, MARCH 8, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, MARCH 8, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, MARCH 8, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

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

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

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>FRIDAY, MARCH 9, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-0193, THE “TEMPORARY PROTECTION ORDER FIREARM  
RELINQUISHMENT AMENDMENT ACT OF 2017”**

**BILL 22-0400, THE “EXTREME RISK CIVIL PROTECTION ORDER  
AMENDMENT ACT OF 2017”**

**BILL 22-0588, THE “POSSESSION OF FIREARM AND AMMUNITION PENALTIES  
AMENDMENT ACT OF 2017”**

**AND**

**PROPOSED RESOLUTION 22-0552, THE “SENSE OF THE COUNCIL IN OPPOSITION  
TO CONCEALED CARRY RECIPROCITY RESOLUTION OF 2017”**

**Thursday, March 22, 2018, 10:30 a.m.  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Thursday, March 22, 2018, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0193, the “Temporary Protection Order Firearm Relinquishment Amendment Act of 2017”; Bill 22-0400, the “Extreme Risk Civil Protection Order Amendment Act of 2017”; Bill 22-0588, the “Possession of Firearm and Ammunition Penalties Amendment Act of 2017”; and Proposed Resolution 22-0552, the “Sense of the Council in Opposition to Concealed Carry Reciprocity Resolution of 2017”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:30 a.m.

The stated purpose of Bill 22-0193, the “Temporary Protection Order Firearm Relinquishment Amendment Act of 2017”, is to amend Title 16 of the District of Columbia Official Code to

require an individual subject to a temporary protection order to relinquish the individual's firearms; and to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia to provide penalties, to prescribe rules of evidence, and for other purposes to provide that an individual may not own or keep a firearm in the individual's possession or under the individual's control if the individual is subject to a court order requiring the individual to relinquish possession of any firearms.

The stated purpose of Bill 22-0400, the "Extreme Risk Civil Protection Order Amendment Act of 2017", is to authorize a court to issue a temporary ex parte extreme risk civil protection order if there is a finding that there is a reasonable belief to find that the subject of the petition poses an immediate and present danger of causing personal injury to self or others by possession or control of a firearm, and to establish an extreme risk civil protection order for the duration of one year to remove firearms when a court finds by a preponderance of evidence that the subject of the petition poses a significant threat of harm to self or others.

The stated purpose of B22-0588, the "Possession of Firearm and Ammunition Penalties Amendment Act of 2017", is to prohibit a person from knowingly possessing or receiving any firearm with a tampered serial number; to prohibit a person from possessing a stolen firearm or stolen ammunition; to prohibit the possession of ammunition by individuals previously convicted of felonies; to increase the penalty for possession of a high-capacity magazine; to prohibit trafficking firearms or ammunition; and to permit persons to surrender to the Metropolitan Police Department firearms or ammunition that this act prohibits.

The stated purpose of PR22-0552, the "Sense of the Council in Opposition to Concealed Carry Reciprocity Resolution of 2017", is to declare the Sense of the Council in opposition to congressional action that would make the District of Columbia less safe by imposing concealed carry reciprocity, which allows individuals who are licensed to carry a concealed firearm in any state to carry their firearms in the District of Columbia.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or at (202) 727-8078, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, March 19, 2018**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty double-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on April 6, 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**

**2/28/2018**

**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**

<b>FRIDAY, MARCH 23, 2018; COUNCIL CHAMBER (Room 500)</b>	
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**

<b>MONDAY, MARCH 26, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:cow@dcccouncil.us) or by calling 202-724-8196.

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

<b>MONDAY, MARCH 26, 2018; Room 412</b>	
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](mailto:abenjamin@dcccouncil.us)) or by calling 202-724-8062.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>TUESDAY, MARCH 27, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:cow@dcccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>TUESDAY, MARCH 27, 2018; Room 412</b>	
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](mailto:mcameron@dcccouncil.us)) or by calling 202-654-6179.

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

<b>TUESDAY, MARCH 27, 2018; Room 123</b>	
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](mailto:abenjamin@dcccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, MARCH 28, 2018; COUNCIL CHAMBER (Room 500)</b>	
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](mailto:humanservices@dcccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

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

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**

<b>WEDNESDAY, MARCH 28, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>WEDNESDAY, MARCH 28, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, MARCH 29, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>THURSDAY, MARCH 29, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>THURSDAY, MARCH 29, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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**

<b>THURSDAY, MARCH 29, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>MONDAY, APRIL 9, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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 ([mccameron@dccouncil.us](mailto:mccameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>MONDAY, APRIL 9, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto: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](mailto: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](mailto: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](mailto: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 Brianne 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](mailto: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](mailto: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](mailto: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 ( <b>Public Witnesses Only</b> )

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

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>FRIDAY, APRIL 13, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairman Brandon Todd**

<b>FRIDAY, APRIL 13, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>TUESDAY, APRIL 17, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
1:30 p.m. - End	Department of Housing and Community Development ( <b>Government Witnesses Only</b> )
	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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

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

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

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>WEDNESDAY, APRIL 18, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON HUMAN SERVICES**

**Chairperson Brianne Nadeau**

<b>WEDNESDAY, APRIL 18, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>WEDNESDAY, APRIL 18, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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**

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

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**

<b>THURSDAY, APRIL 19, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>THURSDAY, APRIL 19, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cautrey@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, APRIL 19, 2018; Room 120</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>FRIDAY, APRIL 20, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

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

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

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>MONDAY, APRIL 23, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>TUESDAY, APRIL 24, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:cautry@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>TUESDAY, APRIL 24, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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**

<b>TUESDAY, APRIL 24, 2018; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>WEDNESDAY, APRIL 25, 2018; Room 412</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairman Brandon Todd**

<b>THURSDAY, APRIL 26, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>THURSDAY, APRIL 26, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
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](mailto:labor@dccouncil.us) or by calling 202-724-7772.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>FRIDAY, APRIL 27, 2018; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
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)**

<b>Time</b>	<b>Committee</b>
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)**

<b>Time</b>	<b>Committee</b>
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)**

<b>Time</b>	<b>Committee</b>
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



**Council of the District of Columbia**  
**COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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Revised and abbreviated

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

**ANNOUNCES A PUBLIC HEARING ON**

**PR22-0629 – THE “WATERFRONT STATION II DISPOSITION APPROVAL  
RESOLUTION OF 2017”**

**B22-0609 – THE “PARCEL F1 EASEMENT DISPOSITION ACT OF 2017”;**

**B22-0632 – THE “REDEVELOPMENT OF THE CENTER LEG FREEWAY (INTERSTATE  
395) AMENDMENT ACT OF 2017”; AND**

**PR22-0717 – THE “1125 SPRING ROAD, N.W., DISPOSITION APPROVAL  
RESOLUTION OF 2018”**

**Monday, March 5, 2018, 9:00 a.m.**  
**Room 123, John A. Wilson Building**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004**

On Monday, March 5, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Proposed Resolution 22-0629, the “Waterfront Station II Disposition Approval Resolution of 2017”; Bill 22-0609, the “Parcel F1 Easement Disposition Act of 2017”; Bill 22-0632, the “Redevelopment of the Center Leg Freeway (Interstate 395) Amendment Act of 2017”; and Proposed Resolution 22-0717, the “1125 Spring Road, N.W., Disposition Approval Resolution of 2018”.

The stated purpose of PR 22-0629 is to declare District owned real property known as the Waterfront Station II, located at 1000 4<sup>th</sup> Street S.W., known for taxation and assessment purposes as Lot 0822 in Square 0542, as no longer required for public purposes and approve its disposition pursuant to D.C. Official Code §10-801.

The stated purpose of Bill 22-0609 is to allow for the disposition via easement of two pieces of real property known as portions of Lots 809, 810, and 814 in Square 744S. The easements correspond with and support the disposition and development of 125 O Street, S.E. and 1402 1<sup>st</sup> Street, S.E., approved by Council in 2014, and will run for as long as the building exists on the property.

The stated purpose of Bill 22-0632 is to amend the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010, to double the required amount of affordable housing and deepen the affordability levels required to be completed with the development project located at 1530 First Street, S.W. The affordable units will be available for rent or sale to households earning at or below 30% and 50% of the area median income (“AMI”).

The stated purpose of PR 22-0717 is to declare District owned real property located at 1125 Spring Road, N.W., known for taxation and assessment purposes as Lots 0804 and 0807 in Square 2902, as no longer required for public purposes and approve its disposition pursuant to D.C. Official Code §10-801. *Please note that this notice has been revised and abbreviated to move the hearing time to 9:00 a.m.*

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at [cautrey@dccouncil.us](mailto:cautrey@dccouncil.us) or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, March 1<sup>st</sup>**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [cautrey@dccouncil.us](mailto:cautrey@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at [cautrey@dccouncil.us](mailto:cautrey@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on March 8<sup>th</sup>**.

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

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**NOTICE OF PUBLIC ROUNDTABLE ON**

**PR22-628, Waterfront Station II Surplus Declaration and Approval Resolution of 2017; and  
PR22-716, 1125 Spring Road, N.W., Surplus Declaration and Approval Resolution of 2018**

Wednesday, March 14, 2018 at 11:00 AM  
in Room 123 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Wednesday, March 14, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR22-628, the Waterfront Station II Surplus Declaration and Approval Resolution of 2017 and PR22-716, the 1125 Spring Road, N.W., Surplus Declaration and Approval Resolution of 2018. The hearing will begin at 11:00 AM in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

PR22-628, the Waterfront Station II Surplus Declaration and Approval Resolution of 2017, would declare as surplus District-owned real property located at 1000 4<sup>th</sup> Street, S.W., in Ward 6. PR22-716, the 1125 Spring Road, N.W., Surplus Declaration and Approval Resolution of 2018, would declare as surplus District-owned real property located at 1125 Spring Road, N.W., at the border of Ward 1 and Ward 4.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on March 28, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
Notice of Grant Budget Modifications**

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

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

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

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**GBM 22-69:** FY 2018 Grant Budget Modifications as of January 24, 2018

RECEIVED: 14 day review begins February 16, 2018

**GBM 22-70:** FY 2018 Grant Budget Modifications as of January 26, 2018

RECEIVED: 14 day review begins February 16, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018
Protest Petition Deadline: April 17, 2018
Roll Call Hearing Date: April 30, 2018

License No.: ABRA-098205
Licensee: Only Paradise Restaurant, Inc.
Trade Name: Golden Paradise Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 3903-3905 14th Street, N.W.
Contact: Ana De Leon: (202) 246-7601

WARD 4 ANC 4C SMD 4C05

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 30, 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 for Sidewalk Cafe with seating for 26 patrons. Total Occupancy Load of 42.

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 6:00 am to 2:00 am, Friday and Saturday 6:00 am to 3:00 am

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

Sunday through Thursday 10:00 am to 2:00 am, Friday and Saturday 10:00 am to 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 6:00 pm to 2:00 am, Friday and Saturday 6:00 pm to 3:00 am

PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday through Thursday 6:00 am to 2:00 am, Friday and Saturday 6:00 am to 3:00 am

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

Sunday through Thursday 10:00 am to 2:00 am, Friday and Saturday 10:00 am to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/2/2018

Notice is hereby given that:

License Number: ABRA-076574

License Class/Type: A Retail - Liquor Store

Applicant: Yulees, Inc.

Trade Name: Kennedy Liquors

ANC: 4B08

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

5501 1ST ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
4/17/2018

A HEARING WILL BE HELD ON:  
4/30/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/2/2018

Notice is hereby given that:

License Number: ABRA-082376

License Class/Type: B Retail - Class B

Applicant: Hope Market, Inc

Trade Name: Lena Market

ANC: 4A04

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

1206 UNDERWOOD ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
4/17/2018

A HEARING WILL BE HELD ON:  
4/30/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018  
 Protest Petition Deadline: April 17, 2018  
 Roll Call Hearing Date: April 30, 2018  
 Protest Hearing Date: June 27, 2018

License No.: ABRA-109091  
 Licensee: Gordon Restaurant Group – Chevy Chase, LLC  
 Trade Name: Little Beast  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 5600 Connecticut Avenue, N.W.  
 Contact: Chrissie Chang: 703-992-3994

WARD 3

ANC 3G

SMD 3G06

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 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 27, 2018 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Restaurant serving Italian cuisine. Seating Capacity of 74 and Total Occupancy Load of 99 inside premises. Seating Capacity of 89 and Total Occupancy Load of 97 for the Outdoor Sidewalk Café. The Restaurant will not include Entertainment, Dancing or Cover Charge.

**HOURS OF OPERATION INSIDE PREMISES AND FOR THE OUTDOOR SIDEWALK CAFÉ**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR THE OUTDOOR SIDEWALK CAFÉ**

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



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018
Protest Petition Deadline: April 17, 2018
Roll Call Hearing Date: April 30, 2018
Protest Hearing Date: June 27, 2018

License No.: ABRA-108322
Licensee: Lukes Lobster XXIX, LLC
Trade Name: Luke's Lobster
License Class: Retailer's Class "C" Restaurant
Address: 800 17th Street, N.W.
Contact: Benjamin Conniff: (646) 559 - 4644

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 30, 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 27, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class "D" Restaurant serving lobster, crab, shrimp, and soups. Total Occupancy Load of 49 and seating for 33 inside. Summer Garden with 16 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUPTION INSIDE PREMISES AND FOR SUMMER GARDEN

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018
Protest Petition Deadline: April 17, 2018
Roll Call Hearing Date: April 30, 2018
Protest Hearing Date: June 27, 2018

License No.: ABRA-109097
Licensee: Conn & Q Restaurant, LLC
Trade Name: Magnolia
License Class: Retailer's Class "C" Restaurant
Address: 1601 Connecticut Avenue, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2 ANC 2B SMD 2B03

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 30, 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 27, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class "C" casual neighborhood Restaurant serving American fare. The restaurant will have 90 seats and a Total Occupancy Load of 140. Licensee is requesting a Sidewalk Café Endorsement with 40 seats.

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

Sunday – Thursday, 8:00 am – 1:00 am
Friday – Saturday, 8:00 am – 2:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: January 12, 2018  
Protest Petition Deadline: February 26, 2018  
Roll Call Hearing Date: March 12, 2018  
Protest Hearing Date: May 9, 2018

License No: ABRA-108720  
Licensee: Navy Yard Wine Merchant, LLC  
Trade Name: Navy Yard Wine Merchant  
License Class: Retailer’s Class “B”  
Address: 1105 New Jersey Avenue, S.E.  
Contact: Chrissie Chang: (703) 992-3994

WARD 6                      ANC 6D                      SMD 6D07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 12, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 May 9, 2018 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class B Retailer selling beer and wine

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday – Saturday 9:00 am – 11:00 pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018  
Protest Petition Deadline: April 17, 2018  
Roll Call Hearing Date: April 30, 2018  
Protest Hearing Date: June 27, 2018

License No.: ABRA-109096  
Licensee: VBR Brewing Corporation  
Trade Name: Red Bear Brewing Company  
License Class: Retailer's Class "C" Tavern  
Address: 1140 3<sup>rd</sup> Street, N.E.  
Contact: Cameron Raspet: (510) 427-2480

WARD 6

ANC 6C

SMD 6C06

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 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 27, 2018 at 4:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Tavern serving craft brews with a variety of vendors with rotating food offerings. Requesting an Entertainment Endorsement to offer Live Entertainment, and a Brew Pub Endorsement. Total Occupancy Load of 269 with seating for 148 inside. Summer Garden with 40 seats.

**HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION/ LIVE ENTERTAINMENT INSIDE PREMISES AND FOR SUMMER GARDEN**

Sunday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am to 3:00 am

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

Placard Posting Date: March 2, 2018  
Protest Petition Deadline: April 17, 2018  
Roll Call Hearing Date: April 30, 2018

License No.: ABRA-106618  
Licensee: Supra, LLC  
Trade Name: Supra  
License Class: Retailer's Class "C" Restaurant  
Address: 1013 M Street, N.W.  
Contact: Jonathan David Nelms: (202) 789-1205

WARD 2

ANC 2F

SMD 2F07

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 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 Sidewalk Cafe with 48 seats.

**CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES**

Sunday, 10:00 am – 12:00am  
Monday – Thursday, 11:30 am – 12:00 am  
Friday, 11:30 am – 1:00 am  
Saturday, 10:00 am – 1:00 am

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

Sunday – Thursday, 10:00 am – 11:00 pm  
Friday – Saturday, 10:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/2/2018

Notice is hereby given that:

License Number: ABRA-019598

License Class/Type: A Retail - Liquor Store

Applicant: Manee Enterprises, Inc.

Trade Name: Takoma Park Liquors

ANC: 4B08

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

6200 EASTERN AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
4/17/2018

A HEARING WILL BE HELD ON:  
4/30/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018  
Protest Petition Deadline: April 17, 2018  
Roll Call Hearing Date: April 30, 2018  
Protest Hearing Date: June 27, 2018

License No.: ABRA-108987  
Licensee: Kenzo, LLC  
Trade Name: TBD  
License Class: Retailer's Class "C" Restaurant  
Address: 1400-1404 Wisconsin Avenue, N.W.  
Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 27, 2018 at 1:30pm**.

**NATURE OF OPERATION**

New Restaurant, serving Spanish cuisine/tapas with a vegetarian infusion. Sidewalk Café with 20 seats. Total Occupancy Load is 350 with seating for 200.

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

Sunday 9 am – 2 am, Monday through Thursday 10 am – 2 am, Friday 10 am – 3 am and Saturday 9 am – 3 am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: March 2, 2018  
Protest Petition Deadline: April 17, 2018  
Roll Call Hearing Date: April 30, 2018  
Protest Hearing Date: June 27, 2018

License No.: ABRA-108986  
Licensee: Torai Grill & Sushi, Inc.  
Trade Name: Torai Grill & Sushi  
License Class: Retailer's Class "D" Restaurant  
Address: 751 8<sup>th</sup> Street, S.E.  
Contact: Chrissy Chang: 703-992-3994

WARD 6

ANC 6B

SMD 6B03

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 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 27, 2018 at 4:30 pm**.

**NATURE OF OPERATION**

New Restaurant, serving Sushi and Asian fusion dishes. Sidewalk Café with 12 seats. Total Occupancy Load is 32 with seating for 32.

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

Sunday through Saturday 11 am – 10 pm



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

Placard Posting Date: March 2, 2018  
Protest Petition Deadline: April 17, 2018  
Roll Call Hearing Date: April 30, 2018

License No.: ABRA-071352  
Licensee: 1420 Pennsy LLC  
Trade Name: Trusty's Bar  
License Class: Retailer's Class "C" Tavern  
Address: 1420 Pennsylvania Avenue, S.E.  
Contact: Mark Menard: 202-391-1176

WARD 6

ANC 6B

SMD 6B06

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 30, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 an Entertainment Endorsement to provide Live Entertainment inside the premises and outside in the Summer Garden.

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

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

**PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND FOR SUMMER GARDEN**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF FOR-HIRE VEHICLES**

**NOTICE OF PUBLIC HEARING**

**Notice of Consideration of Proposed Amendments to  
Title 31 (Taxicabs and Public Vehicles for Hire)  
of the District of Columbia Municipal Regulations:  
Shared Riding and Wait Time Rules**

**Wednesday, March 7, 2018  
10:00 AM**

The Department of For-Hire Vehicles announces a public hearing seeking stakeholder input on the Notice of Emergency and Proposed Rules – Shared Rides and Wait Time, which were adopted November 30, 2017 and published in the *DC Register* February 9, 2018. The rules, which are available on our [website](#), will encourage the use of shared rides for digital taxicab solutions through a standard structure for calculating shared ride fare and set a new wait time rate. The Department of For-Hire Vehicles (“DFHV”) has scheduled a Public Hearing at 10:00 am on Wednesday, March 7, 2018 at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Tuesday, March 6 at 3:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

The public hearing will take place at the following time and location:

**WEDNESDAY, MARCH 7, 2018 AT 10:00 AM**

**2235 SHANNON PLACE, S.E.  
WASHINGTON, DC 20020  
HEARING ROOM, SUITE 2032**

## DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Thursday, April 5, 2018 at 6 p.m. The hearing will occur in DHCD's 1<sup>st</sup> Floor Conference Room located at 1800 Martin Luther King Avenue SE, Washington, DC 20020, to consider the proposed disposition of the properties noted below.

SSL	Property Site	Property Type	Ward	Zoning	Neighborhood
2853 0053	1132 Columbia Rd NW	SF	Ward 1	RF-1	Columbia Heights
0363 0105 , 0106	1735-1737 10th St. NW	SF	Ward 2	R-4	Shaw
2693 0018	1422 Shepherd St NW	SF	Ward 4	RF-1	Columbia Heights
3207 0028	523 Kennedy St NW	SF	Ward 4	MU-4	Petworth
3121 0057	160 Adams St NW	SF	Ward 5	RF-1	Ledroit Park
3127 0141	36 Channing St NW	SF	Ward 5	RF-1	Ledroit Park
4057 0190	1247 Holbrook Terrace, NE	LOT	Ward 5	RF-1	Trinidad
4077 0124	1612 Levis St NE	SF	Ward 5	R-4	Trinidad
4253 0818	24th Street NE	SF	Ward 5	R-1-B	Woodridge
4315 0033	2650 Myrtle Avenue, NE	SF	Ward 5	R-1-B	Woodridge
0933 0047	802 10th Street, NE	SF	Ward 6	R-4	Near Northeast
0363 0003	905 R St, NW	SF	Ward 6	RF-1	Shaw

The above properties were included in the Vacant to Vibrant DC, Action 1—Auctioning Off to Gain Affordability, that was announced by Mayor Bowser on December 15, 2017 <https://dhcd.dc.gov/page/vacant-vibrant-dc>.

The public hearing is conducted to ensure that all citizens are informed about the selling of the properties identified above and have the opportunity to publicly present their views concerning the impending sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing DHCD's Property Acquisition and Disposition Division at [padd.sfo@dc.gov](mailto:padd.sfo@dc.gov), or by calling (202) 478-1355. Please provide your name, address, telephone number, and organizational affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. Sign language interpretation and language translation services are available upon request by calling Pamela Hillsman at (202) 442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. The deadline for requiring interpretation services is seven days prior to the hearing. Bilingual staff will provide services as available to unregistered attendees.

Written statements may be submitted at the hearing, or until 4:45 p.m., Friday, April 6, 2018, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, DC 20020.

## DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Wednesday, April 4, 2018 at 6 p.m. The hearing will occur in DHCD's 1<sup>st</sup> Floor Conference Room located at 1800 Martin Luther King Avenue SE, Washington, DC 20020, to consider the proposed disposition of the properties noted below.

SSL	Property Site	Property Type	Ward	Zoning	Neighborhood
5089 0017	4226 Dix St., NE	SF	Ward 7	R-2	Deanwood
5097 0021	4319 Kane Place, NE	SF	Ward 7	R-2	Deanwood
5150 0095	46th St NE	SF	Ward 7	R-2	Deanwood
5201 0085	5033 Meade Street, NE	SF	Ward 7	R-2	Deanwood
5206 0030	5328 James Pl NE	SF	Ward 7	R-2	Deanwood
5150 0812	832 48th St., NE	SF	Ward 7	R-2	Deanwood
5151 0105	919 47th Pl NE	SF	Ward 7	R-2	Deanwood
5350 0011	4442 B St SE	SF	Ward 7	R-2	Marshall Heights
5325 0025	5034 Bass Pl., SE	SF	Ward 7	R-3	Marshall Heights
5298 0017	5302 F ST SE	SF	Ward 7	R-3	Marshall Heights
5299 0018	5308 E ST, SE	SF	Ward 7	R-3	Marshall Heights
5755 0011-0834	1620-1626 Galen Street, SE	SF	Ward 8	R-3	Anacostia
5788 0011	2413 Shannon Place, SE	SF	Ward 8	MU-4/RA-1	Anacostia
6170 0804	10 Brandywine Street, SE	MF	Ward 8	R-5-A	Bellevue
6208 0051	4244 6th St SE	MF	Ward 8	R-3	Bellevue
6214 0013-0017	4326-4338 Halley Terrace, SE	MF	Ward 8	R-5-A	Bellevue
6239 0060-0059	62-64 Forrester Street, SW	MF	Ward 8	R-2	Bellevue
6163 0125	700 Brandywine Road SE	MF	Ward 8	RA-1	Bellevue
6240 0803	157 Forrester St SW	SF	Ward 8	R-2	Bellevue
5729W 0008	2814 28th Street, SE	SF	Ward 8	R-5-A	Bellevue
6126 0005-0006	560-562 Foxhall Place SE	SF	Ward 8	R-3	Congress Heights

The above properties were included in the Vacant to Vibrant DC, Action 1—Auctioning Off to Gain Affordability, that was announced by Mayor Bowser on December 15, 2017 <https://dhcd.dc.gov/page/vacant-vibrant-dc>.

The public hearing is conducted to ensure that all citizens are informed about the selling of the properties identified above and have the opportunity to publicly present their views concerning the impending sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing DHCD's Property Acquisition and Disposition Division at [padd.sfo@dc.gov](mailto:padd.sfo@dc.gov), or by calling (202) 478-1355. Please provide your name, address, telephone number, and organizational affiliation, if any.

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Written statements may be submitted at the hearing, or until 4:45 p.m., Thursday, April 5, 2018, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, DC 20020.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, APRIL 11, 2018  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD FOUR**

19724            **Application of Trevor and Jennifer Selman**, pursuant to 11 DCMR Subtitle X, ANC 4D            Chapter 9, for special exceptions under Subtitle G § 1200 from the floor area ratio requirements of Subtitle G § 402.1, and under Subtitle G § 1201.1 from the rear yard requirements of Subtitle G § 405.2, to construct a rear egress stair and dumbwaiter addition to an existing restaurant roof deck in the MU-4 Zone at premises 5409 Georgia Avenue N.W. (Square 2996, Lot 52).

**WARD FIVE**

19726            **Application of Amaro, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 5E            special exceptions under the use permissions of Subtitle U § 802.1(c), and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(d), to construct an emergency shelter in the PDR-2 Zone at premises 101 Q Street N.E. (Square 3518, Lot 25).

**WARD FIVE**

19729            **Application of Tracey Turner**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 5E            special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D §306.2, from the pervious surface requirements of Subtitle D §308.3, and from the nonconforming structure requirements of Subtitle D § 202.2, and pursuant to Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle D §§ 304.1 and 5201.3(e) , to permit an existing rear addition to an existing attached principal dwelling unit in the R-3 zone at premises 2901 North Capitol Street N.E. (Square 3500, Lot 33).

## BZA PUBLIC HEARING NOTICE

APRIL 11, 2018

PAGE NO. 2

WARD SIX

19730            **Application of Sons of Italy Foundation**, pursuant to 11 DCMR Subtitle X, ANC 6C            Chapter 9 for a special exception under the non-profit use provisions of Subtitle U § 203.1(n), and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the gross floor area requirements of Subtitle U § 203.1(n)(2), to continue a non-profit office use in the RF-3 District at premises 219 E Street N.E. (Square 755, Lot 32).

WARD ONE

19731            **Application of 1766 Lanier NW, LLC**, pursuant to 11 DCMR Subtitle X, ANC 1C            Chapter 9, for a special exception under Subtitle U § 320.2, to construct a rear three-story addition and convert an existing residential building into a three-unit apartment house in the RF-1 Zone at premises 1766 Lanier Place N.W. (Square 2580, Lot 481).

WARD TWO

19738            **Application of PROPERTY FRAMEWORKS**, pursuant to 11 DCMR Subtitle ANC 2E            X, Chapter 9, for a special exception under from the nonconforming use requirements of Subtitle C § 204.9 to change a nonconforming use to another nonconforming use in the R-20 District at premises 1300 35th Street N.W. (Square 1227, Lot 813).

**PLEASE NOTE:**

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning,



BZA PUBLIC HEARING NOTICE

APRIL 11, 2018

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441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

ለሚገባዎትል ስርዓታዎን ለማሳደግ ይደግፉ?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓጃ)

ካስፈለገዎት እባክዎን ከስብሰባው አጠቃላይ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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[Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿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](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

BZA PUBLIC HEARING NOTICE

APRIL 11, 2018

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FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202)  
727-6311.

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

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

**TIME AND PLACE:**                      **Monday, April 2, 2018, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 17-16 (251 Massachusetts Avenue, LLC – Zoning Map Amendment @ Square 560, Lot 853)**

**THIS CASE IS OF INTEREST TO ANC 6E**

On September 1, 2017, the Office of Zoning received an application from 251 Massachusetts Avenue, LLC (“Applicant”) requesting approval of a Zoning Map amendment for Square 560, Lot 853. The Office of Planning submitted its report in support of setting the application down for a public hearing on November 3, 2017. On November 13, 2017, the Commission voted to set down the application for public hearing. The Zoning Commission determined that the case will be heard as a contested case. The Applicant filed its pre-hearing statement on January 31, 2018.

The property that is the subject of this application consists of approximately 15,000 square feet of land area. The property is located in Square 560, which is bounded by H Street, N.W. to the south, 3<sup>rd</sup> Street, N.W. to the west, K Street, N.W. to the north, and 2<sup>nd</sup> Street, N.W. to the east. The property is located in the MU-6 zone. The property is located in the High Density Commercial and High Density Residential land use categories on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The D-4 zone permits a maximum height of 90 feet and maximum permitted commercial floor area ratio (“FAR”) of 6.5.

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

**How to participate as a witness**

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

**How to participate as a party.**

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

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

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

Pursuant to the Zoning Commission's Rules of Practice and Procedure, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be

submitted by mail to 441 4thStreet, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto: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](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

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

**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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለመከተሉ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አዎክት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜይል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡ በነጻ ነው።

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

**TIME AND PLACE:**                      **Thursday, April 12, 2018, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 17-26 (MIRV Holdings, LLC – Zoning Map Amendment @ Parcel 121/31)**

**THIS CASE IS OF INTEREST TO ANCs 5A and 5E**

On November 17, 2017, the Office of Zoning received an application from MIRV Holdings, LLC (the “Applicant”) requesting approval of a Zoning Map amendment for Parcel 121/31. The Office of Planning submitted its report in support of setting the application down for a public hearing on January 2, 2018. On January 29, 2018, the Commission voted to set down the application for public hearing. The Zoning Commission determined that the case will be heard as a contested case. The Applicant filed its pre-hearing statement on February 5, 2018.

The property that is the subject of this application consists of approximately 238,909 square feet of land area, approximately 5.5 acres of land. The property is bounded by Irving Street, N.E. to the north, Michigan Avenue, N.E. to the east, residential and commercial uses to the south, and the North Capitol Street, N.E. interchange to the west. Approximately 60% of the property is occupied by a surface parking lot which includes entrances/exits on Michigan Avenue and Irving Street. The remainder of the property, generally adjacent to the North Capitol Street interchange is undeveloped.

The property is currently unzoned as the property is owned by the United States Government, with the District of Columbia having jurisdictional authority over the property. The property is located in the Mixed Use Moderate Density Commercial and Medium Density Residential land use categories on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant is requesting to rezone the Property to the MU-5-B zone. The MU-5-B zone permits a maximum building height of 75 feet and a maximum floor area ratio (“FAR”) of 3.5 (of which up to 1.5 FAR is permitted to be non-residential) as a matter-of-right.

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

**How to participate as a witness**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

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

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- |    |                                  |                         |
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- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

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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](mailto: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.**

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**ለሙከሩ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማተራጎም) ካስፈለገዎት እባክዎን ከስብሰባው አጭክት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡ በነጻ ነው።



## 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 corrections to the Notice of Final Rulemaking issued by the Department of Health and published in the *D.C. Register* on December 29, 2017 at 64 DCR 013496.

The final rulemaking adopted new body art regulations in Title 25 (Food Operations and Community Hygiene Facilities), Subtitle G (Body Art Establishment Regulations) of the District of Columbia Municipal Regulations (DCMR). This notice is being published to correct grammatical errors in Section 301 (Preventing Contamination — Pre-Sterilized, Single-Use Disposable Sharps).

**Chapter 3, OPERATING PROCEDURES TO PREVENT CROSS-CONTAMINATION, AND RECORDKEEPING REQUIREMENTS, of Title 25 DCMR, FOOD OPERATIONS AND COMMUNITY HYGIENE FACILITIES, Subtitle G, BODY ART ESTABLISHMENT REGULATIONS, is amended as follows:**

**Section 301, PREVENTING CONTAMINATION – PRE-STERILIZED, SINGLE-USE DISPOSABLE SHARPS, is amended as follows:**

**Subsection 301.1 is amended as follows:**

301.1 Operators shall ensure tattoo artists use only pre-sterilized single-use needles and scalpel blades. For equipment that is not pre-sterilized, operator shall ensure body artists use single-use disposable equipment that is discarded immediately into a medical-grade sharps container upon completion of a tattoo.

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 December 29, 2017.

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](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. and 2017 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2013 Repl.)), hereby gives notice of the amendment to Chapters 9 (Medicaid Program) and 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), operates the Medicaid Home and Community-Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) under the supervision of DHCF. The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012, and ending November 19, 2017. An amendment to renew the ID/DD Waiver for another five-year period, beginning November 20, 2017 and ending November 19, 2022, was approved by the Council through the Medicaid Assistance Program Emergency Amendment Act of 2017, effective July 20, 2017 (D.C. Act 22-0104; D.C. Official Code § 1-307.02(a)(11)(D) (2017 Supp.)), and subsequently sent by DHCF to CMS for its approval. CMS approved the ID/DD Waiver renewal amendment on November 8, 2017 with an effective date of November 20, 2017.

This rulemaking repeals Section 926 (Environmental Accessibility Adaptation Services), Section 1914 (Vehicle Modifications), and Section 1927 (Personal Emergency Response System (PERS) Services), and makes amendments to Sections 1901, 1904, 1906, 1909, 1910, 1913, 1915, 1916, 1920, 1922, 1924, 1925, 1928, 1929, 1931, 1936, 1938, 1941, 1942, and 1999. These final rules are necessary to amend the twenty-eight (28) provisions that govern participation in the ID/DD Waiver because of changes, clarifications, or other improvements to the language. The renewal application: (a) continues all utilized services and supports for people currently enrolled in the ID/DD Waiver; (b) eliminates two (2) services that were not utilized – Environmental Accessibility Adaptation Services (29 DCMR § 926) and Vehicle Modification Services (29 DCMR § 1914); (c) eliminates Personal Emergency Response System (PERS) Services (29 DCMR § 1927) and incorporates it into a new service known as Assistive Technology Services (29 DCMR § 1941); and (d) includes new Parenting Support Services (29 DCMR § 1942). In this final rulemaking, twenty-three (23) current rules are being amended, three (3) rules are being repealed, and two (2) new rules are being created as follows:

- (1) Environmental Accessibility Adaptation Services, 29 DCMR § 926, is being repealed;
- (2) Covered Services and Rates, 29 DCMR § 1901, is amended to reflect the addition of two (2) new services and the repeal of three (3) former services, and to clarify service authorization requirements and DHCF reimbursement rules;
- (3) Provider Qualifications, 29 DCMR § 1904, is amended to align with DDS's current policies and to clarify the requirement for providers to comply with DDS's procedures, transmittals and issued guidance;
- (4) Provider Enrollment Process, 29 DCMR § 1905, is amended to align with the current DHCF and DDS provider enrollment process;
- (5) Requirements for Direct Support Professionals, 29 DCMR § 1906, is amended to add qualifications for peer supporters for Parenting Support Services and Family Training Services, to allow a Certificate of Individualized Education Program (IEP) Completion as an alternative to a high school diploma for Direct Support Professionals (DSPs), and to clarify the right to accommodations under the Americans with Disabilities Act of 1990, effective July 26, 1990 (Pub. L. No. 101-336, 104 Stat. 328);
- (6) Records and Confidentiality of Information, 29 DCMR § 1909, is amended to update requirements for record-keeping and storage;
- (7) Personal Care Services, 29 DCMR § 1910, is amended to align with Medicaid State Plan requirements regarding provider qualifications and to clarify that such services may occur at home, in the day setting, at school or work, or in the community;
- (8) One-Time Transitional (OTT) Services, 29 DCMR § 1913, is amended to clarify the definitions of essential household furnishings and services necessary for the person's health, safety and wellbeing, to ensure OTT providers' use of Person-Centered Thinking skills/tools, and to limit the service to a one-time, non-recurring expense;
- (9) Vehicle Modification Services, 29 DCMR § 1914, is being repealed;
- (10) Host Home Without Transportation Services, 29 DCMR § 1915, is amended to require use of Person-Centered Thinking and Discovery tools and skills, to realign and add requirements for the ID/DD waiver provider and the principal care provider, to describe provider requirements for Medicaid reimbursement, and to require compliance with the HCBS settings rule;
- (11) In-Home Supports Services, 29 DCMR § 1916, is amended to clarify where a person may receive in-home support services; to allow services to be provided in person, by phone or by any other technology device that supports the use of video-audio communication, subject to limitations and the person's Individual Support Plan; to add a new High Intensity In-Home Supports Services tier; and to require an In-Home Supports Plan;
- (12) Day Habilitation Services, 29 DCMR § 1920, is amended to include requirements for Small Group Day Habilitation; to require the use of the Learning Log for certain notes; and to require any new settings to fully comply with the requirements of the HCBS settings rule; and to add daily census limitations, and service limitations based on age and Level of Need day composite scores;

- (13) Employment Readiness Services, 29 DCMR § 1922, is amended to describe when a person can receive this service along with Vocational Rehabilitation services, to include requirements for Medicaid reimbursement, to describe requirements for 1:1 staffing, to add daily census limitations, to time limit this service, and to require all Employment Readiness providers to become Rehabilitation Services Administration providers;
- (14) Family Training Services, 29 DCMR § 1924, is amended to include a small group option and to allow peer supporters as an alternative to professional providers;
- (15) Individualized Day Supports Services, 29 DCMR § 1925, is amended to clarify that the service may be used for employment discovery and exploration; to change qualifications for certain direct support professionals; and to allow a person to start and end their day at their place of residence if preferred;
- (16) Personal Emergency Response System (PERS) Services, 29 DMCR § 1927, is being repealed;
- (17) Physical Therapy Services, 29 DCMR § 1928, is amended to clarify where services may be delivered;
- (18) Residential Habilitation Services, 29 DCMR § 1929, is amended to limit the size to not more than four (4) people per setting with grandfathering for current residents; to require compliance with the HCBS settings rule; to clarify staffing ratios and requirements;
- (19) Skilled Nursing Services, 29 DCMR § 1931, is amended to align with the Medicaid State Plan requirements regarding provider qualifications and to clarify where services may be delivered and when Medicaid reimbursement is available for additional skilled nursing services;
- (20) Speech, Hearing and Language Services, 29 DCMR § 1932, is amended to clarify where services may be delivered and to include a new small group option;
- (21) Supported Employment Services – Individual and Small Group Services, 29 DCMR § 1933, is amended to require compliance with the Home and Community-Based Services (HCBS) settings rule; limit the size of small groups to two (2) to four (4) workers; to require benefits counseling for participants; to allow services to be provided in person, by phone or by any other technology device that supports the use of video-audio communication, subject to limitations and the person’s Individual Support Plan; and to describe requirements for Medicaid reimbursement eligibility;
- (22) Supported Living Services, 29 DCMR § 1934, is amended to require compliance with the requirements of the HCBS settings rule; to require a daily schedule; to describe requirements for Medicaid reimbursement for twenty-four (24) hour one-to-one Supported Living Services in a single occupancy supported living residence; clarify staffing requirements; and to allow Supported Living Periodic services to be provided in person, by phone or by any other technology device that supports the use of video-audio communication, subject to limitations and the person’s Individual Support Plan;
- (23) Wellness Services, 29 DCMR § 1936, is amended to be more person-centered; to clarify provider qualifications for professionals delivering wellness services; and to modify service limitations;

- (24) Cost Reports and Audits, 29 DCMR § 1937, is amended to rename it as Cost Reports, Audits, and Oversight Monitoring; to set forth the DHCF Division of Program Integrity's audit review processes; to establish the DHCF Long Term Care Administration's oversight and monitoring responsibilities; and to update the subsections on provider cost reporting;
- (25) Home and Community-Based Setting Requirements, 29 DCMR § 1938, is amended to detail requirements for compliance with the HCBS settings rule, for example, the person's right to choice, privacy, dignity, opportunities to seek employment, and full access to the greater community;
- (26) Assistive Technology Services, 29 DCMR § 1941, is a new regulation which includes eligibility requirements, provider qualifications, and service limitations for Assistive Technology Services;
- (27) Parenting Supports Services, 29 DCMR § 1942, is a new regulation which includes eligibility requirements, provider qualifications, individual and small group services, and service limitations for Parenting Supports Services; and
- (28) Definitions, 29 DCMR § 1999, is amended to delete ten (10) terms and phrases that are no longer used in the ID/DD Waiver; to amend eight (8) terms and phrases in order to, among other things, better use People First language and to update the definition of Qualified Intellectual Disabilities Professionals to align with the ID/DD waiver renewal; and to include one (1) new term.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 24, 2017 at 64 DCR 012097. No comments were received, and no changes have been made for these final rules. These rules were adopted by the Director on February 23, 2018, and shall become final upon publication of this notice in the *D.C. Register*.

**Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 926, ENVIRONMENTAL ACCESSIBILITY ADAPTATION SERVICES, is deleted in its entirety and amended to read as follows:**

**926 [REPEALED].**

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, is amended as follows:**

**Section 1901, COVERED SERVICES AND RATES, is amended to read as follows:**

**1901 COVERED SERVICES AND RATES**

1901.1 Services available under the Waiver shall include the following:

- (a) Assistive Technology Services, 29 DCMR § 1941;

- (b) Behavioral Support Services, 29 DCMR § 1919;
- (c) Companion Services, 29 DCMR § 1939;
- (d) Creative Arts Therapies Services, 29 DCMR § 1918;
- (e) Day Habilitation Services, 29 DCMR § 1920;
- (f) Dental Services, 29 DCMR § 1921;
- (g) Employment Readiness Services, 29 DCMR § 1922;
- (h) Family Training Services, 29 DCMR § 1924;
- (i) Host Home without Transportation Services, 29 DCMR § 1915;
- (j) Individualized Day Supports Services, 29 DCMR § 1925;
- (k) In-Home Supports Services, 29 DCMR § 1916;
- (l) Occupational Therapy Services, 29 DCMR § 1926;
- (m) One-Time Transitional Services, 29 DCMR § 1913;
- (n) Parenting Supports Services, 29 DCMR § 1942;
- (o) Personal Care Services, 29 DCMR § 1910;
- (p) Physical Therapy Services, 29 DCMR § 1928;
- (q) Residential Habilitation Services, 29 DCMR § 1929;
- (r) Respite Services, 29 DCMR § 1930;
- (s) Skilled Nursing Services, 29 DCMR § 1931;
- (t) Speech, Hearing and Language Services, 29 DCMR § 1932;
- (u) Supported Employment Services – Individual and Small Group Services, 29 DCMR § 1933;
- (v) Supported Living Services, 29 DCMR § 1934; and
- (w) Wellness Services, 29 DCMR § 1936.

- 1901.2 For dates of services beginning November 20, 2016, which aligns with Waiver Year 5, the Medicaid provider reimbursement rate(s) to be paid for the Waiver services identified in Subsection 1901.1 shall be posted on the District of Columbia Medicaid fee schedule at [www.dc-medicaid.com](http://www.dc-medicaid.com). DHCF shall also publish a notice in the *D.C. Register* which reflects the change in the reimbursement rate(s) for Waiver services.
- 1901.3 No Waiver provider shall provide Waiver services unless in receipt of a Service Authorization from the Department on Disability Services, Developmental Disabilities Administration (DDS/DDA) for that Waiver service. A Service Authorization is an approval for a prescribed Waiver service issued by DDS/DDA to the provider prior to rendering service and is located on MCIS, DDS/DDA's case management information system, or its successor. DDS/DDA will not retroactively authorize services, except in the event of an emergency in which the provider has notified DDS and provided the services in good faith to avoid any service disruptions for the person, and subject to the approval of the Deputy Director for DDA.
- 1901.4 DHCF shall not reimburse any Waiver provider for services to the extent the provider:
- (a) Fails to comply with any applicable regulation in this chapter;
  - (b) Fails to comply with all applicable federal and District of Columbia laws and regulations;
  - (c) Fails to comply with all applicable transmittals, rules, manuals and other requirements for payment issued by DHCF;
  - (d) Provides services in the absence of an approved prior authorization from DHCF or its designee for payment identifying the authorized service, number of hours or units authorized, duration, and scope of service; and
  - (e) Fails to comply with the terms of the Medicaid Provider Agreement.
- 1901.5 Each Waiver provider shall agree to accept, as payment in full, the amount determined by DHCF as reimbursement for the authorized Waiver services provided to beneficiaries.
- 1901.6 Each Waiver provider shall agree to bill any and all known third-party payers prior to billing Medicaid.
- 1901.7 A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed.

**Subsections 1904.1 and 1904.4, and a new Subsection 1904.5, of Section 1904, PROVIDER QUALIFICATIONS, are amended to read as follows:**

- 1904.1 Home and Community-Based Services (HCBS) Waiver provider agencies shall complete an application to participate in the Medicaid Waiver program and shall submit to DDS both the Medicaid provider enrollment application and the following organizational information:
- (a) A resume and three (3) letters of reference demonstrating that the owner(s)/operators(s) have a degree in the Social Services field or a related field with at least three (3) years of experience of working with people with intellectual and developmental disabilities; or a degree in a non-Social Services field with at least five (5) years of experience working with people with intellectual and developmental disabilities, unless waived by the Department on Disability Services Deputy Director for the Developmental Disabilities Administration;
  - (b) Documentation proving that the program manager of the HCBS Waiver provider agency has a Bachelor's degree in the Social Services field or a related field with at least five (5) years of experience in a leadership role or equivalent management experience working with people with intellectual and developmental disabilities or a Master's degree in the Social Services field or a related field with at least three (3) years of experience in a leadership role or equivalent management experience working with people with intellectual and developmental disabilities;
  - (c) A copy of the business license issued by the Department of Consumer and Regulatory Affairs (DCRA);
  - (d) A description of ownership and a list of major owners or stockholders owning or controlling five percent (5%) or more outstanding shares;
  - (e) To the extent its corporate structure includes a Board of Directors, a list of Board members representing a diverse spectrum of the respective community and their affiliations;
  - (f) A roster of key personnel, with qualifications, resumes, background checks, local license, if applicable, and a copy of their position descriptions;
  - (g) A copy of the most recent audited financial statements of the agency performed by a third-party Certified Public Accountant or auditing company (not applicable for a new organization);



- (h) A copy of the basic organizational documents of the provider, including an organizational chart, and current Articles of Incorporation or partnership agreements, if applicable;
- (i) A copy of the Bylaws or similar documents regarding conduct of the agency's internal affairs;
- (j) A copy of the certificate of good standing from the DCRA;
- (k) Organizational policies and procedures, such as personnel policies and procedures required by DDS and available at:  
<http://dds.dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies?nav=1&vgnextrefresh=1>;
- (l) A continuous quality assurance and improvement plan that includes, but is not limited to, requirements of the applicable Waiver services, and community integration and person-centered thinking principles and values as intentional outcomes for persons supported;
- (m) A copy of professional/business liability insurance of at least one million dollars (\$1,000,000) prior to the initiation of services, or more as required by the applicable Human Care Agreements;
- (n) A sample of all documentation templates, such as progress notes, evaluations, intake assessments, discharge summaries, and quarterly reports;
- (o) For providers of Supported Living, Supported Living with Transportation, Host Homes, and Residential Habilitation, a Continuity of Operations Plan;
- (p) For providers of Supported Living, Supported Living with Transportation, Host Homes, Residential Habilitation, In Home Supports, Day Habilitation, Individualized Day Supports, and Employment Readiness, evidence of fiscal and organizational accountability; and
- (q) Any other documentation deemed necessary to support the approval as a provider.

...

1904.4 In order to provide services under the Waiver and qualify for Medicaid reimbursement, DDS approved HCBS Waiver providers shall meet the following requirements:

- (a) Maintain a copy of the approval letter issued by DHCF;

- (b) Maintain a current District of Columbia Medicaid Provider Agreement that authorizes the provider to bill for services under the Waiver;
- (c) Obtain a National Provider Identification (NPI) number from the National Plan and Provider Enumeration System website;
- (d) Comply with all applicable District of Columbia licensure requirements and any other applicable licensure requirements in the jurisdiction where services are delivered;
- (e) Maintain a copy of the most recent Individual Support Plan (ISP) and Plan of Care that has been approved by DDS for each person;
- (f) Maintain a signed copy of a current Human Care Agreement with DDS for the provision of services, if determined necessary by DDS;
- (g) Ensure that all staff are qualified, properly supervised, and trained according to DDS policy;
- (h) Ensure that a plan is in place to provide services for non-English speaking people pursuant to DDA's Language Access Policy available at: <http://dds.dc.gov/publication/language-access-policy>;
- (i) Offer the Hepatitis B vaccine to all employees;
- (j) Ensure that staff are trained in infection control procedures consistent with the standards established by the Federal Centers for Disease Control and Prevention (CDC) and the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), as set forth in 29 CFR § 1910.1030;
- (k) Ensure compliance with the provider agency's policies and procedures and DDS policies, procedures, transmittals and issued guidance. This includes, but is not limited to: reporting of unusual incidents, human rights, language access, employee orientation objectives and competencies, individual support plan, most integrated community based setting, health and wellness standards, behavior management, and protection of the person's funds, available at: <http://dds.dc.gov/page/policies-and-procedures-dda>;
- (l) For providers of Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, In-Home Supports, Day Habilitation, Individualized Day Supports, and Employment Readiness services, complete mandatory training in Person-Centered Thinking, Supported Decision-Making, Supporting Community

Integration, and any other topics as determined by DDS, and in accordance with the most current DDS Training Policy and Procedure;

- (m) Provide a written staffing schedule for each site where services are provided, if applicable;
- (n) Maintain a written staffing plan, if applicable;
- (o) Develop and implement a continuous quality assurance and improvement system, that includes person-centered thinking, community integration, and compliance with the HCBS Settings Rule, to evaluate the effectiveness of services provided;
- (p) Ensure that a certificate of occupancy is obtained, if applicable;
- (q) Obtain approval from DDS for each site where residential, day, employment readiness, and supported employment services are provided prior to purchasing or leasing property;
- (r) Ensure that, if services are furnished in a private practice office space, spaces are owned, leased, or rented by the private practice and used for the exclusive purpose of operating the private practice;
- (s) Ensure that a sole practitioner shall individually supervise assistants and aides employed directly by the independent practitioner, by the partnership group to which the independent practitioner belongs, or by the same private practice that employs the independent practitioner;
- (t) Complete the DDA abbreviated readiness process, if applicable;
- (u) Participate, and support willing waiver recipients to participate, in the National Core Indicators surveys, or successors surveys, as requested by DDS and/ or its assigned contractors; and
- (v) Adhere to the specific provider qualifications in each service rule.

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1904.6

In order to provide services under the Waiver and qualify for Medicaid reimbursement, a Qualified Intellectual Disabilities Professional (QIDP), also known as a Qualified Developmental Disabilities Professional or QDDP as defined in D.C. Official Code § 7-1301.03(21), shall oversee the initial habilitative assessment of a person; develop, monitor, and review ISPs; and integrate and coordinates Waiver services. The QIDP shall have at least one (1) of the following qualifications:

- (a) A psychologist with at least a master's degree from an accredited program and with specialized training or one (1) year of experience in intellectual disabilities;
- (b) A physician licensed to practice medicine in the District and with specialized training in intellectual disabilities or with one (1) year of experience in treating persons with intellectual disabilities;
- (c) An educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with persons with intellectual disabilities;
- (d) A social worker with a master's degree from an accredited school of social work and with specialized training in intellectual disabilities or with one (1) year of experience in working with persons with intellectual disabilities;
- (e) A rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification and who has specialized training in intellectual disabilities or one (1) year of experience in working with persons with intellectual disabilities;
- (f) A therapeutic recreation specialist who is a graduate of an accredited program and who has specialized training or one (1) year of experience in working with persons with intellectual disabilities;
- (g) A human service professional with at least a bachelor's degree in a human services field (including, but not limited to: sociology, special education, rehabilitation counseling, and psychology) and who has specialized training in intellectual disabilities or one (1) year of experience in working with persons with intellectual disabilities; or
- (h) A registered nurse with specialized training in intellectual disabilities or with one (1) year of experience in working with persons with intellectual disabilities.

**Section 1905, PROVIDER ENROLLMENT PROCESS, is amended to read as follows:**

**1905 PROVIDER ENROLLMENT PROCESS**

1905.1 Prospective providers shall send a letter of intent to DDA to enroll as a Medicaid provider of Waiver services to the Letter of Intent mailbox at [letterofintent.potentialproviders@dc.gov](mailto:letterofintent.potentialproviders@dc.gov). DDA will provide a written response of disposition to the prospective provider within three (3) business days of receipt of the letter of intent.

- 1905.2 With acceptance of a qualified letter of intent, prospective providers will receive an invitation to the DDA Quarterly Prospective Provider's Information Session. Prospective providers shall be notified by DDA of the DHCF contractor schedule for the Provider Data Management Systems (PDMS) training. After the PDMS training, providers shall access the PDMS to initiate the Medicaid provider enrollment application.
- 1905.3 Upon receipt of the Medicaid provider enrollment application by DDA, prospective providers shall receive a denial letter or an invitation to be interviewed. The denial letter shall be issued by DDA within sixty (60) business days from the time a Medicaid provider enrollment application is received by DDA and shall meet the requirements set forth in § 1905.5.
- 1905.4 If the Medicaid provider enrollment application is incomplete, the prospective provider will be notified by the DHCF contractor. DDA may issue a denial letter, in accordance with § 1905.5, within sixty (60) business days from the time a Medicaid provider enrollment application is received.
- 1905.5 The denial letter shall include the following:
- (a) The basis and reasons for the denial of the prospective provider's Medicaid provider enrollment application;
  - (b) The prospective provider's right to dispute the denial of the application and to submit written argument and documentary evidence to support its position; and
  - (c) Specific reference to the particular sections of relevant statutes and/or regulations.
- 1905.6 Prospective providers shall be required to interview with the DDA Provider Review Committee (PRC) Panel for further eligibility towards final approval. Prospective providers shall receive written notification from DDA to attend a DDA scheduled interview with the PRC Panel.
- 1905.7 Pursuant to the committee's recommendation and the overall merit of the application, DDA shall either issue a denial letter to the prospective provider or send the application of the DDA-recommended provider to DHCF for its review within five (5) business days of the committee's review date. The denial letter shall be issued in accordance with the requirements set forth in § 1905.5. If a denial letter was issued by DDA, the prospective provider may submit a written dispute for reconsideration in no more than five (5) business days and/or appeal the denial of the application to the Office of Administrative Hearings in accordance with Chapter 94 of Title 29 DCMR.

- 1905.8 Upon approval by DDA, the DDA Provider Relationship Specialist will facilitate the newly enrolled provider's acknowledgement of final approval to DHCF via the DHCF's contractor portal PDMS.
- 1905.9 If a denial letter was issued by DDA and there was no reconsideration requested or granted the prospective provider shall be prohibited from submitting an application to enroll as a provider for a period of one year from the date the denial letter was issued.
- 1905.10 Each provider shall be subject to the administrative procedures set forth in Chapter 13 of Title 29 DCMR; to the provider certification standards established by DDS, currently known as the Provider Certification Review process; to all policies and procedures promulgated by DDS that are applicable to providers during the provider's participation in the Waiver program; and to participation and cooperation in the reporting requirements pursuant to the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code §§ 7-1301.02 *et seq.*), as implemented by order of the Superior Court of the District of Columbia.
- 1905.11 Each provider who has been terminated or has voluntarily withdrawn from the Waiver program may not reapply to the Waiver program for a period of at least one (1) year.

**Section 1906, REQUIREMENTS FOR DIRECT SUPPORT PROFESSIONALS, is amended to read as follows:**

**1906 REQUIREMENTS FOR DIRECT SUPPORT PROFESSIONALS**

- 1906.1 The basic requirements for all employees and volunteers providing direct services, with the exception of peer support employees as set forth in subsection 1906.3, are as follows:
- (a) Be at least eighteen (18) years of age;
  - (b) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis;
  - (c) Possess a high school diploma, Certificate of Individual Educational Program (IEP) Completion, general educational development (GED) certificate, or, if the person was educated in a foreign country, its equivalent;
  - (d) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years, with CPR certification and renewal via an in-person class;

- (e) Complete pre-service and in-service training as described in DDS policy;
- (f) Have the ability to communicate with the person to whom services are provided;
- (g) Be able to read, write, and speak the English language, with reasonable accommodation as appropriate in accordance with the Americans with Disabilities Act;
- (h) Participate in competency based training needed to address the unique support needs of the person, as detailed in his or her ISP; and
- (i) Have proof of compliance with the 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.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §§ 44-551 *et seq.*) for the following employees or contract workers:
  - (1) Individuals who are unlicensed under Chapter 12, Health Occupations Board, of Title 3 of the D.C. Official Code, who assist licensed health professionals in providing direct patient care or common nursing tasks;
  - (2) Nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, or other health aides; and
  - (3) Housekeeping, maintenance, and administrative staff who may foreseeably come in direct contact with Waiver recipients or patients.
- (j) Be acceptable to the person for whom they are providing supports.

1906.2 Volunteers who work under the direct supervision of an individual licensed pursuant to Chapter 12 of Title 3 of the D.C. Official Code shall be exempt from the unlicensed personnel criminal background check requirement set forth in § 1906.1(i).

1906.3 The basic requirements for peer support employees providing direct services in Parenting Supports and Family Training services are as follows:

- (a) Be at least eighteen (18) years of age;

- (b) Comply with the requirements of the 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.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §§ 44-551 *et seq.*);
- (c) Complete DDS required training for peer support employees;
- (d) Be acceptable to the person for whom they are providing supports; and
- (e) The person is a person with a disability or the family or other unpaid caregiver of a person with a disability and has experience with at least two of the following:
  - (1) Advocating on behalf of people with disabilities;
  - (2) Being trained in advocacy on behalf of people with disabilities by an advocacy organization;
  - (3) Being trained and certified in peer counseling by a certified peer counseling organization;
  - (4) Being knowledgeable about the scope of services provided by DDS/DDA and the Child and Family Services Agency;
  - (5) Possessing skills in Engagement, Relationship Building, and Collaboration with Families and Caregivers; and/or
  - (6) Being knowledgeable about Community Systems, Partnerships and Resources

**Subsections 1909.1, 1909.2, 1909.5, 1909.8, and 1909.11, and a new Subsection 1909.12, of Section 1909, RECORDS AND CONFIDENTIALITY OF INFORMATION, are amended to read as follows:**

- 1909.1 Each Waiver provider shall allow appropriate personnel of DHCF, DDS and other authorized agents of the District of Columbia government or of other jurisdictions where services are provided, and the federal government full access, whether the visit is announced or unannounced, to all waiver provider locations, including access to the people receiving supports and all records, in any form. For purposes of this section, the term “records” includes, but is not limited to, all information relating to the provider, the services and supports being provided, and the people for whom services are provided; any information which is generated by or in the possession of the provider; the information required by the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective



March 3, 1979 (D.C. Law 2-137; D.C. Official Code §§ 7-1301.02 *et seq.*) or its successor; and any information required by the regulations implementing the HCBS Waiver program.

1909.2

Each Waiver provider entity shall maintain the following records at the site of service delivery, where applicable, for each person receiving services for monitoring and audit reviews. For people receiving In-Home Supports, the person and his or her support team make the determination of which records to store in the person's home and which are kept off-site.

- (a) General information including each person's name, Medicaid identification number, address, telephone number, date of birth, sex, name and telephone number of emergency contact person, physician's name, address and telephone number, and the DDS Service Coordinator's name and telephone number;
- (b) A copy of the most recent DDS approved ISP and Plan of Care indicating the requirement for and identification of a provider who shall provide the services in accordance with the person's needs;
- (c) A record of all service authorization and prior authorizations for services;
- (d) A record of all requests for change in services;
- (e) The person's medical records;
- (f) The person's financial records;
- (g) A discharge summary;
- (h) A written staffing plan, if applicable;
- (i) A back-up plan detailing who shall provide services in the absence of staff when the lack of immediate care poses a serious threat to the person's health and welfare;
- (j) Documents which contain the following information:
  - (1) The results of the provider's functional analysis for service delivery;
  - (2) A schedule of the person's activities in the community, if applicable, including strategies to execute goals identified in the ISP and the date and time of the activity, the staff as identified in the staffing plan;

- (3) Teaching strategies utilized to execute goals in the ISP and the person's response to the teaching strategy as further described in Subsection 1909.11; and
  - (4) A support plan with SMARTER goals and outcomes using the information from the DDS approved person-centered thinking and discovery tools, the functional analysis, the ISP, Plan of Care, and other information as appropriate to assist the person in achieving his or her goals;
- (k) Any records relating to adjudication of claims;
- (l) Any records necessary to demonstrate compliance with all rules and requirements, guidelines, and standards for the implementation and administration of the Waiver;
- (m) Progress notes, as set forth in each service rule, containing the following information:
- (1) The progress in meeting the specific goals in the ISP and Plan of Care that are addressed on the day of service and relate to the provider's scope of service;
  - (2) The health or behavioral events or change in status that is not typical to the person;
  - (3) Evidence of all community integration and inclusion activities attended by the person and related to the person's ISP goals and for each, a response to the following questions: "What did the person like about the activity?" and "What did the person not like about the activity?" DDS recommends the use of the Person-Centered Thinking Learning Log for recording this information;
  - (4) The start time and end time of each shift for any services received including the signature of the Direct Support Professional (DSP) (Note that, where progress notes are written using an electronic record system, an electronic signature meets the requirement for signature.);
  - (5) For services that require awake overnight shifts, the progress notes shall include the support provided as indicated in the specific residential schedule; and
  - (6) The matters requiring follow-up on the part of the Waiver service provider or DDS.

- (n) Reports on a quarterly basis, containing the following information (DDS recommends use of the Person-Centered Thinking 4+1 Tool for recording this information.):
  - (1) An analysis of the goals identified in the ISP and Plan of Care and monthly progress towards reaching the goals;
  - (2) The service interventions provided and the effectiveness of those interventions;
  - (3) A summary analysis of all habilitative support activities that occurred during the quarter;
  - (4) For providers of Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, In-Home Supports, Day Habilitation, Individualized Day Supports, and Employment Readiness, the quarterly report shall include information on the person’s employment, including place of employment, job title, hours of employment, salary/hourly wage, information on fringe benefits, and current checking, savings and burial fund balances, as applicable;
  - (5) Any modifications or recommendations that may be required to be made to the documents described under Subsection 1909.2(j), ISP, and Plan of Care from the summary analysis; and
  - (6) For providers of Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, and High Intensity In-Home Supports, documentation of the review, implementation, and update, if applicable, of the person’s Health Care Management Plan, in accordance with the DDS Health and Wellness Standards.

...

1909.5 Each Waiver provider shall ensure the person’s privacy and limit access to the person’s records to only authorized individuals, including the person. Waiver providers shall not publicly post mealtime protocols, clinical therapy schedules, or any other health information.

...

1909.8 Each Waiver provider shall implement a written strategy that outlines where and how records are stored. For residential programs, the written strategy will be unique to each home and developed in coordination with the people who live there. For non-facility based programs, the written strategy shall identify the location for the records and shall include the process for making them available when audits and other reviews are conducted.

...

1909.11 For purposes of Subsection 1909.2(j)(3), the teaching strategy used to execute goals in the ISP shall include enough information so that any provider staff member or DSP could step in to assist the person in completing the goal. At minimum, the teaching strategy shall contain:

- (a) The goal statement;
- (b) The purpose of the goal/measurable outcome;
- (c) The materials needed to implement the goal;
- (d) The preferred learning/teaching style for the person;
- (e) The learning steps (*i.e.* individual actions that need to be completed for success); and
- (f) The method for measuring success.

1909.12 A staff member, designated by the provider, develops and implements an annual supervision plan for each staff member who is classified as a DSP. The annual supervision plan contains the following information:

- (a) The name of the DSP and date of hire;
- (b) The DSP's place of employment, including the name of the provider entity or day services provider;
- (c) The name of the DSP's supervisor who shall have at least two (2) years' experience working with persons with intellectual and developmental disabilities;
- (d) A documentation of performance goals for the DSP;
- (e) A description of the DSP's duties and responsibilities;
- (f) A comment section for the DSP's feedback;
- (g) A statement of affirmation by the DSP's supervisor confirming statements are true and accurate;
- (h) The signature, date, and title of the DSP; and
- (i) The signature, date, and title of the DSP's supervisor.

**Subsections 1910.2, 1910.12, and 1910.23 of Section 1910, PERSONAL CARE SERVICES, are amended to read as follows:**

1910.2 Personal care services are identical in scope to those described in 29 DCMR § 5000. Personal care services may be delivered at home, in the day setting, at school or work, or in the community.

...

1910.12 To be eligible for Medicaid reimbursement for personal care services, a provider shall:

- (a) Be a home care agency licensed pursuant to the requirements for home care agencies as set forth in the Health Care and Community Residence Facility, Hospice and Home 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.* (2012 Repl.)), and implementing rules;
- (b) Be enrolled as a Medicare home health agency qualified to offer skilled services as set forth in Sections 1861(o) and 1891(e) of the Social Security Act and 42 CFR § 484;
- (c) Comply with the requirements under Section 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR; and
- (d) Comply with all of the requirements for Medicaid State Plan personal care service providers.

...

1910.23 In order to be eligible for Medicaid reimbursement, personal care services shall not be provided at the same time as the following ID/DD Waiver services, except that a person may receive personal care services at school and at work:

- (a) Residential Habilitation;
- (b) Supported Living; and
- (c) Host Home.

**Subsections 1913.5, 1913.9, and 1913.12 of Section 1913, ONE-TIME TRANSITIONAL SERVICES, are amended to read as follows:**

1913.5 Medicaid reimbursable OTT services may include the following:

- (a) Security deposits required in order to obtain a lease for an apartment or home. In order to qualify for OTT services, the lease or other written

residency agreement shall include all of the responsibilities and protections from eviction that apply under the jurisdiction’s landlord-tenant laws.

- (b) Essential household furnishings required to occupy and use a community domicile, including furniture, window coverings, food preparation items and bed linens, which reflect the person’s preferences, and other expenses required to occupy or maintain an apartment or home;
- (c) Start-up fees or deposits for utility or service access, including telephone, gas, electricity, and water;
- (d) Services necessary for the person’s health, safety and wellbeing, such as pest eradication, including bed bugs that may require multiple treatments as part of the process, and one-time cleaning prior to occupancy;
- (e) Home accessibility adaptations such as, but not limited to, carpeting and one-time general home repair, including roof repair, painting and fence repair; and
- (f) Moving expenses related to transporting personal belongings.

...

1913.9 Each provider of Medicaid reimbursable OTT services shall submit a written report, thirty (30) days after the service has been completed, that includes an itemized list of all expenses tied to the person’s ISP goal, referencing the receipts provided, and evidence that the OTT provider used Person-Centered Thinking skills and/or tools to support the person to select items and set up his or her new home.

...

1913.12 Medicaid reimbursement for OTT services shall be limited to a maximum dollar amount per person as a one-time, non-recurring expense.

**Section 1915, HOST HOME WITHOUT TRANSPORTATION SERVICES, is amended to read as follows:**

**1915 HOST HOME WITHOUT TRANSPORTATION SERVICES**

1915.1 The purpose of this section is to establish standards governing Medicaid eligibility for host home without transportation services under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver), and to establish conditions of participation for providers of host home services.

- 1915.2 Host home without transportation services enable a person to retain or improve skills related to: health; activities of daily living; money management; community mobility; recreation; cooking; shopping; use of community resources; community safety; and to develop other adaptive skills needed to live in the community, based upon what is important to and for the person as documented in his or her Individual Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.
- 1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:
- (a) Provided in a private home, referred to as “host home,” which may be leased or owned by the principal care provider; and
  - (b) Identified as a need in the person’s ISP and Plan of Care.
- 1915.4 The total number of persons living in the host home (including those served in the ID/DD Waiver) and who are unrelated to the principal care provider cannot exceed three (3).
- 1915.5 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall:
- (a) Use the Department on Disability Services (DDS) approved Person-Centered Thinking tools and the person’s Positive Personal Profile and Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first month of the person residing in the host home. This assessment shall be reviewed and revised annually or more frequently as needed;
  - (b) Participate as a member of the person’s support team, and coordinate with the principal care provider to participate, including making recommendations for the development of the ISP and Plan of Care;
  - (c) Assist in the coordination of all services that the person may receive;
  - (d) Develop a program plan with measurable outcomes using the functional assessment from the DDS approved Person-Centered Thinking tools, Positive Personal Profile and Job Search and Community Participation Plan, the ISP, Plan of Care, and other information as appropriate to enable the person to safely reside in and be integrated as a member of his or her community; and
  - (e) Review the person’s ISP and Plan of Care goals, DDS-approved Person-Centered Thinking tools, Positive Person Profile and Job Search and Community Participation Plan, objectives, and activities at least quarterly,

and more often as necessary, and submit quarterly reports to the person, family and/or guardian, and DDS Service Coordinator in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.

1915.6 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall coordinate care with the principal care provider, Direct Support Professionals (DSP) working for the respite provider, and others as applicable, to ensure the person's needs are met in the following categories of support, unless the person has demonstrated independence and capacity in any of the areas. Supports provided shall be related to the person's ISP goals and habilitative in nature, aimed at teaching the person to increase his or her skills and self-reliance. These categories or areas of support shall include, but are not limited to, the following:

- (a) Room and board (not included in the ID/DD Waiver reimbursement rate);
- (b) Assistance with eating and food preparation, including learning about healthy eating choices;
- (c) Assistance with personal hygiene;
- (d) Assistance with dressing;
- (e) Assistance with monitoring the person's health and physical condition;
- (f) Assistance with the administration of medication;
- (g) Assistance with communication between the person and other health care providers;
- (h) Assistance with interpersonal and social skills;
- (i) Assistance with household chores;
- (j) Assistance with mobility;
- (k) Assistance with motor and perceptual skills;
- (l) Assistance with problem-solving and decision-making;
- (m) Maintenance of medical records;
- (n) Maintenance of financial records;



- (o) Assistance with attending health care appointments, by the coordination of transportation to and from the person's appointments;
- (p) Assistance with planning and attending events;
- (q) Habilitative support in activities of daily living and/or therapeutic goals and objectives as described in the ISP and Plan of Care;
- (r) Assistance with enhancing the person's opportunities for engagement in community life, including but not limited to social, recreational, and religious activities utilizing community resources;
- (s) Assistance with ensuring that the person's adaptive equipment is appropriate and functioning;
- (t) Provide assistance with finding opportunities for employment in the community in a competitive and integrated setting; and
- (u) Other supports that are identified as important to or for the person as identified in his or her ISP.

1915.7 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall coordinate the delivery of professional services to each person residing in a host home that may include, but are not limited to, the following disciplines or services:

- (a) Medical Care;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Behavioral support;
- (i) Assistive Technology;
- (j) Parenting Supports;

- (k) Speech, hearing and language therapy; and
- (l) Wellness.

1915.8 In order to be reimbursed by Medicaid, each ID/DD Waiver provider that oversees a person's host home placement shall:

- (a) Receive and review packets submitted by DDS requesting development of a host home for a particular applicant;
- (b) Respond to inquiries for host home development in a timely manner;
- (c) Recruit a principal care provider to deliver host home services;
- (d) Identify and develop on-going relationships with local medical professionals, including those in community health clinics (*e.g.*, dentist, physician, psychiatrist, psychologist, occupational therapist, physical therapist, etc.);
- (e) Coordinate and document a matching process that includes at a minimum two (2) visits, at least one (1) of which must be an overnight stay by the person at the prospective principal care provider's home. This should include exploration of the person's and principal care provider's culture, language, preferences and routines;
- (f) Coordinate transportation with the DDS Service Coordinator for visits to the prospective host home of the principal care provider;
- (g) Participate as a member of the person's support team, in accordance with his or her preference, including making recommendations for the development of the person's ISP and Plan of Care;
- (h) Arrange for essential supports, including training, supplies and equipment to be in place prior to the person's move into a host home setting;
- (i) Arrange for non-essential, but recommended and necessary supports to be put into place subsequent to a person's move into a host home setting; and
- (j) Provide information as needed to the person, the person's family or authorized representative, support team, DDS Service Coordinator, and the principal care provider.

1915.9 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall:

- (a) Coordinate the use of transportation for each person residing in a host home to his or her day programs, places of employment, and/or community engagements as needed;
- (b) Coordinate general support monitoring at least twice per month to review conditions in the host home, the person's health status, implementation of the ISP, update activity schedules, review medical and other appointments, and draft progress notes;
- (c) Coordinate health care monitoring for each person residing in the host homes, including frequency of nursing visits, and document this in the person's Health Care Management Plan. This must include, at a minimum, monitoring by a registered nurse (RN) at least every ninety (90) days for persons with no prescribed medications, and at least monthly for persons on prescribed medications. Additionally, the ID/DD Waiver provider shall ensure that the RN completes progress notes during each visit as well as quarterly reports, as appropriate;
- (d) Provide respite to the principal care provider for up to a total of fourteen (14) days per year. If respite care and emergency support is provided in the host home, Medicaid reimbursement payments for host home without transportation services shall continue for fourteen (14) days. If respite is provided in another location, the host home services percentage of the reimbursement rate shall be paid to the ID/DD Waiver provider;
- (e) Provide emergency support to the person enrolled in the ID/DD Waiver, in the event that an emergency renders a principal care provider unable to provide supports;
- (f) Coordinate compliance with DDS policies and procedures;
- (g) Provide training to ensure that the principal care provider is knowledgeable about DDS policies and procedures;
- (h) Ensure that, for people who take prescribed medications and need assistance with administration, it is provided by a Trained Medication Employee, at a minimum; and
- (i) Accompany the person to annual review court hearings and provide reports to be utilized during court hearings, where applicable.

1915.10 [RESERVED]

1915.11 In order to be reimbursed by Medicaid, the host home residence and the ID/DD Waiver provider shall meet the DDS Certification Standards as set forth in the

Human Care Agreement between the principal care provider, the ID/DD Waiver provider, and DDS, if applicable.

- 1915.12 In order to be reimbursed by Medicaid, host home without transportation services shall be administered by supported living service providers or residential habilitation service providers, which in this section shall be referred to as the ID/DD Waiver provider.
- 1915.13 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home services without transportation shall demonstrate verification of passing the DDS Provider Certification Review (PCR) for residential or respite services for at least three (3) years, unless waived by a designated DDA staff. Waiver providers with less than three (3) years of PCR certification shall provide verification of at minimum of three (3) years of experience providing residential or respite services to the ID/DD population, evidence of certification or licensure from the jurisdiction in which the service was delivered, and evidence of PCR certification for each year that the provider was enrolled as an ID/DD Waiver provider in the District of Columbia, if applicable.
- 1915.14 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall agree to the following:
- (a) Participate on the person's support team, in accordance with his or her preference;
  - (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 DCMR; and
  - (c) Maintain a signed, current Human Care Agreement with DDS when deemed necessary by DDS.
- 1915.15 In order to be reimbursed by Medicaid, each host home residence and supporting ID/DD Waiver provider located out-of-state shall be licensed and/or certified in accordance with the host state's laws and regulations and/or consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state host home and ID/DD Waiver provider shall comply with the following additional requirements:
- (a) Remain in good standing in the jurisdiction where the program is located;
  - (b) Submit a copy of the current license, annual certification or survey performed by the host state and provider's corrective action to DDS;
  - (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews; and

- (d) Successfully meet the certification review requirements of DDS.
- 1915.16 Each principal care provider and direct support professional (DSP) providing host home without transportation services shall meet all of the requirements in Section 1906 (Requirements for direct support professionals) of Chapter 19 of Title 29 DCMR.
- 1915.17 In order to be reimbursed by Medicaid, each principal care provider shall agree to cooperate and attend mandatory training sessions provided by DDS and the ID/DD Waiver provider regarding abuse and neglect, incident reporting, and training on the unique needs of the person, and to allow DDS Service Coordinator and other DDS employees' reasonable access to the host home.
- 1915.18 In order to be reimbursed by Medicaid, host home without transportation services shall be authorized for reimbursement in accordance with the following provider requirements:
- (a) DDS shall provide a written service authorization before the commencement of services;
  - (b) The ID/DD Waiver provider shall conduct an assessment and develop a host home assessment plan with training goals and techniques that will assist the principal care provider, within the first thirty (30) days of service delivery;
  - (c) The service name and the ID/DD Waiver provider delivering services shall be identified in the ISP and Plan of Care;
  - (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
  - (e) Services shall not conflict with the service limitations described under Subsection 1915.25.
- 1915.19 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall maintain the following documents for monitoring and audit reviews:
- (a) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR;
  - (b) A copy of the person's most recent DDS approved ISP and Plan of Care;

- (c) A current written staffing plan, if additional DSP support services in the home are needed;
- (d) A written explanation of staffing responsibilities when the principal care provider is unavailable to provide support to the person enrolled in the ID/DD Waiver;
- (e) Current financial records of expenditures of public and private funds for each person;
- (f) The records of any nursing care provided pursuant to a physician ordered protocol and procedure, charting, and other supports provided in accordance with a physician's order relating to the development and management of the Health Care Management Plan; and
- (g) Progress notes written by the principal care provider on a weekly basis and archived at the ID/DD Waiver provider's central office.

1915.20 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall comply with Sections 1908 (Reporting Requirements), 1911 (Individual Rights), and 1938 (Home and Community-Based Setting Requirements) of Chapter 19 of Title 29 DCMR. All Host Home settings must fully comply with the requirements of the HCBS Settings Rule.

1915.21 Host home without transportation services shall not be reimbursed by Medicaid if they are billed at the same time as the following ID/DD Waiver services are provided to the person:

- (a) Supported Living;
- (b) Residential Habilitation;
- (c) Personal Care, unless provided when a person is working or in school;
- (d) Respite; and
- (e) In-Home Supports.

1915.22 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is hospitalized, on vacation, or other days during which the person is not residing at the host home, with the exception of days when the person is on vacation with the principal care provider or with other host home ID/DD Waiver provider supports.

1915.23 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is not residing at

the host home, with the exception of days when the person is temporarily residing in a hotel or other facility due to an emergency situation.

1915.24 The following individuals shall not be authorized to enroll as an ID/DD Waiver provider of host home without transportation services for the person or as the principal care provider:

- (a) The person's legal guardian;
- (b) The person's parent;
- (c) The person's spouse; or
- (d) Any other legally responsible person.

1915.25 Reimbursement for host home without transportation services shall not include:

- (a) Cost of room and board;
- (b) Cost of facility maintenance, upkeep, and improvement;
- (c) Activities for which payment is made by a source other than Medicaid; and
- (d) Time when the person is in school or employed.

1915.26 The reimbursement rate for host home without transportation services is a daily inclusive rate based on the person's acuity level. The acuity level shall be determined by DDS based on the results of the Level of Need Assessment and Screening Tool, or its successor, or as documented in the person's ISP.

1915.27 The daily inclusive reimbursement rate for host home without transportation services shall be broken down by the person's acuity level into the basic support rate, the moderate support rate, and the intensive support rate. The host home without transportation services reimbursement rate shall include:

- (a) Programmatic supplies;
- (b) Oral/topical medication management;
- (c) General and administrative costs for ID/DD Waiver services;
- (d) Relief of the caregiver and emergency support;
- (e) All direct support costs based on the needs of the person; and

- (f) Additional supports provided by a DSP for up to twenty (20) hours per week.
- 1915.28 In the event that additional DSP supports are requested, the ID/DD Waiver provider shall submit to the DDS Service Coordinator, the following documents:
- (a) A written justification; and
- (b) A summary of the responsibilities of the DSP who is scheduled to provide the additional supports.
- 1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed a maximum dollar amount per day, subject to DDS approval.
- 1915.30 Forty percent (40%) to sixty percent (60%) of the daily reimbursement rate shall be paid to the principal care provider by the ID/DD Waiver provider for support services. The remaining forty percent (40%) to sixty percent (60%) of the daily reimbursement rate shall be retained by the ID/DD Waiver provider for training, additional in-home support services based on the needs of the person, medication management, general and administrative costs for ID/DD Waiver services, general supervision, and relief and emergency coverage. The actual percentage of the daily reimbursement rate allocated between the principal care provider and the ID/DD Waiver provider shall be negotiated between the parties based on the specific support needs of the person.
- 1915.31 The person receiving host home without transportation services shall contribute an amount based on his or her Social Security benefits to the principal care provider to pay towards his or her room and board expenses.

**Subsections 1916.2, 1916.4, 1916.11, and 1916.19 of Section 1916, IN-HOME SUPPORTS SERVICES, are amended to read as follows:**

- 1916.2 In order to be reimbursed by Medicaid, in-home supports are services that may only be provided to people enrolled in the Waiver who have an assessed need for assistance with acquisition, retention or improvement in skills related to activities of daily living that are necessary to enable the person to reside successfully at home in his or her community and participate in community activities based upon what is important to and for the person as documented in his or her Individual Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.
- (a) Services may be provided to people in the home or community, with the place of residence as the primary setting. A person may receive in-home supports services when his or her place of residence is his or her own home, a family home, a friend's home, or transitional housing.



- (b) Services may be provided in person, by phone or by any other technology device that supports the use of video-audio communication, such as Skype, FaceTime, etc., as approved by the person and his or her support team and documented in the ISP. In-home supports services using technology to communicate with the person shall not exceed twenty (20) percent of the total hours of in-home supports services that the person receives each week.
- (c) For people with higher intensity support needs, high acuity in-home supports services are available with the additional supports described below in Subsection 1916.4.

...

1916.4 In order to be reimbursed by Medicaid, in-home supports services shall include a combination of hands-on care, habilitative supports, skill development and assistance with activities of daily living. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance. In addition to the direct in-home supports eligible for reimbursement below in Subsection 1916.5, high acuity in-home supports shall also include the following:

- (a) Assistance in the coordination of behavioral, health and wellness services that a person may receive, including working with the person’s natural supports, if any, to ensure that each person enrolled in the Waiver receives the professional services required to meet his or her goals as identified in the person’s ISP and Plan of Care;
- (b) Development and implementation of the person’s Health Care Management Plan, in accordance with the DDS Health and Wellness Standards;
- (c) Training on the Health Care Management Plan for high acuity in-home supports Direct Support Professionals and any other residents of the person’s home who provide natural (unpaid) supports; and
- (d) Supports to ensure that staff delivering day habilitation, individualized day supports, companion, employment readiness, or supported employment services shall receive training about the person’s health care needs as identified in the person’s Health Care Management Plan, and are informed about those needs that are relevant to the person in those settings and that are identified in the person’s Health Care Management Plan and Behavior Support Plan, if applicable.

...

1916.11 In order to be reimbursed by Medicaid, an In-Home Supports Plan shall be developed by the provider within thirty (30) days of the start of the service

authorization and shall be revised as needed and on an annual basis. The In-Home Supports Plan shall be maintained in the home where services are provided with a copy also maintained at the Provider's main office. The In-Home Supports Plan shall include:

- (a) Activities and supports that will be provided during the service, based upon what is important to and important for the person, as identified in the Person-Centered Thinking and Discovery tools and reflected in the person's ISP;
- (b) A staffing plan and schedule;
- (c) A list of licensed non-medical professionals who will be providing services, if applicable; and
- (d) Emergency and contingency plans to address potential behavioral, health or emergency events.

...

1916.19 In-home supports services, including those provided in the event of a temporary emergency, shall be billed at the unit rate of fifteen (15) minutes and shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. There shall be a Medicaid reimbursement rate for both the in-home supports identified in Subsection 1916.5 and the high acuity in-home supports identified in Subsection 1916.4. Reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.

**Subsections 1920.4, 1920.10, 1920.11, and 1920.22, and new Subsections 1920.33, 1920.34, 1920.35, and 1920.36, of Section 1920, DAY HABILITATION SERVICES, are amended to read as follows:**

1920.4 Medicaid reimbursable day habilitation services may also be delivered in small group settings at a ratio of 1:3 for persons who are medically and/or behaviorally complex, as verified by the DDA Level of Need (LON) Assessment and Screening Tool, or its successor tool, and/or the person's Behavior Support Plan, and who would benefit from day habilitation services in a smaller setting. Small group day habilitation settings must include integrated skills building in the community and support access to the greater community. In order to be Medicaid reimbursable, small group day habilitation:

- (a) Cannot be provided in the same building as a large day habilitation facility setting;
- (b) Must be located in places that facilitate community integration and inclusion;

- (c) Must full comply with the requirements of the HCBS Settings Rule; and
- (d) May not be delivered in settings that have a daily census larger than fifteen (15) persons.

...

1920.10 In order to be reimbursed by Medicaid, day habilitation services shall consist of the following age-appropriate learning and/or habilitative activities that are based on what is important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools:

- (a) Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy;
- (b) A diversity of activities that allow the person the opportunity to choose and identify his or her own areas of interest and preferences;
- (c) Activities that provide opportunities for socialization and leisure activities in the community, community explorations, and activities that support the person to build and maintain relationships;
- (d) Training in the safe and effective use of one or more modes of accessible public transportation;
- (e) Coordination of transportation to enable the person to participate in community activities;
- (f) Activities to support community integration and inclusion:
  - (1) These must occur in the community in groups not to exceed four (4) participants for regular day habilitation or three (3) participants for persons in small group day habilitation;
  - (2) The activities, frequency and duration of these activities must be based on a person's interests and preferences as reflected in his or her Individualized Support Plan and Person-Centered Thinking and Discovery tools;
  - (3) There shall be a system to match persons together in community outings based on common interests, goals, and/ or friendships, including that a person is given a choice as to whom he or she would like to spend time with during these activities;

- (4) Except when a person’s ISP indicates a lower frequency, each person must be offered the opportunity to engage in community integration and inclusion activities at least once per week, and more if indicated by the ISP;
- (5) The Department on Disability Services (DDS) encourages the use of learning logs for documentation of community integration and inclusion activities;
- (6) At least quarterly, there must be a community integration activity for each person in which a Day Habilitation Program Coordinator, Assistant Director, and/or a Qualified Intellectual and Developmental Disabilities Professional participates to ensure: proper matching of participants; that the community outings reflect each person’s interests, goals, or friendships; that each person receiving supports has opportunities to engage with people while in the community and to coach Direct Support Professionals (DSPs) on the skills needed to successfully connect persons receiving supports with the broader community, and this must be fully documented in the quarterly report; and
- (7) Each day habilitation provider must have, and must train their DSP staff on, written protocols regarding how DSPs are expected to support persons in the community and requirements for documenting progress notes regarding community engagement activities; and
- (g) Individualized or group services that enable the person to attain his/her maximum functional level based on the ISP and Plan of Care.

1920.11 Day habilitation services shall include a Registered Nurse for the purposes of:

- (a) Medication administration;
- (b) Staff training in components of the Health Care Management Plan (regardless of the author of the plan); and
- (c) Oversight of Health Care Management Plans (regardless of the author of the plan).

...

1920.22 Each provider shall comply with the requirements described under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR. Additionally, quarterly reports shall include a description of the person’s activities in the community that support community integration and inclusion using the Person-Centered Thinking

Learning Log, available on-line at: <https://dds.dc.gov/publication/person-centered-thinking-tools-procedure>.

...

- 1920.33 Any day habilitation setting that is established after the effective date of these regulations must fully comply with the requirements of the HCBS Settings Rule. The daily census of any new setting may not exceed fifty (50) people. The daily census includes people who receive support through the ID/DD HCBS Waiver and people who receive ICF/IID supports and are engaged in active treatment at the setting. However, the daily census does not include people who are in the setting only for morning arrival and afternoon departure and who spend the remainder of their day in the community.
- 1920.34 Non-small group day habilitation settings established prior to the effective date of these regulations that have a daily census under fifty (50) people may only receive authorizations for services for new participants up to a daily census of fifty (50) people in the setting. Current non-small group day habilitation settings that have a daily census of fifty (50) people or more in the setting will not be eligible for authorizations for services for new participants until their daily census is less than fifty (50) people in the setting.
- (a) The daily census includes people who receive support through the ID/DD HCBS Waiver and people who receive ICF/IID supports and are engaged in active treatment at the setting; and
  - (b) The daily census does not include people who are in the setting only for morning arrival and afternoon departure and who spend the remainder of their day in the community.
- 1920.35 The following service limitations apply to new enrollees in non-small group day habilitation services:
- (a) No new enrollee may attend non-small group day habilitation for more than twenty-four (24) hours per week;
  - (b) People who are sixty-four (64) years old and younger and have a level of need (LON) Day Composite score of two (2) or less would not be eligible to attend day habilitation services, unless approved by DDA due to extenuating circumstances or barriers that are expected to be resolved within six (6) months:
    - (1) This limitation is applicable to small group day habilitation services;
    - (2) Exceptions may only be granted by DDA for six (6) month periods and must be accompanied by an Individual Support Plan goal

aimed at addressing the barrier to participation in other day or employment Waiver supports; and

- (3) Alternative services, including Employment Readiness, Small Group Supported Employment, Individualized Day Supports, and Companion services that are offered during regular day service hours, would be available, in combination, for up to forty (40) hours per week.
- (c) People who are sixty-four (64) years old and younger and have a LON Day Composite score of three (3) or higher would not be eligible to attend day habilitation services, unless they already have tried other day and employment options for at least one year:
- (1) This limitation is not applicable to small group day habilitation services;
  - (2) DDS may approve an exception to this prohibition due to extenuating circumstances or barriers that are expected to be resolved within six (6) months. Any exceptions must be accompanied by an ISP goal aimed at addressing the barrier to participation in other day or employment Waiver supports;
  - (3) Alternative services including Supported Employment, Individualized Day Supports, Employment Readiness and Companion would be available, in combination, for up to forty (40) hours per week.

1920.36 The following service limitations apply to people who are currently attending non-small group day habilitation services:

- (a) Within one (1) year from the Waiver renewal effective date, any person with a LON Day Composite score of one (1) or two (2) would no longer be eligible for day habilitation services and services may no longer be authorized:
- (1) For any person with a LON Day Composite score of one (1) or two (2), the person should be offered employment services, either through the Waiver, the Rehabilitation Services Administration, or other community-based options;
  - (2) The transition from day habilitation services would be implemented on a rolling basis over the course of the year, with the new service limitation discussed and choice of alternative options offered at the person's next ISP meeting, subject to the exception described in subparagraph (3) of this subsection; and

- (3) For a person with an ISP meeting that is scheduled within ninety (90) days of the Waiver effective date, DDA may authorize day habilitation services for up to ninety (90) days following the ISP meeting to ensure a smooth transition.
- (b) Within one (1) year from the effective date of the Waiver renewal, non-small group day habilitation services may not be authorized for any Waiver participant with a LON Day Composite score above two (2) for more than twenty-four (24) hours per week, subject to the exception described below:
  - (1) Wrap around services are available, including Supported Employment, Individualized Day Supports, Employment Readiness and Companion, in combination, for up to forty (40) hours per week;
  - (2) For people with an ISP meeting that is scheduled within ninety (90) days of the Waiver renewal effective date, DDA may authorize up to forty (40) hours of day habilitation services per week for up to ninety (90) days following the ISP meeting to ensure a smooth transition; and
  - (3) This limitation is not applicable to small group day habilitation services.
- (c) For any person who is currently receiving non-small group day habilitation services who will be subject to a reduction in authorized service hours due to the service limitations identified in these provisions, DDA will provide timely and adequate due process notice of the change in services and the person's appeal rights, using the process described in the DDS Person-Centered Planning Process and Individual Support Plans policy and procedures, or the successor documents.

**Subsections 1922.5, 1922.8, 1922.12, 1922.19, 1922.21, 1922.24 and 1922.25, and new Subsections 1922.27, 1922.28, 1922.29 and 1922.30, of Section 1922, EMPLOYMENT READINESS SERVICES, are amended to read as follows:**

1922.5 Volunteer experiences, as part of employment readiness, shall be time limited and must allow the person to develop experience and build skills to further the person's employment goal, as identified in his or her ISP. A person enrolled in the Waiver may volunteer at a for-profit private sector entity, a not-for-profit organization or an approved government agency, but may not volunteer for the provider agency or another business affiliated with the provider. Volunteering at a for-profit business shall meet any requirements released by the U.S. Department of Labor. Guidance for those requirements can be found at:

<http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>.

...

1922.8 Each provider of Medicaid reimbursable employment readiness services shall develop an individualized service delivery plan reflecting the person enrolled in the Waiver’s interests, career preferences, choices, goals and prioritized needs. The plan shall:

- (a) Define the specific outcomes to be achieved over a specified period of time;
- (b) Describe the activities in the plan that are developed with the person and support the person on his or her pathway to competitive, integrated employment;
- (c) Describe how the plan shall support a person in the development of employment related skills, including social skills such as interviewing skills, professionalism, building and maintaining relationships, self-determination and self-advocacy, and attending to the person’s needs; and
- (d) Describe community-based employment preparation experiences that are related to the person’s employment goals.

...

1922.12 To receive Medicaid reimbursement, employment readiness services shall provide opportunities for community engagement, inclusion and integration.

...

1922.19 Employment readiness services shall be authorized for Medicaid reimbursement if:

- (a) DDS provided a written service authorization before the commencement of services;
- (b) The provider develops a Positive Personal Profile and Job Search and Community Participation Plan, conducts an additional initial vocational assessment and then an annual Positive Personal Profile and Job Search and Community Participation Plan and additional vocational assessment thereafter; and develops an employment readiness plan with training goals and techniques that will assist the person to achieve employment readiness goals and outcomes based upon the person’s interests and preferences. The initial Positive Personal Profile and Job Search and Community Participation Plan shall be completed within the first thirty (30) days of service delivery and the additional vocational assessment shall be completed within the first ninety (90) days of service delivery;



- (c) The service name and provider delivering services are identified in the ISP and Plan of Care;
- (d) The ISP, Plan of Care, and Summary of Supports and Services documents the amount and frequency of services to be received; and
- (e) Services shall not conflict with the service limitations described under Subsection 1922.20 (Service Limitations).

...

1922.21 Medicaid reimbursable employment readiness services shall not be provided, or billed at the same time as the following services:

- (a) Day Habilitation;
- (b) Supported Employment;
- (c) In-Home Supports;
- (d) Companion;
- (e) Personal Care Services; and
- (f) Individualized Day Supports.

...

1922.24 Employment readiness services are not available to people who are eligible to participate and are fully supported in programs funded under Section 110 of the Rehabilitation Act of 1973, enacted September 26, 1973, as amended (Pub. L. 93-112; 29 USC §§ 720 *et seq.*), or Sections 602(16) and (17) of the Individuals with Disabilities Education Act, enacted April 13, 1970, as amended (Pub. L. 91-230; 20 USC §§ 1400 *et seq.*). However, employment readiness services may be used to provide additional supports for employment for persons eligible for and participating in those programs.

1922.25 Each provider of employment readiness services shall maintain the required staff-to-person ratio, as indicated in the person's ISP and Plan of Care, with a maximum staffing ratio of 1:4. For a person that requires 1:1 supports (behavioral and/or medical) in an Employment Readiness setting:

- (a) The direct support professional (DSP) providing 1:1 employment readiness services shall be trained in physical management techniques, positive behavioral support practices and other training required to implement the person's health care management plan and behavioral support plan (BSP), in accordance with DDS's Training policy and procedure;

- (b) There shall be an approved BSP or physician's order for 1:1 staffing support; and
- (c) When required by a person's BSP, the DSP shall accurately complete the behavioral data sheets.

...

1922.27 No Employment Readiness setting may have a daily census that exceeds fifty (50) people who are in the setting for more than twenty (20) percent of the day, inclusive of people who receive supports through the Waiver and people who live in intermediate care facilities for individuals with intellectual disabilities and are engaged in active treatment at the setting.

1922.28 The following time limitations apply to the use of employment readiness services:

- (a) For people who are not currently enrolled in employment readiness services, the service may only be authorized for up to one (1) year, except that DDS may approve up to a one-year extension if there is documentation that the person is making progress towards competitive integrated employment and would benefit from extended services;
- (b) For people who are currently enrolled in employment readiness services, the service may only be reauthorized for up to one (1) year from the person's next ISP effective date, except that DDS may approve up to a one-year extension if there is documentation that the person is making progress towards competitive integrated employment and would benefit from extended services. For people who have an ISP meeting scheduled within ninety (90) days of the Waiver renewal effective date, DDS may authorize an additional ninety (90) days of employment readiness services if needed to ensure a smooth transition;
- (c) If a person has exhausted employment readiness services and has had at least one (1) year since the end of that service; expresses an interest in employment; and the support team has identified specific goals around building employment skills that are reflected in the ISP, then DDS may authorize employment readiness services one time for up to one (1) year;
- (d) Any time that a person loses his or her job, voluntarily leaves employment, or is employed and is seeking to learn new job skills, DDS may authorize employment readiness services for up to one (1) year; and
- (e) For any person who is currently receiving employment readiness services who will be subject to a reduction in authorized service hours due to the service limitations listed above, DDS will provide timely and adequate due process notice of the change in services and the person's appeal rights in accordance with 29 DCMR § 1912 (Initiating, Changing, or

Terminating Any Approved Service) and using the process described in the DDS Person-Centered Planning Process and Individual Support Plans policy and procedures, or the successor documents.

- 1922.29 As of the effective date of this regulation, any new Employment Readiness setting must be fully compliant with the requirements of the HCBS Settings Rule.
- 1922.30 Within one (1) year of the effective date of this Subsection 1922.30, all existing Employment Readiness providers must become enrolled as a provider for Rehabilitation Services Administration services. Any new Employment Readiness providers must become enrolled as a provider for Rehabilitation Services Administration services within one (1) year of becoming an HCBS Waiver Employment Readiness provider.

**Subsections 1924.1, 1924.2 and 1924.8 of Section 1924, FAMILY TRAINING SERVICES, are amended to read as follows:**

- 1924.1 This section shall establish conditions of participation for Medicaid providers enumerated in § 1924.9 (“Medicaid Providers”) and family training services professionals and peer employees enumerated in § 1924.8 to provide family training services to caregivers of persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (ID/DD Waiver).
- 1924.2 Medicaid reimbursable family training services are training, counseling, and other professional support services offered to uncompensated caregivers who provide support, training, companionship, or supervision to persons enrolled in the ID/DD Waiver:
- (a) Family training services includes instruction about treatment regimens and other services included in the plan of care, use of equipment specified in the plan of care, and includes updates as necessary to safely maintain the individual at home. Counseling may be aimed at assisting the unpaid caregiver in meeting the needs of the individual. All training and counseling must be included in the individual’s plan of care;
  - (b) Family training services are available both as a 1:1 service for a person, and in small group settings not to exceed 1:4, based upon the recommendation of the person’s support team as reflected in the person’s Individual Support Plan (ISP). For persons enrolled in small group family training services, the provider must make every effort to match the person with another person or persons of his or her choosing, or with a person who has similar skills or interests;
  - (c) Family training services may be provided by professionals or peer employees who meet the qualification at 1906.3; and

- (d) A person served through the ID/DD Waiver may utilize both 1:1 and small group family training services, and services provided by professionals and qualified peer employees subject to the limitations in Subsection 1924.14.

...

1924.8 Medicaid reimbursable family training services shall be provided by either professionals or peer employees as follows:

- (a) Professionals shall be qualified as at least one (1) of the following:
- (1) Special Education Teacher;
  - (2) Licensed Graduate Social Worker;
  - (3) Licensed Clinical Social Worker;
  - (4) Physical Therapist;
  - (5) Occupational Therapist;
  - (6) Registered Nurse; or
  - (7) Speech Pathologist.
- (b) Peer employees shall meet the basic requirements set forth in 29 DCMR § 1906.3.

**Subsections 1925.5, 1925.7, 1925.9, 1925.10, 1925.14, and 1925.20 of Section 1925, INDIVIDUALIZED DAY SUPPORTS SERVICES, are amended to read as follows:**

1925.5 Medicaid reimbursable individualized day supports (IDS) services shall provide:

- (a) Highly individualized, pre-planned activities and opportunities that occur within integrated and inclusive community settings and that emphasize the development of skills to support community participation and involvement, self-determination, community membership, community contribution, retirement or vocational exploration, and life skills training;
- (b) Activities that maximize the person's functional abilities for successful participation in integrated community activities and opportunities that match a person's interests and goals;
- (c) Activities that support the person's informed choice in identifying his or her own areas of interest and preferences, including but not limited to

community mapping, employment exploration and discovery where appropriate;

- (d) Activities that provide community-based opportunities for personal and adult skill development through socialization, participation in membership-based community groups and associations, and forming and maintaining relationships with other community members;
- (e) Training in the safe and effective use of one or more modes of accessible public transportation and/or coordination and provision of transportation by the individualized day supports provider to support participation in community activities consistent with the intent of this service; and
- (f) For persons who live in their own home or with their family and who select this, IDS may include provision of one (1) nutritionally adequate meal including preparation, packaging, and delivery, as needed. The provision of meals shall take place during typical lunchtime hours (11 a.m. to 1 p.m.), prepared based on the person’s specific needs as per the Level of Need Assessment (LON), and when necessary, the nutritionist/doctor’s recommendation. This meal must be one-third (1/3) of a person’s Recommended Dietary Allowance (RDA) and must be comprised of foods the person enjoys eating when not medically contraindicated.

...

1925.7 Services shall only be authorized for Medicaid reimbursement if the following conditions are met:

- (a) DDS provides a written service authorization before service delivery begins;
- (b) The IDS service name and enrolled provider are identified in the ISP, Plan of Care and Summary of Support Services;
- (c) The amount and frequency of services to be received is documented in the ISP, Plan of Care and Summary of Support Services;
- (d) Services shall not conflict with the service limitations described under Subsection 1925.12;
- (e) The staffing plan and initial community integration plan described under Subsection 1925.10 are submitted within five (5) business days of the start of services using the template required by DDS;
- (f) An on-going community integration plan, using the template required by DDS, and described under Subsection 1925.10 is submitted thirty (30) calendar days, plus seven (7) business days, from the start date of the

individualized day supports service and then within seven (7) business days after the conclusion of each ISP quarter; and

- (g) A quarterly report, using the template required by DDS, is submitted within seven (7) business days after the conclusion of each ISP quarter.

...

1925.9 In order to be eligible for Medicaid reimbursement, each DSP providing IDS services shall meet the following requirements:

- (a) To the extent the DSP is providing 1:1 individualized day supports services based upon the person's medical or behavioral support needs, have at least one year of experience supporting people with Intellectual and Developmental Disabilities;
- (b) Meet additional training requirements for an Individualized Day Supports DSP, as required by DDS policy and procedure, within one year of the effective date of the waiver amendment;
- (c) Assist with the development of the initial and on-going community integration plans to implement the individualized day supports services;
- (d) Coordinate the scheduled activities specified under the initial and on-going community integration plans;
- (e) Assist with the writing of quarterly reports;
- (f) Utilize positive behavioral support strategies and crisis interventions as described in the approved Behavioral Support Plan to address emergency situations; and
- (g) Support persons enrolled in the Waiver to learn to use public transportation.

1925.10 Each provider approved to provide IDS services shall, in order to be eligible for Medicaid reimbursement, maintain documents for monitoring and audit reviews as described under Section 1909 (Records and Confidentiality of Information) of Chapter 19, of Title 29 DCMR, and maintain the following additional records:

- (a) A contingency plan that describes how the IDS will be provided when the primary DSP is unavailable; and, if the lack of immediate support poses a serious threat to the person's health and welfare, how the support will be provided when back-up DSPs are also unavailable;
- (b) An initial community integration plan, during the first thirty (30) days a person is receiving IDS, utilizing the template required by DDS and containing the following information:

- (1) The name of the person receiving the service;
  - (2) Service start date;
  - (3) The names of the primary and back-up DSPs that will be delivering the service during the first thirty (30) days of service;
  - (4) The back-up staffing plan if neither the primary or back-up DSPs are available to deliver the service;
  - (5) Goals in ISP that trigger authorization for individualized day supports;
  - (6) Schedule of service and calendar of activities for the first thirty (30) days;
  - (7) Back-up activities for the first thirty (30) days that relate to the person's individualized day supports goals and/or exploration and discovery; and
  - (8) Goals to be achieved in the first thirty (30) days of service and methods that will be used to achieve the goals.
- (c) After a person has received IDS for thirty (30) calendar days, an on-going community integration plan utilizing the template required by DDS and containing the following information:
- (1) The name of the person receiving the services;
  - (2) The names of the primary and back-up DSPs delivering services;
  - (3) The back-up staffing plan if neither the primary or back-up DSPs are available to deliver the service;
  - (4) Goals for the service falling under any of the following categories: Community Membership; Relationships & Natural Supports; Career Exploration & Employment; Retirement (for individuals 61 or older); Community Contribution; Self-Determination; Community Navigation; Wellness/Fitness, or others as listed in the community integration plan template;
  - (5) The highly individualized, integrated community activity/activities or opportunity/opportunities that will support achievement of the goals;

- (6) Specific skills the person will be assisted to learn that can help with achievement of his/her goals and help the person participate successfully, and as independently as possible, in the Activities/Opportunities;
  - (7) Measureable outcomes promoting community integration which are expected and will indicate the goals have been achieved;
  - (8) Calendar of activities for the quarter and back-up activities for the quarter; and
  - (9) Teaching objectives, strategies and measurable outcomes for skill development goals;
- (d) Within seven (7) business days of the conclusion of each ISP quarter, submit to the DDS service coordinator a quarterly report, utilizing the template required by DDS and containing the following information:
- (1) Description of person's attendance and participation;
  - (2) Description of person's relationship with the assigned DSPs;
  - (3) Description of the person's relationships with others paired with the person to receive the service, if applicable;
  - (4) Description of how the activities and opportunities offered through individualized day supports contributed to the achievement of the person's service goals;
  - (5) Description of skill development gains and next steps to continue progress on skill development; and
  - (6) Description of career and vocational exploration activities and outcomes for working-age participants in individualized day supports.
- (e) A Positive Personal Profile and Job Search and Community Participation Plan shall be developed annually and reviewed at least quarterly, and that is updated as needed, based upon what is being learned about the person's needs and interests by the individualized day supports provider. Positive Personal Profile and Job Search and Community Participation Plan shall be used to inform, and attached to, the initial and on-going community integration plans.

...



1925.14 Time spent in transportation to and from IDS generally shall not be included in the total amount of services provided per day. However, IDS may include the time a DSP spends accompanying the person on public transportation (excluding Medicaid funded non-emergency transportation) for the purposes of training the person to travel using public transportation, including when the person's IDS day begins and ends at the person's residence. IDS and Medicaid funded non-emergency transportation may not be billed during the same period of time. Medicaid funded non-emergency transportation may not be used during the provision of IDS. Medicaid funded non-emergency transportation may be used to transport the person to and from IDS; however, it should not preclude opportunities for the person to learn to use public transportation as part of participation in IDS.

...

1925.20 A person receiving IDS may start and end his or her day at his or her place of residence, if that is the person's preference and/or is recommended by the person's support team and reflected in his or her IDS Community Participation Plan.

**Subsection 1928.2 of Section 1928, PHYSICAL THERAPY SERVICES, is amended to read as follows:**

1928.2 Physical therapy services are services that are designed to treat physical dysfunctions or reduce the degree of pain associated with movement, prevent disability and regression of functional abilities, promote mobility, maintain health and maximize independence. These services are delivered in a location of the person's choice, including his or her home, day service setting, or community.

**Subsections 1929.2, 1929.5, 1929.16, 1929.18, 1929.19, 1929.24, and 1929.25, and a new Subsection 1929.28, of Section 1929, RESIDENTIAL HABILITATION SERVICES, are amended to read as follows:**

1929.2 Residential habilitation services are supports, provided in a home shared by at least four (4), but no more than six (6), persons. However, any new setting cannot exceed four (4) people. Settings that are in existence on the effective date of this regulation are grandfathered in, but are not eligible for new referrals, until their size is less than four (4) people in the setting. The service assists each person in: acquiring, retaining, and improving self-care, daily living, adaptive and other skills needed to reside successfully in a shared home within the community, based upon what is important to and for the person, as documented in his or her Individualized Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.

...

1929.5 In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, skill

development, habilitation, and other supports, aimed at teaching the person to increase his or her skills and self-reliance. This shall include, but not be limited to, the following categories of support, unless the person has demonstrated independence and capacity in any of the following areas.

- (a) Eating and food preparation, including learning about healthy eating choices;
- (b) Personal hygiene;
- (c) Dressing;
- (d) Monitoring health and physical conditions;
- (e) Assistance with the administration of medication;
- (f) Communications;
- (g) Interpersonal and social skills including building and maintaining relationships;
- (h) Household chores;
- (i) Mobility;
- (j) Financial management;
- (k) Motor and perceptual skills;
- (l) Problem-solving and decision-making;
- (m) Human sexuality;
- (n) Providing opportunities to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources;
- (o) Ensuring that the person has appropriate and functioning adaptive equipment;
- (p) Providing opportunities for the person to seek employment to work in the community in a competitive and integrated setting; and
- (q) Other supports that are identified as important to or for the person in supports as identified in the person's ISP.

...

1929.16 The minimum daily ratio of on-duty direct care staff to persons enrolled in the Waiver and present in each GHPID must meet the minimum staffing ratio requirements set forth in Chapter 35 of Title 22-B DCMR and described in §§ 1929.24 and 1929.25 (reimbursement rates), unless it is determined by DDS to require a higher acuity level. For intensive residential habilitation services, one of the direct support staff must be a licensed practical nurse (LPN) for all awake hours.

...

1929.18 Each provider shall comply with the requirements described under Section 1908 (Reporting Requirements), Section 1909 (Records and Confidentiality of Information), Section 1911 (Individual Rights), and Section 1938 (Home and Community-Based Settings Requirements) of Chapter 19 of Title 29 DCMR; except that the progress notes as described in Subsection 1909.2(m) shall be maintained on a daily basis. Additionally, all residential habilitation settings must fully comply with all of the requirements of the HCBS Settings Rule.

1929.19 Residential habilitation services cannot be delivered on the same day as the following Waiver services:

- (a) Supported Living;
- (b) Respite;
- (c) Host Home;
- (d) Companion, except that Companion services can be used with Residential Habilitation services during regular daytime hours on Mondays through Fridays, not to exceed more than forty (40) hours per week, or in combination with any other waiver day or vocational support service, including Day Habilitation, Employment Readiness, Supported Employment and Individualized Day Supports not to exceed forty (40) hours per week;
- (e) In-Home Supports; and
- (f) Skilled Nursing.

...

1929.24 There shall be a Medicaid reimbursement rate for residential habilitation services for a group home for persons with intellectual disabilities (GHPID) with four (4) persons as follows:

- (a) The Basic Support Level 1 daily rate for a direct care staff support ratio of 1:4 for all awake and overnight hours;

- (b) The Moderate Support Level 2 daily rate for a direct care staff support ratio of 1:4 for awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate for a direct care staff support ratio of 2:4 staff awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (d) The Intensive Support daily rate for a direct care staff support ratio of 2:4 staff awake overnight and 3:4 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support with Skilled Nursing daily rate for twenty-four (24) hours for a direct care staffing support ratio of 2:4 staff awake overnight and 3:4 during all awake hours when persons are in the home; with 2:4 direct care staffing and 1:4 licensed practical nursing staff during all awake hours and 1:4 direct care staff and 1:4 licensed practical nursing services during awake overnight.

1929.25

There shall be a Medicaid reimbursement rate for residential habilitation services for a GHPID with five (5) to six (6) persons as follows:

- (a) The Basic Support Level 1 daily rate for a direct care staff support ratio of 1:5 or 1:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home;
- (b) The Moderate Support Level 2 daily rate for a direct care staff support ratio of 2:5 or 2:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate for a staff support ratio of 2:5 or 2:6 staff awake overnight and 3:5 or 3:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (d) The Intensive Support daily rate for increased direct care staff support for sleep hours to 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support daily rate for twenty-four (24) hours for a direct care staffing support ratio of 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home, with 1:5/6 licensed practical nursing staff during all awake hours and 1:5/6

direct care staff and one licensed practical nursing services awake overnight.

...

1929.28 In order to be eligible for Medicaid reimbursement, residential habilitation services may only occur on days when the person is residing in the home or is on vacation with provider support.

**Subsections 1931.2, 1931.6, 1931.11, 1931.16, 1931.19, 1931.20, and 1931.25 of Section 1931, SKILLED NURSING SERVICES, are amended to read as follows:**

1931.2 Skilled nursing services are medical and educational services that address healthcare needs related to prevention and primary healthcare activities. These services include health assessments and treatment, health related trainings and education for persons receiving Waiver services and their caregivers. Skilled nursing services may be delivered in the home and/or in the community.

...

1931.6 The physician’s order described in Subsection 1931.5 shall include the scope, frequency, and duration of skilled nursing services; shall be updated at least every sixty (60) calendar days; and shall be maintained in the person’s records.

...

1931.11 In order to be eligible for Medicaid reimbursement, each home health agency providing skilled nursing services shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR. All ID/DD Waiver providers of skilled nursing services must comply with all of the requirements for Medicaid State Plan skilled nursing providers.

...

1931.16 Each skilled nursing provider shall review and evaluate skilled nursing services provided to each person, at least every sixty (60) days.

...

1931.19 Skilled nursing services shall not be available when provided with Residential Habilitation or when Supported Living or Supported Living with Transportation is billed using the rate that includes direct skilled nursing services.

1931.20 Upon exhaustion of the number of hours available for skilled nursing services under the Medicaid State Plan, Medicaid reimbursement may be available for additional skilled nursing services based upon medical need when required to support a person to live in the community, for persons who would otherwise be required to live in a nursing facility.

...

1931.25 [RESERVED]

**Subsections 1932.2 and 1932.18 of Section 1932, SPEECH, HEARING, AND LANGUAGE SERVICES, are amended to read as follows:**

1932.2 Speech, hearing, and language services are therapeutic interventions to address communicative and speech disorders to maximize a person's expressive and receptive communication skills.

- (a) These services may be delivered at a person's home, day service setting, and/or in the community.
- (b) These services are available either as an individual service or may be provided in small group settings of 1:3 based upon the recommendation of the person's support team as reflected in the person's Individual Support Plan (ISP). A person may use either individual, small group, or a combination of such services, subject to the service limitations described in Subsection 1932.16. For persons enrolled in small group speech, hearing and language services, the provider must make every effort to match the person with another person or persons of his or her choosing, or with a person who has similar skills or interests.

...

1932.18 There shall be a Medicaid reimbursement rate for both individual and small group speech, hearing and language services. The billable unit of service for speech, hearing and language therapy services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service. For small group speech, hearing and language services, there shall be a Medicaid reimbursement rate for each person in a group of two (2) to three (3) people enrolled in the Waiver.

**Subsections 1933.2, 1933.3, 1933.4, 1933.8, 1933.13, 1933.16, 1933.18, 1933.20, 1933.21, 1933.29, 1933.31, and 1933.34, and new Subsections 1933.46 and 1933.47, of Section 1933, SUPPORTED EMPLOYMENT SERVICES - INDIVIDUAL AND SMALL GROUP SERVICES, are amended to read as follows:**

1933.2 Medicaid reimbursable supported employment services are designed to provide opportunities for persons with disabilities to obtain competitive work in integrated work settings, at minimum wage or higher and at a rate comparable to workers without disabilities performing the same tasks. All Medicaid reimbursable supported employment services must fully comply with the requirements of the HCBS Settings Rule.

1933.3 Medicaid reimbursable supported employment services may be delivered individually or in a small group, based upon the recommendations of the person

and his or her support team, as reflected in the person's Individual Support Plan (ISP) and Plan of Care. For persons enrolled in small group supported employment services, the provider must make every effort to match the person with another person or persons of his or her choosing, or with a person who has similar skills or interests.

1933.4 Medicaid reimbursable small group supported employment services are services and training activities that are provided in regular business, industry, or community setting for groups of two (2) to four (4) workers.

...

1933.8 The three (3) models of supported employment services eligible for Medicaid reimbursement are as follows:

- (a) An Individual Job Support Model, which evaluates the needs of the person and places the person into an integrated competitive or customized work environment through a job discovery process;
- (b) A Small Group Supported Employment Model, which utilizes training activities for groups of two (2) to four (4) workers with disabilities to place persons in an integrated community based work setting; and
- (c) An Entrepreneurial Model, which utilizes training techniques to develop on-going support for a small business that is owned and operated by the person.

...

1933.13 Medicaid reimbursable intake and assessment activities include, but are not limited to, the following:

- (a) Conducting a person-centered vocational and situational assessment based upon what is important to and for the person as reflected in his or her Person-Centered Thinking and Discovery tools and related ISP goals;
- (b) Developing a person-centered employment plan that includes the person's job preferences and desires, through a discovery process and the development of a Positive Personal Profile and Job Search and Community Participation Plan;
- (c) Assessing person-centered employment information, including the person's interest in doing different jobs, transportation to and from work, family support, and financial issues;
- (d) Engaging in community mapping to identify available community supports and assisting the person to establish a network for job development, placement and mentoring;

- (e) Counseling an interested person on the tasks necessary to start a business, including referral to resources and nonprofit associations that provide information specific to owning and operating a business;
- (f) Providing employment counseling, which includes, but is not limited to, the person's rights as an employee with a disability; and
- (g) Providing or coordinating access to benefits counseling, defined as analysis and advice to help the person understand the potential impact of employment on his or her public benefits, including, but not limited to Supplemental Security Income, Medicaid, Social Security Disability Insurance, Medicare, and Supplemental Nutrition Assistance Program (SNAP).

...

1933.16 Job placement and development activities eligible for Medicaid reimbursement include, but are not limited to, the following:

- (a) Conducting workshops or other activities designed to assist the person in completing employment applications or preparing for interviews;
- (b) Conducting workshops or other activities to instruct the person on appropriate work attire, work ethic, attitude, and expectations;
- (c) Assisting the person with the completion of job applications;
- (d) Assisting the person with job exploration and placement, including assessing opportunities for the person's advancement and growth, with a consideration for customized employment, as needed;
- (e) Visiting employment sites, participating in informational interviews, attending employment networking events, and job shadowing;
- (f) Making telephone calls and conducting face-to-face informational interviews with prospective employers, individuals in the person's network, utilizing the internet, social media, magazines, newspapers, and other publications as prospective employment leads;
- (g) Collecting descriptive data regarding various types of employment opportunities, for purposes of job matching and customized employment;
- (h) Negotiating employment terms with or on behalf of the person;



- (i) Working with the person to develop and implement a plan to start a business, including developing a business plan, developing investors or start-up capital, and other tasks necessary to starting a small business;
- (j) Providing or coordinating access to benefits counseling; and
- (k) Working with the person and employer to develop group placements.

...

1933.18 Medicaid reimbursable job training and support activities include, but are not limited to, the following:

- (a) On-the-job training in work and work-related skills required to perform the job;
- (b) Work site support that is intervention-oriented and designed to enhance work performance and support the development of appropriate workplace etiquette
- (c) Supervision and monitoring of the person in the workplace;
- (d) Training in related skills essential to obtaining and maintaining employment, such as the effective use of community resources, break or lunch rooms, attendance and punctuality, mobility training, re-training as job responsibilities change, and attaining new jobs; including, where appropriate, the use of assistive technology, *i.e.* calendar alerts, timers, alarm clocks and other devices that assist a person with meeting employment requirements;
- (e) Monitoring and providing information and assistance regarding wage and hour requirements, appropriateness of job placement, integration into the work environment, and need for functional adaptation modifications at the job site;
- (f) Providing or coordinating access to ongoing benefits counseling, including but not limited to prior to the person reaching the end of his or her Trial Work period and/or attaining Substantive Gainful Activity (SGA);
- (g) Consulting with other professionals and the person's family, as necessary;
- (h) Providing support and training to the person's employer, co-workers, or supervisors so that they can provide workplace support, as necessary; and
- (i) Working with the person and his or her support network to identify a plan to develop his or her skills that facilitate workplace independence and

confidence so that the person is less reliant upon job training and support activities.

...

1933.20 Medicaid reimbursable long-term follow-along activities include, but are not limited to, the following:

- (a) Periodic monitoring of job stability with a minimum of two (2) visits per month;
- (b) Intervening to address issues that threaten job stability;
- (c) Providing re-training, cross-training, and additional supports as needed, when job duties change;
- (d) Facilitating integration and natural supports at the job site;
- (e) Providing or coordinating access to benefits counseling prior to and after the person reaching the end of his or her Trial Work period and/or attaining SGA, and to ensure a person maintains eligibility for benefits and that earnings are being properly reported;
- (f) Working with the person and his or her support network to identify a plan to develop his or her skills that facilitate workplace independence and confidence so that the person is less reliant upon job training and support activities; and
- (g) Facilitating job advancement, professional growth, and job mobility.

1933.21 Each provider of Medicaid reimbursable supported employment services shall be responsible for delivering ongoing supports to the person to promote job stability after they become employed.

- (a) Once the person exhibits confidence to perform the job without a job coach present, the provider shall make a minimum of two (2) visits to the job site per month for the purpose of monitoring job stability.
- (b) On the job coaching supported employment services may be provided in person, or by phone or by any other technology device that supports the use of Skype, FaceTime, etc., where approved by the person and his or her support team and documented in the ISP. Supported employment services by phone or other technology to communicate cannot exceed twenty (20) percent of the total hours of supported employment services that the person receives each week.

...

1933.29 Services shall be authorized for Medicaid reimbursement in accordance with the following Waiver provider requirements:

- (a) DDS provides a written service authorization before the commencement of services;
- (b) The provider conducts a comprehensive vocational assessment, at minimum consisting of a Positive Personal Profile and Job Search and Community Participation Plan, if the person does not already have a comprehensive assessment. If the person does have a comprehensive vocational assessment, this must be reviewed to ensure that it is current and reflects what is important to and for the person, and updated as needed;
- (c) The provider develops an individualized employment plan with training goals and techniques within the first two (2) hours of service delivery;
- (d) The service name and provider delivering services are identified in the ISP and Plan of Care;
- (e) The ISP, Plan of Care, and Summary of Supports and Services document the amount and frequency of services to be received;
- (f) The provider completes an employment progress plan, using the template required by DDS, and submits it as an attachment to the required quarterly report; and
- (g) Services shall not conflict with the service limitations described under Subsections 1933.31-1933.42.

...

1933.31 Supported employment services are not available to people who are eligible to participate and are fully supported in programs funded under Title I of the Rehabilitation Act of 1973, Section 110, enacted September 26, 1973 (Pub. L. 93-112; 29 USC §§ 720 *et seq.*), or Section 602(16) and (17) of the Individuals with Disabilities Education Act, 20 USC §§ 1401(16) and (71), enacted October 30, 1990 (Pub. L. 91-230; 20 USC §§ 1400 *et seq.*). However, supported employment services may be used to provide additional supports for employment for persons eligible for and participating in those programs.

...

1933.34 Medicaid reimbursement is not available if supported employment services are provided in specialized sheltered workshop or other similar type facilities that are not part of the general workforce. Medicaid reimbursement is not available for volunteer work.

...

1933.46 DDS shall only approve an extension for Job Training and Supports when there is documentation in the employment progress plan that the person continues to demonstrate progress on the job, including but not limited to: learning the job and related tasks, following directions, interaction with others, following supervision, reluctance or reliance on the job coach, etc. However, if recommended by the person and/or his or her support team and reflected in the ISP, DDS would authorize long-term follow-along supported employment services as needed to support the person on an ongoing basis.

1933.47 In order to be eligible for Medicaid reimbursement, each Waiver provider of supported employment services shall comply with Section 1908 (Reporting Requirements); Section 1909 (Records and Confidentiality of Information); and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.

**Subsections 1934.4, 1934.9, 1934.17, 1934.21, 1934.27, 1934.37 and 1934.38, and new Subsections 1934.47, 1934.48 and 1934.49, of Section 1934, SUPPORTED LIVING SERVICES, are amended to read as follows:**

1934.4 To be eligible for Medicaid reimbursement, twenty-four (24) hour one-to-one supported living services in a single occupancy supported living residence (SLR):

- (a) The person must have a history of challenging behaviors that may put others at risk, require intensive supports as determined by a psychological assessment which is updated annually or pursuant to a court order, and have a behavior support plan (BSP) that identifies the challenging behaviors and the need for one-to-one supervision that was approved by the Department on Disability Services (DDS); or
- (b) The person and/or his or her support team have recommended that the person live in a single person setting, and the person is able to pay for the non-Waiver costs of the supported living services placement (for example, rent, utilities, etc.); or
- (c) The person and/or his or her support team have recommended that the person, based on medical or behavioral needs, live in a single person setting and it has been approved by the DDS Deputy Director for DDA.

...

1934.9 [RESERVED]

...

1934.17 Each provider of Medicaid reimbursable supported living services shall assist persons in the acquisition, retention, and improvement of skills related to activities of daily living, and other social and adaptive skills necessary to enable

the person to become a fully integrated member of their community. To accomplish these goals, the provider shall:

- (a) Use the DDS-approved Person-Centered Thinking tools, the person's Positive Personal Profile, and the Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first month of providing services. This assessment shall be reviewed and revised annually or more frequently as needed;
- (b) Participate as a member of the person's support team, at his or her preference, including making recommendations for the development of the ISP and Plan of Care;
- (c) Review the person's ISP and Plan of Care goals, DDS- approved person-centered thinking tools, Positive Person Profiles and Job Search and Community Participation plan, objectives, and activities at least quarterly and more often, as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator no later than seven (7) business days after the end of the first ISP quarter or each subsequent quarter thereafter and in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR;
- (d) Provide access and information as requested for service coordination, visits and reviews;
- (e) Assist in the coordination of all services that a person may receive; and
- (f) Develop and implement the person's Health Care Management Plan, in accordance with the DDS Health and Wellness Standards.

...

1934.21 Each provider of Medicaid reimbursable supported living services shall maintain the records as prescribed under Section 1909 of Title 29 DCMR for monitoring and auditing purposes for each person receiving services and shall also maintain the following documents:

- (a) If providing twenty-four (24) hour supported living services in a single occupancy or one-to-one supports, a copy of the annual BSP or court order;
- (b) Progress notes that describe the person's leisure and recreation activities, in accordance with his or her interests as identified in the ISP or Person-Centered Thinking and Discovery tools;

- (c) A daily schedule that complies with DDS guidance;
- (d) The records of any nursing care, procedures, and other supports related to the development and management of the Health Care Management Plan; and
- (e) A record of monitoring and maintenance of adaptive equipment, if applicable.

...

1934.27 Each provider of Medicaid reimbursable twenty-four (24) hour supported living services with skilled nursing shall:

- (a) Provide skilled nursing services and supports to the person living in the SLR;
- (b) Complete any skilled nursing assessment and document hourly nursing interventions and treatments;
- (c) Provide as appropriate, all of the supported living activities listed in Subsections 1934.18, 1934.19, and 1934.20; and
- (d) Ensure that at least one staff person is a licensed practical nurse during all awake hours, including awake overnight hours.

...

1934.37 There shall be a Medicaid reimbursement rate for supported living services without transportation as follows:

- (a) Basic Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours when individuals are awake and receiving services;
- (b) Basic Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours when the residents are receiving services;
- (c) Moderate Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage;
- (d) Moderate Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for

eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight;

- (e) Intensive Support Level 1, which provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (f) Intensive Support Level 2, which provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (g) Basic Support Level 1, which provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 during all hours when individuals are awake and receiving services;
- (h) Basic Support Level 2, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the residents are receiving services;
- (i) Moderate Support Level 1, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight;
- (j) Moderate Support Level 2, which provides support in a SLR with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are in the home and adjusted for increased absenteeism;
- (k) Intensive Support Level 1, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are in the home and adjusted for increased absenteeism;
- (l) Supported living periodic services, as described under Subsection 1934.6, which shall be authorized up to sixteen (16) hours per day without transportation. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service;

- (m) A specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs; provided, however, that this service requires a direct care staffing support ratio of 2:3, including at least one staff who is a licensed practical nurse during all awake hours, including awake overnight hours; and
- (n) A specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR, described under Subsection 1934.4, for asleep overnight staff and for one-to-one awake overnight staff.

1934.38 There shall be a Medicaid reimbursement rate for supported living services with transportation as follows:

- (a) Basic Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours;
- (b) Basic Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours;
- (c) Moderate Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage;
- (d) Moderate Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight;
- (e) Intensive Support Level 1, which provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (f) Intensive Support Level 2, which provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;



- (g) Basic Support Level 1, which provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 staff asleep overnight coverage and 1:2 staff awake coverage when residents are receiving services;
- (h) Basic Support Level 2, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the resident is receiving services;
- (i) Moderate Support Level 1, which provides awake overnight daily rate for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight;
- (j) Moderate Support Level 2, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (k) Intensive Support Level 1, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (l) Supported living periodic services, described under Subsection 1934.6, which shall be authorized up to sixteen (16) hours per day with transportation. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service;
- (m) A specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs; provided, however, that this service requires a direct care staffing support ratio of 2:3, including at least one staff who is a licensed practical nurse during all awake hours, including awake overnight hours; and
- (n) A specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR, described under Subsection 1934.4 for asleep overnight staff and for one-to-one awake overnight staff.

...

- 1934.47 Medicaid reimbursable supported living periodic services are calculated based on the time the person is scheduled to use residential services and may include the time the person is being transported by the provider to day programs, employment, professional appointments, community activities, and events.
- 1934.48 All Supported Living and Supported Living with Transportation settings must be fully compliant with the requirements of the HCBS Settings Rule, *79 Federal Register 2947*.
- 1934.49 Supported Living Periodic services may be provided in person, by phone or by any other technology device that supports the use of Skype, FaceTime, etc., as approved by the person and his or her support team and documented in the ISP. Supported Living Periodic services using technology to communicate with the person shall not exceed twenty (20) percent of the total hours of Supported Living Periodic services that the person receives each week.

**Subsections 1936.4, 1936.5, 1936.6, 1936.7, 1936.15, 1936.16, and 1936.21 of Section 1936, WELLNESS SERVICES, are amended to read as follows:**

- 1936.4 Fitness training is available as either an individual service, or in small group settings of 1:2 based upon the person's request and/or recommendation of the person's support team. A person may utilize both 1:1 and small group fitness services subject to the limitations in Subsection 1936.21. When a person is enrolled in small group fitness, efforts should be made to match the person with another person of his or her choosing, or, if not available, with a person who has similar skills and interests.
- 1936.5 To be eligible for Medicaid reimbursement of bereavement counseling:
- (a) The person must have experienced a loss through death, relocation, change in family structure, or loss of employment;
  - (b) The service must be requested by the person and/or recommended by the person's support team; and
  - (c) The service shall be identified as a need in the person's ISP and Plan of Care.
- 1936.6 To be eligible for Medicaid reimbursement of sexuality education, the services shall be:
- (a) Requested by the person and/or recommended by the person's support team; and
  - (b) Identified as a need in the person's ISP and Plan of Care.

1936.7 To be eligible for Medicaid reimbursement of fitness training and massage therapy, the services shall be:

- (a) Requested by the person and/or recommended by the person's support team;
- (b) Identified as a need in the person's ISP and Plan of Care; and
- (c) Ordered by a physician.

...

1936.15 In order to be eligible for Medicaid reimbursement, professionals delivering wellness services shall meet the following licensure and certification requirements:

- (a) Bereavement counseling services shall be performed by a professional counselor licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)) and certified by the American Academy of Grief Counseling as a grief counselor or other equivalent national certification as approved by DDS;
- (b) Fitness services shall be performed by professional fitness trainers who have been certified by any of the following national and/or international certifications, or other equivalent national certification as approved by DDS: the American Fitness Professionals and Associates, the National Athletic Training Association, the National Academy of Sports Medicine, the Aerobics and Fitness Association of America, and the American College of Sports Medicine; or professional fitness trainers who have a bachelor's degree in physical education, health education, exercise, science or kinesiology; or recreational therapists;
- (c) Dietetic and nutrition counselors shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)); and
- (d) Massage Therapists shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)) and certified by the National Certification Board for Therapeutic Massage and Bodywork, or other equivalent national certification as approved by DDS.

1936.16 In order to be eligible for Medicaid reimbursement, sexuality education services shall be delivered by:

- (a) A Sexuality Education Specialist who is certified to practice sexuality education by the American Association of Sexuality Educators, Counselors and Therapists Credentialing Board, or other equivalent national certification as approved by DDS; or
- (b) Any of the following professionals with specialized training in Sexuality Education:
  - (1) Psychologist;
  - (2) Psychiatrist;
  - (3) Licensed Clinical Social Worker; or
  - (4) Licensed Professional Counselor.

...

1936.21 Wellness services shall be limited to one hundred (100) hours per ISP year per service. Additional hours may be authorized before the expiration of the ISP and Plan of Care year and when the person’s health and safety are at risk and the person is demonstrating progress towards achieving established outcome and/or maintenance of goals. Requests for additional hours may be approved when accompanied by a physician’s order or if the request passes a clinical review by staff designated by DDS.

**Section 1937, COST REPORTS AND AUDITS, is amended to read as follows:**

**1937 COST REPORTS, AUDITS, AND OVERSIGHT MONITORING**

1937.1 Beginning October 1, 2015, each waiver provider of residential habilitation, host home, supported living, supported living with transportation, day habilitation, in-home supports, individualized day supports, respite, employment readiness and supported employment services shall report costs to DHCF no later than ninety (90) days after the end of the provider’s cost reporting period, which shall correspond to the fiscal year used by the provider for all other financial reporting purposes, unless DHCF has approved an exception, on request. Such cost reporting will be for the purpose of informing rate setting parameters to be the most cost-effective for the government and to reimburse allowable costs for the providers. All cost reports shall cover a twelve (12) month cost reporting period.

- 1937.2 A cost report that is not completed shall be considered an incomplete filing, and DHCF shall notify the waiver provider within thirty (30) days of the date on which DHCF received the incomplete cost report.
- 1937.3 All of the facility's accounting and related records, including the general ledger and records of original entry, and all transaction documents and statistical data, shall be permanent records and be retained for a period of not less than five (5) years after the filing of a cost report.
- 1937.4 DHCF shall evaluate expenditures subject to the requirements in this Section through annual review of cost reports.
- 1937.5 DHCF, or its designee, shall review each cost report for completeness, accuracy, compliance, and reasonableness.
- 1937.6 Every five (5) years, for purposes of renewing the Waiver, DHCF shall rely on audited cost reports submitted by Waiver providers to DHCF. In the absence of audited cost reports, Waiver providers may submit unaudited costs reports or financial statements.
- 1937.7 DHCF, Division of Program Integrity shall perform ongoing audits to ensure that the provider's services for which Medicaid payments are made are consistent with programmatic duties, documentation, and reimbursement requirements as required under this chapter.
- 1937.8 The audit process shall be routinely conducted by DHCF to determine, by statistically valid scientific sampling, the appropriateness of services rendered to IDD Waiver program beneficiaries and billed to Medicaid.
- 1937.9 If DHCF denies a claim during an audit, DHCF shall recoup, by the most expeditious means available, those monies erroneously paid to the provider for denied claims, following the process for administrative review as outlined below:
- (a) DHCF shall issue a Notice of Proposed Medicaid Overpayment Recovery (NPMOR), which sets forth the reasons for the recoupment, including the specific reference to the particular sections of the statute, rules, or provider agreement, the amount to be recouped, and the procedures for requesting an administrative review.
  - (b) The Provider shall have thirty (30) days from the date of the NPMOR to submit documentary evidence and written argument to DHCF against the proposed action;
  - (c) The documentary evidence and written argument shall include a specific description of the item to be reviewed, the reason for the request for

review, the relief requested, and documentation in support of the relief requested;

- (d) Based on review of the documentary evidence and written argument, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNMOR);
- (e) Within fifteen (15) days of receipt of the FNMOR, the Provider may appeal the written determination by filing a written notice of appeal with the Office of Administrative Hearings (OAH), 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001; and
- (f) Filing an appeal with the OAH shall not stay any action to recover any overpayment.

1937.10 The recoupment amounts for denied claims may be determined by the following formula:

- (a) A fraction shall be calculated with the numerator consisting of the number of denied paid claims resulting from the audited sample; and
- (b) The denominator shall be the total number of paid claims from the audit sample. This fraction will be multiplied by the total dollars paid by DHCF to the Provider during the audit period, to determine the amount recouped.

1937.11 All participant, personnel, and program administrative and fiscal records shall be maintained so that they are accessible and readily retrievable for inspection and review by authorized government officials or their agents, as requested.

1937.12 All records and documents required to be kept under this chapter and other applicable laws and regulations which are not maintained or accessible in the operating office visited during an audit shall be produced for inspection within twenty-four (24) hours, or within a shorter reasonable time if specified, upon the request of the auditing official.

1937.13 The failure of a provider to release or to grant access to program documents and records to the DHCF auditors in a timely manner, after reasonable notice by DHCF to the provider to produce the same, shall constitute grounds to terminate the Medicaid Provider Agreement.

1937.14 DHCF shall retain the right to conduct audits or reviews at any time. Each waiver provider shall grant full access, during announced or unannounced on-site audits or review by DHCF, DHCF's designee, other District of Columbia officials, and representatives of the U.S. Department of Health and Human Services auditors, to relevant financial records, statistical data to verify costs previously reported to DHCF, program documentation, and any other documents relevant to the administration and provision of the Waiver service.

- 1937.15 As part of the audit process, providers shall grant access to any of the following documents to DHCF Program Integrity personnel, which may include, but are not limited to the following:
- (a) A record of all service authorization and prior authorizations for services;
  - (b) A record for all request for change in services;
  - (c) A written staffing plan, if applicable;
  - (d) A schedule of the beneficiary's activities in the community, if applicable, including strategies to execute goals in the Individualized Service Plan, the date and time of the activities, and staff, as identified in the staffing plan;
  - (e) Any records relating to adjudication of claims, including, the number of units of the delivered service, the period during which the service was delivered and dates of service, and the name, signature, and credentials of the service provider;
  - (f) Progress notes, as described in 29 DCMR § 1909; and
  - (g) Any record necessary to demonstrate compliance with rules, requirements, guidelines, and standards for implementation and administration of the Waiver.
- 1937.16 DHCF's Long Term Care Administration's Waiver Oversight and Monitoring team shall conduct monitoring reviews as follows:
- (a) Quarterly oversight and monitoring reviews to ensure compliance with established federal and District regulations and applicable laws governing the operations and administration of the Waiver Program; and
  - (b) Quarterly oversight and monitoring reviews to monitor progress and performance against quality measures.
- 1937.17 As part of the oversight monitoring process, providers shall grant access to any of the following documents to the DHCF monitor, which may include, but shall not be limited to the following:
- (a) Person-Centered Service Plan and Plan of Care/service delivery plan;
  - (b) Employee records;
  - (c) A signed, current copy of the Medicaid Provider Agreement;

- (d) Licensure information;
- (e) Policies and procedures;
- (f) Incident reports and investigation reports; and
- (g) Complaint related reports.

**Section 1938, HOME AND COMMUNITY-BASED SETTING REQUIREMENTS, is amended to read as follows:**

**1938 HOME AND COMMUNITY-BASED SETTING REQUIREMENTS**

1938.1 All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must:

- (a) Be chosen by the person from HCBS settings options including non-disability settings. For residential settings, this includes, but is not limited to, ensuring that:
  - (1) People select their home and know that they have protections against eviction;
  - (2) People choose their roommates and know how to request a roommate change; and
  - (3) People who have a roommate are offered the choice of available residential settings with a private bedroom, if they have the ability to pay.
- (b) Ensure people's right to privacy, dignity, and respect, and freedom from coercion and restraint. This includes, but is not limited to, ensuring that:
  - (1) People are provided personal care assistance in private, as appropriate;
  - (2) Information is provided to people on how to make an anonymous complaint;
  - (3) People's health and other personal information (e.g., mealtime protocols, therapy schedules) are kept private;
  - (4) Staff do not talk about people's private information in front of other people who do not have a right and/ or need to know; and



- (5) Staff address people by their names or preferred nicknames.
- (c) Be physically accessible to the person and allow the person access to all common areas. For residential settings, this includes, but is not limited to, ensuring that:
  - (1) People have full access to the kitchen, dining area, living room, laundry, and all other common areas of their home; and
  - (2) The home is fully accessible to meet the needs of the people living there, including all common areas and supports as needed, such as grab bars and ramps.
- (d) Support the person's community integration and inclusion, including relationship-building and maintenance, support for self-determination and self-advocacy;
- (e) Provide opportunities for the person to seek employment and meaningful non-work activities in the community. This is evidenced in part by the following:
  - (1) People who desire to work are supported to pursue work in the community; and
  - (2) People engage in meaningful non-work activities in the community.
- (f) Provide information on individual rights;
- (g) Optimize the person's initiative, autonomy, and independence in making life choices including, but not limited to, daily activities, physical environment, and with whom to interact;
- (h) Facilitate the person's choices regarding services and supports, and who provides them;
- (i) Create individualized daily schedules for each person receiving supports, that includes activities that align with the person's goals, interests and preferences, as reflected in his or her ISP, in accordance with DDS guidance;
- (j) Provide opportunities for the person to engage in community life, as evidenced in part by people being able to shop, attend religious services, schedule appointments, have lunch with friends and family, etc. in the community, as they choose;

- (k) Provide opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS, as evidenced in part by people using community resources, such as parks, recreational centers, community health clinics, etc.;
- (l) Control over his or her personal funds and bank accounts, as evidenced in part by people being able to access their funds, when they want to, and without advanced notice;
- (m) Allow visitors at any time within the limits of the lease or other residency agreement;
- (n) Be integrated in the community and support access to the greater community. This is evidenced in part by the following:
  - (1) People receive the supports they need to see family and friends and spend time doing activities of their choosing in the community; and
  - (2) People are encouraged to learn travel skills so that they can use public transportation.
- (o) Allow full access to the greater community.

1938.2

All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation settings must:

- (a) Be leased in the names of the people who are being supported. If this is not possible, then the provider must ensure that each person has a legally enforceable residency agreement or other written agreement that, at a minimum, provides the same responsibilities and protections from eviction that tenants have under the relevant landlord/tenant law for that jurisdiction. This includes a responsibility to ensure that each person knows their rights regarding housing, as explained by their lease or written residency agreement, including when they could be required to relocate, and understand the eviction process and appeals rights. This provision applies equally to leased and provider owned properties;
- (b) Develop and adhere to policies which ensure that each person receiving services has the right to the following:
  - (1) Privacy in his or her personal space, including entrances to living spaces that are lockable by the person (with staff having keys as needed). This is evidenced in part by staff knocking and receiving permission prior to entering a person's living space;

- (2) Freedom to furnish and decorate his or her personal space, as evidenced in part by people's living space reflecting their taste and preferences (*e.g.*, furniture, linens and other household items reflect people's choices), within the limits of the lease or other residency agreement or consistent with the governing Human Care Agreement;
- (3) Privacy for telephone calls, texts and/or emails, or any other form of electronic communication, *e.g.* FaceTime or Skype, with or without support, based on person's preference; and
- (4) Access to food at any time, as evidenced in part by:
  - (A) Each person has meals at the time and place of his or her choosing;
  - (B) People can request an alternative meal, if desired; and
  - (C) Snacks are available and accessible at any time unless there is documentation of a medical condition that requires restrictions.

1938.3 All Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Supported Employment, Small Group Supported Employment, Companion and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to the following:

- (a) A secure place to keep their belongings;
- (b) Access to snacks at any time;
- (c) Privacy for telephone calls, texts and/or emails, or any other form of electronic communication, *e.g.* FaceTime or Skype, with or without support, based on the person's preference; and
- (d) Meals at the time and place of a person's choosing.

1938.4 Any deviations from the requirements in §§ 1938.1(l) and (m), 1938.2(b) and § 1938.3 must be supported by a specific assessed need, justified and documented in the person's person-centered Individualized Support Plan, as well as reviewed and approved as a restriction by the Provider's Human Rights Committee (HRC). There must be documentation that the Provider's HRC review and person-centered planning meeting included discussion of the following elements:

- (a) What the person's specific individualized assessed need is that results in the restriction;
- (b) What prior interventions and supports have been attempted, including less intrusive methods;
- (c) Whether the proposed restriction is proportionate to the person's assessed needs;
- (d) What the plan is for ongoing data collection to measure the effectiveness of the restriction;
- (e) When the HRC and the person's support team will review the restriction again;
- (f) Whether the person, or his or her substitute decision-maker, gives informed consent; and
- (g) Whether the HRC and the person's support team has assurance that the proposed restriction or intervention will not cause harm.

**A new Section 1941, ASSISTIVE TECHNOLOGY SERVICES, is adopted to read as follows:**

**1941 ASSISTIVE TECHNOLOGY SERVICES**

1941.1 The purpose of this section is to establish standards governing eligibility for assistive technology services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver), and to establish conditions of participation for professionals and providers of assistive technology services to receive reimbursement.

1941.2 Assistive technology services include both goods and services that are designed to enable the person to function with greater independence, avoid institutionalization and reduce the need for human assistance.

- (a) Assistive technology good means an item, piece of equipment, service animal or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities and can also support increased community inclusion, including in employment settings. Assistive technology goods must not be otherwise available through another funding source.
- (b) Assistive technology service means a service that directly assists a person in the selection, acquisition, or use of an assistive technology device and includes, but is not limited to:

- (1) The evaluation of assistive technology needs, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the person in his/her customary environment;
  - (2) Services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for persons served through the waiver;
  - (3) Services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - (4) Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with other services in the service plan;
  - (5) Training or technical assistance for the person or, where appropriate, his/her family members, guardians, advocates, or authorized representatives who provide unpaid support, training, companionship or supervision; and
  - (6) Training or technical assistance for professionals or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the person served.
- (c) Assistive technology specifically includes, but is not limited to, Personal Emergency Response System (PERS), an electronic device that enables persons who are at high risk of institutionalization to secure help in an emergency. The person may also wear a portable "help" button to allow for mobility. The system is connected to the person's phone and programmed to signal a response center once the 'help' button is activated. Trained professionals staff the response center. PERS is available to those individuals who live alone, who are alone for significant parts of the day, or who would otherwise require extensive routine supervision. Coverage of the PERS is limited to the rental of the electronic device. PERS services shall include the maintenance costs and training the recipient to use the equipment, and twenty-four (24) hour, seven (7) day a week, response center services. Reimbursement will be made for an installation fee for the PERS unit. A monthly fee will be paid for the maintenance of the PERS.

1941.3

A person qualifies for assistive technology services when he or she requests the service and/or it is recommended by the person's support team to enhance or

maintain the person's independence, increase, maintain, or improve functional capabilities, and/or support increased community inclusion; or there is a physician's order for the service. Assistive technology services must be included in the person's Individual Support Plan (ISP) and Plan of Care.

1941.4 In order to be eligible for Medicaid reimbursement, each professional providing assistive technology services shall:

- (a) Conduct a comprehensive assessment within the first four (4) hours of service delivery, which shall include the following:
  - (1) A background review and current functional review of the person's capabilities in different environments;
  - (2) An environmental review in places of employment, residence, and other sites as necessary; and
  - (3) A needs assessment for the use of assistive technology.
- (b) Develop and implement an assistive technology plan within the first four (4) hours of service delivery that describes strategies, including recommended assistive technology goods, coordination with professional services, training of caregivers, monitoring requirements and instructions, and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP and Plan of Care.

1941.5 If the person enrolled in the Waiver is between the ages of eighteen (18) and twenty-one (21) years old, the DDS Service Coordinator shall ensure that Early Periodic Screening and Diagnostic Treatment (EPSDT) services under the District of Columbia State Plan for Medical Assistance are fully utilized before accessing assistive technology services under the Waiver.

1941.6 Assistive technology services may be provided by the following professionals:

- (a) Approved Waiver providers of occupational therapy, physical therapy, and speech, hearing and language services, who are licensed 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 *et seq.*) and implementing rules; and
- (b) Assistive technology professionals who are certified through the Rehabilitation Engineering and Assistive Technology Society of North America, or another comparable national accreditation body, as approved by DDS.

- 1941.7 Assistive technology services may be provided by the following agency provider types.
- (a) An Assistive Technology Professional Agency or Supplier that is an approved vendor for the Rehabilitation Services Administration; or
  - (b) A licensed provider agency of any of the following clinical services: occupational therapy, physical therapy, and speech, hearing and language pathology.
- 1941.8 Each provider of Medicaid reimbursable assistive technology services shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.
- 1941.9 Each provider of Medicaid reimbursable assistive technology services shall maintain the following documents for monitoring and audit reviews:
- (a) A copy of the assistive technology assessment and treatment plan;
  - (b) A copy of the physician's order, if applicable;
  - (c) A copy of receipts documenting the date, item, amount expended, and any related warranty; and
  - (d) Any other applicable documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR, where applicable.
- 1941.10 In order to be eligible for Medicaid reimbursement, each provider shall comply with Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.
- 1941.11 In order to be eligible for reimbursement, each Medicaid provider of assistive technology services must obtain a written Service Authorization from the Department on Disability Services (DDS) before providing assistive technology services.
- 1941.12 Assistive technology services are subject to the following limitations:
- (a) There is a maximum dollar amount per participant over a five-year period for this service. A person may be able to exceed this limitation on a case-by-case basis with the approval of DDS, based upon documented need, but shall be authorized prior to rendering the Waiver service; and
  - (b) Assistive technology provided through the Waiver is available only after the person has fully utilized services available under the Medicaid State

Plan, or programs funded under Section 110 of the Rehabilitation Act of 1973, enacted September 26, 1973, as amended (Pub. L. 93-112; 29 USC §§ 720 *et seq.*), or Sections 602(16) and (17) of the Individuals with Disabilities Education Act, enacted April 13, 1970, as amended (Pub. L. 91-230; 20 USC §§ 1400 *et seq.*), and where the assistive technology is not the obligation of the individual's employer.

- 1941.13 The billable unit of service for assistive technology services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

**A new Section 1942, PARENTING SUPPORT SERVICES, is adopted to read as follows:**

**1942 PARENTING SUPPORT SERVICES**

- 1942.1 The purpose of this section is to establish standards governing eligibility for parenting support services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (ID/DD Waiver), and to establish conditions of participation for professionals and providers of parenting support services to receive Medicaid reimbursement.

1942. 2 Parenting support services assist people who are or will be parents in developing appropriate parenting skills. Parents will receive training that is individualized and focused on the health and welfare and developmental needs of their child, as well as building necessary parenting skills. Close coordination will be maintained with informal and other formal supports.

- (a) Parenting support services may include training of individuals who provide unpaid support, training, companionship or supervision to persons served through the waiver to reinforce strategies provided to the person served;
- (b) Parenting support services is available both as a 1:1 service for a person, and in small group settings not to exceed 1:4. For persons enrolled in small group parenting support services, the provider must make every effort to match the person with another person or persons of his or her choosing, or with a person who has similar skills or interests;
- (c) Parenting support services may be provided by professionals or qualified peer employees;
- (d) Parenting support services shall be provided in the person's home or in a variety of community based settings, based upon the person's needs and choices;



- (e) A person served through the ID/DD Waiver may utilize both 1:1 and small group parenting support, and services provided by professionals and qualified peer employees and both services combined are subject to the limitations in Subsection 1942.10; and
- (f) Parenting support services do not include activities that are the responsibility of Supported Living, Supported Living with Transportation, Residential Habilitation, Host Home or In-Home Supports and can be offered in combination with any ID/DD Waiver residential services.

1942.3 Parenting support services will be authorized when:

- (a) The person is an expectant parent, a parent with physical custody or visitation with his or her child, or a parent who is pursuing reunification with his or her child;
- (b) The person requests the service and/or it is recommended by the person's support team; and
- (c) Parenting support services is included in the person's Individual Support Plan (ISP) and Plan of Care.

1942.4 In order to be eligible for Medicaid reimbursement, each parenting support services provider shall comply with the following service delivery requirements:

- (a) Conduct an assessment, within the first four (4) hours of service delivery, which shall include the following:
  - (1) A background review and current functional review of the person's parenting capabilities in different environments;
  - (2) An environmental review in the person's home, and other community site as necessary; and
- (b) Develop and implement a parenting support plan, within the first four (4) hours of service delivery, that describes strategies, and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP and Plan of Care.

1942.5 Parenting support services may be provided by any of the following agency provider types:

- (a) In-Home Supports;
- (b) Supported Living;

- (c) Supported Living with Transportation; and
- (d) Host Home Without Transportation.

1942.6 Medicaid reimbursable parenting support services shall be provided by either professionals or peer employees:

- (a) Professionals shall meet the following qualifications:
  - (1) Comply with the requirements of the 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.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §§ 44-551 *et seq.*);
  - (2) Documented completion of required training in accordance with the DDS Training policy;
  - (3) Master's degree in field related to supporting people with disabilities, including but not limited to social services, education, and psychology;
  - (4) At least five (5) years of experience working with people with intellectual disabilities and/or their families; and
  - (5) Demonstrated ability, experience and education to teach adult learners; conduct support needs assessments; implement service/ support plans; assist parent in specific areas of support described in the plan; serve as an advocate; and work with people of varied ethnic and cultural backgrounds.
- (b) Peer employees shall meet the basic requirements set forth in 29 DCMR § 1906.3.
  - (1) A peer employee may be the person's relative, but may not be legally responsible for the person, or the person's legal guardian.
  - (2) A peer employee shall not provide parenting support services to a person for whom he or she provides the following ID/DD Waiver services: Residential Habilitation; Supported Living; Supported Living with Transportation; Host Home Without Transportation; or In-Home Supports.

- 1942.7 Each Medicaid provider of parenting support services shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.
- 1942.8 Each Medicaid provider of parenting support services shall maintain the following documents for monitoring and audit reviews:
- (a) A copy of the most recent DDS approved ISP and Plan of Care, which shall include the documentation required by Subsection 1942.4;
  - (b) The parenting support plan developed in accordance with the requirements of Subsection 1942.4; and
  - (c) The documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.
- 1942.9 Each Medicaid provider of parenting support services shall comply with Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.
- 1942.10 There shall be a total of four (4) Medicaid reimbursement rates for parenting support services: for 1:1 services and for small group services (*i.e.* 1:2, 1:3 and 1:4 staffing ratios) based on whether the services are provided by a professional or peer employee. Parenting support services shall not exceed one thousand four hundred sixty (1,460) hours per ISP year. Support is available from the first trimester until the eligible participant's child transitions from high school.
- 1942.11 The billable unit of service for parenting support services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

**Section 1999, DEFINITIONS, Subsection 1999.1, is amended as follows:**

**The following ten (10) terms and phrases are deleted:**

**Client**  
**Community Participation Plan**  
**Health Management Care Plan**  
**Homeowner**  
**Intermediate Care Facility for Persons with Mental Retardation**  
**Mentally Retarded**  
**Quality Assurance Plan**  
**Qualified Developmental Disabilities Professional**  
**Qualified Mental Retardation Professional**  
**Vocational Rehabilitation Counselor**

The following eight (8) terms and phrases are amended to read as follows:

**Competitive Integrated Employment** - Full or part-time work at minimum wage or higher, with wages and benefits, and opportunities for advancement similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities.

**Group Home for a Person with an Intellectual Disability** – The same as the definitions and licensure requirements as set forth in 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.*), and implementing rules.

**Individual Habilitation Plan (IHP)** - That plan as set forth in Section 403 of the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1304.03).

**Intermediate Care Facility for Individuals with Intellectual Disabilities** - The same meaning as an “Intermediate Care Facility for Individuals with Intellectual Disabilities” as set forth in Section 1905(d) of the Social Security Act.

**Principal care provider** - The person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the ID/DD Waiver. This person is not a Direct Support Professional (DSP).

**Qualified Intellectual Disabilities Professional (QIDP)** - Also known as Qualified Developmental Disabilities Professional or QDDP as defined in D.C. Official Code § 7-1301.03(21), is someone who oversees the initial habilitative assessment of a person; develops, monitors, and review ISPs; and integrates and coordinates Waiver services.

**Substantial Gainful Activity (SGA)** – A level of work activity and earning that have a meaning consistent with 20 CFR §§ 404.1510 and 404.1571-404.1576.

**Trained Medication Employee** – An individual employed to work in a program who has successfully completed a training program approved by the Board of Nursing and is certified to administer medication to program participants.

The following term is included to read as follows:

**Continuous Quality Assurance Plan** – A plan that has a systematic approach to assessing Waiver services and supports designed to ensure Waiver

requirements are implemented on an ongoing basis including activities that emerge from a systematic and organized framework that tracks improvement.

## OFFICE OF LOTTERY AND CHARITABLE GAMES

NOTICE OF FINAL RULEMAKING

The Executive Director of the Office of Lottery and Charitable Games, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a) (2016 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2016 Repl.)); and Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a) and 3-1321 (2016 Repl.)), hereby gives notice of the adoption of amendments to Chapters 5 (General Provisions), 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to implement the Agency's new DC 2 game.

A Notice of Proposed Rulemaking was published on January 12, 2018 at 65 DCR 264. No comments were received, and no changes have been made from the proposed rulemaking.

This rulemaking was adopted as final on February 12, 2018 and will become effective on March 11, 2018.

**Chapter 5, GENERAL PROVISIONS, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:**

**Section 503, CANCELLED TICKETS, Subsections 503.1 and 503.4, are amended by substituting the following:**

503.1 A ticket which is printed in error for the DC 2, DC 3, DC 4, DC 5 game(s) may be cancelled only on the date purchased and prior to the drawing break. The tickets shall be voided only by the issuing agent and the terminal that printed the ticket, and the player may request a refund or a replacement ticket. If for any reason the terminal that issued the ticket is inoperable prior to the drawing break, the player's sole recourse shall be a refund of the ticket price.

...

503.4 A ticket for POWERBALL®, MEGA MILLIONS®, LUCKY FOR LIFE® shall not be voided or cancelled.

**Chapter 9, DESCRIPTION OF ON-LINE GAMES, is amended as follows:**

**Amend Sections 900, DESCRIPTION OF THE DC DAILY 6<sup>TM</sup> GAME, and 901, DC DAILY 6<sup>TM</sup> PRIZE STRUCTURE AND PROBABILITY OF WINNING, by substituting the following:**

**900 DESCRIPTION OF THE DC 2 GAME**

900.1 The Agency may offer a two (2) digit daily numbers game using a fixed payout known as the DC 2 Game.

900.2 DC 2 Game is a daily two (2) digit game with midday and evening drawings. Players may wager fifty cents (50¢) or one dollar (\$1) for two (2) digits ranging from 0 to 9 on any of the following bet types:

- (a) Straight: A wager whereby a winning result is achieved only when the two-digit number specified by the player matches in exact order with the official winning number drawn by the Agency for that drawing event;

For example, if the winning number is “12” then only the bets placed on “12” in that exact order shall be winners.

- (b) Two-Way Box: A wager whereby a winning result is achieved when any combination of two (2) different digits specified by the player matches the official winning number drawn by the Agency for that drawing event. This is the equivalent of two (2) wagers for a single-unit ticket cost;

For example, if the winning number is “12” then box bets placed on “12” or “21” shall be winners.

- (c) Straight/Two-Way Box: A wager whereby the player can place a straight bet and a two-way box bet for the same number on a single ticket. The player can win on both the straight and box bets when the two digits specified by the player match in exact order the official winning number drawn by the Agency for that drawing event. The player can win on the box portion when any other combination of the two (2) digits selected by the player matches the winning number drawn by the Agency for that drawing event. Wagers are limited to fifty cents (50¢) on the straight portion and fifty cents (50¢) on the box portion for a total of one dollar (\$1) per ticket;

For example, if the winning number is “12” then only bets placed on “12” in that exact order will be winners on both portions of the ticket. However, bets placed on “21” will be winners in the box portion only.

- (d) Two-Way Combination: A wager whereby a winning result is achieved when any combination of two (2) digits (with any two (2) different digits)

specified by the player matches the official winning number drawn by the Agency for that drawing event. This is the equivalent of two (2) straight wagers on a single ticket at two (2) times the base cost;

For example, if the winning number is “12” then a combination bet placed on “12” (i.e. “21”) will be a winner of a straight bet.

- (e) Front Number: A wager whereby a winning result is achieved when the first digit specified by the player matches exactly with the first digit of the official winning number drawn by the Agency for that drawing event. This is the equivalent of ten (10) wagers for a single-unit ticket cost;

For example, if the winning number is “12,” then only bets placed on “1X” will be winners.

- (f) Back Number: A wager whereby a winning result is achieved when the last digit specified by the player matches exactly with the last digit of the official winning number drawn by the Agency for that drawing event. This is the equivalent of ten (10) wagers for a single-unit ticket cost;

For example, if the winning number is “12,” then only bets placed on “X2” will be winners.

900.3 The price of a DC 2 Game ticket shall be fifty cents (50¢) or one dollar (\$1) per board or any other price designated by the Executive Director from a price schedule adopted by the Agency.

900.4 If a single ticket contains more than one (1) winning play on separate game boards, the prize amounts shall be added together and shall be paid in accordance with the prize payment limits.

900.5 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

900.6 DC 2 exchange tickets are valid beginning with the next draw through the last draw on the original DC 2 Ticket.

## **901 DC 2 PRIZE STRUCTURE AND PROBABILITY**

901.1 The DC 2 game prize structure and probability based on fifty cents (50¢) and one dollar (\$1) bets shall be as follows:



DC 2 PRIZES AND ODDS					
Bet Types	Example	Match	50¢ Bet Pays	\$1.00 Bet Pays	Odds
Straight	12	12	\$25	\$50	1:100
Two-Way Box	12	12,21	\$12.50	\$25	1:50
Straight/Two-Way Box	12	12, 21	n/a	Straight = \$25 Box = \$12.50 Straight Box=\$37.50	1:50
Two-Way Combination	12	12, 21	\$25  (Min. Bet \$1.00)	\$50  (Min. Bet \$2.00)	1:50
Front Number	1X	1+Any Number	\$2.50	\$5	1:10
Back Number	X2	Any Number+2	\$2.50	\$5	1:10

901.2 Overall odds of winning and prizes are determined by the selected bet type and amount wagered for each drawing.

901.3 The Executive Director may adopt other prize structures that shall be effective upon the issuance of instructions to the public.

**Chapter 99, DEFINITIONS, is amended as follows:**

**Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding the following definition:**

**Daily Number Game(s)** – a traditional numbers game or variation thereon which is drawn daily, including but not limited to, two digit, three digit, four digit and five digit games operated and conducted by the Agency pursuant to the Act.

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

**NOTICE OF FINAL RULEMAKING**

AND

**Z.C. ORDER NO. 08-06N****Z.C. Case No. 08-06N****(Text Amendment – 11 DCMR)****Technical Corrections to Z.C. Order 08-06A****January 29, 2018**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of the adoption of amendments to the Subtitle B (Definitions, Rules of Measurement, and Use Categories) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) of Chapter 3 (General Rules of Measurement) § 315.1 to make a technical correction to an amendment made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 22, 2017 at 64 DCR 013130, proposing to add the phrase “to another” in paragraph (c) of Chapter 3 § 315.1 to clarify that the front setback requirement and corresponding rules of measurement apply to both semi-detached and attached buildings.

In response to the notice, the Commission received a comment from ANC Commissioner, Mark Eckenwiler, suggesting minor non-substantive changes to the proposed text, which the Commission accepted. Since these changes do not substantially alter the proposed text, resubmission of the proposed rule to the Office of Document and Administrative Issuance is not required (*See* 1 DCMR §§ 309, 310), and because the proposed amendment was technical in nature, no public hearing was held and no referral to the National Capital Planning Commission made. (*See* 11-Z DCMR § 703.1.) The Commission took final action to adopt the amendments as revised at a public meeting on January 29, 2018.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 3, GENERAL RULES OF MEASUREMENT, of Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:**

**Subsection 315.1 of § 315, RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) AND RESIDENTIAL FLAT (RF) ZONES, is amended to read as follows:**

- 315.1 A proposed building façade or structure facing a street lot line shall:
- (a) Be located not closer to the street than the point of the building façade closest to the street, based on all the buildings located along the blockface; and
  - (b) Be located not further back from the same street than the building façade furthest from the street, based on all the buildings located along the blockface; and
  - (c) In the case of an interior-lot attached or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

On December 11, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took action to **APPROVE** publication of the proposed rulemaking 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 A. Shapiro, not present, not voting.).

On January 29, 2018, upon the motion of Chairman Hood, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on March 2, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 17-24**

**(Zoning Map Amendment @ U.S. Reservation 421 from Unzoned to RA-1)**

The Zoning Commission for the District of Columbia (Zoning Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its intent to amend the Zoning Map of the District of Columbia to rezone from unzoned to the RA-1 zone for the area described in the attached metes and bounds description entitled “Description Fort Greble Playground Part of US Reservation 421.”

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

# AM T LLC

AMT File No. 16-0403.001

**Description**  
**Fort Greble Playground**  
**Part of US Reservation 421**  
**November 30, 2017**

**Being** land know as Fort Greble Playground, as part of U.S. Reservation 421, District of Columbia, as shown on a Transfer of Jurisdiction, per plat thereof December 7, 1972, among the Records of the Office of the Surveyor of the District of Columbia in Recorded Book 158 at Page 140 said land being more particularly described as follow:

**Commencing** at the northwest corner of US Reservation 421, said point also being the intersection of the east line of Anacostia Freeway, SW (156' wide public street) and the south line of Chesapeake Street, SW (90' wide public street); thence on the south line of said Chesapeake Street, SW N 81°36'55" E 349.14 feet to the **Point of Beginning**; thence continuing on said south line

N 81°36'55" E 378.25 feet; thence departing south said line running in, through and over said US Reservation 421 the following courses and distances.

S 5°24'00" E 185.09 feet; thence

S 84°36'00" E 69.03 feet; thence

S 5°24'00" E 201.00 feet; thence

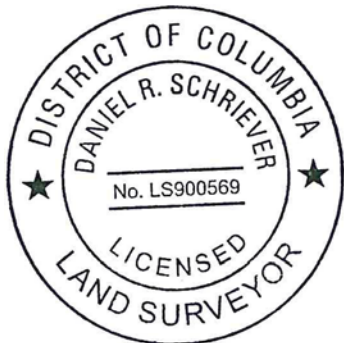
S 84°36'00" E 21.93 feet; thence

S 00°00'00" E 412.94 feet; thence

N 90°00'00" W 320.00 feet; thence

N 00°00'00" W 750.71 feet to the **Point of Beginning**.

Containing a recorded area of **6.01221 acres** or **261,892 square feet**.



\_\_\_\_\_  
Daniel R. Schriever  
License Surveyor  
District of Columbia License No. LS 905059  
For AMT, LLC

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor’s Order 2018-023  
February 22, 2018

**SUBJECT:** Reappointment – Chesapeake Bay Program Citizens Advisory Committee


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with the Chesapeake Bay Agreement of December 9, 1983 (signed by the Mayor of the District of Columbia, the Governors of Virginia, Pennsylvania, and Maryland, and the United States Environmental Protection Agency), and pursuant to Article II, Section 1 of the bylaws of the Citizens Advisory Committee to the Chesapeake Executive Council, it is hereby **ORDERED** that:

1. **JULIE LAWSON** is reappointed as a public member of the Chesapeake Bay Program Citizens Advisory Committee, for a term to end on March 7, 2022.
2. **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 2018-024  
February 22, 2018

**SUBJECT:** Appointment — Commission on Aging

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **BARBARA LEE** is appointed as a public member to the Commission on Aging, replacing Romaine Thomas, for a term to end October 28, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST:   


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 LAUREN C. VAUGHAN  
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-025  
February 22, 2018

**SUBJECT:** Appointment — Green Building Advisory Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 10 of the Green Building Act of 2006, effective March 8, 2007, D.C. Law 16-234; D.C. Official Code § 6-1451.09 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **LAMONT LEE** is appointed as the Director of the Department of Housing and Community Development's designee member of the Green Building Advisory Council, replacing Karanja Slaughter, for a term to end September 17, 2019.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-026  
February 22, 2018

**SUBJECT:** Establishment – Age-Friendly DC in 2023 Task Force

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) and (11) (2016 Repl.), it is hereby **ORDERED** that:

**I. ESTABLISHMENT**

There is hereby established in the Executive Branch of the Government of the District of Columbia the Age-Friendly DC in 2023 Task Force (“**Task Force**”).

**II. PURPOSE**

- A. The purpose of the Task Force is to advise the Mayor on ways to continue to make the District of Columbia an ever-easier place to grow older.
- B. The work of the Task Force shall build on the last five (5) years of work of the Age Friendly DC Initiative and shall be organized around three (3) themes - the built environment, attitudes about growing older, and lifetime health and security - divided into the following eight (8) World Health Organization domains and six (6) DC-specific domains:
  1. Built Environment:
    - a. Domain 1: Outdoor Spaces and Buildings
    - b. Domain 2: Transportation
    - c. Domain 3: Housing
  2. Attitudes about Growing Older:
    - a. Domain 4: Social Participation
    - b. Domain 5: Respect and Social Inclusion

- c. Domain 6: Civic Participation and Employment
- d. Domain 7: Communication and Information
- 3. Lifetime Health and Security:
  - a. Domain 8: Community Support and Health Services
  - b. Domain 9: Emergency Preparedness and Resilience (DC specific)
  - c. Domain 10: Abuse, Neglect, and Fraud (DC specific)
  - d. Domain 11: Financial Security (DC specific)
  - e. Domain 12: Lifelong Learning (DC specific)
  - f. Domain 13: Public Safety (DC specific)
  - g. Domain 14: Caregiving (DC specific)

### III. FUNCTIONS

The Task Force shall:

- A. Issue an *Age-Friendly DC in 2023 Strategic Plan*. The plan shall include District-wide recommendations for improvements and enhancements to transform the District of Columbia into an even more age-friendly city, and shall be issued by September 30, 2018.
- B. Advise on strategies, policies, and private and public funding opportunities for implementing the *Age-Friendly DC in 2023 Strategic Plan*.
- C. Produce an Age-Friendly Annual Report to detail the progress of the *Age Friendly DC in 2023 Strategic Plan*, including any amendments or revisions to the Plan, to the Mayor by September 30 of each year between 2018 and 2023.
- D. Produce an *Age-Friendly DC in 2023 Progress Report* for the Mayor, for transmittal to the World Health Organization, describing the progress that the District has made in achieving the goals of the *Age-Friendly DC in 2023*. The report shall be submitted to the Mayor by September 30, 2023.
- E. Undertake other functions as requested by the Mayor.

### IV. COMPOSITION

The Task Force shall be comprised of the following thirty-one (31) voting members, all of whom shall be appointed by, and serve at the pleasure of, the Mayor:

- A. The following eighteen (18) public members, the majority of whom shall be residents of the District of Columbia and shall not be employed by the District of Columbia government:
1. One (1) District of Columbia resident to serve as Community Co-Chair
  2. One (1) representative with professional or subject matter expertise on impact and opportunities for the aging population in each of the following areas:
    - a. Local business community
    - b. Academic institutions
    - c. Philanthropic institutions
  3. One (1) representative with expertise in each of the following domains:
    - a. Domain 1: Outdoor Spaces and Buildings
    - b. Domain 2: Transportation
    - c. Domain 3: Housing
    - d. Domain 4: Social Participation
    - e. Domain 5: Respect and Social Inclusion
    - f. Domain 6: Civic Participation and Employment
    - g. Domain 7: Communication and Information
    - h. Domain 8: Community Support and Health Services
    - i. Domain 9: Disaster Preparedness and Response
    - j. Domain 10: Abuse, Neglect, and Fraud
    - k. Domain 11: Financial Security
    - l. Domain 12: Lifelong Learning
    - m. Domain 13: Public Safety

## n. Domain 14: Caregiving

## B. The following thirteen (13) government members:

1. The Deputy Mayor for Health and Human Services, or his or her designee;
2. The Deputy Mayor for Education or his or her designee;
3. The Deputy Mayor for Greater Economic Opportunity or his or her designee;
4. The Deputy Mayor for Planning and Economic Development or his or her designee;
5. The Deputy Mayor for Public Safety and Justice, or his or her designee;
6. The Director of the Department of Employment Services, or his or her designee;
7. The Director of the Department of Housing and Community Development, or his or her designee;
8. The Director of the Department of Human Services, or his or her designee;
9. The Director of the Department of health, or his or her designee;
10. The Director of the Office on Aging, or his or her designee;
11. The Director of the District Department of Transportation, or his or her designee;
12. The Director of the Mayor's Office of Community Affairs, or his or her designee; and
13. The Director of the Office of Disability Rights, or his or her designee.

## V. TERMS

- A. Public members of the Task Force shall serve at the pleasure of the Mayor from the date of their appointment until December 31, 2023, unless earlier removed by the Mayor.
- B. The Mayor shall appoint members to fill vacancies for the remainder of the unexpired term.

- C. Government members shall serve at the pleasure of the Mayor.

## VI. ORGANIZATION

- A. The Task Force shall be led by two (2) co-chairpersons, one (1) of whom shall be the Community Co-Chair and one (1) of whom shall be the Deputy Mayor for Health and Human Services, or his or her designee. The public member co-chairperson shall serve in that capacity at the pleasure of the Mayor.
- B. The Task Force shall establish a community relations committee and a separate committee to focus on each domain. Each committee may include individuals who are not members of the Task Force; provided that each committee shall be chaired by a member of the Task Force.
- C. The Task Force shall establish its own bylaws and rules of procedure, subject to approval by the Mayor.

## VII. MEETINGS

- A. The Task Force shall meet at least once during each calendar quarter until the Task Force issues the *Age-Friendly DC in 2023 Strategic Plan* by September 30, 2018. Thereafter, the Task Force shall meet at least semi-annually in order to produce annual progress reports until the Task Force transmits the *Age-Friendly DC in 2023 Progress Report* to the Mayor.
- B. A quorum for the purposes of conducting official business of the Task Force shall consist of one (1) co-chairperson and at least five (5) other Task Force members.
- C. Either co-chairperson may excuse a member from a meeting for an emergency reason.
- D. All meetings of the Task Force shall comply with the District of Columbia Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.* (2016 Repl.)).

## VIII. ADMINISTRATION

The Office of the Deputy Mayor for Health and Human Services shall provide administrative support to the Task Force.

**IX. COMPENSATION**


The members of the Task Force and its committees shall serve without compensation, except that a member of the Task Force or a committee may be reimbursed for expenses incurred in the authorized execution of his or her official duties if the Deputy Mayor for Health and Human Services approves the reimbursement.

**X. SUNSET**

The Task Force shall sunset on December 31, 2023.

**XI. EFFECTIVE DATE: This Order shall become effective immediately.**

  
\_\_\_\_\_  
MURIEL BOWSER  
MAYOR

ATTEST:   
\_\_\_\_\_  
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**DC MAYOR'S OFFICE ON AFRICAN AFFAIRS****COMMISSION ON AFRICAN AFFAIRS****Notice of Commissioners Meeting**

The Commission on African Affairs will be holding a meeting on Wednesday, March 7, 2018 from 6pm to 8pm.

The meeting will be held at Franklin D. Reeves Center of Municipal Affairs, 2000 14<sup>th</sup> Street, NW, 6<sup>th</sup> floor, Washington, DC 20001.

The Location is closest to the U Street / African –American Civil war Memorial / Cardozo Metro station on the green and yellow line of the Metro.

All Commission meetings are open to the public.

Below is a draft agenda for this meeting. A final agenda will be posted on The Office of African Affairs website at [oaa.dc.gov](http://oaa.dc.gov).

If you have any questions about the commission or its meetings, please contact [oaa@dc.gov](mailto:oaa@dc.gov).  
Phone: (202) 727-5634

**DRAFT AGENDA**

- I. Opening – Call to Order
- II. MOAA Updates and Announcements
- III. Chair Announcements
- IV. Public Comments
- V. Adjournment (8:00pm).

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, MARCH 7, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
James Short, Donald Isaac, Sr., Bobby Cato, Rema Wahabzadah,

- Protest Hearing (Status)** **9:30 AM**  
**Case # 18-PRO-00002;** Lovable Business, LLC, t/a Infusion Club and,  
Restaurant, 1725 Columbia Road NW, License #108251, Retailer CT, ANC 1C  
**Application for a New License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 17-PRO-00090;** Lemma Holdings, LLC, t/a Bliss, 2122 24th Place NE  
License #95711, Retailer CT, ANC 5C  
**Substantial Change (Request a Rooftop Summer Garden with 183 seats and  
Live Entertainment)**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-251-00160;** Only Paradise Restaurant, Inc., t/a Golden Paradise  
Restaurant, 3903 14th Street NW, License #98205, Retailer CR, ANC 4C  
**Violation of Settlement Agreement**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-CC-00116;** Sav-on Liquors, Inc., t/a Sav-on Liquors, 1414 14th  
Street NW, License #178, Retailer A, ANC 2F  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age, No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-CMP-00569;** Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License  
#104710, Retailer CT, ANC 1B  
**No ABC Manager on Duty, Violation of Settlement Agreement**



Board's Calendar

March 7, 2018

**Show Cause Hearing (Status) 9:30 AM**

**Case # 17-CMP-00570;** Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B

**Violation of Settlement Agreement**

**Fact Finding Hearing\* 10:00 AM**

**Case # 17-251-00236;** Café DuPont, LLC, t/a Café Citron, 1343 Connecticut Ave NW, License #60138, Retailer CR, ANC 2B

**Assault with a Dangerous Weapon**

**Fact Finding Hearing\* 10:30 AM**

**Case # 17-251-00253;** Historic Restaurants, Inc., t/a Old Engine 12, 1626 North Capitol Street NW, License #92685, Retailer CT, ANC 5E

**Sick Person to the Hospital**

**Fact Finding Hearing\* 11:00 AM**

Zenebe Shewayene (License in Safekeeping without Location), License #100620  
Retailer B

**Request to Extend Safekeeping**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Fact Finding Hearing\* 1:30 PM**

**Case # 17-251-00136;** Brixton Pub, LLC, t/a The Brixton, 901 U Street NW  
License #82871, Retailer CT, ABC 1B

**Person Injured Outside of the Establishment**

**Protest Hearing\* 2:00 PM**

**Case # 17-PRO-00075;** NAI Saturn Eastern, LLC, t/a Safeway, 2845 Alabama Ave SE, License #97704, Retailer B, ANC 7B

**Application to Renew the License**

**Protest Hearing\* 4:30 PM**

**Case # 17-PRO-00091;** Provost, LLC, t/a Provost, 2129 Rhode Island Ave NE  
License #108015, Retailer CR, ANC 5C

**Application for a New License**

**\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY, MARCH 7, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-086859 – **Tortilla Coast** – Retail – C – Restaurant – 1454-1460 P Street NW  
[Safekeeping][Licensee requested cancellation.]

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**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, MARCH 7, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On Wednesday, March 7, 2018 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case# 17-CMP-00714, Dangerously Delicious DC, 1339 H Street N.E., Retailer CR, License # ABRA-087422

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2. Case# 17-CMP-00694, La Cabana Restaurant, 3614 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-074849

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3. Case# 17-CMP-00695, Champion Kitchen, 7730 Georgia Avenue N.W., Retailer CR, License # ABRA-103055

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4. Case# 17-AUD-00084, CherCher Ethiopian Restaurant & Mart, 1334 9<sup>th</sup> Street N.W., Retailer CR, License # ABRA-090311

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5. Case# 17-CC-00141, 1101 Convenience Mart, 1101 H Street N.E., Retailer B, License # ABRA-086305

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6. Case# 17-CC-00144, Guilford Liquor, 446 Rhode Island Avenue N.W., Retailer A, License # ABRA-076393

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7. Case# 17-AUD-00086, Indique, 3512 Connecticut Avenue N.W., Retailer CR, License # ABRA-060528

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8. Case# 17-AUD-00087, La Loma, 316 Massachusetts Avenue N.E., Retailer CR, License # ABRA-026051

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9. Case# 17-CC-00147, Tenley Market/Liquor, 4326 Wisconsin Avenue N.W., Retailer A, License # ABRA-060821

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10. Case# 17-CMP-00732, 12 Twelve DC/Kyss Kyss, 1210-1212 H Street N.E., Retailer CT, License # ABRA-072734

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11. Case# 18-CMP-00006, Chinese Disco, 3251 Prospect Street N.W., Retailer CR, License # ABRA-078058

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12. Case# 17-CMP-00731, Chinese Disco, 3251 Prospect Street N.W., Retailer CR, License # ABRA-078058

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13. Case# 18-CMP-00014, The Graham Georgetown, 1075 Thomas Jefferson Street N.W., Retailer CH, License # ABRA-103359

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14. Case# 18-CC-00003, The Broad Branch Market, 5608 Broad Branch Road N.W., Retailer B, License # ABRA-081331

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15. Case# 18-CC-00008, Boeymonger Restaurant, 3265 Prospect Street N.W., Retailer DR, License # ABRA-102904

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, MARCH 7, 2018 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No conflict with Settlement Agreement. **Rosebar**, 1215 Connecticut Avenue NW, Retailer CT, License No. 077883.

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2. Review Application for Safekeeping of License – Original Request. ANC 4A. SMD 4A03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Geranium Market**, 7350 Georgia Avenue NW, Retailer B Grocery, License No. 060723.

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3. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Piola**, 2208 14<sup>th</sup> Street NW, Retailer CR, License No. 087595.

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4. Review Application for Sidewalk Café with seating for 16 patrons. **Proposed Hours of Operation for Sidewalk Cafe:** Sunday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. **Proposed Hours of Alcoholic Beverages Sales and Consumption for Sidewalk Cafe:** Sunday-Saturday 10am to 11pm. ANC 4C. SMD 4C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Las Placitas Restaurant**, 4724 14<sup>th</sup> Street NW, Retailer CR, License No. 094559.

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5. Review Application for Sidewalk Café with seating for 52 patrons. **Proposed Hours of Operation and Alcoholic Beverages Sales and Consumption for Sidewalk Cafe:** Sunday-Saturday 11am to 11pm. ANC 6E. SMD 6E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **BKK Cookshop**, 1700 New Jersey Avenue NW, Retailer CR, License No. 086393.

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6. Review Application for Sidewalk Café with seating for 15 patrons. ***Proposed Hours of Operation for Sidewalk Cafe:*** Sunday-Thursday 7am to 2am, Friday-Saturday 7am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***ANXO Cidery & Tasting Room***, 711 Kennedy Street NW, Retailer CT, License No. 102866.
- 
7. Review Application for Entertainment Endorsement to provide Live Entertainment, to include Dancing and Cover Charge. ***Proposed Hours of Live Entertainment Indoors:*** Sunday-Saturday 10am to 2am. ***Proposed Hours of Live Entertainment for Sidewalk Café and Summer Garden:*** Sunday-Saturday 10am to 1am. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***ANXO Cidery & Tasting Room***, 711 Kennedy Street NW, Retailer CT, License No. 102866.
- 
8. Review Application for Brewpub Endorsement. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***ANXO Cidery & Tasting Room***, 711 Kennedy Street NW, Retailer CT, License No. 102866.
- 
9. Review Request to expand operations into a recently renovated portion of the premises, increasing seating from 42 to 61, and increasing Total Occupancy Load from 42 to 80. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***ANXO Cidery & Tasting Room***, 711 Kennedy Street NW, Retailer CT, License No. 102866.
- 
10. Review Application for Tasting Permit. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***The Bruery***, 513 Morse Street NE, Wholesaler B, License No. 107892.
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**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS****DC MAYOR'S COMMISSION ON ASIAN AND  
PACIFIC ISLANDER AFFAIRS****Monthly Meeting****Tuesday, February 27, 2018 at 6:30 pm****Meeting Location: 441 4<sup>th</sup> St NW, Room 721 North Washington, DC****MEETING AGENDA**

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of January 2018 Meeting Minutes

**Brief Community Announcements and Presentations**

1. Mayor's Community Liaison's Report, Richard Livingstone, Mayor's Community Liaison for Ward 2, Richard.Livingstone@dc.gov 202.805.7122
2. Metropolitan Police Department Report, Captain Jonathan Dorrough, First District, Metropolitan Police Department, Jonathan.Dorrough@dc.gov 202.903.4123
3. About the Shakti Foundation for Arts and Culture presented by Sambrita Basu

**Executive Reports and Business Items**

4. Director's Report presented by MOAPIA Director David Do

**APIA Heritage Month Celebration**

1. APIA Heritage Month Award Nomination Process Update, Phuong Nguyen, Communications Specialist
2. AAPI Leadership Action Forum Design, Martha Watanabe, Commissioner

**Cultural Competency Training**

1. MPD Cultural Competency Training of Police Officers

**Chinatown**

1. Commission on Arts and Humanities (CAH)
2. Plans to Renovate the Chinatown Arch, at 7th & H St NW

**Alcoholic Beverage Regulation Administration (ABRA)**

1. Ping Pong Dim Sum (Closed), 900 7th St NW
2. Karma, (Opening) 611 I Street NW

**Department of Housing, (DOH)**

1. Judiciary House, 461 H St NW
2. Murder and Stabbing and Consequential meetings, between ANC, MPD, DOH.

**Historic Preservation Review Board (HPRB)**

1. Monument Property Development, 600 H St NW

**District Department of Transportation (DDOT)**

1. Plan to Renovate 7th St between Massachusetts Ave and Constitution Avenue NW  
Expand the Sidewalk, Insert Bike Lane, Remove Parking, and Place Planters.

**Department of Behavior Health**

1. Ward 2 Prevention Council Walk Through in Chinatown.

## Meeting Adjournment

Next Meeting:

Wednesday, March 21, 2018 at 6:30pm  
441 4<sup>th</sup> Street NW, Room 721 North  
Washington, DC 20001

Questions:

John Tinpe Chairman, [John.Tinpe@dcbc.dc.gov](mailto:John.Tinpe@dcbc.dc.gov)  
Ben Takai, Vice Chair & Secretary [BenTakai@dcbc.dc.gov](mailto:BenTakai@dcbc.dc.gov)



**CENTER CITY PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage one or more contractors for several small scale facilities projects at the Petworth Campus. Projects will take place during summer 2018.

To obtain copies of full RFP's, please visit our website: [www.centercitypcs.org](http://www.centercitypcs.org). The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Natasha Harrison  
nharrison@centercitypcs.org

**CENTER CITY PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage a contractor at the Trinidad campus to build out a new classroom with restroom in place of the existing boys' bathroom, restructure existing girls' bathroom to include separate boys and girls bathrooms and janitor's closet (with washer and dryer) as well as modify existing kitchen area to include an administrative office. Scope of work to include, but not limited to, kitchen area and existing bathroom modifications (i.e. flooring, paint, doors, drywall, etc.), new classroom build out, new restroom outfit, electrical, and HVAC installation as necessary.

Contact person:

Natasha Harrison  
nharrison@centercitypcs.org

To obtain copies of full RFP's, please visit our website: [www.centercitypcs.org](http://www.centercitypcs.org). The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

**D.C. CRIMINAL CODE REFORM COMMISSION****NOTICE OF PUBLIC MEETING**

**WEDNESDAY, MARCH 7, 2018 AT 10:00 AM**  
**441 4<sup>TH</sup> STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

D.C. Criminal Code Reform Commission  
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001  
(202) 442-8715 [www.ccrdc.dc.gov](http://www.ccrdc.dc.gov)

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, March 7, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11<sup>th</sup> Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or [richard.schmechel@dc.gov](mailto:richard.schmechel@dc.gov).

**MEETING AGENDA**

- I. Welcome and Announcements.
- II. Discussion of Draft Reports Currently Under Advisory Group Review
  - (A) Third Draft of Report #2 Basic Requirements of Offense Liability;
  - (B) First Draft of Report #13 Criminal Attempt Penalties;
  - (C) First Draft of Report #14 Definitions for Offenses Against Persons;
  - (D) First Draft of Report #15 Assault and Offensive Physical Contact Offenses;
  - (E) First Draft of Report #16 Robbery; and
  - (F) First Draft of Report #17 Criminal Menace and Criminal Threat Offenses;
- III. Adjournment.

**EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Legal Services***Public Charter School New Market Tax Credit Financing*

The Board of Trustees of Early Childhood Academy Public Charter School located in Washington, DC, invites proposals from qualified law firms to provide Legal Services related to a NMTC transaction for the purchase and development of a new public charter school facility to be completed by June 2018. Deadline of submission is March 16th, 2018 by 5:00pm Eastern Time. Please send all questions or request for additional information to:

Wendy S. Edwards  
Executive Director  
Early Childhood Academy PCS  
4025 9th Street SE  
Washington, DC 20032  
bids@ecapcs.org (email)

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY (NOFA)

## FISCAL YEAR (FY) 2018-19

## PRE-KINDERGARTEN ENHANCEMENT AND EXPANSION FUNDING

**Application Release Date: March 12, 2018**

The Office of the State Superintendent of Education (OSSE), Division of Early Learning, is soliciting applications for the allocation of Pre-K Enhancement and Expansion funding. OSSE will distribute funding to community-based organizations (CBOs)<sup>1</sup> pursuant to the Pre-k Enhancement and Expansion Amendment Act of 2008, (the “Act”), effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*) and its’ implementing regulations (5-A DCMR Chapter 35).

The purpose of this allocation is to distribute funding, per student, as appropriate, in an amount not to exceed the uniform per student funding formula (“UPSFF”)<sup>2</sup> pursuant to section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C Official Code § 38-1804.01), to CBOs providing pre-K education services<sup>3</sup> that meet the eligibility requirements and the high-quality standards set forth in section 201 of the Act (D.C. Code § 38-272.01) and its implementing regulations (5A DCMR §§ 3500.3 and 3501). A supplemental allocation equivalent to the at risk weight may be distributed for pre-K age students in foster care, who are homeless, or on TANF or SNAP pursuant to the Early Learning Equity in Funding Amendment Act of 2017 (B22-26), subject to its enactment.

The allocation of the Pre-K Enhancement and Expansion funding is currently not a competitive grant process. However, if the amount appropriated to OSSE is insufficient to fund all high-quality pre- K programs that meet the eligibility requirements and the high-quality standards, OSSE may distribute the funds through a competitive grant process. (See below “*Competitive Grant, If Applicable*”)

**Eligibility:** In order to apply for an allocation of Pre-K Enhancement and Expansion funding, a CBO providing pre-K education services shall:

1. Be licensed and maintaining compliance pursuant to Chapter 1 of Title 5A of the District of Columbia Municipal Regulations (DCMR 5-A, Chapter 1);
2. Be currently accredited by a national accrediting body approved by OSSE;
3. Complete and timely submit a high-quality designation application, on a form furnished by OSSE, which demonstrates that the CBO meets each of the: (1) eligibility criteria pursuant to 5A DCMR 3500.3; and (2) high-quality standards pursuant to 5A DCMR

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<sup>1</sup> “Community-based organization” or “CBO” means a Head Start or early childhood education program operated by a non-profit, for-profit or faith-based organization, or organization that participates in local or federally-funded early childhood programs, including the Child Care Subsidy Program.

<sup>2</sup> Rates will be final upon the legislative enactment of the forthcoming Fiscal Year 2019 Budget Support Act of 2018.

<sup>3</sup> “Pre-K education service” means the purposeful, well planned and developmentally appropriate practice and instruction provided by community-based organizations to pre-K age children.

- 3501; and  
 4. Attend the pre-application conference.

OSSE will host the aforementioned mandatory pre-application conference on the date, time, and location listed below. Once the pre-application conference begins, no one will be allowed to join the session. Attendance will be taken at the beginning and end of the pre-application conference. Failure to attend the pre-application conference will result in a disqualification of the high-quality designation application. To attend one of the below listed conferences, please RSVP in advance to [Mahlet.Getachew@dc.gov](mailto:Mahlet.Getachew@dc.gov) or (202) 727-0545.

Date	Time	Location
March 16, 2018	2:30-4 p.m.	Office of the State Superintendent of Education 1050 First St. NE - First Floor – Eleanor Holmes Norton III

The high-quality designation application will be posted on **Monday, March 12, 2018** on OSSE’s website, <https://osse.dc.gov>.

**Competitive Grant, If Applicable**

If OSSE does not receive an appropriation amount to fund all high-quality pre-K programs that meet the eligibility requirements and the high-quality standards, OSSE will allocate the funds through a competitive grant process. Request for Application (RFA) will be released on **Monday, April 23, 2018** on OSSE’s website, <https://osse.dc.gov>.

For additional information regarding this NOFA, please contact:

Dr. Mahlet Getachew  
 Education Research Analyst  
 Policy, Planning and Research Unit  
 Division of Early Learning  
 Office of the State Superintendent of Education  
 1050 First Street, NE Sixth Floor  
 Washington, DC 20002  
[Mahlet.Getachew@dc.gov](mailto:Mahlet.Getachew@dc.gov)  
 Phone: (202) 727-0545

**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: 6B07**

Petition Circulation Period: Monday, March 5, 2018 thru Monday, March 26, 2018  
Petition Challenge Period: Thursday, March 29, 2018 thru Wednesday, April 4, 2018

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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 20003-4733**

For more information, the public may call **727-2525**.

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Fiscal Year 2019 Clean Water Construction Treatment Works Projects**

The Department of Energy and Environment (the Department) seeks to identify collaborative partners for the Department's fiscal year (FY) 2019 Clean Water Construction (CWC) grant application to the Environmental Protection Agency (EPA) (CFDA#66.418). Applications are requested for funding as DOEE partners for three categories of work: (1) sewage infrastructure projects, (2) stormwater grey infrastructure projects, and (3) stormwater green infrastructure projects. All projects must provide a water quality benefit for District waters.

DOEE may receive approximately \$6,000,000 in the federal funding for Clean Water Construction (CWC) Projects. DOEE has made no determination regarding the number of projects that will be funded.

Beginning 3/02/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [FY19CWCERFA.Grant@dc.gov](mailto:FY19CWCERFA.Grant@dc.gov) with "Request copy of RFA 2018-1814-WQD" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Keren O'Brien Murphy at (202) 731-7262 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Keren O'Brien Murphy RE:2018-1814-WQD" on the outside of the envelope.

**The deadline for application submissions is 4/02/2018, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [FY19CWCERFA.Grant@dc.gov](mailto:FY19CWCERFA.Grant@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Government agencies; and
- Universities/educational institutions.

For additional information regarding this RFA, write to: [FY19CWCERFA.Grant@dc.gov](mailto:FY19CWCERFA.Grant@dc.gov).



**FRIENDSHIP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective candidates to provide:

**Interim Alternative Educational Placements:** Friendship Public Charter School is seeking an experienced vendor /company to provide Interim Alternative Education Placement for special education students in grades 3-12. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, March 27th, 2018. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org)

**DEPARTMENT OF HEALTH****NOTICE OF PAYMENT ADJUSTMENT**

The Director of the Department of Health, pursuant to the authority set forth in section 9(c) of the District of Columbia Health Professional Recruitment Program Act of 2005 (“Act”), effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.08(c)), hereby gives notice of the adjustment to the rate of repayment to participants in the District of Columbia Health Professional Recruitment Program established by section 3 of the Act. The payment amounts are being increased to reflect the rate of inflation since September 2016 based on the change in the Consumer Price Index (CPI). Section 8(c) of the Act authorizes the Director to increase the dollar amount of the total loan repayment annually to adjust for inflation. From September 2016 to September 2017, the CPI has increased by 2.23%, therefore the new repayment amounts shall be as follows:

**For physicians and dentists starting in fiscal year 2018:**

The maximum repayment amount is **\$148,471**, distributed as follows:

- For the 1st year of service, 18% of total debt, not to exceed \$26,725;
- For the 2nd year of service, 26% of total debt, not to exceed \$38,602;
- For the 3rd year of service, 28% of total debt, not to exceed \$41,572; and
- For the 4th year of service, 28% of total debt, not to exceed \$41,572.

**For all other health professionals starting in fiscal year 2018:**

The maximum repayment amount is **\$81,657**, distributed as follows:

- For the 1st year of service, 18% of total debt, not to exceed \$14,698;
- For the 2nd year of service, 26% of total debt, not to exceed \$21,231;
- For the 3rd year of service, 28% of total debt, not to exceed \$22,864; and
- For the 4th year of service, 28% of total debt, not to exceed \$22,864.

The new loan repayment rates stated herein shall be effective upon publication of this notice in the *D.C. Register*.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**THE RENTAL HOUSING COMMISSION 2018 RESOLUTION**


for

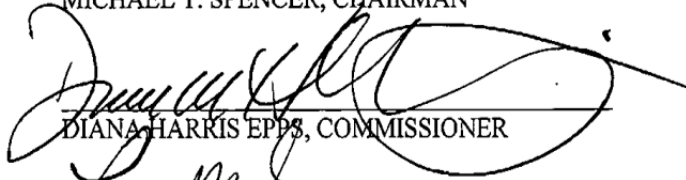
**THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX –  
URBAN WAGE EARNERS AND CLERICAL WORKERS (CPI-W), FOR  
ALL ITEMS; THE SOCIAL SECURITY COST-OF-LIVING  
ADJUSTMENT; AND THE MAXIMUM ANNUAL RENT INCREASE FOR  
ELDERLY TENANTS AND TENANTS WITH A DISABILITY**

It is hereby resolved by the Rental Housing Commission (“Commission”) this 12<sup>th</sup> day of February, 2018:

1. Whereas, effective January 1998, the United States Department of Labor, Bureau of Labor Statistics (“BLS”), eliminated the publication “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which included the District of Columbia and parts of the states of Maryland and Virginia, and initiated the publication “Consumer Price Index – Urban Wage Earners and Clerical Workers (CPI-W), Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items,” which includes the District of Columbia and parts of the states of Maryland, Virginia, and West Virginia in a consolidated metropolitan statistical area (“Washington-Baltimore CMSA”);
2. Whereas, pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b)) (“Act”), the Commission is mandated to determine the change, during the twelve months of calendar year 2017 in the Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for all items in the metropolitan statistical area that includes the District of Columbia;
3. Whereas, pursuant to the requirements of section 206(b) of the Act, the Commission used the BLS publication of the CPI-W for all items for calendar year 2017 in the Washington-Baltimore CMSA;
4. Whereas, the Commission determined the calendar year 2017 change in the CPI-W for all items for the Washington-Baltimore CMSA was 1.4%;
5. Whereas, pursuant to section 202(a)(3)(B) of the Act, the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i));
6. Whereas, the Commission determined that the Social Security COLA established for calendar year 2018 is 2.0%;

- 7. Whereas, pursuant to section 202(a)(3)(C) of the Act, the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act, which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this resolution; (b) the Social Security COLA, as determined by this resolution; or (c) 5% of the current rent charged; and
  
- 8. Whereas, the Commission determined that, pursuant to section 224(a) of the Act, the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider shall not exceed 1.4%;
  
- 9. Be it therefore resolved, that, pursuant to the requirements of section 202(a)(3) of the Act, the Commission hereby certifies that:
  - (a) The rent adjustment of general applicability, to become effective on May 1, 2018, shall not exceed 1.4% of the legal rent charged for a rental unit on April 30, 2018; and
  - (b) The annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 1.4% of the legal rent charged on April 30, 2018; and
  
- 10. Be it further resolved, that the Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2018, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents and Administrative Issuances for publication in the *District of Columbia Register*.

  
\_\_\_\_\_  
MICHAEL T. SPENCER, CHAIRMAN

  
\_\_\_\_\_  
DIANA HARRIS EPPS, COMMISSIONER

  
\_\_\_\_\_  
LISA M. GREGORY, COMMISSIONER

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

**CERTIFICATION AND NOTICE OF RENT ADJUSTMENT OF  
GENERAL APPLICABILITY**

**EFFECTIVE MAY 1, 2018**

1. Pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b)) (“Act”), the Rental Housing Commission (“Commission”) shall determine a maximum allowable adjustment of general applicability in the rent charged in accordance with section 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) for rental units covered by the Rent Stabilization Program,<sup>1</sup> which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (“SMSA”) Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for All Items.<sup>2</sup>
2. Pursuant to section 206(b) of the Act, the Commission determined that the CPI-W for All Items in the Washington, D.C. metropolitan area increased by 1.4% during the previous calendar year.

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<sup>1</sup> The coverage of the Rent Stabilization Program is established by section 205(a)-(e) of the Act (D.C. Official Code § 42-3502.05(a)-(e)).

<sup>2</sup> The Rental Housing Commission and the Rent Administrator are mandated by Act to annually calculate and publish in the *District of Columbia Register* the percentage change in the “Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items.” D.C. Official Code §§ 42-3502.04(k), 42-3502.06(b). However, the Act does not conform to two changes in the publication by the United States Department of Labor, Bureau of Labor Statistics (“BLS”), which publishes the CPI-W statistics and determines what areas will be in the SMSA.

First, the BLS enlarged the geographical areas included with Washington, D.C. in the statistical area. Second, the name of the BLS statistical publication was changed to reflect the enlargement of the area. Originally, the SMSA included Washington, D.C. and parts of Maryland, and Virginia. The statistical publication issued by BLS, and used by both the Rent Administrator and the Commission, was named “Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington, DC-MD-VA, All Items.” That publication was discontinued, and now the BLS publication is the “Consumer Price Index – Urban Wage Earners and Clerical Workers, Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items.” The difference is the inclusion of parts of the state of West Virginia and the city of Baltimore, Maryland into a “consolidated metropolitan statistical area” with Washington, D.C.

The BLS data on which the Commission relies is published with the Series ID CWURA311SA0.

3. Pursuant to section 202(a)(3)(A) of the Act (D.C. Official Code § 42-3502.02(a)(3)(A)), the Commission hereby certifies and gives notice that **the rent adjustment of general applicability to become effective on May 1, 2018, shall not exceed 1.4% of the legal rent charged** for a covered rental unit on April 30, 2018.<sup>3</sup>
4. Pursuant to section 202(a)(3)(B) of the Act (D.C. Official Code § 42-3502.02(a)(3)(B)), the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).
5. Pursuant to section 202(a)(3)(B) of the Act, the Commission determined that the Social Security COLA established for calendar year 2018 is 2.0%.<sup>4</sup>
6. Pursuant to section 202(a)(3)(C) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)), the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act (D.C. Official Code § 42-3502.24(a)),<sup>5</sup> which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this notice; (b) the Social Security COLA, as determined by this notice; or (c) 5% of the current rent charged.
7. Pursuant to section 202(a)(3)(C) of the Act, the Commission hereby certifies and gives notice that **the annual adjustment in the rent charged for a covered rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 1.4% of the legal rent charged** on April 30, 2018.

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<sup>3</sup> Pursuant to section 208(h)(2)(A) of the Act (D.C. Official Code § 42-3502.08(h)(2)(A)), except as provided for elderly tenants and tenants with a disability and rental units leased or co-leased by a home and community-based services waiver provider, a housing provider may increase the rent charged for a rental unit by **an additional 2% above the adjustment of general applicability**.

<sup>4</sup> See 82 Fed. Reg. 59937 (Dec. 15, 2017).

<sup>5</sup> For the purpose of determining the maximum allowable rent increase under section 224(a) of the Act, the term “elderly tenant” means a tenant who is at least **62 years of age**, as defined by section 103(12) of the Act (D.C. Official Code § 42-3501.03(12)), and “tenant with a disability” means a tenant who has **a physical or mental impairment that substantially limits one or more major life activities**, as defined by section 103(36A) of the Act (D.C. Official Code § 42-3501.03(36A)) to incorporate the definition of “disability” provided by section 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)).

**PERRY STREET PREP PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

**Chromebooks**

Perry Street Preparatory Public Charter School is soliciting proposals from qualified vendors for the following:

Perry Street Prep seeks to purchase 200 Chromebooks each with a license for Google Chrome Management Console, Education Edition. Chromebooks specifications may include:

- Asus Chromebook Flip
  - CPU: Intel Pentium 4405Y – Intel Core m3-6Y30 | Graphics: Intel HD Graphics 515 | RAM: 4GB | Screen: 12.5-inch, FHD (1,920 x 1,080) LED backlit anti-glare | Storage: 32GB – 64GB eMMC
- ASUS Chromebook C202SA-YS02
  - CPU: C202SA-YS02 | RAM: 4GB | Screen: 11.6-inch, | Storage: 16GB eMMC | Ruggedized and Water Resistant
- Dell Chromebook 11
  - CPU: Intel Celeron N2840 | Graphics: Intel HD Graphics | RAM: 2GB – 4GB | Screen: 11.6-inch, HD (1366 x 768) touchscreen | Storage: 16GB SSD
- Acer Chromebook 15
  - CPU: Intel Pentium N4200 | Graphics: Intel HD Graphics 505 | RAM: 4GB | Screen: 15.6-inch, FHD (1,920 x 1,080) | Storage: 32GB eMMC

Please return your bid proposal by March 9, 2018 at 5:00pm. All proposals must be sent electronically to:

Kelly Smith  
ksmith@pspdc.org

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING FOR  
INNOVATION & TECHNOLOGY INCLUSION COUNCIL  
PURSUANT TO D.C. OFFICIAL CODE § 10-1906**

The District will hold a public meeting for Innovation & Technology Inclusion Council at the following time and location:

**Date: Tuesday, March 6, 2018**

**Time: 2:00pm**

**LOCATION:**

**Washington DC Economic Partnership  
1495 F St NW,  
Washington, DC 20004**

Agenda items will include updates from Office of the Deputy Mayor for Planning and Economic Development on Pathways to Inclusion, and 2018 goals and initiatives

For questions, please contact Karima Woods, Business Development & Strategy Director at 202-727-6365 or [karima.woods@dc.gov](mailto:karima.woods@dc.gov) or Joycelyn James at 202-727-8531 or [Joycelyn.james@dc.gov](mailto:Joycelyn.james@dc.gov)





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performance of Ted Williams (“Williams”), the Union’s then-general counsel. Given Neill’s known sentiments, he did not actively participate in UASS.<sup>2</sup> On March 16, 2001, Neill was advised by the Chairperson of UASS that Williams would not be considered for retention as general counsel and shortly thereafter Neill terminated the Union’s agreement with Williams.<sup>3</sup>

On April 16, 2001, Williams filed suit in Superior Court against Neill and the Union’s new general counsel, Kenneth Bynum (“Bynum”) for breach of contract, tortious interference with contractual relations, and intentional infliction of emotional distress.<sup>4</sup> Neill retained John Berry (“Berry”) to represent him in this lawsuit without consultation with the Union. In an undated memo from Gregory L. Greene (“Greene”), the Union’s Secretary, to Berry, Greene stated that the Union unanimously passed a motion that the Union would not support or finance the pending lawsuit against the current Chairman and others.<sup>5</sup> On May 23, 2001, the Superior Court dismissed the case for failure to exhaust contractually required prerequisite remedies. Williams appealed the decision to the Court of Appeals, where the case was pending for seven years.<sup>6</sup> On March 4, 2008, in an unpublished memorandum opinion and decision, the Court of Appeals affirmed the dismissal of the breach of contract claim and reversed and remanded the dismissal of Williams’ intentional tort claims.<sup>7</sup>

Seven months later, on October 31, 2008, Neill sent a “Request for Representation” to the Union asking the Union to pay his attorney fees and costs, “given that the issues in the lawsuit solely concern my alleged actions as FOP Chairman in terminating the services of an attorney for FOP.”<sup>8</sup> The Union did not provide legal representation or pay legal fees for the attorney hired by Neill.

On November 18, 2008, Berry wrote to the then-Union Chairman and stated his client’s right to have his legal defense expenses covered pursuant to Article 17.1 of the Union’s bylaws. The Union’s current general counsel responded to Berry and refused to pay the legal expenses or provide representation.

On November 13, 2009, the Superior Court dismissed with prejudice all of Williams’ claims against Neill and Bynum. This judgment was not appealed by Williams.<sup>9</sup> At this point Berry was replaced as Neill’s counsel by Matthew LeFande (“LeFande”); again no consultation with or approval by the Union.<sup>10</sup>

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<sup>2</sup> Report and Recommendation at 4.

<sup>3</sup> Report and Recommendation at 4.

<sup>4</sup> Report and Recommendation at 4.

<sup>5</sup> Report and Recommendation at 4.

<sup>6</sup> Report and Recommendation at 4.

<sup>7</sup> The Union also appealed the decision of the Superior Court, however the Court of Appeals dismissed this appeal as moot on March 4, 2008.

<sup>8</sup> Report and Recommendation at 5.

<sup>9</sup> Report and Recommendation at 6.

<sup>10</sup> Report and Recommendation at 5-6.

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On January 20, 2010, LeFande wrote to the Union's general counsel demanding payment for Neill's legal defense expenses in the amount of \$244,006.90.<sup>11</sup> It is undisputed between the parties that the Union did not respond to this letter, did not provide Neill with any legal representation or reimburse him for any of his attorney fees and costs in defense of the lawsuit.<sup>12</sup>

On March 15, 2010, Neill filed a Standards of Conduct Complaint against FOP for violating the Union's bylaws. On February 4, 2012, the Board dismissed Neill's Complaint for untimeliness. Neill appealed the Board's decision to the Superior Court. On December 26, 2012, the Superior Court dismissed the petition for review on procedural grounds.<sup>13</sup> On June 19, 2014, the Court of Appeals reversed, and remanded the case to the Superior Court.<sup>14</sup> On September 29, 2015, Superior Court Judge Herbert B. Dixon, Jr. (Judge Dixon) reversed the earlier decision of the Superior Court, vacated the Board's Decision and Order, and remanded the matter to the Board for further proceedings.<sup>15</sup> Judge Dixon's directive instructs the Board to conduct "further proceedings to address issues related to the timeliness of the petitioner's (Neill's) standards of conduct complaint."<sup>16</sup> Upon remand, the Board referred the matter to a hearing examiner.

### III. Hearing Examiner's Report

On January 9, 2017, the parties agreed to the following at a status conference: (1) no further factual hearing was necessary, (2) no facts were in dispute, and (3) the Hearing Examiner would issue her Report and Recommendation based on the existing record regarding the issue on remand from the Superior Court.<sup>17</sup>

On the issue of timeliness, the Hearing Examiner found that Neill's Complaint was untimely.<sup>18</sup> The Hearing Examiner noted that nothing precludes the Union from paying for "outside-representation" of its members, free of charge, for counsel selected by the members if approved by the Union at the beginning of such representation.<sup>19</sup> The Hearing Examiner stated that there are two prerequisites for the Union paying for such representation if requested to do so from the beginning: (1) a timely request made to the Union by the officer or sergeant for representation by someone other than paid union counsel; and (2) the attorney selected by the officer or sergeant must be qualified and knowledgeable in defending unions and their members.<sup>20</sup>

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<sup>11</sup> Report and Recommendation at 6.

<sup>12</sup> Report and Recommendation at 6.

<sup>13</sup> Report and Recommendation at 2.

<sup>14</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, 93 A.3d 229 (D.C. 2014)

<sup>15</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) (D.C. Super. Ct. Sept. 29, 2015).

<sup>16</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) at p. 11 (D.C. Super. Ct. Sept. 29, 2015).

<sup>17</sup> Report and Recommendation at 3.

<sup>18</sup> Report and Recommendation at 14.

<sup>19</sup> Report and Recommendation at 12.

<sup>20</sup> Report and Recommendation at 12.

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The Hearing Examiner stated that it is undisputed that the events at issue began when Williams filed his suit against Neill on April 16, 2001. The Hearing Examiner also stated that, in May of 2001, Neill retained counsel to defend him without any request or approval by the Union and it is undisputed that Neill waited nearly seven years after he first retained counsel to request the Union's approval in an October 31, 2008 letter.<sup>21</sup> This letter was sent about a year and half before Neill filed his Complaint on March 15, 2010. The Hearing Examiner found that Neill knew or should have known of the alleged violation in May of 2001, when he retained counsel without consultation or approval by the Union.

The Hearing Examiner alternatively found that Neill knew or should have known that the Union declined his request for representation on or about some time in 2001 when he was notified that the Union unanimously passed a motion that it would not support or finance the pending lawsuit.<sup>22</sup> It is undisputed by the parties that Neill's counsel was informed of this development in an undated memo some time in 2001.<sup>23</sup> The memo was sent nine years before Neill filed the Complaint. Therefore the Complaint is untimely.

The Hearing Examiner further stated alternatively that Neill knew or should have known that the Union denied his request for representation on or about October 31, 2008, seven years after he first retained counsel and the Union did not provide him with legal representation.<sup>24</sup> The Hearing Examiner concluded that it is obvious from Neill's October 31, 2008 letter that he was not asking the Union for legal representation, but actually asking the Union to reimburse him for his attorneys fees and costs which at that time had been accumulating for over seven years.<sup>25</sup>

Neill asserts that the allegations in his Complaint constitute one continuous violation, the refusal of the Union to provide him with representation in his defense of the lawsuit. The Hearing Examiner found that Neill's multiple attempts to obtain reimbursements up to January 20, 2010, cannot extend the statute of limitations by being construed as separate and distinct causes of action. A distinction is made by the Hearing Examiner between the Union's failure to reimburse Neill for attorney's fees and the Union's failure to represent Neill in breach of Article 17.1 of the Union's bylaws. The attorney's fees and costs are merely a remedy to his cause of action, which is the Union's alleged failure to provide legal representation, pursuant to its bylaws. The statute of limitations is activated by the violation not the alleged damages resulting from the violation.<sup>26</sup>

The Hearing Examiner further disagreed with Neill's assertion that filing deadlines are just claim-processing rules that can be waived by the opposing party or equitably tolled. Under the CMPA, the Board has been given a great deal of authority and is deferred to by courts in all

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<sup>21</sup> Report and Recommendation at 12.

<sup>22</sup> Report and Recommendation at 14.

<sup>23</sup> Report and Recommendation at 13.

<sup>24</sup> Report and Recommendation at 14.

<sup>25</sup> Report and Recommendation at 18.

<sup>26</sup> Report and Recommendation at 14.

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CMPA matters, including determinations as to what makes a jurisdictional demand. The Hearing Examiner found that Rule 544.4 is not a claim-processing rule.<sup>27</sup>

Neill also asserts that the Union waived any jurisdictional defect by participating in proceedings from the filing of the Complaint on March 15, 2010, until it filed its Motion to Dismiss for Untimeliness on July 26, 2011, more than a year later.<sup>28</sup> The Hearing Examiner states that Union did not delay in asserting the issue of timeliness. The Union's Answer to the Complaint clearly states that that the Complaint ripened as of December 10, 2008, when the Union denied Neill's request for the payment of fees.<sup>29</sup>

Finally, the Hearing Examiner and both parties agree that the issue of whether Neill has a right to a jury trial under the Seventh Amendment to the United States Constitution is a matter for the Superior Court to resolve, if necessary.<sup>30</sup>

#### IV. Discussion

##### A. Standard of Review

The Board reviews a Hearing Examiner's Report and Recommendation even if no exceptions are filed to determine whether the analysis and conclusions are reasonable, supported by the record and consistent with Board precedent. Issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the hearing examiner.<sup>31</sup> Mere disagreements with the hearing examiner's findings and citation of competing evidence do not constitute proper exceptions if the record contains evidence supporting the hearing examiner's conclusions.<sup>32</sup> Both parties agreed that no facts were in dispute and neither party filed exceptions to the Hearing Examiner's Report.

The Superior Court found that "PERB's final decision and order does not explicitly state or even allude to the exact date the Board found the petitioner's standards of conduct accrued."<sup>33</sup> Specifically, Judge Dixon concluded that: "PERB's final decision and order neither points to a discreet date or act triggering the commencement of PERB Rule 544.4's 120-day filing period nor engages in any meaningful discussion concerning when and how the petitioner was placed on

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<sup>27</sup> We disagree with the Hearing Examiner's conclusion that PERB Rule 544.4 is not a "claim-processing rule". FOP properly raised PERB Rule 544.4 in their Answer to the Complaint. However, because this case is decided on different grounds, we decline to address it further in this decision.

<sup>28</sup> Report and Recommendation at 17.

<sup>29</sup> Report and Recommendation at 17.

<sup>30</sup> Report and Recommendation at 17.

<sup>31</sup> *FOP/MPD Labor Comm. v. MPD* 62 D.C. Reg. 3544 Op. No. 1506, PERB Case No. 11-U-50(a) (2015).

<sup>32</sup> *Brinkley v. FOP/MPD Labor Comm., District 20, Local 2087*, 60 D.C. Reg. 17387, Op. No. 1446, PERB Case No. 10-U-12 (2013).

<sup>33</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) (D.C. Super. Ct. Sept. 29, 2015).

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notice of his complaint against the police labor union."<sup>34</sup> The only issue before the Board is whether the Complaint is timely.

### **B. Timeliness**

According to PERB Rule 544.4, standards of conduct complaint "shall be filed no later than one hundred and twenty (120) days from the date the alleged violation(s) occurred." We agree with the Hearing Examiner that Neill should have known the Union declined his request for representation sometime in 2001. Even though Neill retained counsel without consultation or approval by the Union, we adopt the Hearing Examiner's factual finding that on July 31, 2001, the Union passed a unanimous motion not to support or finance the pending lawsuit and shortly thereafter Neill's counsel received a memo informing him of the Union's action.<sup>35</sup> This fact is undisputed. Both Parties agree that a memo, even though undated, was received by Neill after that vote in 2001. These events occurred nine years before Neill filed his standards of conduct complaint, well outside the 120-day deadline.<sup>36</sup>

The 120-day time period for a union member to file standards of conduct complaint begins once that union member has received an unequivocal statement from his union that he will not be represented or have any representation he secures paid for.<sup>37</sup> In this case, the unequivocal statement was the undated memo from the Union Secretary to Neill's counsel in 2001. The memo stated clearly that the Union would not "support or finance the pending lawsuit against the current Chairman G.G. Neill Jr. and others." The Union has not at any point afterwards stated that they would support this lawsuit or provide Neill with representation. The Board adopts the Hearing Examiner's finding that Neill knew or should have known of the alleged violation some time in 2001 when he received the undated memo.

We also reject the argument that Neill's allegations constitute one "continuing violation" that continued until the dismissal of the Williams lawsuit on November 13, 2009. The Court of Appeals has stated that a continuing violation is one whose "character as a violation did not become clear until it was repeated during the limitations period because it is only its cumulative impact ... that reveals its illegality."<sup>38</sup> Neill's attempts to obtain reimbursement cannot be used to establish a "continuing violation" because the Union notified him in 2001 of its decision not to support the lawsuit. As the Hearing Examiner stated, Neill's attempts for reimbursement were

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<sup>34</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) (D.C. Super. Ct. Sept. 29, 2015).

<sup>35</sup> The Parties agreed that there were no factual disputes and this fact was uncontested at the hearing and was not challenged through exceptions.

<sup>36</sup> The Hearing Examiner also found that it was clear from Neill's October 31, 2008 letter that he knew he would not receive legal representation from the Union and only sought reimbursement for this alleged violation. These facts are undisputed by the parties and all of these dates occurred well outside the 120-day filing deadline for a standards of conduct complaint.

<sup>37</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) (D.C. Super. Ct. Sept. 29, 2015).

<sup>38</sup> *Taylor v. FDIC*, 132 F.3d 753, 765 (D.C. Cir. 1997), *See also MPD v. FOP/MPD Labor Comm.* 67 D.C. Reg. 14606, Slip Op. No. 1535 at p. 2, PERB Case 09-U-48(R) (2015).

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no more than a remedy to his cause of action; not separate and distinct causes of action which would extend the filing limitation.

### **C. The December 10, 2008 Letter**

The Superior Court noted that the Union's December 10, 2008 letter appears to contradict the 2001 memo.<sup>39</sup> This letter from the Union responds to Neill's request that the Labor Committee reimburse his legal expenses. The letter states:

The remanded case addresses only Mr. Williams' claims in tort that Mr. Neill's actions towards him were malicious and intentional, and therefore undertaken by Mr. Neill in his individual capacity and interest rather than for the benefit and goals of the Labor Committee. If Mr. Williams is successful, then Mr. Neill necessarily would not be shielded from personal liability based on his status as Chairman of the Labor Committee, nor would he be entitled to legal protection by the Labor Committee.

The letter does not state that the Labor Committee would pay for Neill's legal expenses if he prevailed against Williams. Legal representation had been denied in 2001 with respect to matters involving Neill in his role as the FOP Chairman. This letter clarifies that reimbursement would be inappropriate in any case with respect to the remaining claims, as they address actions taken by Neill in his individual capacity.

### **V. Conclusion**

The Board adopts the Hearing Examiner's Recommendation that Neill knew or should have known of the alleged violation in 2001. The Board finds that Neill's Complaint is untimely under PERB Rule 544.4. Therefore it should be dismissed and no findings need to be made regarding the underlying merits of the Complaint.

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<sup>39</sup> *Neill v. Dist. of Columbia Pub. Emp. Relations Bd.*, Civ. Case No. 2012 CA 002009 P(MPA) (D.C. Super. Ct. Sept. 29, 2015).

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson and Douglas Warshof.

December 21, 2017

Washington, D.C.



**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 10-S-04, Op. No. 1647 was sent by File and ServeXpress to the following parties on this the 5<sup>th</sup> day of January, 2018.

Mathew August LeFande  
Attorney at Law PLLC  
4585 North 25<sup>th</sup> Road  
Arlington, VA 22207

Marc L. Wilhite  
Pressler & Senftle, P.C.  
1432 K Street, N.W., 12<sup>th</sup> Floor  
Washington, D.C. 20005

/s/ Sheryl Harrington  
PERB

**RICHARD WRIGHT PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Accounting Services**

Richard Wright Public Charter School is requesting proposals for accounting services for FY 2017-2018 through SY 2018-2019, with the option to extend additional years thereafter. To request a copy of the Proposal please email [alisha.roberts@richardwrightpcs.org](mailto:alisha.roberts@richardwrightpcs.org). Proposals are due no later than March 26, 2018.

**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 April 1, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on March 2, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: April 1, 2018  
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Abubakar	Khalifa	Carr Workplaces 1455 Pennsylvania Avenue, NW, Suite 400	20004
Adair	Kirk	Self (Dual) 5909 Clay Street, NE, Apartment 304	20019
Akers Jr.	Scott P.	Self 4211 Benning Road, NE	20019
Alemu	Yared S.	PNC Bank 4835 Massachusetts Avenue, NW	20016
Arnous	Asim	Super Value, Inc 1917 I Street, NW, Suite 100	20006
Asgari	Sara	Telesis Corporation 1101 30th Street, NW	20007
Avellino	Ann Marie	Core Architecture + Design, Inc 1010 Wisconsin Avenue, NW, Suite 405	20007
Bagiackas	Ananda	The L'Enfant Trust 2000 P Street, NW, Suite 320	20036
Batchelor	Jillian Nicole	Sanofi US 1455 Pennsylvania Avenue, NW, Suite 500	20004
Beale	Mary C.	Office of the Chief Financial Officer 1100 4th Street, SW, Suite 770E	20024
Beard	Michelle D.	University Legal Services 220 I Street, NE, Suite 130	20002
Bennett	Sheila J.	Self 4239 Benning Road, NE	20019
Bergling	Susanne	For the Record, Inc. 1200 G Street, NW, Suite 800	20005
Betz	Alfred A.	Al Bet & Associates, Inc. 1775 Eye Street, NW	20006

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public**

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Bradley	Joseph E.	Alderson Reporting 1155 Connecticut Avenue, NW	20036
Brady	Michael Todd	American Public Gas Association 201 Massachusetts Avenue, NE, C-4	20002
Britto	Shanell	Alignstaffing 111 K Street, NE, 4th Floor	20002
Brooks	Hannah A.	Circle in a Square Advisors ( Ameriprise) 1906 Sunderland Place, NW	20036
Brown	Sheila D.	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Bryant	Rudencia A.	Self 1333 I Street, NE	20002
Burnette	Tiffany A.	Safe Kids Worldwide 1255 23rd Street, NW, Suite 400	20037
Bye	Erin	Borger Management, Inc 1111 14th Street, NW, Suite 200	20005
Callaway	James E.	Jones Day 51 Louisiana Avenue, NW	20001
Chambers	Sandra T.	Government Publishing Office 732 North Capitol Street, NW	20401
Chausmer	Kerry	Safe Kids Worldwide 1255 23rd Street, NW, Suite 400	20037
Clarke	Yvonne L.	Horning Brothers Corporation 3333 14th Street, NW, #300	20010
Coley	C.	The Mary Elizabeth House Inc., A Ministry 200-210 55th Street, NE	20019
Contee	Haynes Robert	Contee Law Group 1818 Kalorama Road, NW, Apartment 8	20009

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Conville	Caitlin Speakman	Hanley Wood Media, Inc  1 Thomas Circle, NW, Suite 600	20005
Cooper	Trenton	Gensler 2020 K Street, NW	20745
Davis	Carolyn C.	William L. Menard, Attorney at Law 3223 Chesapeake Street, NW	20008
Davis	Shirley	PricewaterhouseCoopers 600 13th Street, NW, Suite 1000	20005
Dragoo	Kari	Buckley Sandler, LLP 1250 24th Street, NW, Suite 700	20037
Ferrol	Shane	TD Bank 1753 Connecticut Avenue, NW	20009
Flanagan	Michael F.	Consilio 1828 L Street, NW, Suite 1070	20036
Flowers	Earnestine A.	Alston & Bird, LLP 950 F Street, NW	20004
Gaines	Niya	McDermott Will & Emery 500 North Capitol Street, NW	20001
Gay	Alicea M.	Self (Dual) 221 R Street, NW, Apartment A	20010
Glenn	W. Joy	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Glover	Shameka S.	iDiscovery Solutions 3000 K Street, NW, Suite 330	20007
Good	Claudia A.	Borger Management, Inc 1111 14th Street, NW, Suite 200	20005
Gregori	Jacob M.	Self 2017 19th Street, NW	20009
Guerrieri	Tylar	M&T Bank 1680 K Street, NW	20006

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Guidry	Hannah	Self (Dual) 2208 Tunlaw Road, NW	20007
Hagedorn	Mary Susan	Peckar & Abramson, PC 2055 L Street, NW, Suite 750	20036
Haley	James A.	First Excel Title 5335 Wisconsin Avenue, Suite 440	20015
Hamerling	Laura	The Brixton 901 U Street, NW	20001
Hamilton	Janet A.	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Harding	Tanya	MedStar Washington Hospital Center 110 Irving Street, NW	20010
Hartnett	Zachary E.	CT Strategies, LLC 1919 M Street, NW, Suite 200	20036
Hawkins	Tiara	North Capitol Collaborative 2000 Rhode Island Avenue, NE	20018
Hofer	Chris	Hunt Reporting 1315 W Street, NW, Suite 347	20009
Hunter	Thomas L.P.	NACCCHO 1201 I Street, NW, Suite 400	20005
Jackson	Michelle A.	United States Postal Services 475 L'Enfant Plaza, SW	20260
Jennings	Fawn B.	All Pro Glass, LLC 5650B 3rd Street, NE	20011
Jones	Robert C.	M&T Bank 1420 Wisconsin Avenue, NW	20910
Joseph	Sabrina J.	Echelon Community Services, Inc 5009 East Capitol Street, SE	20019
Kamins	Sarah E.	Rummel, Klepper, and Kahl, LLP 300 M Street, SE, Suite 560	20003

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Kane	Tyler Bruhn	Harris, Wiltshire & Grannis, LLP 1919 M Street, NW, 8th Floor	20036
Kaufman	Claudia M.	Self(Dual) 1200 23rd Street, NW, Unit 804	20037
Kenlon	Rachel Lauren	United States Institute of Peace 2301 Constitution Avenue, NW	20037
Khatib	Taher I.	District Properties.com, INC. 6500 Chillum Place, NW	20012
Kim	Diana Joy	Granicus 1152 15th Street, NW, Suite 800	20005
Kotler	Kara	US Department of Justice, Civil Division, Fraud Section 175 N Street, NE	20002
Leandri	Annalisa	Williams & Connolly, LLP 725 12th Street, NW	20005
Levkovitz	Natalie	Dantes Partners 701 Lamont Street, NW	20010
Lewis	Timothy Ryan	Broughtton Construction, LLC 4832 Nannie Helen Burroughs Avenue, NE	20019
Little	Vicki Jacobs	Ogletree Deakins 1909 K Street, NW, Suite 1000	20006
Lomac	Maria Magdalena Queipo	Borger Management, Inc  1825 K Street, NW, Suite 1250	20006
Lopes	Samantha E.	Nixon Peabody, LLP 799 9th Street, NW, Suite 500	20001
Massey	Angelena O.	Independent Community Bankers of America 1615 L Street, NW, Suite 900	20036
McIlwain	Renee Mary	Integrity Notary Signing Agent 232 Savannah Street, SE	20032



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McKinney	Nikisha	Regional Legal Service Office, Naval District Washington 1250 10th Street, SE, Suite 1600	20374
McMillian	Tanya	Johns Hopkins University 1740 Massachusetts Avenue, NW	20036
Montanez	Elena	Women in CableTelecommunications-WICT 2000 K Street, NW, Suite 350	20006
Myers	Beverly A.	Womble Bond Dickinson (US) LLP 1200 Nineteenth Street, NW, Suite 500	20036
Nkumu Nyemba	Perle	Intelligent Office 1775 I Street, NW, Suite 1150	20006
Parnell	Christi Jo	Sterne Kessler Goldstein & Fox, PLLC 1100 New York Avenue, NW	20005
Pendergrass	Christopher A.	Pender-Paralegal Services, LLP 1090 Vermont Avenue, NW, Suite 910	20005
Pitt Sr.	Christopher G.	American Visa of DC 1801 Columbia Road, NW	20009
Pratt	Michelle D.	Self 401 21st Street, NE	20002
Richardson	Terri Shawn	Horning Brothers Corporation 3333 14th Street, NW, #400	20010
Robinson	Robert	Self (Dual) 156 Adams Street, NW	20001
Sanders	Fasika E.	Bonner Kiernan Trebach & Crociata, LLP 1233 20th Street, NW	20036
Sharpe	Shelia M.	Citibank 2221 I Street, NW, Suite 400	20037
Smith	Andrea	Hilltop Public Solutions 3000 K Street, NW, Suite 320	20007
Smith	Carmen M.	Ace Federal Reporters 1625 I Street, NW, Suite 790	20006

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Smith III	John H.	The Ferguson Group, LLC 1901 Pennsylvania Avenue, NW, Suite 700	20006
Squirrell	Brenda	Government Publishing Office 732 North Capitol Street, NW	20401
Stamp	Elaine Marie	American Civil Liberties Union of the District of Columbia 915 15th Street, NW, 2nd Floor	20005
Subramanyam	Vivek Kumar	Slocumb Law Firm 777 6th Street, NW, Suite 520	20001
Takhounts	Katherine Elizabeth	District Title  1150 Connecticut Avenue, NW, # 201	20036
Thiam	Makhone	M&T Bank 1420 Wisconsin Avenue, NW	20007
Thorne	Miriam	Public Defender Service 633 Indiana Avenue, NW	20004
Ucman	Babara E.	Baptiste & Wilder, P.C 1150 Connecticut Avenue, NW, Suite 315	20036
Villagran	Angelica M.	Foley Hoag, LLP 1717 K Street, NW, 12th floor	20006
Vincent	Mary F.	Sincerely Yours, Inc. 325 Pennsylvania Avenue, SE	20003
Walker	Scarlet J.	US Agency for International Development (USAID) 1300 Pennsylvania Avenue, NW	20523
Wanner Doggett	Cheryle W.	Doggett Enterprises, Inc. 1200 29th Street, NW	20007
Warren	Me'chelle Bailey	Self (Dual) 2173 Half Moon Place, NE	20018

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Welbon	Andre Damon	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
West	Sharon D.	Justice Federal Credit Union 500 12th Street, SW	20001
Whiting	Michaela	Self (Dual) 112 Quincy Place, NE	20002
Wooden	Wendy	Saul Ewing Arnstein & Lehr, LLP 1919 Pennsylvania Avenue, NW, Suite 550	20006

## DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

## NOTICE OF FUNDING AVAILABILITY

**Emerging Business District Grants**

The Department of Small and Local Business Development (DSLBD) is soliciting applications for the **Emerging Business District Grants**. DSLBD intends to award up to three (3) grants from the \$150,000 in total available funding for Fiscal Year 2018. The application deadline is Friday, March 23, 2018 at 2:00 p.m.

The purpose of Emerging Business District Grants is to subsidize the organizing operations necessary to establish a Business Improvement District (“BID”). DSLBD is interested in supporting Business Improvement Districts in a variety of geographic regions within the District.

**Eligible applicants:** Businesses or nonprofit organizations that have a federal recognized tax exemption. For additional eligibility requirements and exclusions, please review the Request for Applications (RFA) which has been posted at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

**Eligible Use of Funds:** Funds may be used for economic research or community/business outreach to establish a BID. Funds can be used for expenses incurred during the Period of Performance, which is October 1, 2017 through September 30, 2018. For additional examples of eligible uses of funds and exclusions, please review the RFA.

**Application Process:** Interested applicants must complete an online application by **Friday, March 23, 2018** at 2:00 p.m. Applications submitted via hand delivery, mail or courier service will not be accepted. Applications received after the deadline will not be forwarded to the review panel. Instructions and guidance regarding application preparation can be found in the RFA, which will be available at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

**Selection Process:** Grant recipients will be selected through a competitive application process. All applications from eligible applicants that are received before the deadline will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed below.

1. Capacity and Experience of the Applicant (25 points)
2. Strength of the Project Implementation Plan (25 points)
3. Financial Viability of Applicant Organization (25 points)
4. Creativity and Innovation (25 points)

A program team will review the panel reviewers’ recommendations. The Director of DLSBD will make the final determination of grant awards. A grantee will be selected by April 6, 2018.

**Award of Grants:** Up to three (3) grants totaling \$150,000 will be awarded.

**For More Information:** Attend the Application Information Session. Please refer to the Request for Applications to see the date, time and location of this meeting.

Questions may be sent to Jennifer Prats at the Department of Small and Local Business Development at [jennifer.prats@dc.gov](mailto:jennifer.prats@dc.gov) or 202-727-3900.

**Reservations:** DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

## Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, March 15, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

## DRAFT AGENDA

- |     |                               |   |
|-----|-------------------------------|---|
| 1.  | Call to Order                 | Committee Chairperson   |
| 2.  | AWTP Status Updates           | Assistant General Manager,<br>Plant Operations                    |
|     | 1. BPAWTP Performance         |   |
| 3.  | Status Updates                | Chief Engineer  |
| 4.  | Project Status Updates        | Director, Engineering &<br>Technical Services                     |
| 5.  | Action Items                  | Chief Engineer  |
|     | - Joint Use                   |   |
|     | - Non-Joint Use               |   |
| 6.  | Water Quality Monitoring      | Assistant General Manager,<br>Consumer Services                   |
| 7.  | Action Items                  | Chief Engineer<br>Assistant General Manager,<br>Consumer Services |
| 8.  | Emerging Items/Other Business |   |
| 9.  | Executive Session             |   |
| 10. | Adjournment                   | Committee Chairperson   |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19636 of Scott Yurcheshen**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, and under Subtitle C § 1504 from the penthouse requirements of Subtitle C § 1500.4 and from the penthouse setback requirements of Subtitle C § 1502.1, to construct a roof deck and expand existing rear decks on an existing flat in the RF-1 Zone at premises 26 Q Street N.E. (Square 3520, Lot 118).

**HEARING DATES:** November 29, 2017, January 17, 2018, and February 14, 2018<sup>2</sup>  
**DECISION DATE:** February 14, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 38 (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") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 19, 2017, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 34.)

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<sup>1</sup> The Applicant originally requested relief for lot occupancy under E § 304.1, for penthouse under Subtitle C § 1500.4, and for penthouse setback under Subtitle C § 1502.1, (Exhibit 5.) but amended the application to also request relief for a nonconforming structure under Subtitle C § 202 (Exhibit 38.) The caption has been revised accordingly.

<sup>2</sup> The hearing for this application was originally scheduled for November 29, 2017, but postponed to January 17, 2018 at the Applicant's request. On January 17, 2018, the Board continued the hearing to February 14, 2018.

The Office of Planning (“OP”) submitted a timely report recommending approval of special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, the nonconforming structure requirements of Subtitle C § 202.2, and under Subtitle C § 1502.1 (b) and (c) pursuant to Subtitle C § 1504 only as to relief from side walls and the area of the rear elevation at the location of access to the roof deck. OP recommended denial of special exception under Subtitle C § 1502.1(b) pursuant to Subtitle C § 1504 as to rear elevation, except as to the location of access to the roof deck. (Exhibit 30.) The Applicant revised the design and, as a result, OP submitted a supplemental report recommending approval of all requested special exception relief. (Exhibit 37.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 13.)

Nineteen neighbors signed a petition in support of the project. (Exhibit 35.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and nonconforming structure requirements of Subtitle C § 202.2, and under Subtitle C § 1504 from penthouse requirements of Subtitle C § 1500.4 and from penthouse setback requirements of Subtitle C § 1502.1. 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 304.1 and Subtitle C §§ 202.2, 1504.4, and 1502.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 36.**

**VOTE: 5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Anthony J. Hood to Approve.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**BZA APPLICATION NO. 19636**

**PAGE NO. 2**



**FINAL DATE OF ORDER:** February 16, 2018

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BZA APPLICATION NO. 19636  
PAGE NO. 3**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
AND  
Z.C. ORDER NO. 08-06N  
Z.C. Case No. 08-06N  
(Text Amendment – 11 DCMR)  
Technical Corrections to Z.C. Order 08-06A  
January 29, 2018**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

**ZONING COMMISSION OF THE DISTRICT OF COLUMBIA****Z.C. ORDER NO. 17-05****Z.C. Case No. 17-05****2100 2<sup>nd</sup> Street, SW, LLC****(Capitol Gateway Design Review @ Square 613, Lot 10)****July 13, 2017**

Pursuant to notice, the Zoning Commission of the District of Columbia (“Commission”) held public hearings on June 5, 2017 and July 13, 2017, to consider an application by 2100 2<sup>nd</sup> Street, SW, LLC (“Applicant”) for design review approval to renovate an existing office building to create a new mixed-use residential building with ground-floor retail uses and below-grade parking (“Project”) in the Capitol Gateway 5 (“CG-5”) zone at 2100 2<sup>nd</sup> Street, S.W. (Square 613, Lot 10). Because the Project is located in the CG-5 zone, design review for the Project is required pursuant to Subtitle K, § 512 of the CG zone provisions of the District of Columbia Zoning Regulations (“Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations (“DCMR”). In addition, as permitted under 11-X DCMR § 603.3, the Applicant also requested a variance from the drive aisle width requirements of 11-C DCMR § 712.5 and a variance from the penthouse height limit of 11-K DCMR § 505.5.

The Commission considered the application for the Project pursuant to Subtitles X and Z of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of Subtitle Z, Chapter 4. For the reasons below, the Commission hereby **APPROVES** the application.

**FINDINGS OF FACT****Application, Parties, and Hearing**

1. The Property consists of approximately 115,479 square feet of land and is located in the CG-5 zone. (Exhibit [“Ex.”] 2.)
2. The Property is located in the Buzzard Point neighborhood in Ward 6 of the southwest quadrant in the District. (Ex. 2.)
3. On September 14, 2016, the Applicant delivered a Notice of Intent to file a design review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the Property is located. (Ex. 2D.)
4. On February 28, 2017, the Applicant filed an application for design review and approval of the Project pursuant to 11-K DCMR § 512 of the Zoning Regulations. In addition, pursuant to 11-X DCMR § 603.1, the Applicant requested a variance from the drive aisle width requirement of 11-C DCMR § 712.5 and a variance from penthouse height limit of 15 feet for mechanical space of 11-C DCMR § 1501 and 11-K DCMR § 505.5. (Ex. 2.)
5. A design review is not among the types of applications that the Commission must first set down for a hearing. Pursuant to 11-Z DCMR § 405.2, applications that do not require

setdown are to be sent to the Office of Planning (“OP”) and other “appropriate agencies” as soon as the OZ Director finds them to be complete. The provision also requires that a copy of an application for approval pursuant to Subtitle K § 512.1(a) and (d) “shall also be sent for “review and comment” to the National Capital Planning Commission (“NCPC”).

6. On April 13, 2017 the Applicant filed a Comprehensive Transportation Review for the Project. (Ex. 10-10B.)
7. The ANC filed a written report on the Project on May 9, 2017, in which it indicated that it voted to “offer support with concerns and suggestions.” A discussion of the report appears in the portion of this Order entitled “ANC Report.”
8. The public hearing was initially scheduled for May 15, 2017, but on April 20, 2017, the Applicant requested a postponement of the hearing until June 5, 2017 to continue working with District agencies. (Ex. 11.) As a result, all agency reports were due 10 days prior to that hearing date, i.e., on May 26, 2017.
9. On May 16, 2017, the Applicant filed a pre-hearing statement with revised plans reflecting feedback from and discussions with the government agencies and the ANC. (Ex. 16.)
10. On May 25, 2017, District Department of Transportation (“DDOT”) filed a report, which it supplemented on May 31, 2017. (Ex. 17, 22.)
11. On May 26, 2017, reports were received from OP and the Department of Energy and the Environment (“DOEE”). (Ex. 19, 18.)
12. A full discussion of these reports, and the Applicant’s responses thereto, appears in the portion of this order entitled “Agency Reports.”
13. After the agency reports were received, it was discovered that no referral to NCPC had been made. The belated referral was made on May 30, 2017 and NCPC was given thirty days to respond to provide a report. (Ex. 20.) No report was received.
14. After proper notice, the Commission held a hearing on the application on June 5, 2017. Parties to the case were the Applicant and the ANC. Amelia Martin of Wells + Associates testified regarding the Project’s transportation study and transportation demand management plan (“TDMP”). Expert witnesses appearing on behalf of the Applicant included Yulia Beltikova of Antunovich Associates, the project architect and Claire Agre of West 8, the landscape architect. David Orr of Orr Partners appeared on behalf of the Applicant. (Ex. 27A1-27A8.)
15. At the June 5, 2017 hearing, a representative of Casey Trees also testified in support of the Project, commending the Applicant’s efforts to increase the tree canopy at the Project and provide appropriate plantings on the waterfront. (Ex. 24.)

16. The Commission took action at the July 13, 2017 public hearing to approve the plans submitted into the record and the relief requested.

### Project Overview

#### Description of Surrounding Area

17. The Property is located at the southernmost point of the Buzzard Point neighborhood in southwest Washington along the Anacostia River. The site is the location of the former United States Coast Guard headquarters. (Ex. 2.)
18. The Property is bounded by V Street, S.W. to the north, 2<sup>nd</sup> Street, S.W. to the west, 1<sup>st</sup> Street, S.W., to the east, and the Anacostia River to the south. (Ex. 2.)
19. The Property is located approximately two blocks south of the site of the D.C. United Soccer Stadium and west of Capitol City's development located at 88 V Street (the subject of Z.C. Case No. 10-21A). The Navy Yard and Waterfront Metrorail stations are located approximately one-mile north of the Property. (Ex. 2.)

#### The Property

20. The Property is 115,479 square feet in size and occupies the entirety of Square 613. (Ex. 2F1.)
21. The Property is improved with a vacant commercial office building with a below-grade parking garage. The existing building occupies approximately 692,873 gross square feet with a density of 6.00 floor area ratio ("FAR") and has a height of 90 feet. The existing building occupies 78% of the lot. (Ex. 2F1.)

#### Project Description

22. Consistent with the purposes and objectives of the CG-5 zone, the Applicant proposed a mixed-used building containing residential units, ground-floor retail, and below-grade parking. (Ex. 2.)
23. The Property is located in the CG-5 Zone. Generally, the CG zones were established to promote nine primary goals: (1) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area; (2) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses; (3) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment; (4) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points; (5) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail

- station; (6) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses; (7) Provide for the establishment of South Capitol Street between M Street, S.E., and the Anacostia waterfront as a monumental civic boulevard; (8) Provide for the development of Half Street, S.E. as an active pedestrian-oriented street with active ground-floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale; and (9) Provide for the development of First Street, S.E. as an active pedestrian-oriented street with active ground-floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront. (11-K DCMR § 500.1.)
24. The purposes of the CG-5 zone specifically are to provide for medium-density mixed-use development near the waterfront and to encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel uses; provide for a reduced height and bulk of buildings along the Anacostia River in the interest of ensuring views over and around waterfront buildings; and provide for continuous public open space along the waterfront with frequent public access points. (11-K DCMR § 505.1.)
25. The Project consists of approximately 71,120 square feet of gross floor area for retail uses on the ground floor and approximately 442,890 square feet of gross floor area for residential uses on the upper floors. The Project has a density of 4.45 FAR and a height of 90 feet. The Project will occupy 83% of the lot at the ground floor and 61% of the lot on the upper stories. (Ex. 16A.)
26. The Project reduces the existing density by approximately 178,863 square feet. The Project's height is grandfathered as an existing condition. (Ex. 16A.)
27. The rear yard is located along the southern property line and well in excess of the required 12 feet. However, only a portion of the rear yard sets back directly at the waterfront of the Anacostia River; at the southeast corner, the southern property line directly abuts the parcel owned by the National Park Service. The Project's courts, which are all open courts, comply with the dimensional requirements of the Zoning Regulations. All roof structures are set back from the edge of the roof at a ratio of at least 1:1. The elevator overrides at the Project have a height of 18.5 feet and the Applicant has requested variance relief for this height. The Project's green area ratio ("GAR") satisfies the minimum requirements of the CG-5 zone. (Ex. 16A.)
28. Inclusionary zoning under the Zoning Regulations does not apply to conversions of office buildings to residential uses, but does apply to new gross floor area ("GFA") if it creates at least 10 residential units. Habitable penthouse area may also trigger an Inclusionary Zoning ("IZ") requirement. (See 11-C DCMR §§ 1001.2 (b, d).) The Project includes 33,146 square feet of new residential GFA and 39,959 square feet of penthouse residential GFA. The Applicant is setting aside eight percent of the new residential GFA, an amount equal to 2,650 square feet, at 60% of the Median Family Income ("MFI") and eight percent of the penthouse GFA, an amount equal to 3,200 square feet, at 50% of the MFI. (Ex. 16A.)

29. The Project's design, orientation, and massing are based on the adaptive reuse of the existing building, which requires carving out some courtyard space to maximize articulation and views for residents and visitors. The Project includes ground-floor retail, including potential neighborhood serving retail along V Street, S.W., and restaurants along the Anacostia Waterfront. In total, the retail will occupy approximately 71,120 square feet of space. Above the ground floor, the Project will include approximately 442,890 gross square feet of residential floor area. (Ex.16A.)
30. The Project incorporates high-quality materials and a color palette that marks the Property as a location in a burgeoning neighborhood on the Anacostia River. Retail entrances will be located on V Street and on 1<sup>st</sup> and 2<sup>nd</sup> Streets, S.W.; the residential lobby will be accessed from 1<sup>st</sup> and 2<sup>nd</sup> Streets, S.W.; and all loading and parking for the building will be accessed from 1<sup>st</sup> or 2<sup>nd</sup> Streets, S.W. There will also be restaurant entrances at the Project's riverside frontage. (Ex. 16A.)
31. The Project's ground level will include retail uses as well as lobby entrances to the upper-story residential uses. In total, the Project will have approximately 485 residential units (including the proposed occupiable penthouse). (Ex. 16A.)
32. Two levels of parking will be provided below grade. The Project's parking garage includes a total of approximately 361 striped parking spaces accessible from an entrance on 2<sup>nd</sup> Street, S.W. Also included in the Project's garage are approximately 168 long-term bicycle parking spaces, as well as lockers and changing and shower facilities. An additional 41 short-term bicycle parking spaces will be provided as part of the Project on the streets and sidewalks surrounding the Project. (Ex. 16A, 30A.)
33. The Project will have three loading areas, including a total of one 30-foot berth and 20-foot delivery space for residential loading accessed off of 1<sup>st</sup> Street, S.W., and two 30-foot loading berths, two 55-foot loading berths, and one 20-foot delivery space for retail loading in two separate loading areas accessed off of 2<sup>nd</sup> Street, S.W. (Ex. 16A.)
34. The Project will be built in an environmentally sustainable fashion with the Applicant committing to certification to LEED v. 2009 Gold. (Ex. 30, 30A.)
35. The Project also includes construction of a portion of the Anacostia Riverwalk Trail along the waterfront at the Property. The trail includes active and passive trails, plantings, and seating for public use. The trail will also include seating, public art, and educational signs that are incorporated into the public realm along the waterfront to provide interactive spaces for visitors. These components will be chosen and finalized consistent with the Anacostia Riverwalk Trail Design Guidelines. (Ex. 16A, 26A, 30A, 34A.)
36. The Project includes high-quality materials appropriate for the Property's location along the waterfront. The materials will vary from the retail base to the residential upper floors to provide façade articulation, with some materials from the base repeating at higher levels to provide building uniformity. The materials include high-density fiber cement

- boards, which are interspersed with wood-textured panels and some stone to provide variation. (Ex. 16A.)
37. The Property is located within the 100-year floodplain and the current building has an elevation of 9.95 feet. (Ex. 16A.)
  38. The initial application had included a proposal to have DC Government raise the streets adjacent to the Property to lift the Property and the surrounding streets out of the 100-year floodplain. Given the lack of available funding for this effort, the Applicant revised the application in its pre-hearing submission to design the Project at its existing grade while incorporating flood proofing plans to encourage resiliency at the Project. (Ex. 16.)
  39. The Applicant initially proposed to dry flood proof the Project to 12.71 feet elevation, which is two feet above the 100-year floodplain, but ultimately revised its plans to dry flood proof to the 500-year floodplain, which is an elevation of 14.20 feet. (Ex. 16, 16A, 34A.)
  40. All residential units at the Project are located at or above an elevation of 32.53 feet, well above the 14.20 elevation of the 500-year floodplain. (Ex. 16A, 34A.)
  41. The Project includes a back-up knee-wall around the perimeter of the building which will be constructed out of flood damage resistant materials. The knee-wall will rise to an elevation of 12.71 feet at storefronts and will exist around the building perimeter except at entrances. (Ex. 16, 16A, 34A.)
  42. The dry flood proofing method will be accomplished through the use of flood-damage resistant materials in the knee wall and the use of removable flood shields (active barriers) which are deployed in preparation for a flood event. These shields are in the form of planks which are mounted to the building by the property manager in preparation for a flood event. The dry flood proofing method does not impact the building design except to include a pre-bolted connection on the building where the planks are mounted during a flood event. (Ex. 16, 16A, 34A.)
  43. When not in use, the planks will be stored in such a way as to not intrude into public space. Those stored in public space will be flush with the sidewalk and will therefore not negatively impact the public space experience. (Exhibits 16, 16A, and 34A.)
  44. The Applicant will prepare a Flood Emergency Plan in connection with the permitting process, which will include provisions for evacuation of all occupants of the building. The Flood Emergency Plan will include an egress plan to ensure safe egress of building occupants. Additionally, the Project includes two refuge areas for occupants who do not evacuate prior to the onset of flooding. One refuge area is located along V Street and can accommodate approximately 70 occupants (standing space). The other refuge area is along 1<sup>st</sup> Street and can accommodate approximately 81 occupants (standing space). (Ex. 16, 16A, 34A.)



45. The Project will be designed to protect the building and the residents from most flood events. Specific details regarding the dry flood proofing will be finalized when the Applicant applies for a building permit. (Ex. 16, 16A, 34A.)

### **Design Approval**

46. The Applicant sought design approval of the Project pursuant to 11-K DCMR § 512 of the CG zone provisions of the Zoning Regulations. As an application for design review pursuant to 11-K DCMR § 512, the Commission must consider the Project against the general design review criteria of 11-X DCMR § 604 and the CG zone design review criteria in 11-K DCMR §§ 512.3 and 512.4.
47. The Project satisfies the general design review criteria of 11-X DCMR § 604 insofar as the Project:
- a. Is not inconsistent with the Comprehensive Plan, its Future Land Use Map and Generalized Policy Map, and with other adopted public policies and active programs related to the Property. The medium-density commercial and residential designation applicable to the Property supports structures of the height and density at the level proposed, especially when surrounded by open spaces. The policies of the Comprehensive Plan further encourage the provision of housing and affordable housing, increased access to the waterfront, and creating commercial waterfront development, all as exemplified by the Project. Other adopted public policies encourage constructing and linking new development to the Anacostia Riverwalk Trail system as the Project does, and prioritizing access and retail that will draw individuals to the Trail. The Project also furthers the policies of improving environmental conditions along the Anacostia River and conserving the riverfront by creating a shoreline more resistant to erosion with high-quality waterfront landscapes. The Project also utilizes permeable surfaces, maximizes the green roof, and includes significant landscaping, furthering the Plan's policies regarding pervious surfaces and landscaping. The Comprehensive Plan also includes policies related to minimizing impact on air quality, promoting energy efficiency and alternative energy resources, which the Project advances through increased tree planting, additional landscaping, certifying to a LEED Gold standard, and providing solar panels at the Project. The Project advances these objectives as well; (*See Ex. 2, 16, 26, 30.*)
  - b. Meets the general Special Exception criteria of Subtitle X, Chapter 9 because the Project will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the CG-5 zone by providing needed residential and retail uses to revitalize the waterfront while providing interactive and environmentally friendly trails and access points for visitors to the Anacostia River and comply with the Zoning Regulations in terms of development standards, including proposed uses, and parking, except for a minor request for drive aisle width and penthouse mechanical height variance relief, and includes the adaptive reuse of an existing structure with an established height and reducing

the building's density. In addition, the Project will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and instead the Project is designed to fit in and operate compatibly with neighboring properties and uses. The proposed height, massing, and orientation of the Project are appropriate given the context, and are comparable to adjacent development; and. (*See Ex. 2, 16, 26, 30.*)

- c. Satisfies the urban design criteria of 11-X DCMR § 604.7 because the Project:
- i. Creates street frontages that will be safe, comfortable, and accommodating of pedestrian activity with multiple pedestrian entrances, including retail entrances along V, 1<sup>st</sup>, and 2<sup>nd</sup> Streets, as well as the Anacostia Riverfront, and residential lobby entrances on 1<sup>st</sup> and 2<sup>nd</sup> Streets; the well-designed and coordinated curb cut plan; and ground-floor uses and design that activates the pedestrian realm;
  - ii. Provides public gathering and open spaces, particularly along the riverfront with additional pedestrian and bicycle connections to the Anacostia Riverwalk Trail, including interactive ways for visitors to walk directly to the waterfront;
  - iii. Preserves and enhances a visual connection to and the viewshed of the waterfront;
  - iv. Provides an attractive façade that reinforces the pedestrian realm through the provision of tall ground floors and appropriate levels of transparency with interactive retail uses on the ground floors and high-quality materials and finishes;
  - v. Includes a significant amount of high-quality, environmentally-sensitive landscaping, including along the streets and the Anacostia Riverwalk Trail; and
  - vi. Promotes connectivity both internally and with surrounding neighborhoods and demonstrates connectivity through its provision of a bus stop along V Street to facilitate future public transit in the area, the extension of the cycle track on 2<sup>nd</sup> Street, and the active and passive trails in the Anacostia Riverwalk Trail. (*See Ex. 2, 16, 26, 30.*)
48. The Project satisfies the CG design review criteria as set forth in 11-K DCMR § 512.3 because the Project:
- a. Advances the goals and objectives of the CG zone by establishing a mixed-use development that will include a significant residential component and neighborhood-serving retail uses with a height and density appropriate for this area, including through the reduction of the existing mass of a building along the waterfront. The Project is designed to highlight the Anacostia River waterfront as

an active, pedestrian-oriented area, coupled with a mix of retail uses that will support and sustain the revitalization of Buzzard Point and serve residents of the community as well as visitors;

- b. Helps achieve the desired use mix with an entire development devoted to preferred uses. The Project includes a critical number of residential units of varying sizes to accommodate the needs of District residents and families. It also includes retail that will both serve the neighborhood and attract visitors;
  - c. Is in context with the surrounding neighborhood and street patterns due to the Project's adjacency to similar proposed developments in the Buzzard Point area; encourages pedestrian activity along V Street and the Anacostia Riverfront and improves areas in public space on 1<sup>st</sup> and 2<sup>nd</sup> Streets to create continuity between projects in the Buzzard Point area; and appropriately situates the building along the Anacostia Riverfront covering an entire city block to become a focal point for a revitalized area;
  - d. Minimizes conflicts between vehicles and pedestrians by providing a well-designed circulation plan, including limited curb cuts on 1<sup>st</sup> Street, as well as providing a robust TDMP and LMP, including provisions for a mountable curb along 2<sup>nd</sup> Street adjacent to the cycle track to protect cyclists and for a flagger to enhance pedestrian safety and minimize vehicular/pedestrian conflicts along 1<sup>st</sup> and 2<sup>nd</sup> Streets;
  - e. Minimizes unarticulated blank walls on all sides by providing façade articulation accomplished through the use of high-quality building materials and display windows along the ground floor, with a floor-to-ceiling retail height of approximately 21 feet, and a unique building shape which presents multiple opportunities for highly differentiated façade designs; and
  - f. Minimizes impacts on the environment by agreeing to achieve LEED v. 2009 Gold Certification, providing a minimum of 8,000 square feet of solar panels, and including "green" features include adaptive reuse of an existing structure, green roof for stormwater control, urban vegetation, and heat island reduction; sustainable construction materials and recycling of construction waste; green vehicle parking (carpool programs and electric vehicle charging stations); a Variable Refrigerant Flow ("VRF") mechanical system; and pervious paving in the public right-of-way in 1<sup>st</sup> and 2<sup>nd</sup> Streets. (*See Ex. 2, 16, 26, 30.*)
49. The Project also satisfies the CG-5 additional design review of 11-K DCMR § 512.4 because the Project:
- a. Provides suitably designed public open space along the waterfront with a highly designed beginning to the Anacostia Riverwalk Trail, a floodable forest component at the river's edge, with multiple access points for the trail and the

waterfront, and active and passive trails, all in coordination with the Buzzard Point Vision Framework;

- b. Includes suitable open space treatment for the Anacostia Riverwalk Trail, including active and passive recreation paths, seating and plantings, a deck area, and an interactive path for direct access to the water, encouraging public access and use of the waterfront at the Property, which creates a functional and usable waterfront from an inaccessible portion of the waterfront now; and
- c. Preserves and enhances the openness of the waterfront views and vistas from 1<sup>st</sup> and 2<sup>nd</sup> Streets, framing the views of the Anacostia River but enhancing the openness of these views, as well as from the Project's public spaces along the waterfront, and preserves the current open views from the river north to other focal points in the city. (*See, generally*, Ex. 2, 16, 26, 30.)

### **Variance Relief—Drive Aisle Width and Penthouse Mechanical Height Requirements**

50. The Applicant requested variance relief pursuant to 11-C DCMR § 712 from the drive-aisle width requirements and the Commission's authority to grant such relief under 11-X DCMR § 603.3; and relief from the penthouse height requirements pursuant to 11-C DCMR § 1501 and 11-K DCMR § 505.5 and the Commission's authority to grant such relief under 11-X DCMR § 603.1.
51. Under the three-prong test for an area variance, the Applicant must demonstrate (1) that the Property is affected by an exceptional or extraordinary situation or condition, (2) that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and (3) that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. (*Palmer v. D.C. Bd. of Zoning Adj.*, 287 A.2d 535, 541 (D.C. 1972).) Under the "practical difficulty" prong, the Applicant must show that compliance with the drive aisle width and penthouse height requirements would be unnecessarily burdensome and that such practical difficulty is unique to this particular property.

### **Exceptional Condition**

52. The Property is subject to exceptional conditions that arise from the existing building on the Property, which is inherited in the land. (Ex. 2.)
53. Primarily, the Property, formerly an office building leased to the United States Coast Guard for its headquarters, will be adaptively reused. The existing building already has a specific height, structural, and internal column grid configuration. Specifically, the structural columns and elevator shafts at the Property already exist. (Ex. 2.)

Practical Difficulty

54. Regarding the drive aisle width, 11-C DCMR § 712.5 requires the Project to provide a drive aisle at least 20 feet wide for two-way traffic. However, the proposed Project will only have a drive aisle of 18.33 feet in the below-grade parking facility. Because the Applicant is reusing the existing building on the Property, the Project is limited to the existing structural columns in the parking facility. The columns restrict the drive aisle to a width of 18.33 feet, and therefore the Applicant is unable to provide a drive aisle in compliance with the minimum width. Given that the Project involves adaptive reuse of the existing structure, it would not be feasible to move the structural columns to provide a wider drive aisle. (Ex. 2, 16, 16A.)
55. Regarding the penthouse mechanical height, 11-C DCMR § 1501.1 and 11-K DCMR § 505.5 requires that a penthouse for mechanical space in the CG-5 zone be no taller than 15 feet. The Applicant proposes elevator override penthouses on the roof of the building with a height of 18.5 feet. The Applicant presented significant evidence that, based on the analysis of several manufacturer's models, it is not possible to provide an elevator override within 15 feet of height for the existing size shaft. The elevator overrides are required to provide building-code compliance access to the penthouse. To require the lower height would prevent use of the penthouse at the Property. (Ex. 2, 16, 16A.)

No Detriment to the Public Good or Impairment of the Intent of the Zoning Regulations

56. The requested variance relief does not create substantial detriment to the public good and indeed works in harmony with sound urban design principles and does not impair the intent, purpose, and integrity of the Zoning Regulations. The drive aisle width will not have a significant impact on the circulation within the parking facility at the site. The 18.3-foot drive aisles will provide sufficient maneuvering spaces for cars in the below-grade parking facility. Finally, the drive aisle width will not have an impact on the adjacent properties or streets. (Ex. 2, 16, 16A.)
57. Additionally, the Applicant's request for relief from the penthouse height requirements will not be detrimental to the public good. The limited space the elevator overrides occupy will not create an overly large roof structure – rather, these spaces will be limited in size and set back at the required 1:1 ratio from the roof edge. Therefore, the penthouse mechanical heights will not affect views of the area and the elevator overrides serve the good of providing an activated rooftop with scenic views of the natural beauty and monumental views at the Property. (Ex. 2, 16, 16A.)
58. Moreover, the magnitude of the requested relief significantly mitigates any adverse effect on the intent, purpose, or integrity of the Zoning Regulations, Therefore, the relief granted here will not impair the intent, purpose, or integrity of the Zoning Regulations. (Ex. 2, 16, 16A.)

**Agency Reports**

**Office of Planning**

59. OP provided an initial report on the Project on May 26, 2017, and a supplemental report on July 3, 2017, outlining some comments and concerns regarding the Project and ultimately recommending approval of the Project, which comments and concerns the Applicant responded to and resolved as follows:
- a. OP indicated the Project should be compliant with the Buzzard Point Vision Framework Plan’s goals and guidelines for development. The Applicant’s response to OP’s report noted that its design is in compliance with the Plan and the Applicant committed to working with the government agencies to finalize the Plan; (Ex. 19, 26.)
  - b. OP asked the Applicant to confirm that all projections meet the public space regulations and the Buzzard Point streetscape guidelines, which the Applicant confirmed in its response to agency reports and at the June 5, 2017 public hearing; (Ex. 19, 26.)
  - c. OP encouraged the Applicant to consider a higher level of LEED when the Applicant initially included designing the Project to a LEED-Silver standard, and the Applicant agreed to certify the building to a LEED v. 2009 Gold Standard. (Ex. 19, 26, 30.) OP subsequently requested the Applicant certify the Project under LEED v. 4 as opposed to LEED v. 2009. (Ex. 33.) At the July 13, 2017 public hearing, the Applicant testified that the project was registered under the 2009 program in mid-2016 and that it is still currently a valid version of the LEED program for projects already registered;
  - d. OP requested clarification regarding the affordable housing being provided as part of the Project and its compliance with the IZ regulations, which the Applicant provided. (Ex. 19, 26, 30.) OP confirmed in its supplemental report that the Project complies with the IZ Zoning regulations and that the Applicant provided the requested information. (Ex. 33.) This information is detailed in the charts below:

2100 2 <sup>nd</sup> Street, S.W.					
Residential Unit Type	New Residential GFA /Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*	Notes
Total	33,146 sf/100%		Life of project	Rental	NA
Market Rate	30,496 sf/92%	Market	Life of project	Rental	NA
IZ	2,650 sf/8%	60% MFI	Life of project	Rental	NA

2100 2 <sup>nd</sup> Street, S.W.					
Residential Unit Type	Penthouse Residential Square Footage /Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*	Notes
Total	39,959 sf/100%		Life of project	Rental	NA
Market Rate	36,759 sf/92%	Market	Life of project	Rental	NA
IZ	3,200 sf/8%	50% MFI	Life of project	Rental	NA

- e. OP requested rendered views of the waterfront showing the viewshed analysis from 1<sup>st</sup> and 2<sup>nd</sup> Streets to confirm the Project protected the waterfront views. (Ex. 19.) The Applicant provided the requested views and compared them to existing views, confirming that the Project will in fact enhance the views of the water; (Ex. 19, 26, 30.)
- f. OP suggested revising the vehicular turnarounds at 1<sup>st</sup> and 2<sup>nd</sup> Streets to minimize paved areas, limit potential conflicts, and frame the water views, and the Applicant agreed to provide additional pervious surfaces subject to DDOT approval during the public space process when the design of the turnarounds are finalized. More specifically, the Applicant is adding approximately 7,161 square feet of pervious pavers in public space; (Ex. 19, 26, 30.)
- g. OP requested that the Applicant improve the area in the 2<sup>nd</sup> Street right-of-way south of the building, and the Applicant agreed to improve the area south of the roundabout at the end of the 2<sup>nd</sup> Street right-of-way up to the 25-foot natural buffer from the riverfront; (Ex. 19, 26.)
- h. OP requested additional information regarding building materials, which the Applicant provided through a materials board and through testimony at the June 5, 2017 public hearing, demonstrating that the materials are appropriate for the waterfront context of the Project; (Ex. 19, 26.)
- i. OP requested waterfront sections showing details of the building and the Anacostia Riverwalk trail, which the Applicant provided, which confirm the Project’s appropriate design for stormwater and flood issues, including a floodable forest by the water’s edge, active and passive trails on the Riverwalk Trail, the raised dining terrace adjacent to the building, and the knee wall that is part of the flood proofing program at the Project; (Ex. 19, 26, 30.)
- j. OP noted the Project should comply with the Buzzard Point Riverwalk Guidelines regarding the proposed plant palette and public access, and the Applicant provided additional exhibits illustrating compliance with the draft Guidelines with respect to materials, plant palette, and general design, and confirming ongoing participation with the agency regarding the Riverwalk Trail. (Ex. 19, 26, 30.) OP

requested a condition for an approval that the Riverwalk Trail be designed and constructed in conformance with the Anacostia Riverwalk Trail Design Guidelines, and the Applicant agreed; (Ex. 30D, 33.)

- k. OP's report noted that the Project must comply with the District Stormwater Management, Floodplain, and Building Code Regulations, which compliance will be required at the time of the Building Permit, and the Applicant acknowledged this requirement; and (Ex. 19, 26, 30.)
- l. OP noted the Applicant's commitment to elevate the main electrical room and generator above the 500-year floodplain and requested specificity regarding these locations. (Ex. 33.) The Applicant demonstrated the locations of these rooms during the July 13, 2017 public hearing. (Ex. 34A.)

#### District Department of Transportation

- 60. DDOT provided an initial report on the Project on May 25, 2017 and indicated it could not fully analyze the project until the Public Space Committee ruled on the Applicant's request to waive the limitation on curb cuts imposed by § 605.9 of the Public Space Regulations (Title 24 DCMR).
- 61. The waiver was granted and DDOT filed a supplemental report on May 31, 2017. DDOT made several recommendations, all of which were agreed to by the Applicant. The DDOT recommendations and the Applicant responses were as follows:
  - a. DDOT requested the Applicant provide a 19-dock Capital Bikeshare station and first year's operating costs as part of the Project. The Applicant agreed to this commitment. The location of the Capital Bikeshare station will be finalized with DDOT during the public space process; (Exhibits 17, 26.)
  - b. DDOT requested two electronic displays at the Project showing real-time transportation information. The Applicant agreed to provide these and install one electronic display in the residential lobby and the other electronic display in another public location to be determined through the public space process; (Ex. 17, 26.)
  - c. DDOT requested showers, changing facilities, and lockers for use by retail and restaurant employees to encourage bicycling. The Applicant agreed to provide these facilities in the first level of the garage; (Ex. 17, 30.)
  - d. DDOT requested the Applicant unbundle parking costs from the price of lease or purchase of residential units. The Applicant agreed; (Ex. 17, 30.)
  - e. DDOT requested an updated Loading Management Plan to include flagger assistance for all loading deliveries noting that the Public Space Committee's approval of the curb cuts for the site is conditioned on the Applicant providing a



flagger to manage all back-in maneuvers at all curb cuts. The Applicant updated its LMP to include the requested commitment; (Ex. 17, 26B.)

- f. DDOT requested the Applicant modify the Anacostia Riverwalk treatment to replace rough paving with a paving that provides a visual cue to indicate an intersection between active and passive use and to install a narrow band of textured paving at the edge of the active trail where the passive trail intersects it. The Applicant updated its plans to include concrete asphalt at these intersections and a textured paving strip at the edge of the active trail where the passive trail intersects it; (Ex. 17, 26.)
  - g. DDOT requested that the Applicant improve the area in the 2<sup>nd</sup> Street right-of-way south of the building, and the Applicant agreed to improve the area south of the roundabout at the end of the 2<sup>nd</sup> Street right-of-way up to the 25-foot natural buffer from the riverfront; and (Ex. 17, 26.)
  - h. DDOT requested the Applicant provide sidewalk connections to satellite parking locations, and the Applicant agreed to provide six-foot temporary asphalt sidewalks to access satellite parking facilities for which the Applicant enters into an agreement, if a sidewalk does not already exist. (Ex. 17, 30.)
62. DDOT filed a second supplemental report on June 29, 2017, noting that the Applicant had satisfied each of its concerns regarding the Project and recommended approval. (Ex. 31.)

#### Department of Energy and the Environment

63. DOEE provided an initial report on the Project on May 26, 2017, and a supplemental report on June 30, 2017, which it further supplemented with a corrected report on July 7, 2017, and which the Commission accepted at the July 13, 2017 public hearing. DDOE identified several concerns all of which were resolved as follows:
- a. Given the property's location within the 100-year floodplain as defined by the Federal Emergency Management Agency ("FEMA"), DOEE recommended that the Applicant elevate the building at or above the 100-year floodplain to comply with FEMA's minimum requirements and the District's floodplain regulations (20 DCMR § 3105.2) for new construction or substantial improvement to residential structures. DOEE acknowledged that a non-compliant project such as that proposed by the Applicant would require approval of a code modification/floodplain variance request. DOEE provided the Applicant with a list of criteria and required documentation that DOEE and the District's Department of Consumer and Regulatory Affairs use in evaluating applications for code modification or variance on Flood Hazard Rules. DOEE agreed to continue working with the Applicant to evaluate opportunities to provide greater resilience during the project's code modification review and permitting process; (Ex. 32A.)

- b. DOEE requested the Applicant provide greater resiliency due to the increased flood risks at the Property. (Ex. 18.) The Applicant agreed to flood proof up to the 500-year floodplain, which DOEE agreed provided greater resiliency. (Ex. 32A, 34A.) Additionally, all residential units at the Project are located at least 21 feet above the 500-year floodplain, protecting the units and tenants from damage and harm. The Applicant provided detail regarding the revised flood proofing method at the July 13, 2017 public hearing. The Project provides two refuge areas in case of a flood event, one located on V Street and one on 1<sup>st</sup> Street, which can accommodate approximately 150 people. The V Street refuge area will accommodate approximately 70 occupants and is 44 feet in width when installed. It occupies approximately eight feet of the public sidewalk, leaving approximately eight feet of clear sidewalk space for pedestrians. The 1<sup>st</sup> Street refuge area accommodates approximately 81 occupants and is located entirely on the Property. The Project improves the shoreline by removing eroded volunteer trees in poor health, providing appropriate waterfront landscapes and plantings, and improving the surrounding streetscapes to greatly enhance pedestrian access to the waterfront; (Ex. 26, 30, 34A.)
- c. DOEE requested the Applicant capture a higher level of stormwater to benefit the environment. (Ex. 18.) The Applicant will meet the minimum stormwater requirements and designed the area of the building to capture a 0.8” rain event, while the remainder of the site captures a 1.2” rain event. Additionally, the Project includes stormwater capture in public space through permeable paving and streetscape landscaping. The Applicant also agreed to provide 7,161 square feet of permeable paving in public space; (Exhibit 26, Exhibit 32A.)
- d. DOEE noted the Applicant should use lower-emitting technologies, efficient technologies, and should not use ground-level ventilation for the Project to minimize impacts on air quality and emissions. (Ex. 18.) The Applicant utilizes VRF units and does not use traditional boilers, thereby providing a more efficient technology. Additionally, all vents at the Project are located above the ground level and are located above the 500-year flood plain. Finally, the Project includes compliance with Dust Control regulations and increases street trees and landscaping to improve air quality; (Ex. 26.)
- e. DOEE encouraged the Applicant to increase its energy efficiency and to explore alternative energy sources for the Project to create a more resilient and economically progressive Project. (Ex. 18.) The Applicant agreed to certify the Project to a LEED-Gold v. 2009 level, to provide a minimum of 8,000 square feet of solar panels, and to include a whole-building energy model to review and work to reduce energy consumption and energy expenditures for future residents and tenants of the Project when possible. (Ex. 26, 30.) DOEE subsequently requested the Applicant certify the Project under LEED v. 4 as opposed to LEED v. 2009. (Ex. 32A.) At the July 13, 2017 public hearing, the Applicant testified that the project was registered under the 2009 program in mid-2016 and that it is still currently a valid version of the LEED program for projects already registered.

DOEE also encouraged the Applicant to consider additional amounts of solar panels. (Ex. 32A.) The Applicant testified at the July 13, 2017 public hearing that its commitment is to provide a minimum of 8,000 square feet of solar panels at the Project;

- f. DOEE noted the Applicant agreed to raise the electrical and mechanical equipment above the 500-year floodplain elevation; and (Ex. 32A.)
- g. DOEE acknowledged the Project complies with the GAR requirement of 0.3 ratio. (Ex. 32A.)

#### United States Department of the Interior

- 64. Doug Jacobs from the United States Department of the Interior submitted comments on June 1, 2017, simply noting that the Property abutted National Park Service Property, and therefore nothing should be approved on National Park Service land. The Commission notes that the Project does not include components on National Park Service land. (Ex. 23.)

#### ANC Report

- 65. Through a written report dated May 9, 2017, the Chairman of ANC 6D advised the Commission that at its regularly scheduled and properly noticed public meeting of May 8, 2017, the ANC voted 6-0-0 “to offer support with concerns and suggestions” with respect to the Application. The report indicated that its support was based upon changes made by the developer in response to ANC feedback in the following areas:
  - a. Affordable Housing. The Applicant originally proposed paying into the Housing Affordable Trust Fund in lieu of providing affordable units at the project. However, the applicant has agreed to provide the affordable units onsite;
  - b. Pet Relief. Although the Applicant is addressing this issue on-site for its residents, they will continue to work with other Buzzard Point developers with the goal of developing a coordinated and comprehensive response to this issue as development continues in the neighborhood; and
  - c. Retail Space Use. The Applicant is actively pursuing a number of neighborhood-serving retailers such as food market, coffee shop, and pharmacy. Although the Applicant cannot commit to providing any specific retailers, it recognizes that the retail spaces along V Street are in an ideal location for the building’s potential tenants to have convenient access to day-to-day good and services.
- 66. At the June 5, 2017 hearing, a representative of the ANC presented testimony consistent with the ANC’s written report.

**CONCLUSIONS OF LAW**

1. The application was submitted, pursuant to 11-K DCMR § 512 for design review and approval by the Commission. Pursuant to 11-X DCMR § 603.3, the application also sought a variance from the drive aisle width requirement of 11-C DCMR § 712.5 and pursuant to 11-X DCMR § 603.1, the application sought a variance from penthouse height limit of 15 feet for mechanical space required by 11-C DCMR § 1501 and 11-K DCMR § 505.5.
2. The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to ANC 6D, OP, and to owners of property within 200 feet of the Property. The Commission referred the matter to NCPC.
3. Pursuant to 11-K DCMR § 512 and 11-X DCMR § 604, the Applicant has satisfied the required burden of proof necessary for the Commission to approve the overall design of the Project.
4. The Commission reviewed the Project against the general design review criteria of 11-X DCMR § 604, and based on the findings set forth above concludes that the Project satisfies such criteria. The Project is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the subject site. It will not tend to adversely affect the use of neighboring property, it is harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps, and it satisfies the special exception criteria and urban design objectives in a manner superior to any matter-of-right development possible on the Property.
5. The Commission also reviewed the Project against the CG design review criteria of 11-K DCMR § 512.3 for general CG projects, and based on the findings set forth above concludes that the Project satisfies such criteria as well. Specifically, the Project helps achieve the goals and objectives of the CG zones. More specifically, the Project helps achieve the desired use mix, including residential and retail uses, in the CG zones; and it is in context with the surrounding neighborhood and street patterns. The Project also minimizes conflicts between vehicles and pedestrians. The Project's façade is highly articulated and the Project minimizes its impact on the environment, including through Gold certification under LEED v. 2009.
6. 11-K DCMR § 512.4 sets forth additional CG design review criteria for projects in the CG-5 zone. The Commission reviewed the Project against those additional CG-5 zone design review criteria and concludes the Project satisfies such additional criteria as well. That is, the Project includes suitably designed public open space along the waterfront in the Anacostia Riverwalk Trail, which includes passive and active trails and connections to public space along the waterfront, private maintenance of such spaces, and the Project provides open views to the waterfront to the South and north to other areas of the city.

7. Pursuant to 11-X DCMR § 603.1, the Commission considered the Applicant's request for variance relief from the drive aisle width requirement of 11-C DCMR § 712.5 and from the penthouse height limit of 15 feet for mechanical space of 11-C DCMR § 1501 and 11-K DCMR § 505.5 and concludes that the Applicant satisfied the elements necessary for variance relief. Under the three-prong test for an area variance, the Applicant demonstrated (1) that the Property is affected by an exceptional or extraordinary situation or condition arising from the existing building's adaptive reuse, including existing structural columns and elevator shafts already in place, (2) that the strict application of the Zoning Regulations will result in a practical difficulty to the applicant with respect to such structural columns dictating drive aisle width and the building's existing size and elevator shafts dictating the height of the elevator overrides to service the building, and (3) that the granting of the variances will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan because such relief does not contravene the purposes of the drive aisle width or penthouse height requirements in this instance because the drive aisle width is still able to accommodate circulation at the site and the elevator overrides are all set back at the required 1:1 ratio and therefore will not impact views of neighboring properties.
8. The Commission concludes that the Applicant satisfied all the necessary elements for design review as well as for the relief requested.
9. The Commission concludes that the Applicant responded to the concerns raised by OP, DDOT, and DOEE regarding the Project, and notes that all three agencies recommend approval of the Project.
10. The Commission is required under D.C. Official Code § 1-309.10(d) to give "great weight" to the issues and concerns of the affected ANC expressed in its written report. As reflected in the Findings of Fact, at its duly noticed meeting held on May 8, 2017, ANC 6D, the ANC within which the Property is located, voted 6-0-0 to offer support of the application with concerns and suggestions and based its support on changes to the project regarding affordable housing, pet relief area, and retail space use. The Commission finds that ANC 6D's concerns have been addressed.
11. The Commission is also required to give great weight to the recommendations of OP. (D.C. Official Code § 6-623.04.) As reflected in the Findings of Fact, OP presented two reports and testimony at both public hearings in support of the application and the Applicant responded to questions and items raised in OP's report. The Commission gives OP's recommendation to approve the application great weight, concurs with OP's report, and concludes that the Applicant's responses appropriately addressed OP's questions and concerns.
12. Both DDOT and DOEE recommended approval of the application after the Applicant resolved their initial concerns. The Commission notes that a code modification from the requirements of Title 20 DCMR, Chapter 31 will be required to effectuate the building design and this order does not imply approval of such a code waiver. The Commission further notes that additional details regarding the flood proof protections will be finalized

during the permitting process and that the details submitted by the Applicant are sufficient for purposes of design review under the Zoning Regulations.

13. The Project will promote the continued development of CG into a vibrant mixed-use neighborhood, is sensitive to the site's location on the Anacostia Riverfront, and is in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and the Zoning Map of the District of Columbia.
14. Accordingly, the Commission, concludes that the Applicant has satisfied its burden of proof that design of the Project satisfies the requirements of the Zoning Regulations applicable to the design review of the Project and the variance relief is warranted.

### DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No. 17-05 for design review, including **APPROVAL** of variance relief and flexibility requested. This approval is subject to the following conditions, standards, and flexibility:

1. Project Development. The Project shall be built in accordance with the plans, including flood proofing plans, and elevations dated May 16, 2017, and marked as Exhibit 16A of the record, as modified by the drawings submitted as Exhibits 26A, 30A, and 34A, and as modified by the guidelines, conditions, and standards herein.
2. The Project will have relief from the drive aisle width requirements and the penthouse mechanical height requirements for elevator overrides.
3. The Applicant will have the following areas of flexibility:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - b. To provide a range in the number of residential units and vehicular parking spaces plus or minus 10%;
  - c. To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim, such that the refinements do not substantially change the external configuration or appearance of the building;
  - d. To continue coordination of the streetscape design and areas in public space with DDOT during the public space process; and

- e. To modify the number and location of retail entrances based on the number of tenants ultimately secured for the retail space.
4. Transportation Demand Management Measures. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant shall demonstrate that it has or will adhere to the following Transportation Mitigation measures as set forth in the DDOT report:
    - a. Install an eastbound right-turn lane with a storage length of 150 feet at the intersection of 2<sup>nd</sup> Street and P Street;
    - b. Construct the 2<sup>nd</sup> Street cycle track from V Street to the Anacostia Riverwalk Trail. The cycle track requires a total of 10 feet and the total cart path cross section requires 38-40 feet;
    - c. As part of the public space reconstruction, construct a bus pad in V Street and other supportive elements to support a future bus stop at the corner of V Street and 1<sup>st</sup> Street;
    - d. Improve the area south of the roundabout at the end of the 2<sup>nd</sup> Street right-of-way up to the 25-foot natural buffer from the riverfront.
    - e. Provide a 19-dock Capital Bikeshare station and first year's operating costs;
    - f. Provide a total of two electronic displays showing real-time transportation, to be located in the residential lobby and in another public location to be determined through the public space process;
    - g. Provide showers, changing facilities, and lockers for use by retail and restaurant employees;
    - h. Provide at least seven electric car charging stations within the parking garage; and
    - i. Unbundle parking costs from the price of lease or purchase of residential units.
  5. Loading Demand Management Measures. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant shall demonstrate that it has or will adhere to the following Loading Mitigation measures as set forth in the DDOT report:
    - a. A loading dock manager will be designated by the building management (duties may be part of other duties assigned to the individual). He or she will coordinate with vendors and tenants to schedule deliveries and will be on duty from 9:00 a.m. to 5:00 p.m. and will coordinate with the community and neighbors to resolve any conflicts should they arrive;

- b. All tenants will be required to schedule deliveries that utilize the loading dock (any loading operation conducted using a truck 20 feet in length or larger) and all loading activities are required to occur at the loading docks;
  - c. The dock manager will schedule deliveries such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as not to compromise safety or impede street or intersection function;
  - d. The dock manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along 2<sup>nd</sup> Street and 1<sup>st</sup> Street except during those times when a truck is actively entering or exiting a loading berth;
  - e. Trucks larger than WB-40 will not be permitted in any loading berths except for the northern most loading berth on 2<sup>nd</sup> Street;
  - f. Non-certified flaggers will be provided to assist with inbound and outbound truck maneuvers in each of the loading docks to ensure vehicular, bike, and pedestrian traffic is not impeded;
  - g. Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route Map; and
  - h. The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions. The dock manager will also distribute materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager will also post these documents and notices in a prominent location within the service area.
6. **Affordable Housing. The Project shall provide affordable housing as follows:**
- a. New Residential GFA: **For the life of the Project**, the Applicant shall set aside no less than eight percent of the New Residential GFA as affordable housing. The Applicant shall:
    - i. Devote approximately 33,146 square feet of New Residential GFA to housing;



- ii. Set aside no less than eight percent of the New Residential GFA, currently equaling approximately 2,650 square feet, as IZ units pursuant to 11-C DCMR, Chapter 10; and
  - iii. Set aside no less than eight percent of the New Residential GFA, currently equaling 2,650 square feet, as IZ units for households earning no more than 60% of the MFI;
- b. Penthouse Residential GFA: **For the life of the Project**, the Applicant shall set aside no less than eight percent of the penthouse residential GFA as affordable housing. The Applicant shall:
- i. Devote approximately 39,959 square feet of penthouse residential GFA to housing;
  - ii. Set aside no less than eight percent of the penthouse residential GFA, currently equaling approximately 3,200 square feet, as IZ units pursuant to 11-C DCMR Chapter 10; and
  - iii. Set aside no less than eight percent of the penthouse residential GFA, currently equaling 3,200 square feet, as IZ units for households earning no more than 50% of the MFI;
- c. The set-aside requirements are set forth in the following charts:

2100 2 <sup>nd</sup> Street SW					
Residential Unit Type	New Residential GFA /Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*	Notes
Total	33,146 sf/100%		Life of project	Rental	NA
Market Rate	30,496 sf/92%	Market	Life of project	Rental	NA
IZ	2,650 sf/8%	60% MFI	Life of project	Rental	NA

2100 2 <sup>nd</sup> Street SW					
Residential Unit Type	Penthouse Residential Square Footage / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*	Notes
Total	39,959 sf/100%		Life of project	Rental	NA
Market Rate	36,759 sf/92%	Market	Life of project	Rental	NA
IZ	3,200 sf/8%	50% MFI	Life of project	Rental	NA

7. **LEED. The Applicant shall submit with its building permit application a LEED checklist** indicating that the Project includes sustainable design features such that the

- building achieves LEED-Gold Status. **Within 12 months after the issuance of the Certificate of Occupancy for the building**, the Applicant shall provide evidence to the Zoning Administrator that it has secured Gold Certification or higher from the U.S. Green Building Council under the LEED-v.2009 rating system.
8. **Solar. Prior to issuance of the first Certificate of Occupancy for the Project**, the Applicant shall demonstrate that at least 8,000 square feet of rooftop space is dedicated for solar panels.
  9. **Satellite Parking Sidewalks. Prior to the issuance of the first Certificate of Occupancy for the Project**, the Applicant shall construct a temporary, asphalt, six-foot wide sidewalk to any satellite parking site with which it has a contract for services.
  10. **Riverwalk Trail Design. Prior to issuance of the first Certificate of Occupancy for the Project**, the Applicant shall:
    - a. Design and construct the Riverwalk Trail in conformance with the Anacostia Riverwalk Trail Design Guidelines;
    - b. Install a narrow band of textured paving shall be installed at the edge of the active trail where the passive and active trails intersect to provide a visual cue to passive trail users that they are crossing into an active trail; and
    - c. Replace the “rough paving” on the active trail with paving that provides a visual cue to indicate an intersection between active and passive uses. A “rough paving” with a noticeable texture should not be used in the active trail.
  11. The application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. 11-Z DCMR § 702.3.
  12. 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.

On July 13, 2017, upon the motion of Vice-Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on March 2, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

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