



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 22-210, Ensuring Community Access to Recreational Spaces Act of 2018
- D.C. Council passes Law 22-235, Structured Settlements and Automatic Renewal Protections Act of 2018
- D.C. Council passes Law 22-238, Study of Long-Term Care Facilities and Long-Term Care Services Act of 2018
- D.C. Council passes Law 22-242, Behavioral Health Parity Act of 2018
- D.C. Council schedules a public hearing on Bill 23-0180, On-Site Services Act of 2019
- Executive Office of the Mayor establishes the Office of the Deputy Mayor for Operations and Infrastructure (Mayor's Order 2019-012) and the Office for East of the River Services (Mayor's Order 2019-013)
- Department of Health Care Finance announces funding for developing a pilot program for delivering health care services at faith-based organizations using telehealth
- District Department of Transportation announces funding for the Highway Safety Behavioral Grant Program and the Vision Zero 2019 Open Streets Coordination Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-210

"Ensuring Community Access to Recreational Spaces Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-613 on first and second readings October 2, 2018, and October 16, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-511 and was published in the November 16, 2018 edition of the D.C. Register (Vol. 65, page 12598). Act 22-511 was transmitted to Congress on January 9, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-511 is now D.C. Law 22-210, effective February 22, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	9, 10, 11, 14, 15, 16, 17, 18, 22, 23, 24, 25, 28, 29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-235

"Structured Settlements and Automatic Renewal Protections Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-20 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-558 and was published in the January 18, 2019 edition of the D.C. Register (Vol. 66, page 580). Act 22-558 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-558 is now D.C. Law 22-235, effective March 13, 2019.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-236

"Driver's License Revocation Fairness Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-618 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-559 and was published in the January 18, 2019 edition of the D.C. Register (Vol. 66, page 590). Act 22-559 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-559 is now D.C. Law 22-236, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

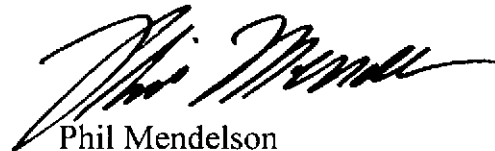
NOTICE

D.C. LAW 22-237

"Rear-Facing Car Seat Safety Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-661 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-560 and was published in the January 18, 2019 edition of the D.C. Register (Vol. 66, page 592). Act 22-560 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-560 is now D.C. Law 22-237, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-238

"Study of Long-Term Care Facilities and Long-Term Care Services Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-690 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-561 and was published in the January 18, 2019 edition of the D.C. Register (Vol. 66, page 594). Act 22-561 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-561 is now D.C. Law 22-238, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-239

"Electronic Proof of Motor Vehicle Insurance and Registration Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-740 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-562 and was published in the January 18, 2019 edition of the D.C. Register (Vol. 66, page 597). Act 22-562 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-562 is now D.C. Law 22-239, effective March 13, 2019.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-240

"Healthy Students Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-313 on first and second readings November 13, 2018 and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-566 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 912). Act 22-566 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-566 is now D.C. Law 22-240, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-241

"Lead Water Service Line Replacement and Disclosure Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-507 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-567 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 923). Act 22-567 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-567 is now D.C. Law 22-241, effective March 13, 2019.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-242

"Behavioral Health Parity Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-597 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-568 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 930). Act 22-568 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-568 is now D.C. Law 22-242, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-243

"Revised Synthetics Abatement and Full Enforcement Drug Control Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-628 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-569 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 937). Act 22-569 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-569 is now D.C. Law 22-243, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-244

"Mental Health Information Disclosure Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-742 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-570 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 960). Act 22-570 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-570 is now D.C. Law 22-244, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-245

"Eviction with Dignity Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-809 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-571 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 962). Act 22-571 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-571 is now D.C. Law 22-245, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-246

"Program of All-Inclusive Care for the Elderly Establishment Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-924 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-572 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 967). Act 22-572 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-572 is now D.C. Law 22-246, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

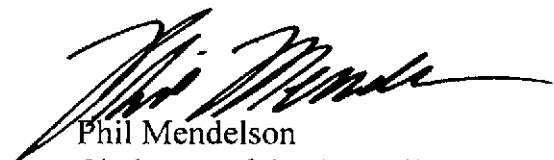
NOTICE

D.C. LAW 22-247

"Conversion Therapy for Consumers under a Conservatorship or Guardianship Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-972 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-573 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 971). Act 22-573 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-573 is now D.C. Law 22-247, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

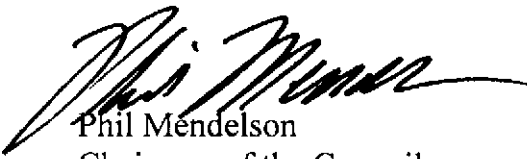
NOTICE

D.C. LAW 22-248

"Rent Charged Definition Clarification Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-999 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-574 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 973). Act 22-574 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-574 is now D.C. Law 22-248, effective March 13, 2019.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

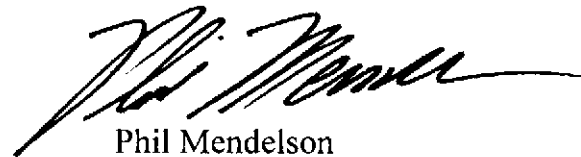
NOTICE

D.C. LAW 22-249

"Office of Public-Private Partnerships Delegation of Authority Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-911 on first and second readings November 13, 2018, and December 4, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-577 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 983). Act 22-577 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-577 is now D.C. Law 22-249, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-250

"Campaign Finance Reform Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-107 on first and second readings November 20, 2018, and December 4, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-578 and was published in the January 25, 2019 edition of the D.C. Register (Vol. 66, page 985). Act 22-578 was transmitted to Congress on January 29, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-578 is now D.C. Law 22-250, effective March 13, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	29, 30, 31
February	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 15, 2019

To approve, on an emergency basis, Modification Nos. 3 and 5 to Contract No. CW50466 with KPMG, LLP, to provide business management and financial advisory services, 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. CW50466 Approval and Payment Authorization Emergency Act of 2019”.

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 and 5 to Contract No. CW50466 with KPMG, LLP, to provide business management and financial advisory services, and authorizes payment in the not-to-exceed amount of \$1.45 million for goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement provided by 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.

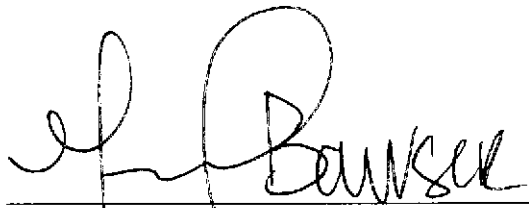
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
March 15, 2019

ENROLLED ORIGINAL

A RESOLUTION

23-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 5, 2019

To confirm the appointment of Dr. Lewis D. Ferebee as Chancellor of the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Chancellor of the District of Columbia Public Schools Dr. Lewis D. Ferebee Confirmation Resolution of 2019”.

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

Dr. Lewis D. Ferebee
5611 North Delaware Street
Indianapolis, IN 46220

as the Chancellor of the District of Columbia Public Schools, established by section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171), in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 19, 2019

To formally reprimand Councilmember Jack Evans for violations of the Council of the District of Columbia Code of Official Conduct.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Council Reprimand of Councilmember Jack Evans Resolution of 2019”.

Sec. 2. (a) Inherent in the position of member of the Council of the District of Columbia is the responsibility to act, at all times, with the highest standards of ethical conduct. A Councilmember must act in the public interest. A Councilmember must perform the duties of the office to which he or she is elected in a manner that maintains the confidence of the public and must take no action that violates or threatens the public trust. These governing principles are embodied in the Council of the District of Columbia Code of Official Conduct and are fundamental to holding elected office.

(b) Section VI(a) of the Council of District of Columbia Code of Official Conduct, Council Period 23, adopted pursuant to the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), (“Code of Official Conduct”) provides, in part, that:

“GENERALLY, Employees shall not:

(1) Use Council time or government resources for purposes other than official business or other government-approved or sponsored activities . . .

(2) Order, direct, or request an employee to perform during regular working hours any personal services not related to official Council functions and activities . . .”

(c) Section VI(c)(1) of the Code of Official Conduct provides that “An employee may not knowingly use the prestige of office or public position for that employee’s private gain or that of another.”

Sec. 3. On several occasions, including in 2015 and 2018, Councilmember Jack Evans directed a Council employee to use government resources to email business proposals seeking employment. The business proposals outlined how Councilmember Evans could use his tenure,

ENROLLED ORIGINAL

accomplishments, and stature as Councilmember and Chairman of the Committee on Finance and Revenue, and as the Council's appointee to the Board of Directors of the Washington Metropolitan Area Transit Authority, to generate business for the law firms.

Sec. 4. Councilmember Jack Evans's actions constitute a violation of section VI of the Code of Official Conduct, in that he directed a Council employee to use government time and resources for purposes other than official Council business, and, further, he knowingly used the prestige of his office and public position seeking private gain.

Sec. 5. This reprimand does not concern other allegations that have been reported in the public press as those allegations are under investigation by both the Board of Ethics and Government Accountability and the United States Attorney's Office and may or may not lead to other sanctions.

Sec. 6. To maintain the public trust in the integrity of the legislative branch of government, the Council expresses disapproval of the conduct of Councilmember Jack Evans as detailed in this resolution, and hereby reprimands Councilmember Jack Evans for conduct in violation of section VI of the Code of Official Conduct.

Sec. 7. In addition, the Chairman shall refer or re-refer legislation not of general applicability and effect such as tax abatements for specific properties to a committee other than the Committee on Finance and Revenue pending the aforementioned investigations. Further, the Council recommends that jurisdiction over the Commission on Arts and Humanities and also over the Washington Convention and Sports Authority/Events DC be removed from the Committee on Finance and Revenue.

Sec. 8. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to Councilmember Jack Evans.

Sec. 9. This resolution shall take effect immediately.

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

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

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

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

- | | |
|---------|---|
| B23-189 | Credit Union Act of 2019

Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B23-190 | Healthy Beverages for Kids Meals Act of 2019

Intro. 3-13-19 by Councilmembers Nadeau and Grosso and referred sequentially to the Committee on Business and Economic Development and the Committee on Health |
| <hr/> | |
| B23-191 | Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019

Intro. 3-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment |
-

PROPOSED RESOLUTIONS

- PR23-181 Board of Professional Counseling Vanessa Ruffin-Colbert Confirmation Resolution of 2019
Intro. 3-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-182 Board of Occupational Therapy Gillian Rai Confirmation Resolution of 2019
Intro. 3-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-183 Commission on Fashion Arts and Events Emilia Ferrara Confirmation Resolution of 2019
Intro. 3-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR23-184 Director of the Office of Asian and Pacific Islander Affairs Ben de Guzman Confirmation Resolution of 2019
Intro. 3-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-186 Commission on African Affairs Theodore Ngatchou Confirmation Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-187 Commission on African Affairs Yodit Shibu Confirmation Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-188 Commission on African Affairs Narciso Sumbana Confirmation Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-

- PR23-189 Commission on African Affairs Margaret Kamara Confirmation Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-190 Commission on African Affairs Hellen Fissahaie Confirmation Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-191 Collective Bargaining Agreement between the American Federation of Government Employees, Local 1403, Compensation Unit 34, and the Public Service Commission of the District of Columbia Approval Resolution of 2019
Intro. 3-13-19 by Chairman Mendelson at the request of the Public Service Commission and referred to the Committee on Labor and Workforce Development with comments from the Committee on Business and Economic Development
-
- PR23-192 Friendship Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2019
Intro. 3-15-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-
- PR23-193 Master Facilities Plan Approval Resolution of 2019
Intro. 3-15-19 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole with comments from the Committee on Facilities and Procurement
-

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

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

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

on

B23-0038 - Racial Equity Achieves Results Amendment Act of 2019

**Thursday, April 25, 2019, 10:00 A.M.
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B23-0038, the Racial Equity Achieves Results Amendment Act of 2019*. The public hearing is scheduled for Thursday, April 25, 2019 at 10:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B23-0038 amends the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights and the Department of Human Resources to develop and provide racial equity training for District employees, amends Chapter 3 of Title 47 of the District of Columbia Official Code to require the Office of Budget and Planning to design and implement a racial equity tool to aid in eliminating disparities among District employees based on race, and, beginning in fiscal year 2020, requires the Mayor to include racial equity-related performance measures in the development of an agency's annual performance plans, and requires the Mayor to include an evaluation of the use of the racial equity tool in the annual performance accountability reports.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at GovernmentOperations@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Tuesday, April 23, 2019. Each witness is requested to bring 15 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business

Thursday, May 2, 2019. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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

ANNOUNCES A PUBLIC HEARING ON

B23-0180, THE “ON-SITE SERVICES ACT OF 2019”

**Thursday, May 23, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, May 23rd, 2019, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, will hold a public hearing on B23-0180, the “On-Site Services Act of 2019”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 10:00 a.m.

The stated purpose of B23-0180, the “On-Site Services Act of 2019”, is to require qualifying housing providers to provide on-site services, to establish the On-Site Services Program that provides funding to qualifying housing providers for on-site services, to create an application and renewal process for the Program, to create reporting requirement for the Program, and to empower the Mayor with rulemaking authority for the implementation and violations of this act.

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 humanservices@dccouncil.us or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Tuesday, May 21, 2019**. 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 submit a copy of their written testimony via email to the Committee in advance of the hearing and bring **fifteen single-sided copies** of their written testimony to the hearing.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on June 6, 2019.**

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**PR 23-129, Department of Consumer and Regulatory Affairs Ernest Chrappah
Confirmation Resolution of 2019**

on

Tuesday, April 23, 2019

1:00 p.m. (or immediately following the preceding Committee meeting)

Room 120, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 23-129, the “Department of Consumer and Regulatory Affairs Ernest Chrappah Confirmation Resolution of 2019.” The hearing will be held at **1:00 p.m. (or immediately following the preceding Committee meeting) on Tuesday, April 23, 2019** in the Room 120 of the John A. Wilson Building.

The stated purpose of PR 23-129 is to confirm the appointment of Ernest Chrappah as the Director of the Department of Consumer and Regulatory Affairs. Mayor Bowser designated Mr. Chrappah as Interim Director on November 19, 2018 and submitted his nomination to the Council on February 26, 2019. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of Mr. Chrappah to be Director.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Blaine Stum at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation and title (if any) by **noon on Monday, April 22, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by noon on Monday, April 22, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on May 7, 2019.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-078332

License Class/Type: C Restaurant

Applicant: A Modo Mio, Inc.

Trade Name: Et Voila

ANC: 3D05

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

5120 MACARTHUR BLVD NW, Washington, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm	-
Monday:	11 am - 11 pm	11 am - 11 pm	-
Tuesday:	11 am - 11 pm	11 am - 11 pm	-
Wednesday:	11 am - 11 pm	11 am - 11 pm	-
Thursday:	11 am - 11 pm	11 am - 11 pm	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 10 pm	11 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-086393

License Class/Type: C Restaurant

Applicant: Beau Thai LLC

Trade Name: BKK Cookshop

ANC: 6E02

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

1700 NEW JERSEY AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11 pm	8 am - 11 pm	-
Monday:	8 am - 11 pm	8 am - 11 pm	-
Tuesday:	8 am - 11 pm	8 am - 11 pm	-
Wednesday:	8 am - 11 pm	8 am - 11 pm	-
Thursday:	8 am - 11 pm	8 am - 11 pm	-
Friday:	8 am - 11 pm	8 am - 11 pm	-
Saturday:	8 am - 11 pm	8 am - 11 pm	-

	Hours Of Sidewalk Cafe	Hours of Summer Garden
Sunday:	11 am - 11 pm	8 am - 11 pm
Monday:	11 am - 11 pm	8 am - 11 pm
Tuesday:	11 am - 11 pm	8 am - 11 pm
Wednesday:	11 am - 11 pm	8 am - 11 pm
Thursday:	11 am - 11 pm	8 am - 11 pm
Friday:	11 am - 11 pm	8 am - 11 pm
Saturday:	11 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-083219

License Class/Type: C Multipurpose

Applicant: U Street Music Hall, LLC

Trade Name: U Street Music Hall

ANC: 1B02

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

1115 U ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 3 am	11 am - 2 am	-
Monday:	6 am - 3 am	5 pm - 2 am	-
Tuesday:	6 am - 3 am	5 pm - 2 am	-
Wednesday:	6 am - 3 am	5 pm - 2 am	-
Thursday:	6 am - 3 am	5 pm - 2 am	-
Friday:	6 am - 4 am	5 pm - 3 am	-
Saturday:	6 am - 4 am	5 pm - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-112694

License Class/Type: C Restaurant

Applicant: MKJA Upshur Street Ventures LLC

Trade Name: Cinder Neighborhood Barbeque

ANC: 4C07

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

800 UPSHUR ST NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 1 am	10 am - 1 am	5 pm - 11 pm
Monday:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm
Tuesday:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm
Wednesday:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm
Thursday:	5 pm - 2 am	5 pm - 2 am	5 pm - 11 pm
Friday:	5 pm - 2 am	5 pm - 2 am	5 pm - 12 am
Saturday:	5 pm - 2 am	5 pm - 2 am	5 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-022105

License Class/Type: C Restaurant

Applicant: Red River Grill L L C

Trade Name: Union Pub

ANC: 6C02

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

201 MASSACHUSETTS AVE NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 1:30 am	-
Monday:	11:30 am - 2 am	11:30 am - 1:30 am	-
Tuesday:	11:30 am - 2 am	11:30 am - 1:30 am	-
Wednesday:	11:30 am - 2 am	11:30 am - 1:30 am	-
Thursday:	11:30 am - 2 am	11:30 am - 1:30 am	-
Friday:	11:30 am - 3 am	11:30 am - 2:30 am	-
Saturday:	10 am - 3 am	10 am - 2:30 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 12:30 am	10 am - 12:30 am
Monday:	11:45 am - 12:30 am	11:45 am - 12:30 am
Tuesday:	11:45 am - 12:30 am	11:45 am - 12:30 am
Wednesday:	11:45 am - 12:30 am	11:45 am - 12:30 am
Thursday:	11:45 am - 12:30 am	11:45 am - 12:30 am
Friday:	11:45 am - 12:30 am	11:45 am - 12:30 am
Saturday:	10 am - 2 am	10 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-079108

License Class/Type: C Restaurant

Applicant: BP Group, Inc.

Trade Name: Royal Thai Cuisine & Bar

ANC: 2C01

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

507 H ST NW, WASHINGTON, DC 20001

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

5/6/2019

A HEARING WILL BE

5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	-
Monday:	11 am - 11 pm	11 am - 11 pm	-
Tuesday:	11 am - 11 pm	11 am - 11 pm	-
Wednesday:	11 am - 11 pm	11 am - 11 pm	-
Thursday:	11 am - 11 pm	11 am - 11 pm	-
Friday:	11 am - 11 pm	11 am - 11 pm	-
Saturday:	11 am - 11pm	11 am - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-107792

License Class/Type: C Restaurant

Applicant: Danny Boy LLC

Trade Name: Little Pearl

ANC: 6B04

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

921 Pennsylvania AVE SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 11:30 pm	8 am - 11:30 pm	12 pm - 9 pm
Monday:	6:30 am - 12:30 am	8 am - 12:30 am	6 pm - 9 pm
Tuesday:	6:30 am - 12:30 am	8 am - 12:30 am	6 pm - 9 pm
Wednesday:	6:30 am - 12:30 am	8 am - 12:30 am	6 pm - 9 pm
Thursday:	6:30 am - 12:30 am	8 am - 12:30 am	6 pm - 9 pm
Friday:	6:30 am - 12:30 am	8 am - 12:30 am	6 pm - 9 pm
Saturday:	6:30 am - 12:30 am	8 am - 12:30 am	12 pm - 10 pm

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	7 am - 11:30 pm	8 am - 11:30 pm
Monday:	6:30 am - 12:30 am	8 am - 12:30 am
Tuesday:	6:30 am - 12:30 am	8 am - 12:30 am
Wednesday:	6:30 am - 12:30 am	8 am - 12:30 am
Thursday:	6:30 am - 12:30 am	8 am - 12:30 am
Friday:	6:30 am - 12:30 am	8 am - 12:30 am
Saturday:	6:30 am - 12:30 am	8 am - 12:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-091704

License Class/Type: C Restaurant

Applicant: Purple Feet, LLC

Trade Name: Flight

ANC: 2C03

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

777 6TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	8 am - 3 am

Hours Of Sidewalk Cafe

Hours Of Sales Sidewalk Cafe

Sunday:	8 am - 12 am	8 am - 12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-001845

License Class/Type: C Restaurant

Applicant: C T Chiang of Washington, Inc.

Trade Name: Chalin's Restaurant

ANC: 2B06

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

1912 I ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 10 pm	12 pm - 9:30 pm	-
Monday:	11:30 am - 10:30 pm	11:30 am - 10 pm	-
Tuesday:	11:30 am - 10:30 pm	11:30 am - 10 pm	-
Wednesday:	11:30 am - 10:30 pm	11:30 am - 10 pm	-
Thursday:	11:30 am - 10:30 pm	11:30 am - 10 pm	-
Friday:	11:30 am - 10:30 pm	11:30 am - 10 pm	-
Saturday:	12 pm - 10 pm	12 pm - 9:30 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-000654

License Class/Type: C Restaurant

Applicant: Seven Seas, Inc.

Trade Name: Seven Seas Restaurant

ANC: 4B04

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

5915 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Monday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Tuesday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Wednesday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Thursday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Friday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
Saturday:	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-104129

License Class/Type: C Restaurant

Applicant: Boulangerie Christophe, LLC

Trade Name: Boulangerie Christophe

ANC: 2E03

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

1422 WISCONSIN AVE NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7:30 am - 9 pm	8 am - 9 pm	-
Monday:	7:30 am - 9 pm	8 am - 9 pm	-
Tuesday:	7:30 am - 9 pm	8 am - 9 pm	-
Wednesday:	7:30 am - 9 pm	8 am - 9 pm	-
Thursday:	7:30 am - 9 pm	8 am - 9 pm	-
Friday:	7:30 am - 9 pm	8 am - 9 pm	-
Saturday:	7:30 am - 9 pm	8 am - 9 pm	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	7:30 am - 9 pm	8 am - 9 pm
Monday:	7:30 am - 9 pm	8 am - 9 pm
Tuesday:	7:30 am - 9 pm	8 am - 9 pm
Wednesday:	7:30 am - 9 pm	8 am - 9 pm
Thursday:	7:30 am - 9 pm	8 am - 9 pm
Friday:	7:30 am - 9 pm	8 am - 9 pm
Saturday:	7:30 am - 9 pm	8 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090884

License Class/Type: C Restaurant

Applicant: Rose's 1 LLC

Trade Name: Rose's Luxury

ANC: 6B03

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

717 8TH ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	8 am - 3 am	8 am - 3 am	-
Saturday:	8 am - 3 am	8 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 12 am	10 am - 12 am
Saturday:	10 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-093549

License Class/Type: C Restaurant

Applicant: Asian 328, LLC

Trade Name: Asia 54

ANC: 2B02

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

2122 P ST NW, WASHINGTON, DC 20037

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

5/6/2019

A HEARING WILL BE

5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	5 pm - 9:30 pm	5 pm - 9:30 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 11 pm	11 am - 11 pm	-
Saturday:	1 pm - 11 pm	1 pm - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-060654

License Class/Type: C Restaurant

Applicant: Charlie Palmer Steak, DC, LLC

Trade Name: Charlie Palmer Steak

ANC: 6C02

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

101 CONSTITUTION AVE NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	-
Monday:	11:30 am - 2 am	11:30 am - 2 am	-
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	-
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	-
Thursday:	11:30 am - 2 am	11:30 am - 2 am	-
Friday:	11:30 am - 3 am	11:30 am - 3 am	-
Saturday:	11:30 am - 3 am	11:30 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-020149

License Class/Type: C Hotel

Applicant: Morrison-Clark, Limited Partnership I

Trade Name: Morrison-Clark Inn

ANC: 2F06

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

1015 L ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-009239

License Class/Type: C Restaurant

Applicant: The City Limits, Inc.

Trade Name: 1789 Restaurant Tombs F Scotts

ANC: 2E08

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

1224 36TH ST NW, Washington, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	N/A -
Monday:	10 am - 2 am	10 am - 2 am	N/A -
Tuesday:	10 am - 2 am	10 am - 2 am	N/A -
Wednesday:	10 am - 2 am	10 am - 2 am	10 pm - 1:30 am
Thursday:	10 am - 2 am	10 am - 2 am	10:30 pm - 1:30 am
Friday:	10 am - 3 am	10 am - 3 am	10:30 pm - 2:30 am
Saturday:	10 am - 3 am	10 am - 3 am	10:30 pm - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-077454

License Class/Type: C Restaurant

Applicant: Marleny's Restaurant Inc.

Trade Name: Marleny's Restaurant & Carryout

ANC: 1D04

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

3201 MOUNT PLEASANT ST NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	6 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	6 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090308

License Class/Type: C Restaurant

Applicant: Beau Thai Mt. Pleasant LLC

Trade Name: Beau Thai

ANC: 1D04

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

3162 - 3164 MOUNT PLEASANT ST NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11am - 2am	11am - 2am	-
Monday:	11am - 2am	11am - 2am	-
Tuesday:	11am - 2am	11am - 2am	-
Wednesday:	11am - 2am	11am - 2am	-
Thursday:	11am - 2am	11am - 2am	-
Friday:	11am - 3am	11am - 3am	-
Saturday:	11am - 3am	11am - 3am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11am - 2am	11am - 2am
Monday:	11am - 2am	11am - 2am
Tuesday:	11am - 2am	11am - 2am
Wednesday:	11am - 2am	11am - 2am
Thursday:	11am - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-101629

License Class/Type: D Restaurant

Applicant: J & J Holdings, LLC

Trade Name: Pho 88 Noodles and Grill

ANC: 2C01

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

608 H ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 9 pm	12 pm - 9 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 10 pm	11 am - 10 pm	-
Saturday:	11 am - 10 pm	11 am - 10 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-104232

License Class/Type: C Restaurant

Applicant: Joselito, LLC

Trade Name: Casa de Comidas

ANC: 6B02

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

660 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6am - 2am	8am - 2am	-
Monday:	10am - 2am	10am - 2am	-
Tuesday:	10am - 2am	10am - 2am	-
Wednesday:	10am - 2am	10am - 2am	-
Thursday:	10am - 2am	10am - 2am	-
Friday:	10am - 2am	10am - 2am	-
Saturday:	6am - 2am	8am - 2am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	6am - 12am	8am - 12am
Monday:	10am - 12am	10am - 12am
Tuesday:	10am - 12am	10am - 12am
Wednesday:	10am - 12am	10am - 12am
Thursday:	10am - 12am	10am - 12am
Friday:	10am - 12am	10am - 12am
Saturday:	6am - 12am	8am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-108392

License Class/Type: C Restaurant

Applicant: Communal Restaurant, LLC

Trade Name: Communal Restaurant

ANC: 6E05

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

919 5TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9:30 am - 2 am	9:30 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	9:30 am - 3 am	9:30 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-083149

License Class/Type: C Restaurant

Applicant: Ethiopic Corp

Trade Name: Ethiopic Restaurant

ANC: 6C04

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

401 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 1 am	10 am - 1 am	6 pm - 10 pm
Monday:	10 am - 1 am	10 am - 1 am	6 pm - 10 pm
Tuesday:	10 am - 1 am	10 am - 1 am	6 pm - 10 pm
Wednesday:	10 am - 1 am	10 am - 1 am	6 pm - 10 pm
Thursday:	10 am - 1 am	10 am - 1 am	6 pm - 10 pm
Friday:	10 am - 1 am	10 am - 1 am	6 pm - 12 am
Saturday:	10 am - 1 am	10 am - 1 am	6 pm - 12 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 10 pm	10 am - 10 pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 11 pm	10 am - 11 pm
Saturday:	10 am - 11 pm	10 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-112358

License Class/Type: C Restaurant

Applicant: Roy Boys LLC

Trade Name: Roy Boys

ANC: 1B11

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

2108 8th ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	7 am - 1 am	10 am - 12:30 am
Monday:	7 am - 1 am	11 am - 12:30 am
Tuesday:	7 am - 1 am	11 am - 12:30 am
Wednesday:	7 am - 1 am	11 am - 12:30 am
Thursday:	7 am - 1 am	11 am - 12:30 am
Friday:	7 am - 2 am	11 am - 1:30 am
Saturday:	7 am - 2 am	10 am - 1:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-097032

License Class/Type: C Restaurant

Applicant: Jam Holdings LLC

Trade Name: Duplex Diner

ANC: 1C01

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

2004 18th ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:am - 2am	11am - 2am	6pm - 2am
Monday:	5pm - 2am	5pm - 2am	6pm - 2am
Tuesday:	5pm - 2am	5pm - 2am	6pm - 2am
Wednesday:	5pm - 2am	5pm - 2am	6pm - 2am
Thursday:	5pm - 2am	5pm - 2am	6pm - 2am
Friday:	5pm - 4am	5pm - 3am	6pm - 3am
Saturday:	11:am - 4am	11am - 3am	6pm - 3am

Hours Of Sidewalk Cafe

Hours Of Sales Sidewalk Cafe

Sunday:	11am - 2am	11AM - 2am
Monday:	5pm - 2am	5pm - 2am
Tuesday:	5pm - 2am	5pm - 2am
Wednesday:	5pm - 2am	5pm - 2am
Thursday:	5pm - 2am	5pm - 2am
Friday:	5pm - 3am	5pm - 3am
Saturday:	11am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-098137

License Class/Type: C Marine Vessel

Applicant: DC Harbor Cruises, LLC

Trade Name: Freedom

ANC: 6D04

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

1300 MAINE AVE SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	8 am - 3 am	8 am - 3 am	-
Saturday:	8 am - 3 am	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-109361

License Class/Type: C Restaurant

Applicant: JAM Holding, LLC

Trade Name: Red, White and Basil

ANC: 1C07

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

1781 Florida AVE NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am - 12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-087422

License Class/Type: C Restaurant

Applicant: Dangerously Delicious DC LLC

Trade Name: Dangerously Delicious DC

ANC: 6A06

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

1339 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8am - 3am	10am - 2am	6pm - 2am
Monday:	8am - 3am	8am - 2am	6pm - 2am
Tuesday:	8am - 3am	8am - 2am	6pm - 2am
Wednesday:	8am - 3am	8am - 3am	6pm - 2am
Thursday:	8am - 3am	8am - 2am	6pm - 2am
Friday:	8am - 4am	8am - 3am	6pm - 3am
Saturday:	8am - 4am	8am - 3am	6pm - 3am

Hours of Summer Garden

Hours of Sales Summer

Sunday:	8 am - 11 pm	8 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-088274

License Class/Type: C Restaurant

Applicant: Restaurant Seki, LLC

Trade Name: Izakaya Seki

ANC: 1B02

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

1117 V ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	5 pm - 1 am	5 pm - 1 am	-
Monday:	5 pm - 12 am	5 pm - 12 am	-
Tuesday:	5 pm - 12 am	5 pm - 12 am	-
Wednesday:	5 pm - 12 am	5 pm - 12 am	-
Thursday:	5 pm - 1 am	5 pm - 1 am	-
Friday:	5 pm - 2 am	5 pm - 2 am	-
Saturday:	5 pm - 2 am	5 pm - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-095815

License Class/Type: C Restaurant

Applicant: Beau Thai Shaw, LLC

Trade Name: Beau Thai

ANC: 6E01

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

1550 7TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 3 am	8 am - 3 am	-
Saturday:	7 am - 3 am	8 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-092808

License Class/Type: C Restaurant

Applicant: GCDC, LLC

Trade Name: GCDC

ANC: 2A08

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

1730 PENNSYLVANIA AVE NW, WASHINGTON, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am - 12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 10 pm	10 am - 10 pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 10 pm	10 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-105790

License Class/Type: C Restaurant

Applicant: TS6 Hospitality, LLC

Trade Name: The Smith

ANC: 1B12

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

1314 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-001269

License Class/Type: C Restaurant

Applicant: Exchange Industries, Incorporated

Trade Name: Exchange, LTD.

ANC: 2A08

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

1730 PENNSYLVANIA AVE NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10:30 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10:30 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10:30 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10:30 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10:30 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10:30 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10:30 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10:30 am - 2 am	10:30 am - 2 am
Monday:	10:30 am - 2 am	10:30 am - 2 am
Tuesday:	10:30 am - 2 am	10:30 am - 2 am
Wednesday:	10:30 am - 2 am	10:30 am - 2 am
Thursday:	10:30 am - 2 am	10:30 am - 2 am
Friday:	10:30 am - 3 am	10:30 am - 3 am
Saturday:	10:30 am - 3 am	10:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-112081

License Class/Type: C Restaurant

Applicant: Washington Hospitality Venture, LLC

Trade Name: Bombay Street Food

ANC: 1A05

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

1413 PARK RD NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Friday:	10 am - 12 am	10 am - 12 am	10 am - 12 am
Saturday:	10 am - 12 am	10 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-112308

License Class/Type: C Restaurant

Applicant: 2411 18th Hospitality, LLC

Trade Name: The Game Sports Pub

ANC: 1C07

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

2411 18th ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	-
Monday:	9 am - 2 am	9 am - 2 am	-
Tuesday:	9 am - 2 am	9 am - 2 am	-
Wednesday:	9 am - 2 am	9 am - 2 am	-
Thursday:	9 am - 2 am	9 am - 2 am	-
Friday:	9 am - 3 am	9 am - 3 am	-
Saturday:	9 am - 3 am	9 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 1 am	11 am - 1 am
Saturday:	11 am - 1 am	11 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-070893

License Class/Type: C Hotel

Applicant: Ccmh Metro Center LLC

Trade Name: The Marriott at Metro Center

ANC: 2C01

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

775 12TH ST NW, Washington, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 Hours -	10 am - 1 am	6 pm - 1 am
Monday:	24 Hours -	8 am - 1 am	6 pm - 1 am
Tuesday:	24 Hours -	8 am - 1 am	6 pm - 1 am
Wednesday:	24 Hours -	8 am - 1 am	6 pm - 1 am
Thursday:	24 Hours -	8 am - 1 am	6 pm - 1 am
Friday:	24 Hours -	8 am - 1 am	6 pm - 1 am
Saturday:	24 Hours -	8 am - 1 am	6 pm - 1 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 12:30am	10:00 am - 12:30 am
Monday:	7 am - 12:30 am	8 am - 12:30 am
Tuesday:	7 am - 12:30 am	8 am - 12:30 am
Wednesday:	7 am - 12:30 am	8 am - 12:30 am
Thursday:	7 am - 12:30 am	8 am - 12:30 am
Friday:	7 am - 12:30 am	8 am - 12:30 am
Saturday:	7 am - 12:30 am	8 am - 12:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-026242

License Class/Type: C Multipurpose

Applicant: Prince Hall Freemason and Eastern Star Charitable

Trade Name: Prince Hall Freemason & Eastern Star Charter Foundation

ANC: 1B02

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

1000 U ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	3 pm - 2 am	3 pm - 2 am	-
Monday:	6 pm - 2 am	6 pm - 2 am	-
Tuesday:	6 pm - 2 am	6 pm - 2 am	-
Wednesday:	6 pm - 2 am	6 pm - 2 am	-
Thursday:	6 pm - 2 am	6 pm - 2 am	-
Friday:	6 pm - 2 am	6 pm - 2 am	-
Saturday:	1 pm - 2 am	1 pm - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-023471

License Class/Type: C Restaurant

Applicant: Wing Fu, Corp.

Trade Name: Harmony Cafe

ANC: 2E05

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

3287 M ST NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Monday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Tuesday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Wednesday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Thursday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Friday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Saturday:	11:30 am - 11 pm	11:30 am - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-006044

License Class/Type: C Restaurant

Applicant: The Walrus Corporation

Trade Name: Old Ebbitt Grill

ANC: 2C01

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

675 15TH ST NW, Washington, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-086435

License Class/Type: D Restaurant

Applicant: Capital Fresh, Inc.

Trade Name: MGM Roast Beef

ANC: 5C05

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

1905 BRENTWOOD RD NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 11:30 pm	10 am - 11:30 pm	-
Monday:	7 am - 11:30 pm	8 am - 11:30 pm	-
Tuesday:	7 am - 11:30 pm	8 am - 11:30 pm	-
Wednesday:	7 am - 11:30 pm	8 am - 11:30 pm	-
Thursday:	7 am - 11:30 pm	8 am - 11:30 pm	-
Friday:	7 am - 11:30 pm	8 am - 11:30 pm	-
Saturday:	7 am - 11:30 pm	8 am - 11:30 pm	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 3 nm	10 am - 3 pm
Monday:	7 am - 6 pm	8 am - 6 pm
Tuesday:	7 am - 6 pm	8 am - 6 pm
Wednesday:	7 am - 6 pm	8 am - 6 pm
Thursday:	7 am - 6 pm	8 am - 6 pm
Friday:	7 am - 6 pm	8 am - 6 pm
Saturday:	7 am - 6 pm	8 am - 6 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090757

License Class/Type: D Restaurant

Applicant: District Taco, LLC

Trade Name: District Taco

ANC: 2C01

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

1309 F ST NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 10 pm	11 am - 10 pm	-
Monday:	7 am - 10 pm	11 am - 10 pm	-
Tuesday:	7 am - 10 pm	11 am - 10 pm	-
Wednesday:	7 am - 10 pm	11 am - 10 pm	-
Thursday:	7 am - 10 pm	11 am - 10 pm	-
Friday:	7 am - 10 pm	11 am - 10 pm	-
Saturday:	7 am - 10 pm	11 am - 10 pm	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 9 pm	11 am - 9 pm
Monday:	7 am - 10 pm	11 am - 10 pm
Tuesday:	7 am - 10 pm	11 am - 10 pm
Wednesday:	7 am - 10 pm	11 am - 10 pm
Thursday:	7 am - 10 pm	11 am - 10 pm
Friday:	7 am - 10 pm	11 am - 10 pm
Saturday:	10 am - 9 pm	11 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090189

License Class/Type: C Hotel

Applicant: Abdo F St., LLC

Trade Name: Hotel Hive

ANC: 2A07

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

2224 F ST NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 - HOURS	8 am - 2 am	-
Monday:	24 - HOURS	8 am - 2 am	-
Tuesday:	24 - HOURS	8 am - 2 am	-
Wednesday:	24 - HOURS	8 am - 2 am	-
Thursday:	24 - HOURS	8 am - 2 am	-
Friday:	24 - HOURS	8 am - 3 am	-
Saturday:	24 - HOURS	8 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours of Summer Garden
Sunday:	7 am - 11 pm	6 am - 10 pm
Monday:	7 am - 11 pm	6 am - 10 pm
Tuesday:	7 am - 11 pm	6 am - 10 pm
Wednesday:	7 am - 11 pm	6 am - 10 pm
Thursday:	7 am - 11 pm	6 am - 10 pm
Friday:	7 am - 12 am	6 am - 11 pm
Saturday:	7 am - 12 am	6 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-103863

License Class/Type: C Restaurant

Applicant: Chicken and Whiskey, LLC

Trade Name: Chicken + Whiskey

ANC: 2F01

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

1738 14TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2:30 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2:30 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2:30 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2:30 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2:30 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3:30 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3:30 am	11 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-086339

License Class/Type: C Restaurant

Applicant: FT DC, LLC

Trade Name: Fiola

ANC: 2C03

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

601 Pennsylvania AVE NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	5pm - 11pm	5pm - 11pm	6pm - 11pm
Monday:	11:45am - 12:30am	11:45am - 12:30am	6pm - 12:30am
Tuesday:	11:45am - 12:30am	11:45am - 12:30am	6pm - 12:30am
Wednesday:	11:45am - 12:30am	11:45am - 12:30am	6pm - 12:30am
Thursday:	11:45am - 12:30am	11:45am - 12:30am	6pm - 12:30am
Friday:	11:45am - 1am	11:45am - 1am	6pm - 1am
Saturday:	11:45am - 1am	11:45am - 1am	6pm - 1am

Hours of Summer Garden

Hours of Sales Summer

Sunday:	5pm - 11pm	5pm - 11pm
Monday:	11:45 - 11 pm	11:45am - 11 pm
Tuesday:	11:45am - 11 pm	11:45am - 11 pm
Wednesday:	11:45am - 11 pm	11:45am - 11 pm
Thursday:	11:45am - 11 pm	11:45am - 11 pm
Friday:	11:45am - 12 am	11:45am - 12 am
Saturday:	11:45am - 12 am	11:45am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-103680

License Class/Type: C Restaurant

Applicant: TS5 Hospitality, LLC

Trade Name: The Smith

ANC: 2C01

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

901 F ST NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Monday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Tuesday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Wednesday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Saturday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
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
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-088564

License Class/Type: C Restaurant

Applicant: Menomale LLC

Trade Name: Menomale, LLC

ANC: 5B04

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

2711 12th ST NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11am - 12 am	11 am - 12 am	-
Monday:	11am - 12 am	11am-2pm, -	-
Tuesday:	11 am - 12 am	11am-2pm, -	-
Wednesday:	11am - 12 am	11am-2pm, -	-
Thursday:	11am - 12 am	11am-2pm, -	-
Friday:	11am - 2am	11am-2pm, -	-
Saturday:	11am - 2am	11am - 2am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	5 pm - 11 pm	5 pm - 11 pm
Tuesday:	5 pm - 11 pm	5 pm - 11 pm
Wednesday:	5 pm - 11 pm	5 pm - 11 pm
Thursday:	5 pm - 11 pm	5 pm - 11 pm
Friday:	5 pm - 11 pm	5 pm - 11 pm
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-076441

License Class/Type: C Restaurant

Applicant: Woodley Cafe Partners, Inc.

Trade Name: Woodley Cafe

ANC: 3C01

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

2619 CONNECTICUT AVE NW, Washington, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 10 nm	10 am - 10 pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 10 pm	10 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090806

License Class/Type: C Restaurant

Applicant: Centeno's Restaurant, Inc.

Trade Name: Centeno's Restaurant

ANC: 4D01

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

827 KENNEDY ST NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 3 am	10 am - 2 am	10 am - 2 am
Monday:	7 am - 3 am	8 am - 2 am	8 am - 2 am
Tuesday:	7 am - 3 am	8 am - 2 am	8 am - 2 am
Wednesday:	7 am - 3 am	8 am - 2 am	8 am - 2 am
Thursday:	7 am - 3 am	8 am - 2 am	8 am - 2 am
Friday:	7 am - 4 am	8 am - 3 am	8 am - 3 am
Saturday:	7 am - 4 am	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-104786

License Class/Type: D Restaurant

Applicant: The Pretzel Bakery, LLC

Trade Name: The Pretzel Bakery

ANC: 6B08

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

257 15TH ST SE, #A, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 9 pm	11 am - 9 pm	-
Monday:	7 am - 9 pm	11 am - 9 pm	-
Tuesday:	7 am - 9 pm	11 am - 9 pm	-
Wednesday:	7 am - 9 pm	11 am - 9 pm	-
Thursday:	7 am - 9 pm	11 am - 9 pm	-
Friday:	7 am - 9 pm	11 am - 9 pm	-
Saturday:	7 am - 9 pm	11 am - 9 pm	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 9 nm	11 am - 9 pm
Monday:	7 am - 9 pm	11 am - 9 pm
Tuesday:	7 am - 9 pm	11 am - 9 pm
Wednesday:	7 am - 9 pm	11 am - 9 pm
Thursday:	7 am - 9 pm	11 am - 9 pm
Friday:	7 am - 9 pm	11 am - 9 pm
Saturday:	7 am - 9 pm	11 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-096629

License Class/Type: C Restaurant

Applicant: Thaighter Crossing, Inc.

Trade Name: Thai X-ing 9th Street

ANC: 1B02

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

2020 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-016192

License Class/Type: C Restaurant

Applicant: Paradise, Inc.

Trade Name: Pizzeria Paradiso

ANC: 2B02

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

2000 MASSACHUSETTS AVE NW, WASHINGTON, DC 20036

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

5/6/2019

A HEARING WILL BE

5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	-
Monday:	11 am - 1 am	11 am - 1 am	-
Tuesday:	11 am - 1 am	11 am - 1 am	-
Wednesday:	11 am - 1 am	11 am - 1 am	-
Thursday:	11 am - 1 am	11 am - 1 am	-
Friday:	11 am - 1 am	11 am - 1 am	-
Saturday:	11 am - 1 am	11 am - 1 am	-

Hours of Summer Garden

Hours of Sales Summer

Sunday:	11 am - 1 am	11 am - 1 am
Monday:	11 am - 1 am	11 am - 1 am
Tuesday:	11 am - 1 am	11 am - 1 am
Wednesday:	11 am - 1 am	11 am - 1 am
Thursday:	11 am - 1 am	11 am - 1 am
Friday:	11 am - 1 am	11 am - 1 am
Saturday:	11 am - 1 am	11 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-106119

License Class/Type: C Restaurant

Applicant: Ft Del Mar DC LLC

Trade Name: Del Mar

ANC: 6D04

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

791 Wharf ST SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10:30 am - 2 am	10:30 am - 2 am	10:30 am - 3 pm
Monday:	11:30 am - 2 am	11:30 am - 2 am	-
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	-
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	-
Thursday:	11:30 am - 2 am	11:30 am - 2 am	-
Friday:	11:30 am - 2 am	11:30 am - 2 am	-
Saturday:	10:30 am - 2 am	10:30 am - 2 am	10:30 am - 3 pm

Hours of Summer Garden

Hours of Sales Summer

Sunday:	10:30 am - 1 am	10:30 am - 1 am
Monday:	11:30 am - 1 am	11:30 am - 1 am
Tuesday:	11:30 am - 1 am	11:30 am - 1 am
Wednesday:	11:30 am - 1 am	11:30 am - 1 am
Thursday:	11:30 am - 1 am	11:30 am - 1 am
Friday:	11:30 am - 2 am	11:30 am - 2 am
Saturday:	10:30 am - 2 am	10:30 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-090422

License Class/Type: C Restaurant

Applicant: ROMYO LLC

Trade Name: Ambassador Restaurant

ANC: 1B02

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

1907 9th ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	10 pm - 1 am
Monday:	8 am - 2 am	8 am - 2 am	10 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	10 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	10 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	10 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	10 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	10 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-074661

License Class/Type: C Restaurant

Applicant: Guerra, LLC

Trade Name: The Meeting Place

ANC: 2B05

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

1100 17TH ST NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 1 am	12 pm - 1 am	12 pm - 1 am
Monday:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Tuesday:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Wednesday:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Thursday:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Friday:	11 am - 3:30 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3:30 am	11 am - 3 am	12 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-060352

License Class/Type: C Restaurant

Applicant: Two Amys LLC

Trade Name: Two Amys

ANC: 3C07

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

3715 MACOMB ST NW, Washington, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am - 12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-022027

License Class/Type: C Restaurant

Applicant: Clyde's of Georgetown, Inc.

Trade Name: Clyde's

ANC: 2E05

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

3236 M ST NW, Washington, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-086010

License Class/Type: C Multipurpose

Applicant: Clyde's Management, Inc.

Trade Name: The Hamilton

ANC: 2C01

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

600 14TH ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hrs - 24 hrs	8 am - 2 am	-
Monday:	24 hrs - 24 hrs	8 am - 2 am	-
Tuesday:	24 hrs - 24 hrs	8 am - 2 am	-
Wednesday:	24 hrs - 24 hrs	8 am - 2 am	-
Thursday:	24 hrs - 24 hrs	8 am - 2 am	-
Friday:	24 hrs - 24 hrs	8 am - 3 am	-
Saturday:	24 hrs - 24 hrs	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-092791

License Class/Type: D Restaurant

Applicant: District Taco, LLC

Trade Name: District Taco

ANC: 6B02

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

656 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003

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

5/6/2019

A HEARING WILL BE

5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 10pm	11am - 10pm	-
Monday:	7am - 10pm	11am - 10pm	-
Tuesday:	7am - 10pm	11am - 10pm	-
Wednesday:	7am - 10pm	11am - 10pm	-
Thursday:	7am - 10pm	11am - 10pm	-
Friday:	7am - 10pm	11am - 10pm	-
Saturday:	7am - 10pm	11am - 10pm	-

Hours Of Sidewalk Cafe

Hours Of Sales Sidewalk Cafe

Sunday:	8 am - 9 pm	11 am - 9 pm
Monday:	8 am - 9 pm	11 am - 9 pm
Tuesday:	8 am - 9 pm	11 am - 9 pm
Wednesday:	8 am - 9 pm	11 am - 9 pm
Thursday:	8 am - 9 pm	11 am - 9 pm
Friday:	8 am - 9 pm	11 am - 9 pm
Saturday:	8 am - 9 pm	11 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-094610

License Class/Type: C Restaurant

Applicant: Washington DC Asian Food Corporation

Trade Name: Sushi Keiko

ANC: 3B02

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

2309 WISCONSIN AVE NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	8 am - 3 am	8 am - 3 am	-
Saturday:	8 am - 3 am	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-101302

License Class/Type: C Restaurant

Applicant: Harvest Eats DC LLC

Trade Name: Jinya Ramen Bar

ANC: 2F03

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

1336 14TH ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	-
Monday:	11 am - 11 pm	11 am - 11 pm	-
Tuesday:	11 am - 11 pm	11 am - 11 pm	-
Wednesday:	11 am - 11 pm	11 am - 11 pm	-
Thursday:	11 am - 11 pm	11 am - 11 pm	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	11 am - 10 pm	11 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-108322

License Class/Type: C Restaurant

Applicant: Lukes Lobster XXIX, LLC

Trade Name: Luke's Lobster

ANC: 2B06

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

800 17TH ST NW, WASHINGTON, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	-
Monday:	11 am - 11 pm	11 am - 11 pm	-
Tuesday:	11 am - 11 pm	11 am - 11 pm	-
Wednesday:	11 am - 11 pm	11 am - 11 pm	-
Thursday:	11 am - 11 pm	11 am - 11 pm	-
Friday:	11 am - 11 pm	11 am - 11 pm	-
Saturday:	11 am - 11 pm	11 am - 11 pm	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-099451

License Class/Type: C Restaurant

Applicant: Flores LLC

Trade Name: Joselyn Restaurant Bar & Lounge

ANC: 1A09

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

3303 GEORGIA AVE NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	6 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	6 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	6 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-091375

License Class/Type: C Restaurant

Applicant: Augustus, LLC

Trade Name: Paragon Thai Restaurant

ANC: 3C04

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

3507 CONNECTICUT AVE NW, Washington, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 10:30 pm	12 pm - 10:30 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 11 pm	11 am - 11 pm	-
Saturday:	12 pm - 11 pm	12 pm - 11 pm	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	12 pm - 10:30 pm	12 pm - 10:30 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	12 pm - 11 pm	12 pm - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-109631

License Class/Type: C Restaurant

Applicant: One Bad Babe LLC

Trade Name: Slash Run

ANC: 4C10

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

201 Upshur ST NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 3 am	9 am - 2 am	6 pm - 2 am
Monday:	9 am - 3 am	9 am - 2 am	6 pm - 2 am
Tuesday:	9 am - 3 am	9 am - 2 am	6 pm - 2 am
Wednesday:	9 am - 3 am	9 am - 2 am	6 pm - 2 am
Thursday:	9 am - 3 am	9 am - 2 am	6 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-072256

License Class/Type: C Restaurant

Applicant: Maggiano's Holding Corporation

Trade Name: Maggiano's

ANC: 3E04

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

5333 WISCONSIN AVE NW, Washington, DC 20015

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Monday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Tuesday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Wednesday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Thursday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Friday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Saturday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	12 nm - 10 nm	12 pm - 10 pm
Monday:	11:30 am - 12 am	11:30 am - 12 am
Tuesday:	11:30 am - 12 am	11:30 am - 12 am
Wednesday:	11:30 am - 12 am	11:30 am - 12 am
Thursday:	11:30 am - 12 am	11:30 am - 12 am
Friday:	11:30 am - 12 am	11:30 am - 12 am
Saturday:	11:30 am - 12 am	11:30 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-060146

License Class/Type: C Restaurant

Applicant: FDS Restaurant, Inc.

Trade Name: Petits Plats

ANC: 3C01

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

2653 CONNECTICUT AVE NW, Washington, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Monday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Tuesday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Wednesday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Thursday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Friday:	11:30 am - 11 pm	11:30 am - 11 pm	-
Saturday:	11:30 am - 11 pm	11:30 am - 11 pm	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11:30 am - 11 pm	11:30 am - 11 pm
Monday:	11:30 am - 11 pm	11:30 am - 11 pm
Tuesday:	11:30 am - 11 pm	11:30 am - 11 pm
Wednesday:	11:30 am - 11 pm	11:30 am - 11 pm
Thursday:	11:30 am - 11 pm	11:30 am - 11 pm
Friday:	11:30 am - 11 pm	11:30 am - 11 pm
Saturday:	11:30 am - 11 pm	11:30 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-093610

License Class/Type: C Restaurant

Applicant: Good Essen-U Street LLC

Trade Name: Tico

ANC: 2B09

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

1926 14th ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	-
Monday:	7am - 2am	8am - 2am	-
Tuesday:	7am - 2am	8am - 2am	-
Wednesday:	7am - 2am	8am - 2am	-
Thursday:	7am - 2am	8am - 2am	-
Friday:	7am - 2am	8am - 2am	-
Saturday:	7am - 2am	8am - 2am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-107636

License Class/Type: C Hotel

Applicant: EOS DCH Owner, LLC

Trade Name: Hamilton Hotel DC

ANC: 2F08

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

1001 14TH ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	10 am - 2 am	6pm - 2am
Monday:	6 am - 2 am	8 am - 2 am	6pm - 2am
Tuesday:	6 am - 2 am	8 am - 2 am	6pm - 2am
Wednesday:	6 am - 2 am	8 am - 2 am	6pm - 2am
Thursday:	6 am - 2 am	8 am - 2 am	6pm - 2am
Friday:	6 am - 2 am	8 am - 2 am	6pm - 2am
Saturday:	6 am - 2 am	8 am - 2 am	6pm - 2am

	Hours Of Sidewalk Cafe	Hours of Summer Garden
Sunday:	6 am - 2 am	6 am - 2 am
Monday:	6 am - 2 am	6 am - 2 am
Tuesday:	6 am - 2 am	6 am - 2 am
Wednesday:	6 am - 2 am	6 am - 2 am
Thursday:	6 am - 2 am	6 am - 2 am
Friday:	6 am - 2 am	6 am - 2 am
Saturday:	6 am - 2 am	6 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-025982

License Class/Type: C Restaurant

Applicant: Joyti Foods, Inc.

Trade Name: Joyti Foods Cuisine

ANC: 1C07

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

2433 18TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 12 am	11:30 am - 12 am	-
Monday:	11:30 am - 12 am	11:30 am - 12 am	-
Tuesday:	11:30 am - 12 am	11:30 am - 12 am	-
Wednesday:	11:30 am - 12 am	11:30 am - 12 am	-
Thursday:	11:30 am - 12 am	11:30 am - 12 am	-
Friday:	11:30 am - 12 am	11:30 am - 12 am	-
Saturday:	11:30 am - 12 am	11:30 am - 12 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11:30 am - 12 am	11:30 am - 12 am
Monday:	11:30 am - 12 am	11:30 am - 12 am
Tuesday:	11:30 am - 12 am	11:30 am - 12 am
Wednesday:	11:30 am - 12 am	11:30 am - 12 am
Thursday:	11:30 am - 12 am	11:30 am - 12 am
Friday:	11:30 am - 12 am	11:30 am - 12 am
Saturday:	11:30 am - 12 am	11:30 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-098700

License Class/Type: C Restaurant

Applicant: Elaine's One LLC

Trade Name: Pineapple and Pearls

ANC: 6B03

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

715 8TH ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 3 am	8 am - 3 am	-
Saturday:	7 am - 3 am	8 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7am - 11 nm	8am - 11pm
Monday:	7am - 11 pm	8am - 11pm
Tuesday:	7am - 11 pm	8am - 11pm
Wednesday:	7am - 11 pm	8am - 11pm
Thursday:	7am - 11 pm	8am - 11pm
Friday:	7am - 11 pm	8am - 11pm
Saturday:	7am - 11pm	8am - 11pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-087667

License Class/Type: D Restaurant

Applicant: Lukes Lobster IV LLC

Trade Name: Luke's Lobster

ANC: 2C03

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

624 E ST NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 10 pm	11 am - 10 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 10 pm	11 am - 10 pm	-
Saturday:	11 am - 10 pm	11 am - 10 pm	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 10 nm	11 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-099379

License Class/Type: D Restaurant

Applicant: District Taco LLC

Trade Name: District Taco

ANC: 2B06

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

1919 M ST NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10AM - 9PM	10AM - 9PM	-
Monday:	7AM - 10PM	8AM - 10PM	-
Tuesday:	7AM - 10PM	8AM - 10PM	-
Wednesday:	7M - 10PM	8AM - 10PM	-
Thursday:	7AM - 10PM	8AM - 10PM	-
Friday:	7AM - 10PM	8AM - 10PM	-
Saturday:	10AM - 9PM	10AM - 9PM	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	10AM - 9PM	11AM - 9PM
Monday:	7AM - 10PM	11AM - 10PM
Tuesday:	7AM - 10PM	11AM - 10PM
Wednesday:	7AM - 10PM	11AM - 10PM
Thursday:	7AM - 10PM	11AM - 10PM
Friday:	7AM - 10PM	11AM - 10PM
Saturday:	10AM - 9PM	11AM - 9PM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-085365

License Class/Type: C Restaurant

Applicant: Passion Food Six, LLC

Trade Name: District Commons/Burger Tap & Shake

ANC: 2A07

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

2200 Pennsylvania AVE NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	10 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 3 am	8 am - 3 am	-
Saturday:	7 am - 3 am	8 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours of Summer Garden
Sunday:	11 am - 10pm	7 am - 2 am
Monday:	7:30 am - 12 am	7 am - 2 am
Tuesday:	7:30 am - 12 am	7 am - 2 am
Wednesday:	7:30 am - 12 am	7 am - 2 am
Thursday:	7:30 am - 12 am	7 am - 2 am
Friday:	7:30 am - 12 am	7 am - 3 am
Saturday:	11 am - 1 am	7 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-095147

License Class/Type: C Restaurant

Applicant: Passion Food Nine LLC

Trade Name: Penn Commons

ANC: 2C01

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

700 6TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	-
Monday:	7am - 2am	8am - 2am	-
Tuesday:	7am - 2am	8am - 2am	-
Wednesday:	7am - 2am	8am - 2am	-
Thursday:	7am - 2am	8am - 2am	-
Friday:	7am - 3am	8am - 3am	-
Saturday:	7am - 3am	8am - 3am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7am - 11pm	8am - 11pm
Monday:	7am - 11pm	8am - 11pm
Tuesday:	7am - 11pm	8am - 11pm
Wednesday:	7am - 11pm	8am - 11pm
Thursday:	7am - 11pm	8am - 11pm
Friday:	7am - 12am	8m - 12am
Saturday:	7am - 12am	8am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-014389

License Class/Type: C Restaurant

Applicant: Three D Corporation

Trade Name: Lebanese Taverna

ANC: 3C01

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

2641 CONNECTICUT AVE NW, Washington, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 12 am	11:30 am - 12 am	-
Monday:	8:30 am - 2 am	11:30 am - 2 am	-
Tuesday:	8:30 am - 2 am	11:30 am - 2 am	-
Wednesday:	8:30 am - 2 am	11:30 am - 2 am	-
Thursday:	8:30 am - 2 am	11:30 am - 2 am	-
Friday:	8:30 am - 2 am	11:30 am - 2 am	-
Saturday:	8:30 am - 2 am	11:30 am - 2 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	4:30 nm - 10 nm	4:30 pm - 10 pm
Monday:	11:30 am - 10 pm	11:30 am - 10 pm
Tuesday:	11:30 am - 10:30 pm	11:30 am - 10:30 pm
Wednesday:	11:30 am - 10:30 pm	11:30 am - 10:30 pm
Thursday:	11:30 am - 10:30 pm	11:30 am - 10:30 pm
Friday:	11:30 am - 11 pm	11:30 am - 11 pm
Saturday:	11:30 am - 11 pm	11:30 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-088499

License Class/Type: C Hotel

Applicant: CHH Capital Tenant Corp.

Trade Name: The Capital Hilton Hotel

ANC: 2B05

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

1001 16TH ST NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Monday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Tuesday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Wednesday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Thursday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Friday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am
Saturday:	24 hrs - 24 hrs	11 am - 2 am	6 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-100631

License Class/Type: C Restaurant

Applicant: Meskerem Abebe, LLC

Trade Name: Right Spot

ANC: 1B02

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

1917 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	12 pm - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	12 pm - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	12 pm - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	12 pm - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	12 pm - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	12 pm - 3 am	6 pm - 2 am
Saturday:	8 am - 3 am	12 pm - 3 am	6 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-060575

License Class/Type: C Restaurant

Applicant: Paradise Too LLC

Trade Name: Pizzeria Paradiso

ANC: 2E05

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

3282 M ST NW, Washington, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-109295

License Class/Type: C Restaurant

Applicant: Paradise SV, LLC

Trade Name: Pizzeria Paradiso

ANC: 3D03

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

4850 MASSACHUSETTS AVE NW, STE 100, WASHINGTON, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 12 am	11 am - 12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	9 am - 12 am	11 am - 12 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	9 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	9 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-010664

License Class/Type: C Restaurant

Applicant: Obelisk, Inc.

Trade Name: Obelisk

ANC: 2B02

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

2029 P ST NW, #A, Washington, DC 20036

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

5/6/2019

A HEARING WILL BE

5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed - closed	-
Monday:	12 pm - 11 pm	12 pm - 11 pm	-
Tuesday:	12 pm - 11 pm	12 pm - 11 pm	-
Wednesday:	12 pm - 11 pm	12 pm - 11 pm	-
Thursday:	12 pm - 11 pm	12 pm - 11 pm	-
Friday:	12 pm - 11 pm	12 pm - 11 pm	-
Saturday:	6 pm - 11 pm	6 pm - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-100214

License Class/Type: C Restaurant

Applicant: Millie's Spring Valley, LLC

Trade Name: Millie's

ANC: 3D03

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

4866 MASSACHUSETTS AVE NW, WASHINGTON, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 12 am	11 am - 12 am	-
Monday:	8 am - 12 am	11 am - 12 am	-
Tuesday:	8 am - 12 am	11 am - 12 am	-
Wednesday:	8 am - 12 am	11 am - 12 am	-
Thursday:	8 am - 12 am	11 am - 12 am	-
Friday:	8 am - 12 am	11 am - 12 am	-
Saturday:	8 am - 12 am	11 am - 12 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	8 am - 11 pm	11 am - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm
Friday:	8 am - 12 am	11 am - 12 am
Saturday:	8 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-086562

License Class/Type: D Restaurant

Applicant: National Delicatessen, Inc.

Trade Name: Loeb's Restaurant

ANC: 2B06

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

1712 I ST NW, WASHINGTON, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/22/2019

Notice is hereby given that:

License Number: ABRA-095958

License Class/Type: C Restaurant

Applicant: Lukes Lobster VIII LLC

Trade Name: Luke's Lobster

ANC: 2E05

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

1211 POTOMAC ST NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
5/6/2019

A HEARING WILL BE
5/20/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 AM - 10 PM	11 AM - 10 PM	-
Monday:	11 AM - 10 PM	11 AM - 10 PM	-
Tuesday:	11 AM - 10 PM	11 AM - 10 PM	-
Wednesday:	11 AM - 10 PM	11 AM - 10 PM	-
Thursday:	11 AM - 10 PM	11 AM - 10 PM	-
Friday:	11 AM - 10 PM	11 AM - 10 PM	-
Saturday:	11 AM - 10 PM	11 AM - 10 PM	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 22, 2019
Protest Petition Deadline: May 6, 2019
Roll Call Hearing Date: May 20, 2019

License No.: ABRA-095032
Licensee: Alazar Inc.
Trade Name: Edgewood International Wine and Spirits
License Class: Retailer’s Class “A” Liquor Store
Address: 2303 4th Street, N.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 5 ANC 5E SMD 5E02

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 May 20, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to change the hours of operation. Hours of alcoholic beverage sales will not change.

CURRENT HOURS OF OPERATION, AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 9am – 12am

PROPOSED HOURS OF OPERATION

Sunday through Saturday 9am – 9am (24-hour operations)

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

Placard Posting Date: March 22, 2019
Protest Petition Deadline: May 6, 2019
Roll Call Hearing Date: May 20, 2019

License No.: ABRA-102245
Licensee: 1050 31st Street Liquor, LLC
Trade Name: Rosewood Washington DC Hotel
License Class: Retailer's Class "C" Hotel
Address: 1050 31st Street, N.W.
Contact: Michael Fonseca, Esq.: (202) 625-7700

WARD 2

ANC 2E

SMD 2E05

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 May 20, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to expand premises to include six newly-renovated townhomes in the immediate proximity. Each townhome is a one-bedroom, three-level suite that will provide lodging for guests of the hotel. Total Occupancy Load will increase from 49 to 55 guestrooms.

HOURS OF OPERATION (INSIDE PREMISES)

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

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

Sunday through Thursday 8am – 2am

Friday and Saturday 8 am – 3am

HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday through Thursday 6pm – 2am

Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: **March 22, 2019
 Protest Petition Deadline: **May 6, 2019
 Roll Call Hearing Date: **May 20, 2019
 Protest Hearing Date: **July 17, 2019

License No.: ABRA-112800
 Licensee: Tamak SPN, LLC
 Trade Name: TBD
 License Class: Retailer’s Class “C” Restaurant
 Address: 724 9th Street, N.W.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2C

SMD 2C01

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 **May 20, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date is scheduled on **July 17, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A restaurant that will serve Spanish food with an East Asian influence. Interior seating for 200, with a Total Occupancy Load of 230.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **March 1, 2019
 Protest Petition Deadline: **April 15, 2019
 Roll Call Hearing Date: **April 29, 2019
 Protest Hearing Date: **June 26, 2019

License No.: ABRA-112800
 Licensee: Tamak SPN, LLC
 Trade Name: TBD
 License Class: Retailer’s Class “C” Restaurant
 Address: 724 9th Street, N.W.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 2 ANC 2C SMD 2C01

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 29, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date is scheduled on **June 26, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A restaurant that will serve Spanish food with an East Asian influence. Interior seating for 200, with a Total Occupancy Load of 230.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 11am – 12am

**MAYOR’S AGENT ON HISTORIC PRESERVATION
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Mayor’s Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at 1100 4th Street SW, Suite E650.

Hearing Date: **Friday, April 26, 2019 at 9:30 a.m.**
Case Number: H.P.A. 19-080
Square/Lot: Square 1224, Lot 0874
Applicant: Germar Properties LLC
Type of Work: Three-story restoration

Affected Historic Property: 1408 Wisconsin Avenue NW
Affected ANC: 2E

The Applicant’s claim is that the proposed alterations are consistent with the purposes of the D.C. Historic Landmark and Historic District Protection Act.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under “Regulations.”

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor’s Agent at least fifteen (15) days prior to the hearing. This request shall include the following information: 1) requesting party’s name and address; 2) whether the party will appear as a proponent or opponent of the application; 3) if the party will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which the party may be affected or aggrieved by action upon the application and the grounds upon which the party supports or opposes the application. Any requests for party status should be sent to the Mayor’s Agent at historic.preservation@dc.gov or 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at historic.preservation@dc.gov or (202) 442-7600.

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request submitted by Cedar Tree Academy Public Charter School (Cedar Tree Academy PCS) on March 1, 2019 to expand its grade levels served, effective for school year (SY) 2020-21.

Cedar Tree Academy PCS is currently in its seventeenth year of operation educating students in grades prekindergarten-3 (PK3) through kindergarten at a single campus in Ward 8. Effective for SY 2020-21, the school requests to expand its grade levels served to include students in grades PK3-3.

A public hearing will be held on April 22, 2019 at 6:30 p.m.; a vote will be held on May 20, 2019. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on May 17, 2019.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on May 20, 2019 by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Friday, May 17.

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request submitted by Eagle Academy Public Charter School (Eagle Academy PCS) on March 8, 2019 to update the campuses and facilities where the school intends to operate beginning in school year (SY) 2019-20.

Eagle Academy PCS is currently in its sixteenth year of operation educating students in grades prekindergarten-3 (PK3) through third at two campuses located in Wards 6 and 8. The school's Ward 6 campus is on New Jersey Avenue SE, and its Ward 8 campus is on Wheeler Road SE. Eagle Academy PCS's charter currently states the school will no longer operate at its facility on New Jersey Avenue SE after SY 2018-19, and that Eagle Academy will relocate the Ward 6 campus to a new location in Ward 8 at R Street SE beginning in SY 2019-20. However, after families informed Eagle Academy PCS that they might have to enroll their children elsewhere if the school doesn't retain a campus in Ward 6, the school was able to obtain an extension on its lease at the New Jersey Avenue site through SY 2019-20. As a result, the school must amend its charter agreement to reflect that Eagle Academy PCS will operate two campuses at the following three facilities beginning next school year: 1) 3400 Wheeler Rd SE, 2) 1017 New Jersey Ave SE, and 3) 2345 R St SE.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its campus/facility locations.

A public hearing and vote will be held on April 22, 2019 at 6:30 p.m. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on April 22, 2019.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on April 22, 2019 by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Friday, April 19.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MAY 8, 2019
441 4TH 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 FIVE

19996
ANC 5D **Application of Mallard Estates LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion regulations of Subtitle U § 320.2, to construct a third story and a three-story side addition to the existing, semi-detached principal dwelling unit and convert it to a three-unit apartment house in the RF-1 Zone at premises 1501 West Virginia Avenue N.E. (Square 4058, Lot 70).

WARD TWO

19998
ANC 2D **Application of Jay M. Eisenberg Trustee c/o Museles**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504, from the penthouse setback requirements of Subtitle C § 1502, and pursuant to Subtitle X, Chapter 10, for an area variance from the nonconforming structure requirements Subtitle C § 202.1 to increase the nonconforming lot occupancy, to construct a roof deck on an existing accessory structure in the R-1-B Zone at premises 1814 24th Street, N.W. (Square 2506, Lot 38).

WARD EIGHT

19999
ANC 8A **Application of Sanjay Bajaj**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the street frontage requirements of Subtitle C § 303.5, to subdivide two existing tax lots in the RA-2 and MU-4 Zones at premises 1920 17th Street S.E. (Square 5612, Lots 827 and 833).

BZA PUBLIC HEARING NOTICE

MAY 8, 2019

PAGE NO. 2

WARD FIVE20003
ANC 5E

Application of Dorothy Morgan, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 5007.1 and 5201 from the rear yard requirements of Subtitle E § 5004.2(a) and E § 5004.2(b), to replace an existing one story accessory garage structure with a new accessory garage structure in the rear yard of an existing, attached principal dwelling unit in the RF-1 Zone at premises 213 Randolph Place N.E. (Square 3573, Lot 77).

WARD SEVEN20006
ANC 7F

Application of T-Mobile Northeast LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use permissions of Subtitle C § 1313.2, to erect a monopole in the RA-1 Zone at premises 3675 Ely Place S.E. (Square 5438, Lot 801).

WARD FOUR20010
ANC 4A

Application of Josae Pink, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 513.1(c), to permit a fast food use in the MU-4 Zone at premises 6208 Georgia Avenue N.W. (Square 2941, Lot 14).

WARD FIVE20011
ANC 5D

Application of Mekela Whyte-Nesfield, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3, from the rooftop architectural elements provisions of Subtitle E § 206.1, to allow alteration of an existing porch rooftop architectural element on an existing semi-detached principal dwelling unit in the RF-1 Zone at premises 1321 Childress Street, N.E. (Square 4076-W, Lot 79).

BZA PUBLIC HEARING NOTICE

MAY 8, 2019

PAGE NO. 3

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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th 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

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

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

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡ በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。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 cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

BZA PUBLIC HEARING NOTICE

MAY 8, 2019

PAGE NO. 4

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 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 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 trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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**

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Section 102(1B) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(1B) (2012 Repl. & 2018 Supp.)); and Section 3(b)(16) of the State Education Office Establishment Act of 2000 (Act), effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code § 38-2602(b)(16) (2012 Repl. & 2018 Supp.)), hereby gives notice of her intent to add a new Chapter 75 (Alternative Program) to Subtitle A (Office of the State Superintendent of Education), Title 5 (Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Office of the State Superintendent of Education (OSSE), pursuant to D.C. Official Code § 38-2901(1B), is responsible for establishing the criteria for determining whether District of Columbia Public Schools and public charter schools receive per pupil funding via the Uniform Per Student Funding Formula at the “Alternative Program” grade level. The purpose of this proposed rulemaking is to set forth the eligibility criteria for a school or specialized program within a school to be designated as alternative education program and establish the application process.

To develop this proposed rulemaking, OSSE conducted best practice research regarding alternative education regulations and definitions, reviewed peer-state practices and legislation, and convened a working group with key stakeholders to ensure transparency and likelihood of successful implementation. It is important to note, an alternative program designated by OSSE pursuant to this chapter is not equivalent to, nor serves the same purpose, as an “alternative school” defined in accordance with “OSSE’s Definition of Alternative Schools Policy” for purposes of establishing a single state accountability system pursuant to Section 1105 in Title I of the Every Student Succeeds Act, effective December 10, 2015 (129 Stat. 180; 20 USC § 6311).

The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the D.C. Register

A new Chapter 75, ALTERNATIVE PROGRAM, is added to Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION to read as follows:

CHAPTER 75 ALTERNATIVE PROGRAM

7500 GENERAL PROVISIONS

7500.1 The purpose of this chapter is to:

- (a) Set forth the eligibility criteria for a school or specialized program within a school to be designated as an alternative program and describe the manner in which students enrolled in the alternative program are funded on a per pupil basis;
- (b) Establish the process for application for an alternative program designation; and
- (c) Set forth OSSE’s authority to monitor compliance with and enforce this chapter.

7500.2 OSSE may publish policies, procedures, or guidance related to alternative programs. Any OSSE policies and procedures related to alternative programs shall be posted on the OSSE website.

7501 ALTERNATIVE PROGRAM DESIGNATION

7501.1 OSSE shall designate a school, or a specialized program within a school, as an alternative program for the purposes of a local education agency (LEA) receiving a per pupil allocation at the “Alternative Program” grade level, as set forth in D.C. Official Code § 38-2903, as follows:

- (a) For a school, or a specialized program within a school, that does not have a prior alternative program designation, as defined in this chapter, or that is applying for this designation for the first time, the designation pursuant to this chapter shall take effect for school year 2019-2020; and
- (b) For a school, or specialized program within a school, with a prior alternative program designation, as defined in this chapter, the prior designation shall be maintained for school year 2019-2020 and the designation pursuant to this chapter shall take effect for school year 2020-2021.

7501.2 The alternative program designation shall be valid for a period of three (3) years from the date the designation was issued by OSSE.

7501.3 Notwithstanding § 7501.2, a school, or specialized program within a school, that is in its first year of operation may be designated as an alternative program for a period of one year from the date the designation was issued by OSSE.

7501.4 An LEA shall receive per pupil funding at the “Alternative Program” grade level for students enrolled in a designated alternative program as follows:

- (a) An LEA shall receive this funding for each student enrolled in a designated alternative program receiving full-time equivalent instruction and between the ages of thirteen (13) to twenty-four (24);

- (b) An LEA shall not receive this funding for any student that is enrolled in a designated alternative program below the age of 13 or of the age of twenty-five (25) years old or above; and
- (c) Notwithstanding § 7501.4(a)-(b), an LEA shall receive this funding for each student, regardless of age, enrolled in a designated alternative program that only serves students currently under the supervision of the Department of Youth Rehabilitation Services (DYRS) or only serves students who are in a long-term suspension or expulsion status from their last school of attendance due to a disciplinary infraction.

7502 ELIGIBILITY CRITERIA FOR ALTERNATIVE PROGRAM DESIGNATION

7502.1 To be a designated alternative program, the following criteria shall be satisfactorily demonstrated upon application and maintained throughout the designation period:

- (a) The school mission includes a focus on serving students meeting any of the criteria described in § 7502.1(e);
- (b) The school or specialized program within the school provides programming, including but not limited to, instruction, and academic and non-academic supports targeted to students meeting any of the criteria described in § 7502.1(e);
- (c) The school or specialized program within the school provides a full-time equivalent academic track culminating in the first-time completion of a secondary academic credential;
- (d) The students enrolled in the school, or in the specialized program within the school, include, but are not necessarily limited to, those who have reached the minimum age of thirteen (13) and who have not exceeded the maximum age of twenty-four (24).
- (e) Based on either the prior school year or an average of the previous two (2) school years, seventy-five percent (75%) of the students between the ages of thirteen (13) and twenty-four (24) enrolled full-time equivalent instruction in the school, or specialized program within school, identified as one or more of the following:
 - (1) At least one year older, or more, than the expected age for the grade in which the student is, or should be, enrolled;
 - (2) Qualifies for Temporary Assistance for Needy Families (TANF);

- (3) Qualifies for Supplemental Nutrition Assistance Program (SNAP);
- (4) Experiencing homelessness, as defined in 5-A DCMR § 5099;
- (5) Currently involved with or under the jurisdiction of the District of Columbia Child and Family Services (CFSA);
- (6) The student has been expelled from their prior school;
- (7) The student has a history of being on short- or long-term suspension at prior school; or
- (8) The student is under court supervision.

7502.2 To be designated as an alternative program during the first year of a school or specialized program’s operation, § 7502.1(a)-(d), shall be satisfactorily demonstrated upon application and maintained throughout the one-year designation period.

7503 APPLICATION FOR ALTERNATIVE PROGRAM DESIGNATION

7503.1 To be eligible to receive per pupil funding at the “Alternative Program” grade level in Fiscal Year 2020 and beyond, an LEA shall apply on behalf of a school, or specialized program within the school, for the alternative program designation.

7503.2 An application for an alternative program designation shall proceed in the manner set forth in this chapter, including as follows:

- (a) An LEA shall apply for the alternative program designation on behalf of a school, or specialized program within the school, that is not already designated as an alternative program;
- (b) Applications shall be available on an annual basis;
- (c) Applications shall be in the format and shall contain the information set forth by OSSE; and
- (d) Upon receipt of a complete application, OSSE may request further documentation or records, as necessary, to evaluate an application. The applicant shall promptly comply with OSSE’s request.

7503.3 A designated alternative program shall re-apply for the alternative program designation during the final year of the designation period to ensure continuity of funding at the at the “Alternative Program” grade level for the upcoming school year.

7504 ANNUAL ESTIMATE FOR PER PUPIL FUNDING

- 7504.1 Once designated as an alternative program, the school or specialized program within a school, shall submit an annual estimate of the number and age of students that are projected to be enrolled in the alternative program in the upcoming school year.
- 7504.2 Projections for the number and age of students that will receive per pupil finding at the “Alternative Program” grade level in the following school year(s) shall be determined in a manner consistent with D.C. Official Code § 38-2906.

7505 MONITORING

- 7505.1 OSSE shall monitor designated alternative programs at any time throughout the funding period to verify their continued eligibility. OSSE’s monitoring may include, but is not limited to, scheduled and unscheduled visits to the school or specialized program, review of student records, and review of any relevant records.
- 7505.2 An alternative program shall cooperate with any audit conducted by OSSE or CFO pursuant to this section, and failure to do so may result in loss of alternative program designation.
- 7505.3 An alternative program shall comply with the following:
- (a) Notwithstanding any other requirements set forth by federal or local law or regulation, retain any records related to the eligibility of the school or specialized program for alternative program designation, to the application process for alternative program designation, and to the criteria of individual students , for as long as the school is receiving the per pupil funding at the “Alternative Program” grade level and for ten (10) years after such funding ends; and
 - (b) Promptly comply with all OSSE data and records requests related to their alternative program designation.

7506 DENIAL OF APPLICATION OR TERMINATION OF DESIGNATION

- 7506.1 If OSSE determines that the school or specialized program’s application does not sufficiently demonstrate eligibility requirements, OSSE may deny the application.
- 7506.2 If OSSE determines that the alternative program no longer meets the requirements set forth in §§ 7502.1(a)-(d), OSSE may terminate the alternative program designation. Termination shall not be effective until the following fiscal year.

- 7506.3 OSSE shall provide the school or specialized program with written notice of denial or termination, and if applicable, required remedial action. The notice shall provide the reason for denial or termination, the specific remedial action, if applicable, and the effective date of the termination, if applicable.
- 7506.4 A school or specialized program may request review of a decision by OSSE to deny the application or terminate the designation. A request for review shall be submitted in writing to OSSE within ten (10) calendar days of the date the recipient received notice of denial or termination. The written request for review shall include the following:
- (a) A concise statement of facts regarding each specified reason for the termination or required remedial action;
 - (b) The specific basis for contesting each reason; and
 - (c) Two (2) copies of all documentary evidence supporting the recipient's positions.
- 7506.5 Review of the school or specialized program's request shall be performed by an OSSE employee designated by the State Superintendent of Education and such person shall not have participated in the decision to designate as an alternative program, deny the application, or the decision to terminate the funding. The decision of the reviewer shall be final.

7599 DEFINITIONS

- 7599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Alternative Program – An entire school or specialized program within a school that is offering instruction and academic and non-academic supports to students under who meet the criteria set forth in this chapter.

Full-time equivalent – Shall have the same meaning as set forth in D.C. Official Code § 38-2901(6)(A).

Local Education Agency – Pursuant to 20 USC § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Office of the State Superintendent of Education or OSSE – The state level agency established by the State Education Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2601 *et seq.* (2012 Repl.)).

Prior alternative program designation – a school, or specialized program within a school that was designated as an Alternative Program by OSSE for Fiscal Year 2019 to receive per pupil funding at the “Alternative Program” grade level.

School - A public charter school authorized to operate by a chartering authority in the District of Columbia or a school within the District of Columbia Public Schools system

Secondary Academic Credential – High school diploma, GED or certificate of IEP completion.

Persons wishing to comment on this rule should submit their comments in writing to Office of the State Superintendent of Education, 1050 First Street, NE, 3rd Floor, Washington, D.C. 20002, Attention: Renee Lee (phone number (202) 724-7756), Office of General Counsel, or to OSSEComments.ProposedRegulations@dc.gov with the subject line: “Alternative Schools” or both. All comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rulemaking may also be obtained upon request at the above referenced location.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of proposed rulemaking action to adopt amendments to Chapter 3 (Advisory Opinions of the Board), Chapter 37 (Investigations and Hearings), Chapter 42 (The Fair Elections Program), and Chapter 43 (The Verification Process), of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments will place the Board's regulations into conformity with the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; 59 DCR 1862 (March 9, 2012)); as amended by the Fair Election Act of 2017, effective May 5, 2018 (D.C. Law 22-94; 65 DCR 2847 (March 23, 2018)). This rulemaking is necessary because the provisions of the aforementioned Act are in effect and require supporting regulations.

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

Chapter 3, ADVISORY OPINIONS OF THE BOARD, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsections 300.1 and 300.2 of Section 300, ADVISORY OPINIONS, is amended to read as follows:

- 300.1 In accordance with the provisions of this chapter, any person or entity eligible under § 300.2 may request an advisory opinion from the Board, with respect to any specific transaction or activity, as to whether the transaction or activity would constitute a violation of any provision of the Campaign Finance Act, Election Act, or the Fair Elections Act.
- 300.2 Any of the following shall be eligible to request an advisory opinion of the Board:
- (a) An individual holding public office in the District of Columbia;
 - (b) A candidate for nomination for election;
 - (c) A candidate for election to public office in the District of Columbia;
 - (d) A person who may be a potential registrant under the Campaign Finance Act;
 - (e) A political committee as defined by the Campaign Finance Act;

- (f) A candidate requesting certification as a participant of the Fair Elections Act;
- (g) A certified participating candidate of the Fair Elections Act; or
- (h) A Fair Elections Committee as defined by the Campaign Finance Act.

Subsection 301.2 of Section 301, REQUESTS FOR ADVISORY OPINIONS, is amended to read as follows:

301.2 Upon receipt of a request for an advisory opinion relative to the Campaign Finance Act or the Fair Elections Act, the General Counsel shall transmit a copy of the request for an advisory opinion to the Director of Campaign Finance.

Chapter 37, INVESTIGATIONS AND HEARINGS, is amended as follows:

Subsection 3700.1 of Section 3700, INVESTIGATIONS IN GENERAL, is amended to read as follows:

3700.1 The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1161.01 *et seq.*), as amended, and Chapters 30 - 43 of this title.

Section 3704, FULL INVESTIGATIONS, is amended in its entirety to read as follows:

3704 FULL INVESTIGATIONS

3704.1 A full investigation regarding any alleged violation of the Act or Chapters 30-43 of this title shall commence upon a finding of reasonable cause by the Director, and notice to the respondent that a full investigation has commenced.

3704.2 The full investigation shall be conducted by evidence gathered and explored by the following:

- (a) Subpoena;
- (b) Depositions;
- (c) Interrogatories;
- (d) Interviews;
- (e) Audits;

- (f) Affidavits;
- (g) Documents; and
- (h) Other means deemed appropriate.

3704.3 The Director may require any person to submit in writing certain reports and answers to questions, as prescribed by the Director, relating to the administration and enforcement of the Act, and Chapters 30-43 of this title.

3704.4 Any person required by the Director to submit in writing certain reports or to answer questions under oath shall submit such reports and/or answers within seven (7) calendar days after receipt of the request.

3704.5 If any person required by the Director to submit in writing certain reports or to answer questions fails to submit such reports or answers within seven (7) calendar days after receipt of the request, the Director shall issue a subpoena in accordance with § 3707.

3704.6 All submissions of reports or answers shall be made under oath; provided, that the person is not represented by counsel.

3704.7 Within ninety (90) days of receipt of any complaint, the Director shall:

- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706;
- (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705; or
- (c) Impose civil penalties, pursuant to § 3711, upon a determination that a violation of the reporting and disclosure requirements prescribed by the Act and/or Chapters 30-43 of this title has occurred.

3704.8 The Director may seek, upon a showing of good cause, an extension of time as reasonably necessary to complete an investigation.

Subsection 3706.1 of Section 3706, INSTITUTION OF A CHARGE AND FORMAL HEARING, is amended to read as follows:

3706.1 Upon belief that sufficient evidence exists constituting an apparent violation of the Act and/or of Chapters 30-43 of this title, the Director shall institute a formal charge or complaint against the alleged violator pursuant to Chapter 4 of this title.

Subsection 3709.1 of Section 3709, **INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING AND DISCLOSURE REQUIREMENTS**, is amended to read as follows:

3709.1 The Director may institute or conduct an informal hearing, including an order to show cause, on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-43 of this title.

A new Chapter 42, **THE FAIR ELECTIONS PROGRAM**, is added in its entirety to read as follows:

CHAPTER 42 THE FAIR ELECTIONS PROGRAM

- 4200 THE FAIR ELECTIONS PROGRAM**
- 4201 REGISTRATION OF CANDIDATES IN THE FAIR ELECTIONS PROGRAM**
- 4202 MANDATORY TRAINING**
- 4203 PRINCIPAL CAMPAIGN COMMITTEE**
- 4204 MANDATORY ELECTRONIC FILING**
- 4205 LIMITATIONS ON CONTRIBUTIONS**
- 4206 CERTIFICATION, REVOCATION, AND RECISION AS A PARTICIPATING CANDIDATE**
- 4207 BASE AMOUNT PAYMENTS**
- 4208 MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS**
- 4209 LIMITATIONS ON THE USE OF FAIR ELECTION PROGRAM FUNDS AND EXPENDITURES**
- 4210 DEBATE REQUIREMENT**
- 4211 REMITTING FUNDS AND TURNING OVER CAMPAIGN EQUIPMENT**
- 4212 FILING AND DEADLINES**
- 4213 REPORTING AND DISCLOSURE REQUIREMENTS**
- 4214 RECORDKEEPING**
- 4215 PENALTIES**
- 4216 COMPLAINTS**

4200 THE FAIR ELECTIONS PROGRAM

4200.1 The provisions of this chapter shall govern the procedures of the Office of Campaign Finance for the public financing of political campaigns provided by the Fair Elections Amendment Act of 2018 (the Fair Elections Act), as amended, and known as the Fair Elections Program.

4200.2 The Fair Elections Program established in the Office of Campaign Finance is voluntary.

4200.3 The Fair Elections Program applies to candidates for the covered offices of Mayor, Attorney General, Chairman of the Council, member of the Council, and member of the State Board of Education.

4200.4 Candidates seeking to participate in the Fair Elections Program must meet the threshold requirements under § 4205 of this chapter.

4200.5 The Office of Campaign Finance administers the Fair Elections Fund from which Base Amount and Matching Payments under § 4207 and § 4208 of this chapter.

4201 REGISTRATION OF CANDIDATES IN THE FAIR ELECTIONS PROGRAM

4201.1 An individual shall be considered a candidate when he or she:

- (a) Receives a campaign contribution;
- (b) Makes campaign expenditure;
- (c) Obtains nominating petitions;
- (d) Authorizes any person to perform any of the above acts; or
- (e) Fails to disavow in writing to the Director any of the above acts by any other person within ten (10) days after written notification by the Director.

4201.2 Each candidate shall, within five (5) days after becoming a candidate under § 4201.1, file a Statement of Candidacy form with the Office of Campaign Finance that indicates:

- (a) Whether a principal campaign committee will be designated; and
- (b) Whether the candidate intends to seek certification as a participating candidate of the Fair Elections Program.

4201.3 Each candidate who indicates on the Statement of Candidacy that a principal campaign committee will be designated on his or her behalf shall provide the following information on the Statement of Candidacy form:

- (a) The name of the principal campaign committee;
- (b) The names of any other authorized committees in § 3000.7; and
- (c) The names of the national bank(s) located in the District of Columbia that have been designated as the candidate's campaign depository.

- 4201.4 The candidate shall commence filing personal Reports of Receipts and Expenditures (R&E Report) in accordance with § 4212, unless reporting is otherwise exempted or waived pursuant to § 4201.5, and certify by oath or affirmation, subject to penalties of perjury, the following statements:
- (a) The candidate has used all reasonable diligence in the preparation of the report and the report is true and complete to the best of the candidate's knowledge; and
 - (b) The candidate has used all reasonable due diligence to ensure that the candidate and the candidate's principal campaign committee are in compliance with the Fair Elections Program's requirements, and the authorized committees under § 3000.7 have advised their contributors of the obligations imposed on those contributors by the Fair Elections Act.
- 4201.5 A candidate who has designated a principal campaign committee may apply, on a Request for Candidate Waiver form, for a waiver from filing reports separate from the candidate's committee.
- 4201.6 The Director may grant a waiver of the filing and reporting requirements upon certification by a candidate that, within five (5) days after personally receiving any contribution, the candidate shall surrender possession of the contribution to the principal campaign committee without expending any of the proceeds from the contribution.
- 4201.7 A candidate who is granted a waiver shall not make any non-reimbursed expenditures for the campaign except in accordance with § 4201.8.
- 4201.8 A candidate may use personal funds to make expenditure to the candidate's designated principal campaign committee. The principal campaign committee shall report the expenditure as a contribution received from the candidate and, if accompanied by a written instrument attesting thereto, as a loan pursuant to § 4209.3.
- 4201.9 The waiver from filing and reporting shall continue in effect as long as the candidate complies with the conditions under which it was granted.
- 4201.10 Each individual who ceases to become a candidate seeking certification or a participating candidate shall immediately file a Statement of Candidate Withdrawal form upon termination of the candidacy.

4202 MANDATORY TRAINING

- 4202.1 The candidate and the treasurer of the candidate's principal campaign committee shall appear in person at the Office of Campaign Finance to attend a training program conducted by the Director.

- 4202.2 At the discretion of the Director, the Office of Campaign Finance may provide online training materials to supplement the in-person training program.
- 4202.3 Each candidate shall attend the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Candidacy form in accordance with § 4201, or as otherwise scheduled by the Office of Campaign Finance.
- 4202.4 The treasurer of the candidate’s principal campaign committee shall attend the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.9, or as otherwise scheduled by the Office of Campaign Finance.
- 4202.5 Each candidate and treasurer participating in the Office of Campaign Finance training program shall affirm by signature and oath to follow the District’s campaign finance laws at the conclusion of the training program.
- 4202.6 The Director shall publish the names of all training program participants on the Office of Campaign Finance website for public viewing.

4203 PRINCIPAL CAMPAIGN COMMITTEE

- 4203.1 Candidates seeking certification and participating candidates of the Fair Elections Program shall designate one (1) principal campaign committee, per covered office, per election cycle.
- 4203.2 Only a candidate’s designated principal campaign committee and its authorized committees shall accept contributions or make expenditures on behalf of that candidate.
- 4203.3 A candidate’s designation of a committee on the candidate’s Statement of Candidacy form filed under § 4201.2 constitutes agreement to form a political committee.
- 4203.4 Any political committee designated by a candidate on the Statement of Candidacy form filed under § 4201.2 to receive contributions or make expenditures on behalf of the candidate, shall include the name of the candidate for elective office in the District of Columbia in its name.
- 4203.5 Each Principal Campaign committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

- 4203.6 A Principal Campaign committee shall amend its Statement of Organization within ten (10) days of any change in the information previously reported on its Statement of Organization.
- 4203.7 If a Principal Campaign committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).
- 4203.8 A Principal Campaign committee shall have a chairperson and a treasurer, and may elect to list a designated agent, in the Statement of Organization filed pursuant to § 4203.5.
- 4203.9 No person may simultaneously serve as the chairperson and treasurer of a Principal Campaign committee, except a candidate.
- 4203.10 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4203.11 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4203.12 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4203.13 A treasurer shall be required to appear in person at the Office of Campaign Finance to attend a training program pursuant to § 3001 of Chapter 30 within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.12, or as otherwise scheduled by OCF.
- 4203.14 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4203.15 When either the office of chairperson or treasurer is vacant, the Principal Campaign committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided that the successor officer agrees to accept the position.

- 4203.16 The treasurer of a Principal Campaign committee shall obtain and preserve receipted bills and records in accordance with § 3400.2 of Chapter 34 of this title.
- 4203.17 A Principal Campaign committee shall neither accept a contribution nor make expenditure while the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 4203.18 Each expenditure made for, or on behalf of, a Principal Campaign committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 4203.5.
- 4203.19 No expenditures may be made by a Principal Campaign committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the Principal Campaign committee as its depository in its Statement of Organization.
- 4203.20 A detailed account of each contribution or expenditure received or made on behalf of a Principal Campaign committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4203.21 The detailed account submitted pursuant to § 4203.20 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name, telephone number, and address (including the occupation and principal place of business, if any) of the contributor or the person (including a business entity) to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4203.22 All funds of a Principal Campaign committee shall be segregated from, and may not be commingled with, the candidate's, or anyone's personal funds.
- 4203.23 Each Principal Campaign committee accepting contributions or making expenditures shall:

- (a) Designate one or more national banks located in the District of Columbia as the committee's depository or depositories.
- (b) Maintain a checking account or accounts at such depository or depositories; and
- (c) Deposit any contribution received by the committee into that account or accounts.

4203.24 The principal campaign committee shall process contributions in the following manner:

- (a) Contributions received by check, money order, or other written instrument shall be cosigned directly to the principal campaign committee;
- (b) All monetary contributions must be accepted and deposited, or rejected and returned to a contributor, within twenty (20) business days after receipt except contributions made in the form of cash must be accepted and deposited, or rejected and returned to a contributor, within ten (10) business days after receipt;
- (c) All contributions that are accepted and deposited are subject to the contribution limits and prohibitions and must be reported to the Office of Campaign Finance. Except as provided in § 4207.9 of this chapter, if a candidate returns a contribution after it is deposited, the return must be reported to the Office of Campaign Finance;
- (d) The proceeds of any monetary instruments listed in subsection (a) that have been cashed or redeemed by the candidate pursuant to § 4201.5 shall be disallowed by the principal campaign committee and returned by the candidate to the donor.

4203.25 No contributions shall be commingled with the candidate's personal funds or accounts

4203.26 Except as provided in § 4203.1 an existing committee shall not be designated as the principal campaign committee of a candidate for public office, including the designation of any previously designated principal campaign committee of a candidate, or a slate of candidates for election as officials of a political party, in any future election.

4204 MANDATORY ELECTRONIC FILING

4204.1 All Reports of Receipts and Expenditures filed with the Director of the Office of Campaign Finance shall be filed electronically at the OCF website, www.ocf.dc.gov, except as provided in § 3006.2 and § 4204.2. A paper filing of an R&E Report shall not be accepted and will be considered a failure to file.

- 4204.2 The Director may grant an exception to the electronic filing requirement in either of the following circumstances:
- (a) The filer submits a statement of actual hardship to the OCF at the time of registration demonstrating that the hardship will continue through the duration of the election cycle;
 - (b) The filer submits a statement of actual hardship to the OCF no less than fifteen (15) days before the applicable filing deadline; or
 - (c) The filer submits a statement to the OCF describing an emergency that occurred on or before the filing deadline preventing the electronic filing. The request for an exception based on emergency does not delay any reporting deadlines. If a penalty is imposed for failure to file or timely file, the penalty may be set aside or reduced in accordance with § 3711.2(f).
- 4204.3 The Director shall review and respond in writing to an application for an exception within three (3) business days after its receipt.
- 4204.4 The Office of Campaign Finance shall provide log-in information, including a Personal Identification Number (PIN), for access to the OCF Electronic Filing and Disclosure System to the following registrants:
- (a) Each candidate who files the Statement of Registration form unless a waiver from the filing and reporting requirements is granted pursuant to § 3004 and § 4200;
 - (b) The treasurer of each candidate's principal campaign committee which files the Statement of Organization form pursuant to § 3000.1 and § 4203.5.
- 4204.5 The filer of the Report of Receipts and Expenditures shall electronically verify each R&E Report through the use of the confidential PIN Number assigned by the Office of Campaign Finance.
- 4204.6 Each treasurer of a candidate's principal campaign committee who files the R&E Report shall electronically verify that the filer used all reasonable due diligence in the preparation of the report and to the best of their knowledge, the report is true and complete.
- 4204.7 Each candidate who files the R&E Report shall electronically verify on each R&E Report the statements contained in § 3002.5 and § 4201.4.

4205 LIMITATIONS ON CONTRIBUTIONS

4205.1 A candidate seeking certification as a participating candidate or a participating candidate in the Fair Elections Program may only accept a qualified small-dollar contribution from a District resident individual or a contribution from a non-District resident individual, that, when aggregated with all other contributions received from that small-dollar District resident contributor or contributions received from that non-District resident individual, does not exceed, per election cycle:

- (a) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for Mayor, \$200;
- (b) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for Council Chairman or Attorney General, \$200;
- (c) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the Council elected at-large, \$100;
- (d) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the Council elected from a ward or for member of the State Board of Education elected at-large, \$50; and
- (e) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the State Board of Education elected from a ward, \$20.

4205.2 Each qualified small-dollar contribution from a District resident and contribution from a non-District resident individual shall be acknowledged by a physical or digital receipt to the contributor, with a copy to be retained by the candidate. The receipt shall include:

- (a) The contributor's digital or physical signature, printed name, home address, telephone number, occupation and principal place of business, if any, and the name of the candidate to whom the contribution is made; and
- (b) A written and signed oath or affirmation declaring that the contributor:
 - (1) Is making the contribution in the contributor's own name and from the contributor's own funds;

- (2) Is making the contribution voluntarily and has not received anything of value in return for the contribution;
- (3) In the case of a small-dollar contribution from a District resident, is a District resident individual;
- (4) In the case of a contribution from a non-District resident individual, is a non-District resident individual; and
- (5) Understands that a false statement is a violation of law.

4205.3 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals and contributions from non-District resident individuals made by means of personal check, credit card, electronic payment account, or cash, provided, that contributions in the form of cash cannot, in the aggregate, exceed \$100 per small-dollar contributor District resident individual or non-District resident individual per seat per covered office per election cycle.

4205.4 A candidate seeking certification and a participating candidate may accept contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Elections Committee, per election cycle.

4205.5 Contributions from Fair Elections Committees established, financed, maintained, or controlled by substantially the same group of individuals shall share a single contribution limitation.

4205.6 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals who are minor children (individuals under 18 years of age), provided, that:

- (a) The decision to contribute is made knowingly and voluntarily by the minor child;
- (b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, or a bank account opened and maintained exclusively in the child's name; and
- (c) The contribution was not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed.

4205.7 Any contribution received from a minor child, except under § 4205.6, shall be attributed to the parents or legal guardians, subject to the contribution limits under § 4205.1.

- 4205.8 A candidate seeking certification and a participating candidate may accept a loan or advance from the candidate or member of the immediate family of a candidate, subject to the contribution limits of § 4209.1 (f) of this chapter. “Immediate family” means the spouse or domestic partner of a candidate and any parent, grandparent, brother, sister, or child of the candidate, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.
- 4205.9 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction that fully discloses:
- (a) The terms of the loan or advance;
 - (b) The conditions of the loan or advance;
 - (c) The parties to the loan or advance; and
 - (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.
- 4205.10 The amount of each loan or advance from a candidate or member of the candidate’s immediate family shall be included in computing and applying the limitations on contributions under § 4209.1(f), upon receipt by the principal campaign committee of the loan or advance from the candidate or an immediate family member; provided, that the standards for repayment are consistent with the repayment policies of lending institutions in the District of Columbia.
- 4205.11 Loans made in the regular course of the lender’s business shall not be deemed a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, or otherwise providing security or collateral for the loan and subject to the limitations on contributions under §§ 4205.1 and § 4209.1(f).
- 4205.12 A loan not made in the regular course of a lender’s business shall be deemed a contribution by the lender subject to the limitations on contributions under § 4205.1 and § 4209.11 (f).
- 4205.13 Any portion of a loan that is forgiven is a monetary contribution and any debt owed by a candidate that is forgiven or settled for less than the amount owed is a contribution, unless the debt was forgiven or settled by a creditor who has treated the outstanding debt in a commercially reasonable manner.
- 4205.14 Candidates seeking certification and participating candidates may not accept any contributions in excess of the applicable contributions limits or from sources prohibited under Chapter 42 of this title.
- 4205.15 Except as provided in § 4207.9 of this chapter, when a candidate knows or has reason to know that he or she has accepted a contribution, contributions, or

aggregate contributions from a single source in excess of the applicable contribution limit, or from a source prohibited under Chapter 42 of this title, the candidate shall promptly return the excess portion or prohibited contribution, by bank check or certified check made out to the contributor.

4205.16 Where the return of the contribution to the contributor under Section § 4205.15 is impracticable, the candidate may pay to the Fund an amount equal to the amount of the prohibited contribution or the excess portion.

4206 CERTIFICATION, REVOCATION, AND RECISION AS A PARTICIPATING CANDIDATE

4206.1 For the purpose of this section, the term “qualifying period” means: (1) the period beginning on the day after the most recent general election for the covered office that the candidate is seeking and ending on the last day to file nominating petitions for the primary election, or for the general election for the covered office sought; or (2) the period beginning on the day the special election is called and ending on the last day to file nominating petitions for the covered office sought.

4206.2 To be certified by the Director of Campaign Finance as a participating candidate for a seat for a covered office in an election cycle, a candidate shall, during the qualifying period:

(a) Obtain the following:

- (1) For a candidate for Mayor, qualified small-dollar contributions from at least 1,000 small-dollar individual resident contributors of the District, which in the aggregate, total \$40,000 or more; *
- (2) For a candidate for Attorney General, qualified small-dollar contributions from at least 500 small-dollar individual resident contributors of the District, which, in the aggregate, total \$20,000 or more;
- (3) For a candidate for Council Chairman, qualified small-dollar contributions from at least 300 small-dollar individual resident contributors of the District, which, in the aggregate, total \$15,000 or more;
- (4) For a candidate for an At-Large Council seat, qualified small-dollar contributions from at least 250 small-dollar individual resident contributors of the District, which, in the aggregate, total \$12,000 or more;
- (5) For a candidate for a Ward Council seat and the At-Large State Board of Education seat, qualified small-dollar contributions from

at least 150 small-dollar individual resident contributors of the District, which, in the aggregate, total \$5,000 or more; or

- (6) For a candidate for a Ward State Board of Education seat, qualified small-dollar contributions from at least 50 small-dollar individual resident contributors of the District, which, in the aggregate, total \$1,000 or more; and
- (b) The candidate shall file an Affidavit on a form prescribed by the Director of the Office of Campaign Finance, and signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate:
- (1) Has complied with and, if certified, will continue to comply with the Fair Elections Program requirements;
 - (2) If certified, will only run in that election cycle as a participating candidate;
 - (3) If certified will only run during that election cycle for the seat for the covered office for which the candidate is seeking certification, including in both the primary and general elections, as applicable;
 - (4) Has otherwise qualified, or will take steps to qualify, for ballot access in accordance with the procedures required by the Elections Board pursuant to Section 8 of the Election Code, such as by filing a declaration of candidacy under 3 DCMR § 3002 and a nominating petition containing the required number of valid signatures under 3 DCMR § 1605;
 - (5) Is current with respect to any fines or penalties owed for a violation of the Fair Elections Act; and
 - (6) Has responded and will respond to all inquiries of the Elections Board and the Director of Campaign Finance in a timely manner.

4206.3 No later than five (5) business days after a candidate attains compliance under § 4206.1 the Director of Campaign Finance shall determine whether the candidate meets the requirements for certification as a participating candidate, and:

- (a) If the requirements are met, certify the candidate as a participating candidate; or
- (b) If the requirements are not met, the Director shall notify the candidate in writing of the specific deficiencies and (1) provide an opportunity to cure the deficiencies within 5 business days, and (2) notify the candidate of

the right to appeal the Director's determination in writing to the Board within five (5) business days. An appeal of the Director's determination to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.

- (c) The petition of appeal must state the grounds for reconsideration of the denial for certification as a participating candidate.

4206.4 The Director shall revoke a certification under § 4206.2 if a participating candidate once certified:

- (a) Fails to qualify for ballot access pursuant to the nominating petition process;
- (b) Does not continue to run as a participating candidate in that election cycle;
- (c) Does not run for the seat for the covered office for which the candidate was certified during that election cycle, including both the primary and the general elections, as applicable;
- (d) Terminates his or her candidacy; or
- (e) Fails to comply with the Fair Elections Program's requirements, including contribution and expenditure limits, and the debate requirement.

4206.5 If a certification is revoked under § 4206.3, the Director shall notify the candidate in writing of (1) the basis for the Director's revocation; and (2) the right to appeal the revocation in writing to the Board within five (5) business days. An appeal of a revocation to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.

4206.6 The participating candidate whose certification has been revoked shall remit to the Fair Elections Fund the remaining funds in the participating candidate's campaign accounts pursuant to § 4211.

4206.7 Following revocation of certification, including during a pending appeal of the revocation, the candidate is thereafter prohibited from spending program funds for any purpose other than the payment of previous liabilities incurred in qualified campaign expenditures.

4206.8 All program funds in excess of such liabilities previously incurred shall be promptly repaid to the Program; the amount to be repaid shall be determined by the Office of Campaign Finance. A repayment made shall not preclude a determination that an additional repayment is required pursuant to that or any other provision of the Act.

4206.9 A candidate who does not file an Affidavit under § 4206 or withdraws his or her affidavit prior to certification shall not qualify to participate in the Fair Elections Program.

4206.10 A candidate who does not elect to participate in the Fair Elections Program shall not be eligible to receive program funds and shall not be subject to the contribution and expenditure limitations under § 4209.

4206.11 A candidate who does not elect to participate in the Fair Elections Program may accept contributions from sources other than those prescribed under § 4209.1.

4207 BASE AMOUNT PAYMENTS

4207.1 Within five (5) business days after the participating candidate is certified, the participating candidate shall receive half of the base amount described in § 4207.3.

4207.2 Within five (5) business days after the participating candidate qualifies for the ballot, the participating candidate shall receive the other half of the base amount described in § 4207.3.

4207.3 The base amount shall be payable only in contested elections in the following amounts:

- (a) \$160,000 for the office of Mayor;
- (b) \$40,000 for the office of Attorney General;
- (c) \$40,000 for the office of Council Chairman;
- (d) \$40,000 for the office of Councilmember elected At-Large and from a Ward; and
- (e) \$10,000 for the office of State Board of Education elected at-large and from a ward.

4207.4 The participating candidate in an uncontested election, shall not receive the base amount described in § 4207.1 except as provided in § 4207.6.

4207.5 The participating candidate in an uncontested election shall be eligible to receive matching payments for qualified small-dollar contributions in accordance with § 4208.

- 4207.6 If an uncontested election becomes a contested election after a participating candidate is certified, the participating candidate shall receive, no later than five (5) days after the uncontested election becomes a contested election:
- (a) The first half of the base amount, if the participating candidate has not qualified for the ballot; or
 - (b) Both halves of the base amount, if the participating candidate has qualified for the ballot.
- 4207.7 If a contested election becomes an uncontested election after the participating candidate has received the first, but not the second half of the base amount, the participating candidate may retain any unspent base amount funds to repay:
- (a) Any authorized expenditures or the proper debts that were incurred in connection with the participating candidate's campaign; and
 - (b) Personal funds of the participating candidate or funds the candidate's immediate family contributed in accordance with § 4209.1(f).
- 4207.8 If a contested election becomes an uncontested election, a participating candidate who has not yet qualified for the ballot shall not receive the second half of the base amount upon ballot qualification.
- 4207.9 Funds shall be distributed to the participating candidate through the use of an electronic funds transfer or debit card.
- 4207.10 After a participating candidate has received base amount payments and matching payments from the Fair Elections Fund for an election, the candidate may not return a contribution, unless instructed by the Director to do so, until any required repayments to the Program have been made, except if the contribution:
- (a) Exceeds the contribution limit;
 - (b) Is otherwise illegal;
 - (c) Is returned because the contribution was received from a prohibited source or intermediary; or
 - (d) Was commingled in an account not belonging to the campaign committee.
- 4207.11 The Director shall notify a participating candidate in writing within five (5) business days where it is determined funds paid to the candidate were in excess of the aggregate amount for which the candidate qualified, and such candidate shall repay to the Fund an amount equal to the amount of the excess payments within thirty (30) calendar days of the notice.

4208 MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS

- 4208.1 Qualified small-dollar contributions received in an election cycle from individual District residents before a candidate is certified as a participating candidate under § 4206.2 shall not be matched until the candidate is certified.
- 4208.2 After the candidate is certified as a participating candidate, the candidate shall receive matching payments from the Fair Elections Fund for the qualified small-dollar contributions from individual District residents that the candidate received in that election cycle before certification and those qualified small-dollar contributions from individual District residents received after certification, in an amount equal to five hundred percent (500%) of the amount of the qualified small-dollar contributions, subject to § 4208.4 of this chapter.
- 4208.3 Contributions from a non-District resident individual shall not be matched.
- 4208.4 The maximum amount participating candidates may receive in matching payments, shall be:
- (a) For candidates for Mayor and Council Chairman, one hundred ten percent (110%) of the average expenditures of the winning candidates for that covered office, respectively, in the prior four (4) election cycles (not including special elections);
 - (b) For candidates for Attorney General, 110% of the average expenditures of the winning candidates for that covered office in all prior election cycles, until such time as four (4) election cycles have been held, after which time, 110% of the average expenditures of the winning candidates for that covered office, in the prior four (4) election cycles (not including special elections); and
 - (c) For candidates for At-Large or Ward Councilmember and candidates for At-Large or Ward member of the State Board of Education, 110% of the average expenditures of all winning candidates for that covered office, respectively, in the prior two (2) election cycles (not including special elections).
- 4208.5 Contributions received after the participating candidate has reached the aggregate qualified small-dollar contribution limit for a seat for a covered office under § 4205.1 shall not be matched.
- 4208.6 The Director of Campaign Finance shall determine the maximum amount participating candidates may receive in matching payments for qualified small-

dollar contributions from individual District residents after commencement of the qualifying period in an election cycle.

- 4208.7 Payments shall be made no later than five (5) business days after receipt of the participating candidate's R&E Report filed with the OCF in accordance with § 4212 and § 4213 and shall be distributed to participating candidates through the use of an electronic funds transfer or debit card.
- 4208.8 The Director shall notify a participating candidate in writing within five (5) business days where it is determined public funds paid to the candidate were in excess of the aggregate amount for which the candidate qualified, and such candidate shall repay to the Director an amount equal to the amount of the excess payments within thirty (30) calendar days of the notice.
- 4208.9 The Director of Campaign Finance shall provide a written explanation with respect to any denial of any payment and shall provide an opportunity to for the appeal of the denial in writing to the Board of Elections within five (5) business days.
- 4208.10 A participating candidate may petition the Board in writing for reconsideration of the denial of any payment.
- 4208.11 The petition must state the grounds for reconsideration.
- 4208.12 The Board shall review the determination that is the subject of the petition for review within five (5) business days of the filing of such petition.
- 4208.13 In the event the Board is unable to convene within five (5) business days, the Board may delegate to the chair of the Board or his or her designee authority to make a determination regarding the petition.
- 4208.14 If the petition is denied, the Board's notice shall inform the participant of the right to appeal the Board's determination.
- 4208.15 The participating candidate and his or her principal committee shall not include in any such petition any documentation or factual information not submitted to the Board prior to the determination under review unless the participating candidate can demonstrate good cause for the previous failure to submit such documentation or information and for any failure to communicate on a timely basis with the Board.
- 4208.16 The participating candidate may submit a petition for review of a payment or non-payment determination after the issuance of the participant's final audit report within thirty (30) days of issuance of the final audit report and only upon submission of information and/or documentation that was unavailable to the Board previously and is material to such determination, and a showing that the

participant had good cause for the previous failure to provide such information and/or documentation.

4209 LIMITATIONS ON THE USE OF FAIR ELECTION PROGRAM FUNDS AND EXPENDITURES

4209.1 Except as provided in § 4209.5(b), a candidate seeking certification and a participating candidate shall not receive or expend any contribution in that election cycle other than:

- (a) Qualified small-dollar contributions from individual District residents;
- (b) Contributions from non-District resident individuals that comply with the limitations in § 4205.1;
- (c) Contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Election Committee, per election cycle;
- (d) Base amount payments distributed by the Fair Elections Program;
- (e) Matching payments distributed by the Fair Elections Program; and
- (f) Personal funds of a candidate or the candidate's immediate family in the form of a contribution or loan that does not exceed, in the aggregate:
 - (1) For a candidate for Mayor, \$5,000; or
 - (2) For a candidate for Attorney General, Council Chairman, member of the Council, or member of the State Board of Education, \$2,500.

4209.2 The amounts described in § 4209.1(f) shall be adjusted by the Director of Campaign Finance each election cycle by the percentage increase in the Consumer Price Index for the Washington-Baltimore Metropolitan Area for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, or any successor index for the prior calendar year.

4209.3 A candidate seeking certification who accepts a contribution from sources other than those described in § 4209.1 before the date the candidate is certified may not participate in the Fair Elections Program, unless within ten (10) days after certification, the participating candidate:

- (a) Returns the unexpended contribution to the contributor and provides evidence that the funds were actually received by the contributor and negotiated through the candidate's checking account as defined in § 3000.29 of this title;

- (b) Remits the unexpended contribution to the Fair Election Fund; or
- (c) If the contribution has been expended, and:
 - (1) The election is a contested election, the Office of Campaign Finance shall subtract the total amount of the expended contributions from the base amount to which the candidate would be eligible under § 4207; or
 - (2) The election is an uncontested election, the Office of Campaign Finance shall subtract the total amount of the expended contributions from the matching payments to which the candidate would be eligible under § 4208.

4209.4 A candidate seeking certification who expends contributions from sources other than those described in § 4209.1 in excess of the base amount to which a candidate for the seat for that covered office would be eligible under § 4207.3 may not participate in the Fair Elections Program.

4209.5 A participating candidate shall not make expenditures for the following:

- (a) Legal expenses not directly related to acts taken under this act or the Elections Code;
- (b) Payment of any penalty or fine imposed pursuant to Federal or District law;
- (c) Compensation to the participating candidate or a member of the participating candidate's immediate family, except for reimbursement of out-of-pocket expenses incurred for campaign purposes;
- (d) Clothing and other items or services related to the participating candidate's personal appearance;
- (e) Contributions, loans, or transfers to another candidate's political committee or a political action committee;
- (f) Gifts, which, for the purposes of this paragraph, shall not include printed campaign materials such as signs, brochures, buttons, or clothing; and
- (g) Any other purpose that does not support the nomination of election to office of the participating candidate as delineated in § 3013 of this title.

4209.6 Fair Elections Program funds may not be used for:

- (a) An expenditure for any purpose other than the furtherance of the participating candidate's nomination or election; or
- (b) An expenditure in violation of any law.

4209.7 An expenditure for the purpose of promoting or facilitating the nomination or election of a candidate, which is determined not to be an independent expenditure, is a contribution to, and an expenditure by, the candidate.

4209.8 In determining whether an expenditure is independent, the Director may consider, but not limited to, the following factors:

- (a) Whether the person or entity making the expenditure is also a current or former agent of a candidate;
- (b) Whether any person authorized to accept receipts or make expenditures for the person or entity making the expenditure is also a current or former agent of a candidate;
- (c) Whether a candidate has authorized, requested, suggested, fostered, or otherwise cooperated in any way in the formation or operation of the person or entity making the expenditure;
- (d) Whether the person or entity making the expenditure has been established, financed, maintained, or controlled a political committee authorized by the candidate;
- (e) Whether the candidate shares or rents space for a campaign-related purpose with or from the person or entity making the expenditure;
- (f) Whether the candidate has solicited or collected funds on behalf of the person or entity making the expenditure, during the same election cycle in which the expenditure is made;
- (g) Whether the candidate, or any public or private office held or entity controlled by the candidate, including any governmental agency, division, or office, has retained the professional services of the person making the expenditure, or a principal member or managerial employee of the entity making the expenditure, during the same election cycle in which the expenditure is made; and
- (h) Whether the candidate and the person or entity making the expenditure have each consulted or otherwise been in communication with the same third party or parties, if the candidate knew or should have known that the candidate's communication or relationship to the third party or parties would inform or result in expenditures to benefit the candidate.

- 4209.9 There shall be a rebuttable presumption that a contribution or expenditure is coordinated with a candidate, an agent of a candidate, or principal campaign committee of the candidate, if:
- (a) The contribution or expenditure is made based on information that the candidate, agent, or principal campaign committee of the candidate, provided to the particular person making the contribution or expenditure about its needs or plans, including information about campaign messaging or planned expenditures;
 - (b) The person making the contribution or expenditure retains the professional services of a person who also provides the candidate, agent, or principal campaign committee of the candidate, with professional services related to campaign or fundraising strategy;
 - (c) The person making the contribution or expenditure is a political committee, political action committee, or independent expenditure committee that was established or is or was staffed in a leadership role by an individual who works or previously worked in a senior position or in an advisory capacity or;
 - (d) Who is a member of the candidate’s immediate family or;
 - (e) The contribution or expenditure is made for the purpose of financing, directly or indirectly, the election of a candidate or a political committee affiliated with that candidate, and that candidate has fundraised for the person making the expenditure.
- 4209.10 In-kind contributions are donations of goods, services or time instead of cash. Each in-kind contribution shall be assessed at the current local fair market value at the time of the contribution and shall be itemized and reported.

4210 DEBATE REQUIREMENT

- 4210.1 For the purpose of this section, “covered office” shall mean the offices of Mayor, Attorney General, Council Chairman, member of the Council elected at-large, and member of the State Board of Education elected at-large.
- 4210.2 For the purpose of this section, “program participating candidate” shall mean any candidate who has been certified by the Director of Campaign Finance as a participating candidate in the Fair Elections Program.

- 4210.3 For the purpose of this section, “non-participating candidate” shall mean a candidate who has not been certified by the Director of Campaign Finance as a participating candidate in the Fair Elections Program.
- 4210.4 The Director of Campaign Finance shall conduct at least one debate for each covered office in a contested primary, special, and general election in which at least one candidate for nomination or election is a program participating candidate. When there are no program participating candidates for a covered office, no debate shall be required for that particular office.
- 4210.5 For a contested primary election for a covered office, all partisan program participating candidates in that primary election shall participate in the debate. If there is at least one program participating candidate, then partisan non-participating candidates for a covered office who have obtained ballot access in their party’s primary election shall be invited to participate in the debate. Invited candidates shall indicate their acceptance of the debate invitation in writing on or before the deadline provided in the invitation.
- 4210.6 For a contested special election or general election for a covered office, all program participating candidates shall participate in the debate. If there is at least one program participating candidate, then non-participating candidates for election to a covered office shall be invited to participate in the debate. Invited candidates shall indicate their acceptance of the debate invitation in writing on or before the deadline provided in the invitation.
- 4210.7 An invited candidate who accepts an invitation to debate may later withdraw from participation in writing. An invited candidate’s debate withdrawal statement shall be presented to the public unedited and as soon as practicable.
- 4210.8 Any debate for each covered office shall have at least two opposing candidates participating in the debate. If there is only one program participating candidate and no invited candidates accept the invitation to debate, then the debate requirement shall be waived and no debate event will be scheduled. If the number of candidates participating in a scheduled debate becomes fewer than two, the debate requirement shall be waived for the program participating candidate and the debate event for that covered office shall be canceled.
- 4210.9 The Director, at his or her discretion, may seek a co-sponsor for any debate. For primary elections, debate co-sponsors may include partisan organizations affiliated with the party conducting the primary election. For special or general elections, debate co-sponsors shall be non-partisan organizations.
- 4210.10 Debate co-sponsorship shall be obtained by agreement with the co-sponsor organization and executed in writing, specifying the Director’s and co-sponsor’s individual responsibilities for carrying out the debate event(s). No co-sponsorship

agreement shall be effective unless each debate co-sponsor agrees to the following:

- (a) The debate event(s) shall include at least two opposing candidates for the same office and in the event of a candidate's non-appearance at the debate, that the debate will be canceled;
- (b) The debate event(s) shall be staged in a way that does not promote or advance one candidate over another;
- (c) The debate event(s) shall allow the candidates to appear concurrently, in face to face conversations, with opportunities to respond to each other;
- (d) The debate event(s) shall be conducted before the beginning of the in-person early voting period;
- (e) The debate event, if recorded by the co-sponsor, shall not be edited and if broadcast, shall be broadcast in its entirety; and
- (f) The venue for the debate shall be free from candidate or ballot measure signs, placards, buttons, or any materials which can reasonably be interpreted to persuade someone to vote for or against a particular candidate or ballot measure.

4211 REMITTING FUNDS AND TURNING OVER CAMPAIGN EQUIPMENT

4211.1 No later than sixty (60) days after a primary election in an election cycle for which a losing participating candidate was on the ballot, the losing participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall also turn over any equipment purchased with public funds by the campaign to the Office of Campaign Finance.

4211.2 No later than 60 days after a special election or general election in an election cycle for which a participating candidate was on the ballot, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall also turn over any equipment purchased with public funds by the campaign to the Office of Campaign Finance.

4211.3 No later than 60 days after a participating candidate's certification is revoked under § 4206.3, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The participating candidate whose certification has been revoked pursuant to § 4206.3 shall also turn over any

equipment purchased with public funds by the campaign to the Office of Campaign Finance.

- 4211.4 If a participating candidate's certification is revoked under §§ 4206.3(b), (c) or, due to fraudulent activities, § 4206.3(e) the participating candidate shall be personally liable for any expended base amount or matching payments.
- 4211.5 Notwithstanding §§ 4211.1, 4211.2 and 4211.3, a participating candidate may withhold funds from the amount required to be remitted for an additional 180 days after the 60-day periods if the participating candidate requests an extension in writing and submits documentation of the funds to the Director of Campaign Finance no later than the last day of the 60-day period. The withheld funds shall only be used for the following purposes:
- (a) To repay any authorized expenditures or retire the proper debts that were incurred in connection with the participating candidate's campaign; and
 - (b) To repay personal funds of the participating candidate or the participating candidate's immediate family contributed under § 4209.1(f).
- 4211.6 The Office of Campaign Finance shall notify a participant in writing if it finds that the participant owes unspent campaign funds to the Program. The participant shall promptly pay to the Fund unspent campaign funds from an election; provided, however, that all unspent campaign funds for a participant shall be immediately due and payable to the Fair Elections Program Fund upon a determination by the Director that the participant has delayed the post-election audit process.
- 4211.7 The Office of Campaign Finance shall accept any equipment given to it by participating candidates.
- 4211.8 All data in equipment returned to the Office of Campaign Finance shall be removed, deleted, or wiped from the equipment in accordance with the procedures utilized by the Office of the Chief Technology Officer.
- 4211.9 Equipment and surplus property remitted to the Office of Campaign Finance pursuant to this section may be donated to a charitable organization, public college or university, or public school that satisfies the following requirements:
- (a) A nonprofit or charitable organization which has been in good standing in the District of Columbia for at least one year; or
 - (b) A public university or public college in the District of Columbia; or
 - (c) A public school within the District of Columbia public school system.

4211.10 Equipment rendered unusable, obsolete, or otherwise defunct will be recycled in accordance with procedures utilized by the Department of Energy & Environment, Department of Public Works and the Sustainable Solid Waste Management Amendment Act of 2014.

4211.11 For the purpose of this section, the term “equipment” means any furniture or electronic or battery-powered equipment purchased by a participating candidate’s campaign that cost at least \$50.

4212 FILING AND DEADLINES

4212.1 The Director of Campaign shall establish a schedule for candidates seeking certification and participating candidates to submit reports of qualified small-dollar contributions from District resident individuals and contributions from non-District resident individuals that include the information required under § 3008.

4212.2 Reports of Receipts and Expenditures (R&E Report) shall be filed with the Office of Campaign Finance on the following dates:

- (a) March 10, June 10, August 10, October 10, and December 10 in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office;
- (b) January 31, March 10, June 10, August 10, October 10, December 10, and the eighth (8th) day next preceding the date of any general or special election, in any year in which there is held an election for which the candidate seeks office and the committee supports a candidate for office;

4212.3 Participating candidates shall also file R&E Report in accordance with the following schedule:

- (a) On the tenth (10th) day of the second (2nd) month preceding the date of any election for a seat for a covered office;
- (b) On the tenth (10th) day of the first (1st) month preceding the date of any election for a seat for a covered office; and
- (c) Fourteen (14) days immediately preceding the date of any special or general election for a seat for a covered office.

4212.4 All R&E Reports shall contain all financial transactions through and including the fifth (5th) day preceding the filing deadline for each R&E Reports; provided, that the reporting period for the next R&E Reports shall commence on the day following the closing date of the prior R&E Report.

- 4212.5 All R&E Reports filed with the Director of the Office of Campaign Finance shall be filed electronically at the OCF website www.ocf.dc.gov, except as provided in § 3006.2. A paper filing of an R&E Report shall not be accepted and will be considered a failure to file.
- 4212.6 All R&E Reports filed with the Director shall include the following documents underlying the transactions reported during the respective coverage period for upload into the OCF E-Filing and Disclosure System:
- (a) Contribution Card (the signed or digital receipt of the contributor);
 - (b) Copy of Cancelled check, money order, or credit card transaction;
 - (c) Loan agreement; and
 - (d) Bank statements and deposit slips.

4213 REPORTING AND DISCLOSURE REQUIREMENTS

- 4213.1 Disclosure statements serve several different purposes:
- (a) They provide comprehensive disclosure of a candidate's campaign finances for prompt examination by the voting public and permit integration into the Office of Campaign Finance Online Filing System for purposes of additional disclosure, monitoring of campaign finances, and analysis mandated by the Act;
 - (b) They enable the Office of Campaign Finance to monitor candidate compliance with the Fair Elections Program requirements; and
 - (c) They enable candidates to make claims for public funds.
- 4213.2 The financial records of each committee of a candidate are subject to review by the Office of Campaign Finance for purposes of monitoring the candidate's compliance with the requirements of the Program.
- 4213.3 Each disclosure statement shall include the following information about the committee involved in the election:
- (a) The cash balance at the beginning and end of the reporting period;
 - (b) Total itemized and non-itemized contributions, loans, and other receipts accepted during the reporting period; and
 - (c) Total itemized and non-itemized expenditures made during the reporting period.

- 4213.4 A separate disclosure statement shall be submitted for each committee involved in the election.
- 4213.5 All data reported in disclosure statements, amendments, and resubmissions shall be accurate as of the last day of the reporting period.
- 4213.6 The candidate shall report and itemize in each disclosure statement for each receipt of \$1.00, or more in the coverage period, the following information:
- (a) The name, address, telephone number, occupation (including self-employed, retired, a homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each qualified small contribution from an individual District resident;
 - (b) The name, address, telephone number, occupation (including self-employed, retired, a homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each small dollar contribution from a non-resident individual;
 - (c) The receipt of public funds, identifying the type, base amount or matching payments, the amount, and date of payment;
 - (d) The receipt of contributions from Fair Election Committees/Member organizations; and
 - (e) The receipt of contributions or loans from the candidate or the candidate's immediate family member, reporting the date of receipt, amount, name, address, telephone number, occupation and principal place of business.
- 4213.7 The candidate shall report and itemize in each disclosure statement for each expenditure made of \$1.00 or more during the reporting period:
- (a) The name and address of each person, including the candidate, who has made purchases on behalf of the committee during the reporting period with the expectation of being reimbursed by the committee;
 - (b) The date and amount of each such purchase;
 - (c) The name and address of the person or entity from whom the purchase has been made;
 - (d) The form of the purchase;
 - (e) The purpose of the purchase;

- (f) The name of each person, including the candidate, whom the committee reimbursed for purchases made on behalf of the committee during the reporting period, each purchase being reimbursed, and the amount and form of each reimbursement; and
- (g) Such other information as the Director may require.

4213.8 Matchable contribution claims on small dollar contributions from individual District residents shall be invalid unless the participant has reported the contributor's occupation, employer, and business address, and provided a copy of the contributor's consent and Affidavit.

4213.9 If the candidate makes expenditure to a consultant or other person or entity who or which subcontracts for finished goods or services on behalf of the candidate, the disclosure statement shall include:

- (a) The expenditures made by the candidate to the consultant or other person or entity during the reporting period; and
- (b) For subcontracted goods and services, the name and address of the person or entity providing the services or goods, the amount(s) expended to that person or entity for subcontracted goods or services, and the purpose(s) of those goods and services; provided that, this disclosure shall be made in the manner provided by the Director.

4213.10 The candidate or treasurer shall verify that the disclosure statement is true and complete to the best of his or her knowledge, information and belief. The disclosure statement shall contain such signatures as may be required by the Director; provided that, to the extent a candidate is permitted to submit a disclosure statement in a non-electronic format, such disclosure statement will only be accepted by the Director if it contains an original signature from the candidate or the treasurer.

4213.11 The Director may, include in the public disclosure file, any document submitted with a disclosure statement, or requested by the Director, including, but not limited to copies of report filings, and submissions made by candidates after an election cycle.

4214 RECORDKEEPING

4214.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:

- (a) Candidates seeking certification;
- (b) Certified participating candidates;

(c) Fair Elections Committees.

4214.2 Each person who is required to file records under § 4214.1 shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:

- (a) Check stubs;
- (b) Bank statements;
- (c) Canceled checks;
- (d) Contributor cards and copies of donor checks;
- (e) Credit card contributions, including merchant statements
- (f) Deposit slips;
- (g) Invoices;
- (h) Receipts;
- (i) Contracts;
- (j) Subcontracts;
- (k) Payroll records;
- (l) Lease agreements;
- (m) Petty cash journals, if applicable;
- (n) Ledgers;
- (o) Vouchers; and
- (p) Loan documents including the source of the funds.

4214.3 All filers shall maintain the records required under § 4214.2 for a period of three (3) years from the date of the filing of the final Report of Receipts and Expenditures (R&E Report) under § 4212.

4214.4 The Director shall have access to:

- (a) All books, records, accounts, reports, surveys, and other documentation deemed necessary by the Director for the administration and enforcement of this title; and
- (b) All books, accounts, records, reports, surveys, and any other evidence or documentation within the custody of any organization, including subcontractors, agency, board, commission, department, or any instrumentality of the District of Columbia government, pertaining to the activities of any filer.

4214.5 All records, under this chapter, shall be made available for review and audit no later than ten (10) days after receipt of a written request by the Director, or fifteen (15) days after receipt in the case of a periodic audit, or thirty (30) days after receipt in the case of a full audit.

4215 PENALTIES

4215.1 Penalties for any violations of this chapter shall be imposed pursuant to § 3711 of Chapter 37 of this title.

4216 COMPLAINTS

4216.1 Complaints concerning violations of the Fair Elections Act or Program by any participating candidate shall be filed, investigated and adjudicated pursuant to the rules of Chapter 37 of this title.

Chapter 43, THE VERIFICATION PROCESS, of Title 3 DCMR, ELECTIONS AND ETHICS, is added in its entirety to read as follows:

CHAPTER 43 THE VERIFICATION PROCESS

- 4300 THE VERIFICATION PROCESS**
- 4301 DISCLOSURE STATEMENTS**
- 4302 SUPPORTING DOCUMENTATION**
- 4303 CONTRIBUTION CARDS**
- 4304 CREDIT CARDS**
- 4305 INVALID CLAIMS**
- 4306 AFFIRMATION REQUIREMENTS**
- 4307 DISPOSITION OF PUBLIC FINANCING EQUIPMENT**

4300 THE VERIFICATION PROCESS

4300.1 The provisions of this chapter shall govern the verification process of contributions received by committees of candidates seeking to participate, and certified to participate in the public financing program.

4300.2 The Fair Election Division is tasked with reviewing disclosure statements filed by campaigns. The unit has created a verification process that is used during the review of disclosure statements.

4300.3 The verification process is used to uncover instances of noncompliance with the Fair Elections Amendment Act of 2018. The process detects possible fraud and prevents improper payment of public funds.

4301 DISCLOSURE STATEMENTS

4301.1 Disclosure statements shall include (1) a report of the campaign’s transactions during the reporting period; and (2) documentation of the activity.

4301.2 Statement reviews shall be conducted to uncover non-compliance. The scope of statement reviews shall include the review of all contributions.

4301.3 Payment reviews shall be conducted with the objective of validating claims for matching funds. The scope of payment reviews shall include the examination of all contributions claimed for matching funds and the review of reports and documentation submitted by committees.

4301.4 The criteria for validating the matching payments for the qualified small dollar contributions of individual District residents include:

- (a) The contribution was reported correctly, completely and timely;
- (b) The contribution was from a permissible source;
- (c) The contribution was properly and completely documented;
- (d) The contribution was compliant with applicable limits; and
- (e) No other issues have been detected.

4301.5 If a contribution claimed for matching is invalid for any of the reasons listed in § 4301.4, an invalid code is applied.

4301.6 A campaign shall only be paid for valid matching claims.

4302 SUPPORTING DOCUMENTATION

4302.1 The payment review process includes the review of reports and documentation submitted by committees. The documentation supports claims for public matching funds; documentation includes copies of cancelled checks, contribution cards (the signed receipt and Affidavit of the contributor), credit card processing documents, and bank statements and deposit slips.

- 4302.2 The initial review of reports and accompanying documentation is to validate payment requests. A second level review is completed and initial reviewer comments are addressed.
- 4302.3 The required documentation of payment by instrument type; must include:
- (a) Check – copy of cancelled check and contribution card;
 - (b) Cash – copy of contribution card;
 - (c) Money Order – copy of money order and contribution card;
 - (d) Credit Card processed online – copy of processing documentation and contribution card information; and
 - (e) Credit Card processed by the Campaign – copy of credit card contribution card and card processing documentation.
- 4302.4 If the check is a starter check, and the signature does not appear to be the reported contributor name, the committee will be required to submit a contribution card. A contribution card is also required for contributions made by e-check. Bank/cashier's/certified checks are to be treated as regular checks.
- 4302.5 The Office of Campaign Finance will also verify the receipt by the candidate and principal campaign committee of each qualified small dollar contribution from a District resident individual through the examination of cancelled checks, and the committee bank statements and deposit slips for the coverage period of the reported transaction.
- 4302.6 The claim for matching funds will not be matched where the examination of the cancelled checks, committee bank statements and deposit slips did not verify the actual receipt by deposit of the qualified small dollar contribution from a District resident individual.

4303 CONTRIBUTION CARDS

- 4303.1 The required Elements of a contribution card (receipt and affirmation of the contributor), include:
- (a) The Committee Name;
 - (b) The Instrument Code;
 - (c) The dedicated place for contributor name and address;
 - (d) The dedicated place for contributor employer and occupation information;

- (e) The affirmation statement; and
- (f) The dedicated place for signature and date.

4304 CREDIT CARDS

4304.1 The required Elements for documentation of a credit card transaction include:

- (a) The contribution card, if necessary , where the information detailed in § 4303.1 of this section is not requested in the credit card transaction;
- (b) The correct credit card affirmation statement (either online webpage affirmation or signed contribution card);
- (c) The “Approved” or “Settled Successfully” notation;
- (d) Street and Zip Code match;
- (e) The last 4 digits of the credit card number; and
- (f) The merchant account name is the name of the committee or the campaign has provided documentation to link the two together.

4304.2 The committee must provide a contribution card for credit card contributions that are processed manually

4304.3 Contribution cards are not required for credit card contributions made online where the information detailed in § 4303.1 of this chapter is included in the credit card transaction.

4305 INVALID CLAIMS

4305.1 Claims for matching funds will not be approved if:

- (a) The contribution is from an impermissible Source;
- (b) The contribution is not properly documented;
- (c) The contribution is improperly Reported
- (d) The contribution exceeds the contribution limits;
- (e) The contribution is not from an individual; or
- (f) The individual contributor is not a resident of the District of Columbia.

4306 AFFIRMATION REQUIREMENTS

- 4306.1 The contributor must sign a Receipt and Affirmation Statement Form as prescribed by the Fair Elections Program.
- 4306.2 Claims for matching funds will not be matched if the affirmation statement is not included in the receipt of the contributor.
- 4306.3 Claims for matching funds will not be matched if the affirmation statement is not included in the campaign's website where credit card contributions are processed online.
- 4306.4 Claims for matching funds will not be matched when the affirmation statement deviates from the exact prescribed language.
- 4306.5 Contributions made by check, cash, money order or credit cards processed by a campaign committee require the contributor's physical or digital signature if the contribution is collected on a digital or online platform.

4307 DISPOSITION OF PUBLIC FINANCING EQUIPMENT

- 4307.1 All equipment purchased with matching funds must be returned to the Office of Campaign Finance within sixty (60) days after a General or Special Election in an election cycle for which a participating candidate was on the ballot. Equipment is defined as any furniture or electronic or battery powered equipment purchased by a participating candidate's campaign that costs at least \$50.
- 4307.2 The Office of Campaign Finance shall enlist the services of the Department of General Services to store, provide an inventory of returned equipment and transmit the proceeds from any sales arising from the inventory to the Fair Election Fund. In the alternative, the Department of General Services shall facilitate the donation of the returned equipment to the District of Columbia Public Schools, a public university or public college in the District of Columbia, or a charitable organization or a non-profit organization that has been in good standing in the District of Columbia for at least one year preceding the receipt of the donation.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

Rental Assistance Demonstration

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its intent to adopt the following proposed amendments to Chapter 57 (Rental Assistance Demonstration Administrative Plan), Chapter 61 (Public Housing: Admission and Recertification), Chapter 64 (Low Rent Housing: Public Housing Transfer Policy), and Chapter 89 (Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed amendments is to implement a Rental Assistance Demonstration Program while minimizing the impact on affected current Public Housing Tenants.

Title 14 DCMR, HOUSING, is amended as follows:

Chapter 57, RENTAL ASSISTANCE DEMONSTRATION ADMINISTRATIVE PLAN, is amended in its entirety to read as follows:

**CHAPTER 57 RENTAL ASSISTANCE DEMONSTRATION
ADMINISTRATIVE PLAN**

- Secs.**
- 5700 RAD-Converted Housing: General Provisions**
- 5701 Amendment of Rules**
- 5702 Implementation of Policies**
- 5703 Waiver of Rules**
- 5704 Rules Governing Administration of Section 8 Program**
- 5705 [RESERVED]**
- 5706 Selection of and Assignment to RAD Properties**
- 5707 Eligibility**
- 5708 Income Limits**
- 5709 Subsidy Standards/Voucher Size**
- 5710 Briefing**
- 5711 Notification and Attendance**
- 5712 Oral Briefing**
- 5713 Briefing Packet**
- 5714 Approval of Request for Tenancy**
- 5715 Separate Agreements**
- 5716 Housing Assistance Payment Contract Execution**
- 5717 Rent Calculations**
- 5718 Earned Income Disregard**

5719	Changes in Rent
5720	Utility Allowance
5721	Excess Utility Charges
5722	Security Deposits
5723	Repayment of Security Deposits and Move-Out Inspections
5724	Rent Collection
5725	Returned Checks
5726	Retroactive Rent
5727	Abatement of Rent
5728	[RESERVED]
5729	[RESERVED]
5730	Grievance Policy
5731	Filing a Complaint
5732	Informal Settlement of Complaints
5733	Request for Hearing
5734	Selection of Hearing Officers
5735	Authority of Hearing Officers
5736	<i>Ex parte</i> Communications
5737	Rights of Complainants
5738	[RESERVED]
5739	Failure to Appear
5740	Hearing Procedures
5741	Transcript of Procedures
5742	Decision of the Hearing Officer
5743	Briefs in Support of or Taking Issue with the Decision of the Hearing Officer
5744	Effect of Decision
5745	Decision of the Executive Director of DCHA
5746	Notice to Vacate Premises
5747	Records
5748	Transfer Policy
5749	Mandatory Transfers
5750	Transfer Request by Tenant
5751	Family Right to Move
5752	Owner Termination of Tenancy
5753	DCHA Termination of Assistance
5754	Voluntary Termination of Tenancy
5755	Dwelling Lease: Lease Provisions
5756	Changes to the Lease
5757	Lessee Rights and Responsibilities
5758	Project Owner Responsibilities
5759	Repair Procedure
5760	Charge to the Tenant for Repairs and Services
5761	Right to Enter Dwelling
5762	Move-In and Move-Out Inspection
5763	Annual Inspection
5764	Reasonable Accommodations: Introduction

5765	Reasonable Accommodations: Application of Reasonable Accommodations Policy
5766	Reasonable Accommodations: Persons with a Disability
5767	Request for Reasonable Accommodations
5768	Request for Reasonable Accommodations by RAD/PBV Participants and Applicants
5769	Occupancy of Accessible Unit
5770	Grievances
5771	Service or Assistance Animals
5772	Recertification/Lease Renewal
5773	Barring Policy
5774	Vehicle Policy
5775	Achieving Your Best Life Program in RAD Covered Projects
5776	Resident Participation
5799	Definitions

5700 **RAD-CONVERTED HOUSING: GENERAL PROVISIONS**

- 5700.1 This Chapter 57 of Title 14 DCMR supplements the Section 8 Administrative Plan and sets forth rules which govern the operation of housing converted under the Rental Assistance Demonstration (“RAD”) from public housing to housing funded by long-term, project-based Section 8 rental assistance contracts in the District of Columbia (hereinafter “RAD properties” or “RAD Covered projects”), under the authority of the District of Columbia Alley Dwelling Act of 1934 (D.C. Official Code §§ 5-101 to 5-116 (2012 Repl.)).
- 5700.2 The rules set forth in this Chapter 57 shall reflect the requirements of Federal law as detailed by HUD in the Code of Federal Regulations; as well as the Violence Against Women Act (“VAWA”), as amended (42 USC §§ 13981, *et seq.*); the Fair Housing Act (42 USC §§ 3601, *et seq.*); and the Privacy Act of 1974 (5 USC § 552a); as well as the requirements of the Consolidated and Further Continuing Appropriations Act of 2012, approved November 18, 2011 (Pub. L. No. 112-55), as amended by the Consolidated Appropriations Act, 2014, approved January 17, 2014 (Pub. L. No. 113-76), the Consolidated and Further Continuing Appropriations Act, 2015, approved December 6, 2014 (Pub. L. No. 113-235), and Division L, Title II, Section 237 of the Consolidated Appropriations Act, enacted December 18, 2015 (Pub. L. No. 114-113), collectively, the “RAD Statute.”
- 5700.3 In implementing these rules, DCHA is committed, wherever practicable, to ensuring that the residents’ transition from public housing to project-based voucher-funded housing is as seamless as possible and that the residents of a project maintain, to the extent practical and possible, those rights that they had as public housing residents.

5701 AMENDMENT OF RULES

5701.1 Any revision or amendment of this Chapter 57 shall be consistent with the provision of the District of Columbia Administrative Procedures Act (D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.), except as provided for in this section.

5701.2 The rules under this Chapter 57 may be amended by DCHA as follows:

- (a) By publication as a notice in the *D.C. Register* where amendments are required pursuant to Federal law and regulation, and where the Federal regulation has been issued pursuant to the Federal Administrative Procedure Act; or
- (b) Where Federal regulation provides any discretionary element to DCHA in adopting a policy, amendments shall be published as rules.

5701.3 Any amendment to the rules pursuant to § 5701.2 shall be posted in all appropriate management offices of RAD Covered projects.

5702 IMPLEMENTATION OF POLICIES

5702.1 Whenever the policies established under this Chapter 57 require DCHA to provide additional procedural details affecting tenants of RAD Covered projects, the details provided by DCHA shall be consistent with the policies established by HUD, the rules under this Chapter 57, and other provisions of law. Action by DCHA to implement the policies shall be in accordance with this section.

5702.2 The following areas of policy established in this subtitle may be supplemented for implementation purposes by DCHA:

- (a) Section 5720 of this title, relating to the actual utility allowance established for particular property, and any subsequent revision of such allowances, consistent with the policies in § 5720;
- (b) Section 5721 of this title, relating to the actual excess utility charges established for major electrical appliances and for checkmeter charges, and any subsequent revision of the allowances, consistent with the policies in § 5721;
- (c) Section 5756 of this title, relating to changes in the standard form dwelling lease which may be required to implement the policies of this subtitle, and any subsequent revision of those chapters or HUD regulations or provisions of Federal law, consistent with the policies in § 5756 or HUD regulations; and

- (d) Section 5760 of this title, relating to charges to the tenant for costs of repair or other services in accordance with a standard schedule of charges or time required for maintenance activity, consistent with the policies in § 5760.

5702.3 DCHA issuances in areas of policy listed in § 5702.2 shall be as follows:

- (a) The issuance or other proposed action shall be developed in accordance with the policies of this subtitle and HUD regulations and guidance;
- (b) DCHA shall provide a thirty (30) day written notice of the proposed issuance or action to all affected tenants, setting forth the proposed action or modification, the reasons for the proposed action or modification, and provide the tenant an opportunity to present written comment. The notice shall be as follows:
 - (1) Delivered directly or mailed to each tenant; or
 - (2) Posted in at least three (3) conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the management office of the affected property, if any; and
 - (3) Delivered to all members of the tenants' association of the affected property; and
- (c) DCHA shall take into consideration any comments received during the thirty (30) day comment period prior to the proposed issuance or action becoming effective.

5703 WAIVER OF RULES

5703.1 Upon determination of good cause, the Executive Director of DCHA may waive any provision of this subtitle, subject to statutory limitations of Federal and District law. Each waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds on which the waiver is based.

5704 RULES GOVERNING ADMINISTRATION OF SECTION 8 PROGRAM

5704.1 The District of Columbia Housing Authority pursuant to requirements and funding from the U.S. Department of Housing and Urban Development administers rental allowance programs under Section 8 of the Housing Act of 1937.

5704.2 HUD requires each public housing authority that manages a Section 8 program to adopt an administrative plan setting forth how it implements the requirements of the Section 8 program and any allowable local policies adopted for that program.

5704.3 The adopted plan for the District of Columbia is the District of Columbia Housing Authority's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs. Copies of the plan are available for review at the District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002 and on the District of Columbia Housing Authority's website.

5705 [RESERVED]

5706 SELECTION OF AND ASSIGNMENT TO RAD PROPERTIES

5706.1 Applicants that wish to reside in a RAD Covered Project must apply to either of the Public Housing Waiting Lists, in accordance with the procedures set forth in Chapter 61 of this Title 14.

5706.2 All vacant RAD units shall be assigned to applicants on the Public Housing Waiting Lists, in accordance with the preferences and procedures set forth in Chapter 61 of this Title 14, except where alternative requirements or procedures are provided in this Chapter 57.

5706.3 For applicants that elect to apply to the First Available Waiting List in accordance with Subsection 6101.6, such applicant shall be considered for a vacancy at any public housing project or RAD Covered Project.

5706.4 For applicants that elect to apply to Site-Based Waiting Lists in accordance with Subsection 6101.7, such applicants shall be permitted to select from both public housing projects and RAD Covered Projects.

5706.5 For applicants applying to Private Mixed Finance Projects, participant selection and assignment shall be in accordance with Section 6113 of this Title 14.

5707 ELIGIBILITY

5707.1 The procedures for collecting required information, determining eligibility, and briefing applicants shall be governed by Sections 6106 and 6107 of this Title 14, except as otherwise provided in this Chapter 57. Applicants to Private Mixed Finance Projects shall also be subject to any additional eligibility requirements specified under Section 6113 of this Title 14.

5707.2 DCHA shall consider an applicant eligible for selection for a RAD unit if the applicant meets the following criteria:

- (a) Qualifies as a Family, as defined in Section 5705 of this chapter;
- (b) Annual income does not exceed the income limits for admission under Section 5708 of this chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this Title 14;
- (d) Family size meets the occupancy standards established by DCHA under Section 5709 of this chapter; and
- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.

5708 INCOME LIMITS

5708.1 To be eligible for admission to the RAD program, an applicant's annual household income shall be within the income limits for low income families, as established by HUD.

5708.2 HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.

5708.3 Income limits shall be applied at the time of eligibility determinations by the Client Placement Division.

5708.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible low income families from the waiting lists is as follows: at least seventy-five percent (75%) shall be families with extremely low incomes at the time of commencement of occupancy.

5709 SUBSIDY STANDARDS / VOUCHER SIZE

5709.1 The Voucher size is used to determine the maximum rent subsidy for a Family assisted in the HCVP.

5709.2 The following requirements apply when DCHA determines Voucher size under the subsidy standards:

- (a) The subsidy standards shall provide for the lowest number of bedrooms needed to house a Family without overcrowding;
- (b) The subsidy standards shall be consistent with space requirements under the Housing Quality Standards contained in § 5321;

- (c) The subsidy standards shall be applied consistently for all families of like size and composition;
- (d) A child who is temporarily away from the home because of placement in foster care is considered a member of the Family in determining the Voucher size;
- (e) A live-in aide, approved by DCHA, shall be counted in determining the Voucher size;
- (f) Foster children and adult wards shall be included in the determination of the Voucher size; and
- (g) The Voucher size for any Family consisting of a single person shall only be a one (1)-bedroom.

5709.3 DCHA shall assign one (1)-bedroom for the Head of Household and/or a Spouse and an additional bedroom for each two (2) persons within the household with the following exceptions:

- (a) Children of the opposite gender shall be allocated separate bedrooms once one of the children is over the age of five (5) or if one of the children will turn five (5) within the initial term of the voucher.
- (b) Children of the same gender shall be allocated one (1) bedroom. Beginning at age thirteen (13), if there is a difference of five (5) years or more, children of the same gender shall have separate bedrooms.
- (c) Adult Family members shall not be allocated a bedroom with a minor.
- (d) A bedroom shall not be assigned to an unborn child; and
- (e) A live-in aide approved by DCHA shall be allocated an individual bedroom.

5709.4 Considerations to persons attending school away from home shall be in accordance with DCHA policies regarding absent Family members under § 5318.

5709.5 In determining the Voucher size for a particular Family, DCHA may grant an exception to the subsidy standards set forth in this § 5709 if DCHA determines that the exception is justified by the age, sex, gender identity, health, or disability of one (1) or more of the Family members.

- 5709.6 For a single person who is not elderly, disabled, or a remaining Family member as explained in § 5317.8, an exception cannot override the regulatory limit of a one (1) bedroom unit.
- 5709.7 The Family shall request any exceptions to the Voucher sizes in writing to DCHA. The request shall explain the need or justification for a larger Family unit size, and shall include appropriate documentation. Family requests based on health-related reasons shall be verified by a knowledgeable professional source (such as a doctor or health professional).
- 5709.8 DCHA shall notify the Family of its determination within thirty (30) days of receiving the Family's request for an exception. If a participant Family's request is denied, the notice shall inform the Family of their right to an informal hearing under Sections 5730 through 5747 of this chapter.

5710 BRIEFING

- 5710.1 The purpose of the briefing is to fully inform the applicant Family about the RAD Project-Based Program.
- 5710.2 DCHA shall give each Family accepted into the RAD Project-Based Program an oral briefing and provide the Family with a briefing packet containing written information about the RAD Project-Based Program.
- 5710.3 Families may be briefed individually or in groups. At the briefing, DCHA shall ensure effective communication in accordance with the requirements of relevant sections of the following federal and local statutes:
- (a) Section 504 of the Rehabilitation Act (29 USC §§ 701, *et seq.*);
 - (b) The D.C. Language Access Act (D.C. Official Code §§ 2-1931, *et seq.* (2016 Repl.));
 - (c) The Fair Housing Act (42 USC §§ 3601, *et seq.*);
 - (d) The D.C. Human Rights Act (D.C. Official Code §§ 2-1401.01, *et seq.* (2016 Repl.)); and
 - (e) The Americans with Disabilities Act (42 USC §§ 12101, *et seq.*).
- 5710.4 DCHA shall ensure that the briefing site is accessible to individuals with disabilities. Applicants with disabilities may request that DCHA provide other reasonable accommodations when conducting briefings.
- 5710.5 The Head of Household shall be required to attend the briefing. DCHA will encourage other adult Family members to participate in the briefing. All adult

Family members are responsible for complying with RAD Project-Based Program rules even if they do not attend the briefing. The Head of Household is responsible for the conduct of all Family members, guests, and others under his or her control.

5710.6 Families that attend group briefings and still need individual assistance shall be referred to an appropriate DCHA staff person.

5711 NOTIFICATION AND ATTENDANCE

5711.1 The RAD Program shall notify Families in writing, by first class mail or hand delivery, of their eligibility for assistance at the time that they are invited to attend a briefing. The notice shall identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

5712 ORAL BRIEFING

5712.1 Each briefing shall provide information on the following subjects:

- (a) How the RAD Project-Based Program works;
- (b) Family and owner responsibilities;

5713 BRIEFING PACKET

5713.1 Documents and information provided in the briefing packet shall include the following:

- (a) A description of the method used to calculate the Housing Assistance Payment (HAP) for a Family, including:
 - (1) How DCHA determines the payment standard for a Family;
 - (2) How DCHA determines Total Tenant Payment (TTP) for a Family; and
 - (3) Information on the payment standard and utility allowance schedule;
- (b) An explanation of how DCHA determines the maximum allowable rent for an assisted unit;
- (c) The HUD-required Lease Addendum which shall be included in the lease.
- (d) A statement of DCHA policy on providing information about families to RAD Covered Project owners;

- (e) DCHA subsidy standards including when and how exceptions are made;
- (f) The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*;
- (g) Information on federal, state, and local equal opportunity laws and a copy of the housing discrimination complaint form;
- (h) Information on an applicant or participant's rights under VAWA, including the right to confidentiality and the exceptions;
- (i) Notice that if the Family includes a person with disabilities, the Family may request a list of available accessible units available in the RAD Project-Based Program;
- (j) The Family Obligations under the Program;
- (k) The grounds on which DCHA may terminate assistance or a lease for a Family because of Family action or failure to act;
- (l) RAD Project-Based informal hearing procedures including when DCHA and the owner of the RAD Covered Project are required to offer a Family the opportunity for an informal hearing, and how to request a hearing;
- (m) The publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a Family shall avoid and the penalties for program abuse.

5714 APPROVAL OF REQUEST FOR TENANCY

5714.1 Prior to approving the assisted tenancy at a RAD property, DCHA shall ensure that all required actions and determinations have been completed. These actions include ensuring:

- (a) That the unit is eligible;
- (b) That the unit has been inspected by DCHA and meets the HQS;
- (c) That the lease offered by the owner is approvable and contains the following:
 - (1) The initial lease terms and the renewal term;
 - (2) Who is responsible for payment of utilities;

- (3) The names of the occupants; and
- (4) The required Tenancy Addendum;
- (d) That the rent to be charged by the owner for the unit is reasonable in accordance with Section 5717 of this Chapter 57;
- (e) Where the Family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the Family, that the share of rent to be paid by the Family is set in accordance with Subsection 5717.2 of this Chapter 57;
- (f) That the owner is an eligible owner, has been neither disapproved by DCHA nor debarred by HUD, and has no prohibited conflicts of interest; and
- (g) That the unit is accessible when the tenant has a disability.

5714.2 DCHA shall complete its determination within ten (10) business days of receiving all required information listed in § 5212 of this Title 14.

5714.3 If the terms of the Request for Tenancy Approval (RTA) or the proposed lease are changed for any reason, including but not limited to negotiation with DCHA, DCHA shall obtain corrected copies of the RTA and proposed lease.

5714.4 Corrections to the RTA or the proposed lease shall only be accepted as hard copies, in person, by mail, by fax, or electronically to an authorized DCHA email address.

5714.5 If DCHA determines that the tenancy cannot be approved for any reason, the owner and the Family shall be notified in writing and given the opportunity to address any reasons for disapproval. DCHA’s notice shall instruct the owner and Family of the steps that are necessary to approve the tenancy.

5714.6 If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), DCHA shall attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy shall be approved.

5715 SEPARATE AGREEMENTS

5715.1 Owners and tenants may execute agreements for services, appliances (other than for range and refrigerator), and other items outside those which are provided under the lease if the agreement is in writing and approved by DCHA.

5715.2 Any appliance, service, or other item which is routinely provided to nonsubsidized tenants as part of the lease (such as air conditioning, dishwasher, or

garage) or are permanently installed in the unit cannot be put under separate agreement and shall be included in the lease. For there to be a separate agreement, the tenant shall have the option of not utilizing the service, appliance, or other item.

5715.3 DCHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

5715.4 If the tenant and owner have come to an agreement on the amount of Charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they shall be allowed. Costs for seasonal items can be spread out over twelve (12) months.

5715.5 Copies of all separate agreements shall be provided to DCHA.

5716 HOUSING ASSISTANCE PAYMENT CONTRACT EXECUTION

5716.1 Owners who have not previously participated in the voucher program shall attend a meeting with DCHA in which the terms of the Tenancy Addendum and the HAP contract shall be explained. DCHA may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCVP.

5716.2 The owner and the assisted Family shall execute the dwelling lease, and the owner shall provide a copy to DCHA with signatures. DCHA shall ensure that both the owner and the assisted Family receive copies of the dwelling lease.

5716.3 The owner and DCHA shall execute the HAP contract with notarized signatures. DCHA shall not execute the HAP contract until the owner has submitted IRS form W-9. DCHA shall ensure that the owner receives a copy of the executed HAP contract.

5717 RENT CALCULATIONS

5717.1 Initial Contract Rent. The amount to Owner must not exceed the lowest of:

- (a) An amount determined by DCHA, not to exceed one hundred ten percent (110%) of the applicable fair market rent for the unit bedroom size minus any utility allowance; or
- (b) The reasonable rent as determined in accordance with 24 CFR § 983.302; or
- (c) The rent requested by the owner.

- 5717.2 Tenant Rent. Notwithstanding provisions which may appear elsewhere in this subtitle, each tenant shall pay, as Tenant Rent, the greater of the following:
- (a) Income-based rent as the greater of one twelfth (1/12) of thirty percent (30%) of adjusted income; or
 - (b) One twelfth (1/12) of ten percent (10%) of the annual income. The value of any assets or imputed income from assets shall not be used in the calculation of income based rent. Actual net income from assets greater than the threshold described above shall be included in the determination of adjusted income;
 - (c) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or
 - (d) The minimum rent, as determined in accordance with Subsection 5717.3.

- 5717.3 Minimum Rent. Based on information provided pursuant to Subsections 5717.1, 5717.2, and this subsection, rent charged shall be the lesser of:
- (a) An amount based on a percentage of household income pursuant to Subsections 5717.2 (a) or (b); or
 - (b) \$0, for families which DCHA has determined do not have any adjusted income, as defined in Section 5799, as determined by DCHA at certification or recertification.

5718 EARNED INCOME DISREGARD

- 5718.1 Definitions. The following definitions apply for purposes of this section.
- (a) Baseline income. The annual income immediately prior to implementation of the disallowance described in Subsection 5718.3 of this section of a person who is a member of a qualified family.
 - (b) Disallowance. Exclusion from annual income.
 - (c) Previously unemployed includes a person who has earned, in the twelve months prior to employment, no more than would be received for ten (10) hours of work per week for fifty (50) weeks at the established minimum wage.
- 5718.2 Qualified family. A family residing in public housing:

- (a) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;
- (b) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- (c) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance -- provided that the total amount over a six-month period is at least five hundred dollars (\$ 500).

5718.3 Disallowance of earned income

- (a) Initial twelve (12)-month exclusion. During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.
- (b) Phase-in of rent increase. Upon the expiration of the 12-month period defined in paragraph (a) of this subsection and for the subsequent 12-month period, the PHA must exclude from the annual income of a qualified family at least fifty percent (50%) of any increase in income of such family member as a result of employment over the family member's baseline income.
- (c) Maximum two (2)-year disallowance. The disallowance of increased income of an individual family member as provided in paragraph (a) or (b) of this subsection is limited to a lifetime twenty-four (24)-month period. It applies for a maximum of twelve (12) months for disallowance under paragraph (a) of this subsection and a maximum of 12 months for disallowance under paragraph (b) of this subsection, during the 24-month period starting from the initial exclusion under paragraph (a) of this subsection.

- (d) No rent phase in. Upon the expiration of the Earned Income Disregard, the rent adjustment shall not be subject to rent phase-in. Instead, rent will automatically rise to the appropriate level.

5718.4 Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

5719 CHANGES IN RENT

5719.1

- (a) Rent Phase-In. If a tenant's monthly rent increases by more than the greater of ten percent (10%) or twenty-five dollars (\$25) purely as a result of RAD conversion, the rent increase will be phased in over a period of five (5) years. The tenants that will be affected by RAD rent calculation at the time of conversion are those that are currently paying flat rent, i.e., rent that is not calculated based on income. If a tenant was previously paying flat rents, the change in rent (now based on 30% of income) may have to be phased in.
- (b) Five Year Phase-in Formula:
 - (1) Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – twenty percent (20%) of difference between most recently paid TTP or flat rent and the Calculated RAD TTP
 - (2) Year 2: Year 2 annual recertification and any interim recertification prior to Year 3 annual recertification – twenty-five percent (25%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (3) Year 3: Year 3 annual recertification and any interim recertification prior to Year 4 annual recertification – thirty-three percent (33%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (4) Year 4: Year 4 annual recertification and any interim recertification prior to Year 5 annual recertification – fifty percent (50%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (5) Year 5 annual recertification and all subsequent recertifications – Full Calculated RAD TTP

- (c) Once the Calculated RAD TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.
- (d) Rent phase-in example:

(1) Example of rent increase that does not require a phase in:

Rent at Last Recertification	\$900
Rent Calculation at RAD Conversion	\$990
Increase in Rental Amount	\$90
Phase In Required?	No

(2a) Example of rent increase that does require a phase in:

Rent at Last Recertification (TTP at last recertification)	\$100
Rent Calculation at RAD Conversion (RAD TTP)	\$300
Increase in Rental Amount	\$200
Phase In Required? (see table below)	Yes

(2b)

Year 1

Prior TTP at last recertification: \$100

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$200

Amount to be phased-in during Year 1: 20% of differential between New TTP as a result of conversion and TTP at last recertification

DCHA-Approved Five Year Phase In Period		
Year	Most Recent TTP + Increase	New Rent
1	Step 1: $\$300 - \$100 =$ \$200 Step 2: $\$100 + (\$200 \times$ $.20) =$ \$140	\$140

Year 2

Prior TTP at last recertification: \$140
 New TTP as a result of conversion: \$300
 Differential requiring phase-in: \$160
 Amount to be phased-in during Year 2: 25% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
2	Step 1: $\$300 - \$140 =$ \$160 Step 2: $\$140 + (\$160 \times .25) =$ \$180	\$180

Year 3

Prior TTP at last conversion: \$180
 New TTP as a result of conversion: \$300
 Differential requiring phase-in: \$120
 Amount to be phased-in during Year 3: 33% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
3	Step 1: $\$300 - \$180 =$ \$120 Step 2: $\$180 + (\$120 \times$ $.33) =$ \$219.6	\$219.6

Year 4

Prior TTP at last conversion: \$219.6

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$80.4

Amount to be phased-in during Year 4: 50% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
4	Step 1: $\$300 - \$219.6 =$ \$80.4 Step 2: $\$219.6 + (\$80.4 \times .50) =$ \$259.8	\$259.8

Year 5 and all subsequent recertifications: Tenant pays full calculated RAD TTP

- 5719.2 Any changes in Tenant Rent shall be stated in a special supplement to the lease, which shall, upon issuance, become a part of the dwelling lease. The special supplement to the lease shall constitute the tenants thirty (30) days’ written notice of an increase in Tenant Rent. The family shall be provided a copy of the special supplement to the lease.
- 5719.3 All changes in Tenant Rent, whether after an interim or regular recertification, shall be implemented in accordance with 14 DCMR §§ 6118, 6119, and this chapter.
- 5719.4 In properties where utilities and other essential services are supplied to the tenant by the Owner Tenant Rent payable to DCHA under the dwelling lease shall be the same as total tenant payment.
- 5719.5 Tenant Rent shall be computed after both annual income and adjusted income have been verified.
- 5719.6 The tenant shall receive retroactive credit to credit an administrative error.
- 5719.7 Tenants occupying property for a portion of a month at the time of move-in shall be charged a pro-rata share of the full monthly rate determined by DCHA.
- 5719.8 Allowances and special deductions:

- (a) In properties where tenants are responsible for paying for their own utility bills, the utility allowance shall be subtracted from the total tenant payment to determine the Tenant Rent payable to DCHA. If the Tenant Rent resulting from the subtraction of the utility allowance from the total payment is negative, DCHA shall send a monthly check in the amount of the difference to the tenant.
- (b) At Redeveloped Properties or Service Rich Properties, as defined in 14 DCMR Section 6113, which an Association Fee is assessed, residents at such properties may be required to pay an amount calculated to equal the Association Fee attributable to the unit and shall be granted an allowance reflecting the Association Fee payment. The allowance shall be subtracted from the Tenant Rent to determine the tenant payment as follows:
 - (1) Any utility allowance shall be deducted from the Tenant Rent first. The allowance for the Association Fee shall be deducted from any remaining positive amount. If the deduction of the utility allowance results in a negative rent there shall be no charge for an Association Fee and no deduction for the Association Fee allowance. If the deduction of the Association Fee allowance results in a negative amount, the required Association Fee payment from the tenant and its associated allowance shall be reduced so that the Tenant Rent is zero.
 - (2) If the tenant fails to pay the Association Fee on time, the fee shall be converted to rent, not to exceed thirty percent (30%) of adjusted income, when added to the monthly rent, for the month in which the fee was paid.
 - (3) If the Association Fee is paid after entry of judgment as part of the payment required to avoid eviction, the fee shall be recorded as the Association Fee, and the ledger shall be updated to reflect the tenant’s payments.

5720 UTILITY ALLOWANCE

5720.1 DCHA shall establish on a project basis, in accordance with Federal regulations, appropriate utility allowances for tenants with individual utility meters.

5720.2 Allowances shall be based on average consumption levels and information provided by the D.C. Public Service Commission regarding rates approved for utility companies supplying electricity or gas to those dwelling units.

5720.3 Average consumption level calculations shall take into account major equipment provided by DCHA at the project or property and shall make allowance for minor equipment normally provided by the tenant, except that items provided by the

tenant listed in § 5721.1 of this chapter shall not be considered in development of average consumption calculations.

5720.4 As utility rates in the District of Columbia are revised, DCHA shall revise its utility allowances when there is a rate change that, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent (10%) or more from the rates on which the current allowance was based for a specific utility. When DCHA revises a utility allowance, it shall do the following:

- (a) Provide notice to tenants regarding increases or decreases in Tenant Rent due to revised utility allowances;
- (b) Make Tenant Rent increases effective at the start of the first month following thirty (30) days' notice to the tenant, and make Tenant Rent decreases effective at the start of the first month following the change in utility allowance; and
- (c) Prepare and execute a special supplement to the dwelling lease, with an explanation of the reason(s) for the change.

5720.5 Actual charges billed directly to the tenant shall be his or her responsibility, regardless of whether the charges are above or below the utility allowance approved by DCHA.

5720.6 The DCHA shall also establish appropriate utility allowances, on a project basis, for tenants with checkmeters where DCHA pays the utility supplier but individual units have checkmeters that measure consumption rates for the unit.

5720.7 The DCHA shall be authorized to obtain records of tenants' utility consumption and related charges billed data from utility companies for tenants with individual utility meters who pay for their own electricity or gas.

5721 EXCESS UTILITY CHARGES

5721.1 Tenants who do not pay for their own electricity shall be charged reasonable amounts for electricity consumed as a result of major electrical appliances which are not provided by DCHA. Major electrical appliances include the following:

- (a) Clothes dryer(s);
- (b) Food freezer(s);
- (c) Additional refrigerator/freezer(s);
- (d) Air conditioner(s);

- (e) Washing machine(s); and
 - (f) Dish washers.
- 5721.2 Excess utility charges for air conditioners shall only be applied during the months of May, June, July, August and September, with an opportunity for exceptions based on unseasonably cool weather.
- 5721.3 Excess utility charges and any revisions to these charges, shall be established by DCHA on the basis of the provisions of § 5720 of this chapter, including consumption calculations.
- 5721.4 It is the responsibility of the tenant to obtain the approval of DCHA prior to the installation of any electrical appliance listed in § 5721. 1. Excess utility charges shall be incurred at the start of the month following installation. DCHA shall prepare and execute a special supplement to the lease to reflect excess utility charges.
- 5721.5 Excess utility charges required under §§ 5721.1 and 5721.7 shall not become due and collectible until the first (1st) day of the second month following the month in which the charge is incurred.
- 5721.6 Upon receipt of a report from a tenant indicating an appliance is inoperable in his or her unit, DCHA shall assess the applicable charge until such time as the appliance in question is removed from the dwelling unit.
- 5721.7 Tenants who do not pay for their own utilities, but who occupy a unit with a checkmeter system for individual units, shall be charged reasonable amounts for utility consumption in excess of the appropriate utility allowance established by DCHA for that unit.
- 5721.8 Where DCHA converts a specific property to a checkmeter system, there shall be a transition period of at least six (6) months during which no excess utility charges shall be charged against the tenant. During this transition period, DCHA shall do the following:
- (a) Advise the tenant of the amounts which would be charged, based on checkmeter readings;
 - (b) Advise tenants with high utility consumption rates on methods for reducing their usage; and
 - (c) Give specific thirty (30) day notice to the tenant of the effective date after which utility charges shall be assessed. DCHA shall prepare and execute a special supplement to the lease to implement excess utility charges related to checkmeter systems.

5722 SECURITY DEPOSITS

5722.1 Each new tenant household shall be required to make a security deposit to DCHA prior to the execution of the dwelling lease.

5722.2 The security deposit shall be a flat fee assessment as follows:

- (a) Fifty dollars (\$50) - elderly family households; or
- (b) One hundred dollars (\$100) - family households.

5722.3 The security deposit shall be due in full at the time of the execution of the dwelling lease.

5722.4 The security deposit shall be retained by the Project Owner until the tenant vacates the unit.

5722.5 Whenever a tenant is relocated from one (1) RAD Covered Project unit to another, the tenant may choose to have the security deposit transferred to the new unit and dwelling lease agreement.

5722.6 If the unit from which the tenant is transferring has tenant-caused damages, or there are other unpaid charges due from the tenant, the Project Owner may deduct those amounts due as provided in § 5723 of this chapter, and require a new security deposit from the tenant prior to execution of a new lease for the unit to which the tenant is moving.

5723 REPAYMENT OF SECURITY DEPOSITS AND MOVE-OUT INSPECTIONS

5723.1 The amount of the security deposit to be refunded shall be based on the following:

- (a) Actual unpaid repair costs for damages to the premises beyond normal wear and tear;
- (b) Total rent delinquency charges;
- (c) Total unpaid service charges; and
- (d) Proper notice by the tenant to the Project Owner of intent to vacate in accordance with § 5723.5 of this chapter.

5723.2 If the security deposit is insufficient to cover those charges, the tenant shall be billed for the difference.

- 5723.3 If there are no charges, or if the charges are less than the security deposit, the difference shall be refunded to the tenant.
- 5723.4 In order to determine the amount of security deposit to be returned to the tenant, the Project Owner shall conduct a move-out inspection with the departing tenant.
- 5723.5 When tenants have provided thirty (30) days' notice of intent to vacate their unit, the Project Owner shall notify the tenant in writing of the date and time of the move-out inspection at least ten (10) days before the intended inspection.
- 5723.6 If it is discovered that repairs to the unit are needed due to the tenant's abuse or neglect, the Project Owner shall assess the tenant for the cost of the repairs.
- 5723.7 At the time of the move-out inspection, the tenant shall be required to furnish a forwarding address for the purposes of either forwarding the tenant's refund check, or a bill for additional monies due. The Project Owner shall provide a written statement of deficiencies, and the amount of the charge for repair, to the tenant, and shall refund any security deposit due within forty-five (45) days of termination of tenancy.
- 5723.8 A tenant vacating a unit shall be eligible for a refund if that tenant has a credit balance after any charges have been deducted from the tenant's account.
- 5723.9 Tenants who vacate a unit without giving proper notice of intent to vacate shall relinquish any right to possession of the unit or the security deposit.
- 5723.10 The Lessee shall return all keys and other entry devices whenever the unit is vacated. Failure to return keys or other entry devices will result in a charge in accordance with a schedule of charges as posted in the property management office.

5724 RENT COLLECTION

- 5724.1 Rental payments and excess utility or other charges where applicable, for each month shall be due on the first (1st) day of each month. A payment received by the tenth (10th) day of the month shall not be considered delinquent.
- 5724.2 Current rent shall be the amount charged monthly as Tenant Rent to a tenant for the use and occupancy of a specified dwelling unit.
- 5724.3 The Project Owner shall advise the tenant in writing of any other charge(s) being assessed and the amount due as follows:
- (a) Excess utility charges shall be assessed as provided in § 5714 of this chapter;

- (b) Charges for services performed and for maintenance charges as a result of tenant damage (as provided in § 5753 of this subtitle) shall be due and payable the first day of the second month following completion of repairs or performance of service, provided the tenant was provided one (1) month notice of the charge prior to the due date; and
- (c) Court costs shall be due and payable at the time the tenant is required to pay the amount which made the court charge necessary.

5724.4 All payments shall be submitted by the tenant to the location designated by DCHA, and shall be made only by check or money order.

5724.5 Rent payments, or excess utility or other charges where applicable, received after the tenth (10th) day of the month shall be considered delinquent, and a late charge of five percent (5%) of the amount due shall be assessed against the tenant. No more than one (1) late charge shall be assessed each month.

5725 RETURNED CHECKS

5725.1 Tenants whose checks are returned for insufficient funds shall be assessed a fifteen dollar (\$15) returned check fee, and shall be required to make payment within five (5) working days, from the date of the returned check notice, for the amount outstanding. This payment shall be in the form of a “money order” or “cashier’s check.”

5725.2 Each tenant having two (2) checks returned, within a twelve (12) month period, for insufficient funds, shall be required to submit all future payments in the form of a “cashier’s check” or “money order.”

5726 RETROACTIVE RENT

5726.1 Retroactive rent charges, determined in accordance with § 5719 of this subtitle, shall be due in full within thirty (30) days of notification.

5726.2 Partial payments of amounts due may be authorized by the Project Owner if it is determined that the tenant’s failure to promptly report the change(s) in income, which resulted in the retroactive rent, was not willful.

5727 ABATEMENT OF RENT

5727.1 In the event that a unit is rendered uninhabitable and repairs are not made as provided for in § 5758, the Project Owner shall abate the tenant's total tenant payment in proportion to the seriousness of the damage and loss in value as a dwelling.

5727.2 No abatement of rent shall occur if the tenant fails to cooperate with workmen seeking to make the repairs, rejects alternative accommodations, or if the damage was caused by the tenant, the tenant's household, or guests.

5727.3 Evidence that a unit was uninhabitable under § 5758, and that abatement is required, may include a vacate order by a District Housing Inspector, or other substantial documentation.

5728 [RESERVED]

5729 [RESERVED]

5730 GRIEVANCE POLICY

5730.1 The rules of procedure outlined in Sections 5730 through 5747 shall govern conferences and hearings resulting from complaints filed by individual participants and applicants for housing in a RAD Covered Project, including RAD units within any Private Mixed Finance Project except as otherwise specified in a regulatory and operating agreement or RAD control agreement.

5730.2 The procedures shall provide a means for review of grievances through administrative means short of taking action through the appropriate judicial proceeding, but in no way waive the complainant's right to judicial proceedings.

5730.3 The grievance procedure shall not be used to review complaints or grievances related to initiating or negotiating changes to existing policies set forth in this chapter, class grievances, or disputes between residents that do not involve the Project Owner or contract administrator.

5731 FILING A COMPLAINT

5731.1 Any resident of or applicant for a RAD Covered Project may file with DCHA or the Project Owner a complaint requesting an administrative determination of his or her rights for any dispute he or she may have with respect to a Project Owner's action or failure to act in accordance with the individual's lease or the contract administrator's action or failure to act in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

5731.2 The complaint shall be mailed or personally presented either orally or in writing to the DCHA Office of Fair Hearings or to the office of the property in which the complainant resides during normal office hours, but not later than thirty-five (35) calendar days after the DCHA or Project Owner's act or failure to act that constitutes the basis for the grievance. For a complaint concerning termination of assistance by DCHA, a participant must request an informal hearing within thirty-five (35) calendar days of the date of the issuance of the recommendation for termination of assistance by DCHA.

5731.3 The complaint shall state the particular grounds on which it is based and the action or relief requested. Upon request, DCHA or office of the property in which the complainant resides will assist a complainant in putting his or her complaint in writing.

5731.4 Upon receipt of the complaint, the DCHA Office of Fair Hearings or the office of the property in which the complainant resides shall provide the complainant with a receipt indicating a complaint was filed and information explaining the complainant's right to a fair hearing and outlining the RAD Grievance Procedures. If the complaint is filed at the office of the property in which the complainant resides, that office shall provide a copy of the complaint to OFH.

5732 INFORMAL SETTLEMENT OF COMPLAINTS

5732.1 Except for complaints filed by applicants that have already participated in an informal conference pursuant to Section 6107 or for complaints concerning termination of assistance, within three (3) business days of receipt of the complaint, the Project Owner shall schedule a conference with the complainant to informally discuss the complaint with the objective of reaching a settlement without a formal hearing.

5732.2 The Project Owner shall convene the informal settlement conference within ten (10) business days of the date the complaint was filed.

5732.3 If a settlement is reached, within ten (10) business days of the conference, the terms of the settlement shall be put in writing by the Project Owner, signed by each party. A copy of the settlement shall be given to the complainant and DCHA, who shall retain a copy for the complainant's DCHA file.

5732.4 If a settlement cannot be reached, the Project Owner shall prepare and serve on the complainant a written answer to the complaint within ten (10) business days of the conference with the complainant. The answer shall specify the following:

- (a) The Project Owner's proposed disposition of the complaint and the specific reasons therefore;
- (b) The right of the complainant to a hearing, and the procedure for requesting a hearing; and
- (c) The time allowed to request a hearing.

5732.5 The answer shall be served upon the complainant as follows:

- (a) Where the complainant is a resident, by personally serving the answer on the complainant or leaving a copy at the dwelling unit with a person of

suitable age, or posting on the door of complainant's unit if no one is at home; or

- (b) Where the complainant is an applicant, by sending the answer by first class mail, postage prepaid, to complainant's address as it appears in the records of DCHA.

5733 REQUEST FOR HEARING

5733.1

- (a) If after the informal settlement conference the complainant is not satisfied with the proposed disposition of his or her complaint, he or she may submit in person or by mail a written request for a hearing. Upon request, DCHA or the Project Owner will assist a complainant in putting his or her request for a hearing in writing. The written request shall be provided:
 - (1) To the Office of Fair Hearings (OFH); or
 - (2) To the OFH through the office of the property in which the complainant resides.

A complaint form will also be available to residents at the OFH and at the office of the property in which the complainant resides.

- (b) On determinations of ineligibility for applicants for RAD Covered Projects, applicants may submit a written hearing request in person to the OFH or by mail to the OFH. The notice will include the complaint form by which families can request a hearing and return it to DCHA. The complaint form will also be available to applicants and residents at the OFH.
- (c) For a determination to terminate assistance, DCHA shall provide the resident with written notice of the determination to terminate assistance within thirty days (30) days of the determination. The notice shall include the complaint form by which residents can request a hearing. The written hearing request shall be provided to the OFH.

5733.2

A complainant's request for a hearing shall be in writing and shall be filed as follows:

- (a) If the complainant is a resident, within seven (7) business days from the date the answer is served;
- (b) If the complainant is an applicant, within ten (10) business days from the date the answer is mailed; or

- (c) If the participant’s hearing request concerns a determination to terminate assistance, within thirty-five (35) calendar days from the date of the issuance of the recommendation for termination of assistance by DCHA.

5733.3 If a complainant does not request a hearing within the time specified in §§ 5733.2(a)-(b), the Project Owner’s disposition of the complaint under § 5732.4 shall become final. If a participant does not request a hearing within the time specified in § 5733.2(c), DCHA’s determination to terminate assistance shall become final. This shall not constitute a waiver of the complainant’s right to contest DCHA’s or Project Owner’s actions in an appropriate judicial proceeding.

5733.4 For hearing requests made pursuant to § 5733.1(c), once a participant files a timely request for a hearing, the Housing Assistance Payments (HAP) will continue to the Project Owner in accordance with the current HAP contract in effect at the time of the request for a hearing until a final determination has been made in accordance with this chapter.

5733.5 Upon receipt of a request for a hearing, OFH shall assign a hearing officer to the complaint from the pool of hearing officers selected pursuant to § 5734.1, on a rotating basis to the extent possible.

5733.6 Within fifteen (15) business days, OFH shall schedule a hearing time, date and place, reasonably convenient to both the complainant and DCHA, and shall notify the complainant and DCHA.

5733.7 Within thirty (30) days of the date the hearing is scheduled, OFH shall convene the hearing, unless rescheduled for good cause.

5733.8 Requests to reschedule a Hearing shall be subject to the following conditions:

- (a) Either party may request to reschedule an Informal Hearing any time prior to the first scheduled Informal Hearing date or prior to any subsequent hearing date, only if the requesting party can demonstrate good cause and if delay will not result in harm or prejudice to the other party.
- (b) Notwithstanding the paragraph above, OFH will reschedule a Hearing as a reasonable accommodation if the complainant can demonstrate that a disability prevented them from rescheduling within the prescribed time periods.

5734 SELECTION OF HEARING OFFICERS

5734.1 The DCHA shall select six (6) impartial, disinterested members of any bar in good standing to be available to serve as hearing officers.

- 5734.2 If the complainant objects to the hearing officer, DCHA and the complainant shall attempt to agree upon another member of the pool of hearing officers.
- 5734.3 If DCHA and the complainant cannot agree, DCHA shall select an individual to serve as a member of the hearing panel, the complainant shall select any individual to serve as a member of the panel and these two (2) individuals shall select a third member. The choice of the individuals who comprise the hearing panel shall not be limited to the six (6) member pool of hearing officers.
- 5734.4 If the individuals selected by DCHA and the complainant cannot agree on a third member, such a member shall be selected by an independent arbitration organization as provided in 24 CFR § 966.55(b)(1)(2002).
- 5734.5 Any individual who made or approved the decision under review or a subordinate of that individual may not serve as a hearing officer pursuant to § 5734.1 or as a member of a hearing panel pursuant to § 5734.3 or § 5734.4.

5735 AUTHORITY OF HEARING OFFICERS

- 5735.1 The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including the following:
- (a) To administer or direct the administration of oaths and affirmations;
 - (b) To examine witnesses and direct witnesses to testify;
 - (c) To rule upon offers of proof and receive relevant evidence;
 - (d) To regulate the course of the hearing and the conduct of the parties, other participants, and their counsel;
 - (e) To arrange a conference for settlement or to simplify the issues by agreement of the parties;
 - (f) To consider and rule upon procedural requests; and
 - (g) To take any action authorized by this chapter.
- 5735.2 The hearing officer shall have the power to grant appropriate relief not in conflict with controlling law and regulations, including the following:
- (a) Rental abatements;
 - (b) Monetary damages;
 - (c) Relocation of residents to other DCHA owned or operated housing units;

- (d) The ordering of repairs and/or accessibility features by DCHA;
- (e) Remanding to a program specialist for further review or recalculation;
- (f) Granting a voucher or voucher extension;
- (g) Participant recertification;
- (h) Adjustment to total tenant payment;
- (i) Reversal of termination; and
- (j) Scheduling continuances and rescheduling.

5735.3 Temporary relocation of residents to public housing units available to the agency shall be authorized and may be ordered if the hearing officer finds that the unit is so seriously deficient that it poses a significant threat to the health or safety of the resident.

5735.4 If DCHA does not take immediate action to correct the threat and fails to demonstrate that suitable public housing is available, the hearing officer may order DCHA to relocate the resident temporarily to a suitable private housing unit, providing DCHA fails to demonstrate that suitable housing is available.

5736 EX PARTE COMMUNICATIONS

5736.1 The hearing officer shall not consult any person, or party on any fact at issue except after notice and opportunity for all parties to participate.

5736.2 No employee, or agent, of the District of Columbia government engaged in the investigation and prosecution of a case shall participate or advise in the proposed decision in that case except as a witness or counsel in the hearing or other public proceedings.

5737 RIGHTS OF COMPLAINANTS

5737.1 The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which shall include the following:

- (a) The right to be represented by legal counsel or another person chosen as a representative; at their own expense, provided that if the family has not notified DCHA in writing at least three business days in advance of their intention to be represented, the hearing officer shall grant any request from DCHA for a continuance.;

- (b) The right to a private hearing, unless the complainant requests a public hearing;
- (c) The opportunity to examine, before the hearing, documents, records, and regulations of DCHA that are relevant to the hearing. Any document not so made available after a request for the document has been made by the complainant may not be used as evidence by DCHA at the hearing. For hearings requested pursuant to § 5733.1(c), DCHA shall make such documents available to the complainant, or its representative for review and/or copying either within twenty-one (21) calendar days of the request or seven (7) calendar days prior to the Informal Hearing date, whichever is sooner;
- (d) When requested, DCHA shall provide to the complainant, at no charge, fifty (50) pages of documents, records, and unpublished regulations of DCHA relevant to the hearing. A reasonable charge of not more than twenty five cents (25¢) per page may be assessed for reproducing material in excess of fifty (50) pages requested by the complainant. If the documents are provided electronically or on a CD, DCHA is authorized to charge for the cost of the CD and the total number of pages produced electronically;
- (e) The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by DCHA, and to confront and cross-examine all witnesses on whose testimony or information DCHA relies;
- (f) The right to a decision based solely upon the facts presented at the hearing; and
- (g) The right to request a reasonable accommodation for a disability.

5738**[RESERVED]****5739****FAILURE TO APPEAR**

5739.1

If either party fails to appear at a hearing, the hearing officer may do the following:

- (a) Postpone the hearing for up to five (5) business days;
- (b) With the consent of both parties, reschedule the hearing for a later date;
- (c) Make a determination that the complainant has waived his or her right to a hearing, if the complainant fails to appear. The waiver shall not constitute

a waiver of complainant's right thereafter to contest DCHA's action in an appropriate judicial proceeding;

- (d) Grant an exception if the party is able to document an emergency situation that prevented them from attending or requesting a postponement of the hearing or if requested as a reasonable accommodation for an individual with a disability.

5740 HEARING PROCEDURES

- 5740.1 At the hearing, the complainant shall make a showing of entitlement to the relief sought. If in the opinion of the hearing officer the complainant fails to do so, the hearing officer may render a decision in favor of DCHA without further presentation of evidence.
- 5740.2 The moving party has the burden of proof to justify its position by a preponderance of the evidence.
- 5740.3 Both parties to the hearing may present evidence and arguments in support of their positions, controvert evidence and cross-examine all witnesses for the other side.
- 5740.4 The hearing shall be conducted informally by the hearing officer, and oral or documentary evidence relevant to the facts and issues raised by the complaint and answer may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- 5740.5 The hearing officer shall require DCHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly manner.
- 5740.6 Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the hearing or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought, as appropriate.

5741 TRANSCRIPT OF PROCEDURES

- 5741.1 All hearings at the OFH shall be recorded.
- 5741.2 The complainant may obtain a copy of the recording of the hearing at his or her own expense.
- 5741.3 Transcripts of the recording of the hearings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.

5741.4 If a party files a petition for review in the District of Columbia Court of Appeals, OFH will arrange for the preparation and filing of a transcript without charge to the complainant. In all other cases or upon request, OFH will arrange for preparation of a transcript only after OFH receives payment for the cost of preparing the transcript from the party seeking the transcript.

5742 DECISION OF THE HEARING OFFICER

5742.1 The hearing officer shall prepare a written decision, together with the reasons therefor, within ten (10) business days after the close of the hearing. Copies of the decision shall be mailed to the complainant, DCHA and the OFH.

5742.2 The decision of the hearing officer shall be binding on DCHA, which shall take all actions, or refrain from actions, necessary to carry out the decision, unless the Executive Director or an official delegated by the Executive Director does the following:

- (a) Determines that the complaint does not concern a DCHA act or failure to act as prescribed by the complainant's lease or DCHA rules, policies or regulations, that adversely affect the complainant's rights, duties, welfare or status;
- (b) Determines that the decision of the hearing officer is contrary to applicable federal or District of Columbia law or regulations or requirements of the Annual Contributions Contract between HUD and DCHA; or
- (c) Determines that the decision of the hearing officer exceeds the authority of the hearing officer under the DCHA hearing procedures.

5742.3 The Executive Director or designee of the Executive Director shall make the determination within the time provided in § 5745.1, and promptly notify all parties to the hearing of his or her determination.

5743 BRIEFS IN SUPPORT OF OR TAKING ISSUE WITH THE DECISION OF THE HEARING OFFICER

5743.1 Any party may file a brief with OFH in support of or in opposition to the hearing officer's proposed decision within ten (10) business days after service of the decision;

5744 EFFECT OF DECISION

5744.1 A decision of the hearing officer which is in favor of the Project Owner or DCHA, or denies the complainant his or her requested relief in whole, or in part,

shall not constitute a waiver of, or affect in any manner whatever, rights the complainant may have to a trial de novo in judicial proceedings which may be later brought in the matter.

5744.2 In de novo judicial proceedings, neither party shall be limited to invoking against the other the grounds originally relied on in the administrative proceedings.

5745 DECISION OF THE EXECUTIVE DIRECTOR OF DCHA

5745.1 Within seven (7) business days after expiration of the time for filing briefs as provided in § 5743, the Executive Director of DCHA, upon consideration of the record, together with any briefs, shall make a determination of the enforceability of the hearing officer's decision as provided in §§ 5742.2 (a) and (b) and (c).

5745.2 The Executive Director of DCHA may modify or set aside, in whole or in part, the decision of the hearing officer.

5745.3 In any case in which the Executive Director of DCHA proposes to modify or set aside all or any part of the hearing officer's decision, the Executive Director shall serve on each party a proposed decision, including findings of fact and conclusions of law.

5745.4 The parties shall be given fourteen (14) days from the date of receipt of the Executive Director's proposed decision to file exceptions. Each party may request oral argument when submitting exceptions.

5745.5 A final decision shall be made by the Executive Director of DCHA within fourteen (14) days after exceptions to the proposed decision have been filed, and an oral argument held, if requested. Copies of the final decision shall be served on all parties.

5745.6 A final decision issued by the Executive Director of DCHA may be appealed by filing a Petition for Review with the District of Columbia Court of Appeals.

5746 NOTICE TO VACATE PREMISES

5746.1 If the complaint relates to a notice to correct or vacate, or a notice to vacate, served on the tenant and there has been a determination by the hearing examiner or Executive Director in favor of the Project Owner, the Project Owner shall not be required to serve the tenant with a new notice to correct or vacate, or notice to vacate, and may take any appropriate action against the tenant based on the notice in any appropriate legal forum. Acceptance of rent during the time period of the hearing or thereafter shall not waive DCHA's right to proceed on the notice.

5746.2 If suit is brought against the tenant(s), the tenant may be required to pay court costs or attorney fees as ordered by the Court.

5747 RECORDS

- 5747.1 The Central Grievance Files shall be maintained in a central location by the Office of Fair Hearings and shall be made promptly available to interested members of the public for inspection and copying pursuant to procedures established by the OFH.
- 5747.2 Subject to § 5737.1(d), a reasonable charge of not more than twenty-five cents (25¢) per page may be assessed for copying any document in the Central Grievance Files.

5748 TRANSFER POLICY

- 5748.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer Families from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by Families. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project. Notwithstanding the foregoing, Families residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.
- 5748.2 It is DCHA's policy that transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Families can be transferred to accommodate a disability.
- 5748.3 Transfers will be processed by the Office of the Director of Property Management Operations. Families may apply to their property manager for a transfer, but all paperwork, verifications and unit assignments shall be processed by the Office of the Director of Property Management Operations. Applications for transfer must be made in writing, must state the reason(s) for requesting the transfer, and must provide any supporting documentation. Families may use the "Tenant Request for Transfer" form available in each property management office or at the DCHA central office.
- 5748.4 Mandatory Transfers and Priority Transfer Requests shall take precedence over new admissions. New admissions shall take precedence over Standard Transfer Requests. DCHA shall assign vacant units that it does not need to house Mandatory Transferees or Priority Transfer Requests, using a ratio of five units for initial occupancy by applicants on the Public Housing Waiting Lists, to one unit for a Family from the DCHA Transfer Waiting List.

5748.5 Upon acceptance of the new dwelling unit, the Lessee must execute a new lease agreement. All causes of action of any nature whatsoever available to DCHA or the Project Owner at the previous dwelling unit shall be actionable by DCHA or the Project Owner of the previous dwelling unit after transfer, whether such transfer is a Mandatory Transfer or a Tenant Request for Transfer. This regulation does not waive any statute of limitations otherwise applicable to such claims.

5748.6 Sections 5748 through 5751 govern all transfers initiated by DCHA or requested by participating Families in RAD Covered Projects.

5749 MANDATORY TRANSFERS

5749.1 The DCHA may initiate Mandatory Transfers for households in order to alleviate certain housing conditions. The following represent examples of such conditions:

- (a) To relocate Families that are living in dwelling units with conditions that represent an emergency or a threat to life, health, or safety (*e.g.*, fire, flood, no water) as determined by DCHA, another governmental entity, or as a result of a judicial proceeding;
- (b) To place households in units of the correct size when authorized members of a Family (*i.e.*, household members listed on lease or certified by the DCHA) are under-occupying (assigned dwelling units are too large for the household) or over-occupying (assigned dwelling units are too small for the household) their assigned dwelling units in relation to the occupancy standards as set forth in Section 5709 of this chapter;
- (c) To relocate households to alleviate threat of attack by criminal elements as verified and documented by the DCHA Police Department or any other police department or law enforcement agency authorized to operate in the District of Columbia;
- (d) To permit Property Owner to make significant repairs, modernize, rehabilitate, or demolish dwelling unit(s) or apartment building(s);
- (e) To relocate households to facilitate the future rehabilitation of a dwelling unit;
- (f) To permit occupancy of a unit with accessibility feature by a transferring Family or eligible applicant with a verified need for such a unit;
- (g) To alleviate any other conditions of hardship as determined by DCHA or to effectuate DCHA goals and/or objectives.

5749.2 Families subject to a Mandatory Transfer shall receive a “Notice of Mandatory Transfer.” The Notice shall include the following:

- (a) Statement of the reason for the transfer;
- (b) Location of the new dwelling unit;
- (c) Statement regarding how the move will be financed; and
- (d) The specific date by which the move must occur.

5749.3 Families subject to a Mandatory Transfer will receive one offer of transfer. The offer of transfer shall be for a dwelling unit meeting the needs of the household in accordance with DCHA occupancy standards and, if the household includes a member with a disability, a dwelling unit that has features appropriate for the disability or one that is adaptable.

5749.4 Applications for a transfer must be made to the Property Manager of the Family's RAD Covered Project, but all paperwork verification and unit assignments shall be made by the Office of the Director of Property Management Operations, except in the case of a Family request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Coordinator and the Client Placement Division.

5749.5 DCHA shall, at its sole discretion, elect to either bear the cost of a Mandatory Transfer by providing funds to the affected household or to move the household with its own resources, which may include the use of DCHA staff and/or a moving contractor.

5749.6 A Family that receives a written offer of a new dwelling unit and refuses the offer without good cause, shall be issued a Notice to Quit or Cure. The good cause standard applicable to new admissions shall apply to transfers.

5749.7 DCHA shall relocate to a vacant, non-accessible unit, within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit.

5749.8 The decision to initiate a Mandatory Transfer pursuant to this chapter may be made only after review and approval by a supervisor in the Office of the Director of Property Management Operations.

5750 TRANSFER REQUEST BY TENANT

5750.1 DCHA will approve transfer requests for Families that are in compliance with the terms and conditions of their leases and have resided in their dwelling units for at least one year. Families with a disabled household member that request reasonable accommodation transfers and families requesting a transfer pursuant to

VAWA, as described below, are not subject to the one-year limitation.

- 5750.2 A Family is compliant with the terms and conditions of its lease if:
- (a) Current on rent payments and/or on any repayment agreement, consent judgment agreement, or settlement agreement;
 - (b) Current with recertification process;
 - (c) Is not subject to a citation for any lease violation;
 - (d) Has a good housekeeping record as evidenced by a housekeeping inspection; and
 - (e) Is not subject to a Notice to Correct or Vacate or a Notice to Vacate.
- 5750.3 Each member of the Family must be compliant with the terms and conditions of the lease.
- 5750.4 DCHA may deny requests for transfers by Families that are not compliant with the terms of their leases. Exceptions to the requirement that Families requesting transfers be lease compliant may be made for life threatening conditions or for tenants seeking transfers to units with accessible features.
- 5750.5 Transfers processed under this section will not take priority over Mandatory Transfers or new admissions, except as provided under Subsection 5748.4.
- 5750.6 DCHA shall acknowledge receipt of each Tenant Request for Transfer. The date of acknowledgment shall serve as the Tenant Request for Transfer date, which will be used by DCHA to determine the Family's place on the Transfer Waiting List.
- 5750.7 DCHA shall notify the Family, in writing, in no more than thirty (30) days from the date of acknowledgment, what action it has taken with regard to the Tenant Request for Transfer, *e.g.*, approval, disapproval, or further review of the Request is required. If further review is necessary due to a lack of supporting documentation, DCHA shall notify the Family, in writing, of what additional documentation is required. Once such documentation is received, DCHA shall notify the Family, in writing, no more than thirty (30) days from the date of receipt, what action it has taken with regard to the Tenant Request for Transfer.
- 5750.8 Although DCHA approves a Tenant Request for Transfer, a unit may not be immediately available. When a unit is available, DCHA shall issue the Family a "Notice of Transfer Assignment." The Notice will direct the Family when and where to report to inspect the new dwelling unit.

- 5750.9 The Family must be compliant with the terms and conditions of the lease at the time that its name reaches the top of the Transfer Waiting List. If the Family is not compliant with the terms and conditions of the lease as outlined in Subsection 5750.2, DCHA may withdraw the Family’s transfer approval.
- 5750.10 If the Family accepts the new dwelling unit, the Family shall execute a Notice of Lease Termination at the property from which he/she is moving, upon completion of the arrangement for transfer to the new location.
- 5750.11 Upon acceptance of the new dwelling unit, the Family must execute a new lease, which, if applicable, accepts liability for any outstanding conditions related to the prior lease agreement.
- 5750.12 In addition to the requirements specified in § 5748.5, families requesting a transfer shall bear the cost of moving to the new dwelling unit. The new dwelling unit shall not be held for more than fifteen (15) calendar days from the date of the unit availability. If a Family, who has an approved transfer, does not move into the new dwelling unit within fifteen (15) calendar days from the date of the unit’s availability, the unit offer shall be withdrawn and the Family’s name shall be removed from the Transfer Waiting List.
- 5750.13 If a Family refuses a transfer offer to the property of his/her own choice without good cause, the Family’s name shall be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action. If a Family did not identify a property, he/she may be offered up to two locations. If the Family refuses the first, his/her name may be returned to the Transfer Waiting List to await the availability of another unit. If the Family rejects the second assignment, his/her name will be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action.
- 5750.14 All actions or inactions by DCHA under this section are subject to the Family Grievance Procedure that is outlined in §§ 5730 *et seq.*
- 5750.15 The following conditions shall represent Priority Transfer Requests. Families who are approved for a Priority Transfer Requests will be transferred based on the hierarchy set forth in Subsection 5748.4 and on the date that the “Family Request for Transfer” was acknowledged by the DCHA:
- (a) Families that have a verified and approved reasonable accommodation for a fully accessible unit or a unit with accessible features and that do not currently reside in a unit that provides the approved reasonable accommodation;
 - (b) The Family or a member of the Family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health

or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the ninety (90)-calendar-day period preceding the family’s request to move; or

- (c) DCHA has terminated the HAP contract with the Property Owner.

5750.16 The following conditions shall dictate DCHA’s priority for Standard Transfer Requests. Families who are approved for a Voluntary Transfer will be transferred based on the hierarchy set forth below and on the date that the “Family Request for Transfer” was acknowledged by the DCHA:

- (a) First priority will be given to situations of a life threatening medical or public safety nature. These situations may include serious medical conditions, crimes, instances of violence not covered under Subsection 5749.1(c), hate crimes, or other situations which endanger a Family or household member’s life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified.
- (b) Second Priority shall be given to Families with an approved reasonable accommodation transfer who do not qualify for a Mandatory Transfer under Subsection 5749.1(c). These transfers would include transferring Families to accessible or adaptable dwelling units or sites where conditions are documented to be more favorable for their disabilities than the unit or site from which they are seeking to transfer.
- (c) Third Priority shall be given to Families that are over or under housed. These transfers would permit Families to reside in dwelling units of the correct size for household members listed on their lease or those recognized by the DCHA as a result of its recertification process. To determine whether a dwelling unit is too small or too large, DCHA shall use the occupancy standards outlined at Section 5709 of this chapter. If DCHA approves a Family’s request for transfer, the household must transfer as one unit. The DCHA will not split families.
- (d) Fourth Priority shall be given to issues of convenience as described by Families requesting transfers.

5751 FAMILY RIGHT TO MOVE

5751.1 The Family may terminate its assisted lease at any time after the first year of occupancy, subject to the terms of the lease. The Family must provide thirty (30)-day written notice of intent to vacate to the Property Manager of the RAD Covered Project (with a copy to DCHA), in accordance with the lease.

5751.2 Prior to or at the time of submitting a written notice of intent to vacate in

accordance with Subsection 5751.1, the Family may request the opportunity for continued tenant-based rental assistance in the form of a tenant-based voucher under the Housing Choice Voucher Program. To request a tenant-based voucher, the Family must submit a written request to the Property Manager of the RAD Covered Project. Requests for continued tenant-based assistance will only be accepted from Families that meet the eligibility requirements of Subsection 5751.3.

- 5751.3 Tenants are eligible for continued tenant-based assistance, pursuant to Subsection 5751.2, only if:
- (a) By the date requested for lease termination, the Family will have resided continuously in a RAD unit for at least one calendar year; and
 - (b) On the date of request for continued tenant-based assistance pursuant to Section 5751.2, the Family is compliant with the terms and conditions of its lease, in accordance with Sections 5750.2 – 5750.4.
- 5751.4 If, on the date of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is available, DCHA shall offer the Family a tenant-based voucher. Notwithstanding the foregoing, subject to applicable federal requirements, if DCHA has already issued seventy-five percent (75%) of its total turnover vouchers in any single calendar year to Families of RAD units, DCHA shall place the Family on the RAD tenant-based voucher transfer list governed in accordance with Subsection 5751.6.
- 5751.5 If, at the time of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is not available, DCHA shall place the Family on the transfer list governed in accordance with Subsection 5751.6.
- 5751.6 Families requesting continued tenant-based assistance shall be prioritized based on the date on which the Family submitted its request for continued tenant-based assistance pursuant to § 5751.2. Families on the RAD/PBV tenant-based voucher transfer list shall take priority over all other applicants for tenant-based vouchers. Notwithstanding the foregoing, subject to applicable federal requirements, once DCHA has issued seventy-five percent (75%) of its total turnover vouchers to Families of RAD units in any single calendar year, the priority given to Families placed on the RAD tenant-based voucher transfer list shall be governed by Chapter 76 of this title.
- 5751.7 If, at the time a Family reaches the top of the RAD tenant-based voucher transfer list, (i) a voucher is available and (ii) the Family has priority over all other applicants for tenant-based vouchers, based on the provisions of Subsection 5751.6, DCHA shall offer the Family a tenant-based voucher.

- 5751.8 When DCHA is required to offer a Family a tenant-based voucher pursuant to Sections 5748 through 5752, DCHA shall provide written notice of its offer to the Family. The Family must submit a written acceptance of the tenant-based voucher to DCHA within thirty (30) days of the notice of offer. Failure to submit a written acceptance of the voucher to DCHA within thirty (30) days of the notice of offer shall result in the Family being placed back on the RAD tenant-based voucher transfer list with a priority date set to the date of expiration of the notice of offer.
- 5751.9 If a Family timely accepts an offer to receive a tenant-based voucher, DCHA shall issue the Family a tenant-based voucher. Notwithstanding, if at the time of acceptance, the Family is not compliant with the terms and conditions of its lease, in accordance with Subsections 5750.2 – 5750.4, DCHA may rescind its offer to issue a tenant-based voucher.
- 5751.10 Once issued, a tenant-based voucher shall expire one hundred eighty (180) days from the date of its issuance.
- 5751.11 If a Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:
- (a) Provision of a lease-up packet;
 - (b) Inspection of the new unit for compliance with HQS; and
 - (c) Approval of the lease-up package and the lease terms, including the gross rent and the contract rent, subject to a rent reasonableness determination.
- 5751.12 If the tenant-based voucher expires before the Family initiates the lease-up process, pursuant to Subsection 5751.11:
- (a) The Family may continue its lease where it is currently leasing, provided that:
 - (1) The Family has not yet given notice to terminate its lease to the owner; or
 - (2) The Family has delivered to the owner a notice rescinding the Family's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
 - (3) The HAP Contract has not otherwise been terminated by DCHA.
 - (b) The Family is not required to provide new lease-up or other documents to DCHA, and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the continued tenant-

based assistance.

- (c) The Family's prior Total Tenant Payment continues in effect.
- (d) The Family shall not be eligible for another Tenant-Based voucher for twenty-four (24) months from the issuance of the expired voucher.

5752 OWNER TERMINATION OF TENANCY

5752.1 The Project Owner may not terminate a participant's tenancy except on the following grounds:

- (a) Serious or repeated violation of the terms and conditions of the valid, written lease;
- (b) Violation of federal or local law that imposes obligations on the participant in connection with the occupancy or use of the premises, when such obligations are contained in the lease or the D.C. Housing Code;
- (c) Criminal activity or alcohol abuse pursuant to Subsections 5752.4 and 5757.9; or
- (d) Other good cause pursuant to Subsection 5752.5.

5752.2 The Project Owner may only terminate a participant's tenancy and evict the participant from the unit by instituting a court action.

5752.3 Nonpayment by DCHA is not grounds for termination of tenancy.

- (a) The participant is not responsible for payment of the portion of the rent to Project Owner covered by DCHA's payment under the HAP contract between the Project Owner and DCHA.
- (b) DCHA's failure to pay the HAP to the Project Owner is not a violation of the lease between the participant and the Project Owner.

5752.4 Evicting Participants for Criminal Activity

- (a) The Project Owner may terminate tenancy for any of the following types of criminal activity:
 - (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including Project Owner staff residing on the premises);

- (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
 - (3) Any violent criminal activity on or near the premises by a tenant, household member, or guests, or any such activity on the premises by any other person under the participant’s control.
 - (4) Any drug-related criminal activity on or near the premises.
- (b) The Project Owner may terminate tenancy if the participant is:
- (1) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees; or
 - (2) Violating a condition of probation of parole imposed under Federal or District of Columbia law.
- (c) The Project Owner may terminate tenancy, and evict by judicial action, a participant for criminal activity by any household member in accordance with this section if the Project Owner determines that the household member has engaged in the criminal activity, regardless of whether the household member has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.
- (d) The Project Owner may terminate tenancy if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

5752.5 “Other Good Cause” for Termination of Tenancy

- (a) The Project Owner may not terminate the tenancy for “other good cause” during the initial lease term unless the Project Owner is terminating the tenancy based on the participant’s action or failure to act.
- (b) “Other good cause” for termination of tenancy by the Project Owner may include, but is not limited to, the following:
 - (1) Failure by the participant to accept the offer of a new lease or revision after the initial lease term; or
 - (2) A family history of disturbances of neighbors or destruction or property, or of living or housekeeping habits resulting in damage to the unit or premises.

- (3) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by the Project Owner's staff.
- (c) "Other good cause" for termination of tenancy by the Project Owner does not include:
 - (1) The Project Owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
 - (2) A business or economic reason for termination of tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental rate).

5752.6 Notice of Termination of Tenancy

(a) Project Owner Notice of Grounds for Termination

The Project Owner must give the participant written notice that specifies the grounds for termination of tenancy.

- (1) The tenancy does not terminate before the Project Owner has given this notice, and the notice must be given before commencement of the eviction action.
 - (2) The notice of grounds for termination may be included in, or may be combined with, any Project Owner eviction notice to the tenant.
- (b) If the Project Owner determines that a Participant is in violation of the Dwelling Lease, except for lease violations predicated on criminal activity as described in 5752.4(a)-(c), the Participant shall be issued a thirty (30)-day notice to correct or vacate, stating in writing the violation(s) which provides the basis for the termination, the Participant's right to cure the violations, and instructions on how to cure the violations.
- (1) The notice shall inform the Participant of his or her right to file an administrative complaint in accordance with Sections 5730 through 5747 of this title; and
 - (2) If a Participant has filed a complaint, in accordance with Sections 5730 through 5747 of this Title, in response to service of a notice to correct or vacate and has not prevailed, the Participant shall be subject to legal action through the judicial process to gain possession of the unit (eviction).

- (3) The Project Owner shall issue a thirty (30)- day notice to vacate to the Participant, for lease violations, predicated on criminal activity that threatens the resident's health, safety or right to peaceful enjoyment of the Development or drug related criminal activity on or off the Leased Premises or the Development.
 - (4) The Project Owner will not issue a thirty (30)-day notice to correct or vacate, or notice to vacate, where the Project Owner has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.
 - (5) Project Owner shall give DCHA a copy of any eviction notice to the tenant.
 - (6) Project Owner shall promptly notify DCHA when a Project Owner institutes legal action to gain possession of the dwelling unit (eviction).
- (c) DCHA will provide adequate written notice of termination of the lease.

5752.7

Termination of Tenancy Decisions

- (a) If the law and regulation permit the Project Owner to take an action, but do not require action to be taken, the Project Owner may take or not take the action in accordance with the Project Owner's standards for eviction. The Project Owner may consider all of the circumstances relevant to a particular eviction case, such as:
- (1) The seriousness of the offending action;
 - (2) The effect on the community of denial or termination or the failure of the Project Owner to take such action;
 - (3) The extent of participation by the leaseholder in the offending action;
 - (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
 - (5) The demand for assisted housing by families who will adhere to lease responsibilities;
 - (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and

(7) The effect of the Project Owner’s action on the integrity of the program.

- (b) The Project Owner may require a participant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants terminations.
- (c) In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the Project Owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. The Project Owner may require the participant to submit evidence of the household member’s current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
- (d) The Project Owner’s termination of tenancy actions must be consistent with fair housing and equal opportunity provisions of 24 CFR § 5.105, and with the provisions of protections of victims of domestic violence, dating violence, or stalking in 25 CFR part 5, subpart L.

5752.8 Participants who refuse to vacate their unit after appropriate notice shall be subject to legal action to gain possession of the dwelling unit (eviction).

5752.9 Participants shall be solely responsible for the protection, care and disposition of the possessions belonging to the Participant, all household members, guests and all others during, and after an eviction. For the purposes of this subsection, “others” shall be defined as any person under the Participant’s control or on the Leased Premises with Participant’s consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant.

5753 DCHA TERMINATION OF ASSISTANCE

5753.1 DCHA may terminate program assistance for the Participant for any grounds authorized in accordance with HUD requirements.

5753.2 Upon notification that the Project Owner has instituted a legal action to gain possession of the dwelling unit, DCHA shall determine if the Participant has committed serious or repeated violations of the lease. If DCHA determines that a Participant has committed serious or repeated violations of the lease, DCHA shall issue a determination to terminate assistance. DCHA shall stay enforcement of the determination to terminate assistance until the court eviction process concludes.

- 5753.3 Pursuant to 24 CFR § 983.258, Housing Assistance Payments shall continue until the Tenant Rent of a new admission to a RAD Covered Project equals the rent to the owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within one hundred eighty (180) days following the date of the last housing assistance payment by the PHA. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR § 983.211.
- 5753.4 In any case where DCHA decides to terminate assistance to the Participant, DCHA shall give the Participant a thirty (30) day written termination notice which states:
- (a) The reasons for the termination;
 - (b) The effective date of the termination;
 - (c) The Participant's right to request an informal hearing; and
 - (d) The Family's responsibility to enter into a new unassisted lease and pay the full rent to the Project Owner if they remain in the unit.

5754 VOLUNTARY TERMINATION OF TENANCY

- 5754.1 The Participant may terminate tenancy at any time after the first year of occupancy by giving advance written notice of intent to vacate to the Project Owner (with a copy to DCHA) in accordance with the lease.
- 5754.2 Termination of Tenancy by Participant requires that the Participant, all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant(hereinafter referred to collectively as "others"), vacate the Leased Premises on or before the date specified in Participant's written notice.
- 5754.3 Participant may terminate tenancy by giving:
- (a) At least thirty (30) days' notice;
 - (b) The notice must be in writing;
 - (c) On forms approved by DCHA completed with the assistance of DCHA if necessary; and

(d) Submitted to the Project Owner.

5754.4 The Participant shall leave the Leased Premises in as clean and good condition as Participant received at the start of Lessee's occupancy; wear and tear excepted; and return all keys and all other entry devices to the Project Owner.

5754.5 If the Participant is no longer in occupancy of the unit or is deceased, a remaining household member, or another adult identified in § 5754.5(c) below, must notify the Authority of the Participant's death or departure within fourteen (14) days of the date the Participant vacates the Leased Premises or dies. Within thirty (30) days thereafter, or within fourteen (14) days of the Project Owner's issuance of a Notice to Vacate the premises, whichever is later, in order to sustain continued occupancy for the remaining household members at the Leased Premises, the remaining household member or other adult must submit a written application to become head of household. Details on the application process and exclusions from this rule are as follows:

- (a) This subsection does not apply if the head of household vacates the unit pursuant to the issuance of a notice to correct or vacate or a notice to vacate. In such circumstances, the remaining family members must vacate the unit. If the remaining family members do not vacate the unit, they shall be deemed unauthorized occupants;
- (b) The applicant to be made Participant, and if applicable, the other remaining Household Members must be eligible for continued occupancy and not be in serious violation of the material terms of the Dwelling Lease. DCHA will screen the application in accordance with federal law and regulations as well as DCHA's admissions and occupancy policies and regulations. Applicant(s) will be notified in writing of the disposition of the application:
 - (1) If the application is approved, the new Participant shall enter into a new lease agreement with the Project Owner within seven (7) working days of the date of approval of the application;
 - (2) Any balance on the rental account existing prior to a remaining household member becoming the Participant is the responsibility of the newly designated Participant as head of household. Any obligations for rent, causes of action arising under the original Lease, stipulations of settlement, consent judgments, judgments, or repayment agreements of the prior Participant shall be deemed part of the new Dwelling Lease and tenancy and shall be the responsibility of the new Participant designated as head of household and actionable against such new Participant; or

- (3) If the applicant and other remaining Household Members are not approved to continue to occupy the Leased Premises, and such remaining members do not vacate, they will be deemed unauthorized occupants and thus occupying premises without the consent of DCHA and the Project Owner and shall be subject to eviction by the Project Owner. The applicant may file a grievance regarding the denial of his or her application in accordance with DCHA's grievance procedures; and
- (c) If there are no remaining adult household members, or none who are able to serve as head of household, but the unit continues to be occupied by household members who are minor children and/or adults unable to serve as head of household, then an adult who is not listed on the lease may apply to become Participant and Head of Household. The following shall apply under these circumstances:
 - (1) The applicant to be Participant must produce evidence of a care giving relationship with the remaining minor children or disabled adults. Such documentation may include, but is not limited to, court order; notarized authorization from the children's legal guardian; school or medical records; public benefit records; and sworn statements from medical, legal, or social service professionals;
 - (2) Where the remaining family members are minors, the applicant to be Lessee must either (i) obtain Custodial Power of Attorney; or (ii) commence legal proceedings to obtain legal guardianship or custody of the minor children. So long as such proceeding is pending, and the applicant has produced evidence of a caregiving relationship, and meets DCHA's other screening criteria, DCHA shall consider the applicant to be eligible to be Participant and Head of Household;
 - (3) In the case of (c)(2), above, the applicant's eligibility to be Participant and Head of Household is contingent on legal proceedings pending or being resolved in favor of the applicant. If a court of competent jurisdiction denies the applicant's petition for custody or guardianship, no appeal is pending, and the appeal period has expired, DCHA will determine the applicant ineligible to be Head of Household and DCHA and the Project Owner may issue a Notice to Vacate. In that event, another remaining adult household member may submit an application to be Participant and Head of Household within thirty (30) days of the issuance of the Notice, and the DCHA will process such application in accordance with the requirements of this section; and

- (4) Where more than one adult have competing claims to become Participant and Head of Household as caregivers of the remaining minor children, DCHA shall follow the ruling of a court of competent jurisdiction regarding the custody or guardianship of the children.

5754.6 The Participant shall be liable for rent until the earlier of the time the Project Owner has taken possession of the Unit, or such time as all of the following are completed:

- (a) The proper written notice has been given;
- (b) The required vacate forms are completed with the assistance of DCHA if necessary;
- (c) The keys are turned in; and any other entry devices; and
- (d) Participant and all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant (hereinafter referred to collectively as "others"), have vacated the Leased Premises.

5755 DWELLING LEASE: LEASE PROVISIONS

5755.1 Each Dwelling Lease shall be administered in accordance with the provisions stipulated, and kept current at all times.

5755.2 Required Information. Each family admitted for occupancy in RAD Covered Project shall enter into a written dwelling lease with the Project Owner prior to occupancy of the leased premises. The lease must specify the following:

- (a) The names of the Project Owner and the tenant;
- (b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- (c) The term of the lease (initial term and any provision for renewal);
- (d) The amount of the Tenant Rent to the Project Owner. The rent to the Project Owner is subject to change during the term of the lease in accordance with HUD requirement;
- (e) A statement that the Project Owner may charge the tenant a late fee of up to 5% of the amount due of any amount of unpaid rent due by the tenant;

- (f) A specification of what services, maintenance, equipment, and utilities are to be provided by the Project Owner;
- (g) The composition of the household as approved by the Project Owner (family members and any DCHA-approved live-in aide). The family must promptly inform the Project Owner of the birth, adoption, or court-awarded custody of a child. The family must request Project Owner approval to add any other family member as an occupant of the unit; and
- (h) HUD’s regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply.

5755.3 Term of Lease and Renewal.

- (a) The initial lease term must be for at least twelve (12) months.
- (b) The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:
 - (1) For automatic renewal for successive definite terms (*e.g.*, month-to-month or year-to-year); or
 - (2) For automatic indefinite extension of the lease term.
- (c) The term of the lease terminates if any of the following occurs:
 - (1) The Project Owner terminates the lease for good cause;
 - (2) The tenant terminates the lease;
 - (3) The Project Owner and the tenant agree to terminate the lease;
 - (4) DCHA terminates assistance for the family.

5756 CHANGES TO THE LEASE

5756.1 DCHA shall add names to the lease after initial occupancy only in accordance with Section 6117 of this title. Any person using or occupying the Leased Premises not in compliance with Section 6117 of this title is an unauthorized occupant without tenancy or other rights under the Dwelling Lease, including any person using or occupying the Leased Premises without approval from DCHA.

5756.2 Changes to the Dwelling Lease shall be made only in writing and shall be signed by the Lessee, and an authorized representative of DCHA, except the following changes, which may be executed unilaterally by DCHA:

- (a) Any change in rent, either an increase or decrease, shall be stated in a special supplement which shall, upon issuance, become part of the lease;
- (b) Changes to implement excess utility charges;
- (c) Any revision to reflect change in family composition other than head of household, consistent with Subsections 5755.2 and 5756.1;
- (d) Changes to implement Subsection 5752;
- (e) Late charges assessed pursuant to Subsection 5724.5;
- (f) Special supplements to a lease executed pursuant to Subsection 5756.6;
- (g) Changes in the amount of security deposit provided in Section 5722;
- (h) Changes in DCHA's policies, rules and regulations, following a thirty (30)-day comment period; and
- (i) Charges assessed pursuant to the Schedule of Charges posted in the Property Manager's Office.

5756.3 The DCHA shall provide the Lessee with a copy of any changes to the Dwelling Lease made in accordance with Subsection 5756.2.

5756.4 Unless a shorter time period is provided, a new Dwelling Lease shall be executed, within thirty (30) days whenever the following conditions occur:

- (a) The status of the head of household is altered pursuant to Subsection 5752 of this title 14; or
- (b) When a family is transferred from one dwelling unit to another.

5756.5 Any Lessee wishing to vacate his or her unit shall do so in accordance with Sections 5748 to 5752 (*See* RAD Transfers) of this title. Lessees wishing to vacate prior to the end of the month shall be liable for the entire month's rent.

5756.6 Lessees who execute a new lease as a result of a transfer from one unit to another, or as a result of any other requirement for a new lease, shall remain liable for any delinquent rent or other charges relating to the prior lease. The DCHA may unilaterally execute a special supplement to the new lease which assesses the amount due under the prior lease.

5757 LESSEE RIGHTS AND RESPONSIBILITIES

5757.1 Lessees shall be responsible for their actions and the actions of household members, guests, and any person under the Lessee's control or on the Leased Premises with Lessee's consent.

5757.2 Lessees are responsible for maintaining their units in accordance with the provisions of the lease, including but not limited to, the following responsibilities:

- (a) To comply with all obligations imposed upon Lessees by applicable provisions of building and other District of Columbia housing codes materially affecting health and safety;
- (b) To keep the premises (and such other areas as may be assigned for his or her exclusive use) in a clean and safe condition;
- (c) To dispose of all ashes, garbage, rubbish, and other waste from the premises in a sanitary and safe manner;
- (d) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appurtenances, including elevators;
- (e) To refrain from, and to cause his or her household, guests and Others, to refrain from, destroying, defacing, and/or damaging/removing any part of the premises or project; including but not limited to storing, hanging or leaving household or other personal property of any type, including clothes, on the exterior of the Leased Premises unless the area is specifically designated for that purpose by the Project Owner. "Others" is defined as any person under the Lessee's control or on the Leased Premises with Lessee's consent, including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Lessee (hereinafter referred to collectively as "Others");
- (f) Not to assign the lease or to sublease the premises;
- (g) Lessee shall have no other primary residence;
- (h) Not to provide accommodations for boarders or lodgers;
 - (1) Each guest shall not stay overnight for more than ten (10) consecutive days without the prior written permission of the Project Owner;

- (2) Each guest shall not stay overnight for more than thirty (30) non-consecutive days within a twelve (12) month period without the prior written permission of the Project Owner; and
- (3) The Project Owner may deny permission for longer stays for the following reasons;
 - (A) Persons who have been barred from the property pursuant to Section 5773;
 - (B) Persons who are on a lifetime sex offender list;
 - (C) Persons fleeing prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees;
 - (D) Persons whose past conduct has disturbed the peaceful enjoyment of RAD Covered Project residents;
 - (E) Persons who have damaged RAD Covered Project property; and
 - (F) Persons with current restraining orders to stay away from the unit or the property;
- (i) To use the premises solely as a private dwelling for the Lessee and the Lessee's household as identified in the lease, and not to use or permit its use for any other purpose;
- (j) To abide by necessary and reasonable rules, regulations and policies, issued by the Project Owner for the benefit and well-being of the housing project and the Lessees, which shall be posted in the Development office and incorporated by reference in the lease;
- (k) To pay reasonable charges (other than normal wear and tear) for the repair of damages to the premises, project building, facilities or common areas caused by the Lessee, household members, guests and any Others under the Lessee's control or on the Leased Premises with Lessee's consent;
- (l) To conduct himself or herself, and cause other persons who are on the premises with his or her consent to conduct themselves, in a manner which will not disturb his or her neighbors peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; including but not limited to:

- (1) By taking precautions to prevent fires and not using portable heating device unless they been provided by the Project Owner;
 - (2) By not disabling any fire alarm device or causing a false fire alarm;
 - (3) By not storing excess amounts of personal property; and
 - (4) By not removing or tampering with any smoke detector, including removing any working batteries, so as to render the smoke detector inoperative;
- (m) To keep no dogs, cats or other animals in or on the premises, unless specifically permitted by the Project Owner in writing;
- (n) Not to place fixtures, or fences in or about the premises without the prior written permission of the Project Owner. No repairs or alterations to the Leased Premises may be made, including, but not limited to, painting, wallpapering, doors, gates, window bars, carpets, storage sheds, and antenna or satellite dishes, without the prior written approval of the Project Owner. Upon completion, any such repairs or alterations, made with or without prior written consent, become part of the Leased Premises. If the Lessee changes locks, installs an alarm or security system, or adds locks to the dwelling unit, he or she shall notify the Project Owner and shall make duplicate keys available to and/or provide the Project Owner with access codes in order for the Project Owner to gain emergency access; and
- (o) Not to permit anyone who is currently barred from the Leased Premises or DCHA Housing Property pursuant to Section 5773 to occupy, stay overnight, or visit the Leased Premises, or to invite them to the Leased Premises or anywhere else on the DCHA Housing Property at any time for any purpose, unless authorized in writing by the Project Owner in advance. Any person not identified in Subsection 5773.2 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice. The Project Owner will post a list of barred individuals in the property management office.

5757.3 The Lessee shall have the right to the exclusive use of the Leased Premises, including the dwelling unit identified in the lease and in the case of a townhouse, row house or single family home, all buildings or additional areas provided for the exclusive use of the Lessee, including the yard and any outbuildings, subject to the restrictions and obligations contained in the lease.

5757.4 At those properties where there is a defined front or rear yard assigned to the Lessee for his or her exclusive use, the Lessee shall be responsible for maintaining the individually defined lawn areas around his or her respective

dwelling unit, cutting the grass, and keeping his or her lawn free of trash and garbage.

- 5757.5 Lessees who do not maintain these areas shall be given forty-eight (48) hour notice by the Project Owner to correct unsightly lawn areas. Lessees who fail to comply within forty-eight (48) hours of being notified by the Project Owner shall be in violation of the lease.
- 5757.6 Lessees shall report immediately to the Project Owner of any need for repairs to the Leased Premises or of any unsafe conditions in the common areas or the grounds surrounding the Leased Premises. Notification of repairs shall be in writing or by a telephone call to the Project Owner's Control Center and the Lessee shall obtain a control number for each repair. The number for the Control Center can be obtained from the Management office or the Central Office. Lessees in Developments managed by companies under contract with the Project Owner will provide notice as reasonably required by the management companies
- 5757.7 Lessees shall take reasonable steps to conserve energy and water and avoid unreasonable use of water, gas and/or electricity including but not limited to non-routine washing of vehicles or any other unreasonable use of utilities.
- 5757.8 Lessees shall not have waterbeds on the Leased Premises without prior written approval of the Project Owner, which approval may be withheld in the Project Owner's sole discretion.
- 5757.9 Lessee is responsible for all actions or inactions of all guests, household members, and all others on the property with the consent of Lessee and/or the consent of household members. The aforementioned parties, including the Lessee, are obligated to the following:
- (a) To not engage in the manufacture, sale, or distribution of any alcoholic beverages or openly consume alcoholic beverages in any common areas in the Development or otherwise consume alcoholic beverages in a manner that impairs the physical environment of the Development or may be a threat to the health, safety or right to peaceful enjoyment of the Development by other residents, service providers, or Project Owner staff;
 - (b) To not engage in:
 - (1) Any criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the Development;
 - (2) Violent criminal activity or possess any unregistered or illegal firearm or ammunition for a firearm;

- (3) Drug-related criminal activity on or near the premises, which is grounds for termination of tenancy.
- (c) The Project Owner may evict a family if the Project Owner determines that a member is illegally using a drug or when the Project Owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- (d) Lessee shall not flee to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees or violate a condition of probation or parole imposed under federal or state law.

5758**PROJECT OWNER RESPONSIBILITIES**

5758.1

DCHA shall be responsible for maintenance and repair of dwelling units in accordance with the provisions of the lease, including the following responsibilities:

- (a) To maintain the premises and the project in decent, safe and sanitary condition;
- (b) To comply with the requirements of the District of Columbia Housing Code, the District of Columbia Property Maintenance Code, lead safety standards, the Air Quality Amendment Act, Housing Quality Standards and appropriate regulations materially affecting health and safety;
- (c) To make necessary repairs to the premises;
- (d) To keep project buildings, facilities and common areas, not otherwise assigned to the tenants for maintenance and upkeep, in a clean and safe condition;
- (e) To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by DCHA;
- (f) To provide and maintain appropriate receptacles and facilities (except containers for the exclusive use of an individual tenant family) for the deposit of ashes, garbage, rubbish and other waste removed from the premises by the tenant; and
- (g) To supply running water, hot water and heat at appropriate times of the year, according to the District of Columbia Housing Code and District of Columbia Property Maintenance Code, except where the building that

includes the dwelling unit is not required by law to be equipped for that purpose or where heat or hot water is operated by an installation within the exclusive control of the tenant and supplied by a direct utility connection.

- (h) Conform with the Rental Housing Act, including regarding Notices to Correct or Vacate;
- (i) Conform with the District of Columbia Human Rights Act;
- (j) Conform with the Fair Housing Act, the Rehabilitation Act, and the Americans with Disabilities Act;
- (k) Conform with the applicable rights of tenants enumerated in The Tenant Bill of Rights Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-147; D.C. Official Code §§ 42-3531.09(8) & 42-3502.22(b)(1))

5759 REPAIR PROCEDURE

5759.1 Upon receipt of a repair request from a tenant, or in the case of a Project Owner initiated repair, the Project Owner shall inspect the unit to determine the repair required. If the repair cannot be completed during the first visit, repairs shall be scheduled for a later time, within a reasonable time period.

5759.2 When repair work is completed, the tenant shall be required to sign a Project Owner form indicating that the work was performed and indicating whether the repair work was satisfactory or unsatisfactory.

5759.3 In the event the premises are rendered uninhabitable, as determined by the Project Owner, as a result of damages to the premises that create a hazard to life, health, or safety of the occupant, the following steps shall be taken:

- (a) The tenant shall immediately notify the Project Owner of the damage;
- (b) The Project Owner shall be responsible for repair of the unit within a reasonable time; provided, that if the damage was caused by the tenant, tenant's household or guests, the reasonable cost of the repairs shall be charged to the tenant; and
- (c) The Project Owner shall offer standard alternative accommodations, if available, in circumstances where necessary repair cannot be made within a reasonable time.

5760 CHARGE TO THE TENANT FOR REPAIRS AND SERVICES

- 5760.1 Charges shall be assessed against the tenant for repairs to the dwelling unit beyond normal wear and tear, for damage caused by the tenant, members of the tenant's household, or guests.
- 5760.2 Where inspection of the unit indicates tenant-caused damage, DCHA shall advise the tenant of such finding, the reason why tenant cause was determined, and that the tenant shall be assessed repair costs.
- 5760.3 Repairs shall be performed in accordance with § 5759 of this chapter. After completion of repairs, DCHA shall determine the reasonable cost of the repair and shall notify the tenant in writing of the charge to be assessed in accordance with § 5724 of this title and of the tenant's right to contest the assessment under the DCHA grievance procedures set forth in §§ 5730 *et seq.*
- 5760.4 The reasonable cost of repair shall be determined based on cost of materials and cost of labor. Cost of labor shall be the actual time spent on repairs, or the maximum time allowed under DCHA maintenance standards, whichever is less.
- 5760.5 Charges to tenants for other DCHA services, such as tenant lockouts, shall be determined on the same basis as § 5760.4.
- 5760.6 In the event of a fire caused intentionally or by the neglect or negligence of the Lessee, household members, guests or Others, Lessee is subject to the following:
- (a) Lessee is responsible for the payment of the lesser of the:
 - (1) Costs for the repair of the fire damage; or
 - (2) The insurance deductible, if any, afforded by any insurance policy held by DCHA and applicable to the damages caused by the fire at the Leased Premises or Development;
 - (b) DCHA may terminate the Lease for any fire on the Leased Premises caused intentionally or negligently by the Lessee or Others that has resulted in a risk to the health or safety of any person or in damage to property.

5761 RIGHT TO ENTER DWELLING

- 5761.1 The Project Owner shall, upon written notice to the Lessee of at least two (2) days, be permitted to enter the dwelling unit during reasonable hours for the purpose of performing routine inspections or maintenance, making improvements or repairs, taking photographs or otherwise recording and documenting the condition of the unit or repairs, or to show the Leased Premises for releasing.

- 5761.2 The Project Owner shall enter the Leased Premises at any time without advance notice when it has reasonable cause to believe that an emergency exists, or when the Lessee has agreed to such entry.
- 5761.3 In the event that the Lessee and all adult household members are absent from the premises at the time of entry, the Project Owner shall leave on the premises a written statement specifying the date, time and purpose of entry prior to leaving the premises.
- 5761.4 If the Lessee changes or adds the following to the dwelling unit, he or she shall notify the Project Owner and shall make duplicate keys, entry codes, or any applicable access to the dwelling available to the Project Owner, within one (1) business day of the change:
- (a) Any locks, and/or;
 - (b) Any entry devices, including but not limited to any and all security devices.

5762 MOVE-IN AND MOVE-OUT INSPECTION

- 5762.1 The Project Owner shall conduct a move-in inspection with the new tenant the same day as the Dwelling Lease is signed for occupancy. DCHA and the tenant shall sign the unit inspection form certifying the condition of the unit, and the equipment provided with the unit, at the end of the inspection.
- 5762.2 The Project Owner shall conduct a move-out inspection within twenty-four (24) hours of becoming aware that a tenant has vacated a unit or with the tenant on the day the tenant is scheduled to vacate.
- 5762.3 Tenants shall be asked to explain the nature and cause of any damage to the premises not documented during prior unit inspections.
- 5762.4 The tenant and Project Owner shall sign the unit inspection form certifying the condition of the unit, equipment in the unit and assigning tenant responsibility for repair as provided in § 5760 of this chapter.
- 5762.5 The Project Owner shall furnish the vacated tenant with a statement of total charges for any damages within ten (10) working days after completion of the repairs.

5763 ANNUAL INSPECTION

- 5763.1 Each occupied unit shall be inspected annually by the Project Owner. A written notice of inspection shall be given to the tenant at least two (2) days in advance.

5763.2 Tenant-caused damage discovered during this inspection shall be assessed to the tenant after completion of the repairs in accordance with § 5760 of this chapter.

5764 REASONABLE ACCOMMODATIONS: INTRODUCTION

5764.1 The District of Columbia Housing Authority (DCHA) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, matriculation and place of residence or business and other classes protected under the D.C. Human Rights Act, DCHA is committed to providing programs in a way that does not discriminate against individuals with disabilities.

5764.2 A Reasonable Accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the equal opportunity to participate in or benefit from, a program (housing or non-housing) or activity.

5765 REASONABLE ACCOMMODATIONS: APPLICATION OF REASONABLE ACCOMMODATIONS POLICY

5765.1 This chapter applies to individuals with disabilities in the following programs provided by the DCHA:

- (a) Applicants of all Rental Assistance Demonstration (RAD) and Project Based Voucher Programs (PBV);
- (b) Participants in the RAD and PBV Programs; and
- (c) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the DCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by the DCHA.

5766 REASONABLE ACCOMMODATIONS: PERSONS WITH A DISABILITY

5766.1 Disability shall be defined as in § 5705 of this chapter and in the Americans with Disability Act, 42 U.S.C. § 12102.

5766.2 The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

5767 REQUEST FOR REASONABLE ACCOMMODATIONS

5767.1 A person with a disability may request a reasonable accommodation at any time during the application process or participation in the RAD/PBV Programs of DCHA. All requests must be reduced to writing by the individual, any person identified by the individual, or by the Project Owner or DCHA staff member to whom the request is made.

5767.2 Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case by case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate. The following provisions apply to Requests for Reasonable Accommodations:

- (a) All applicants will be provided the Request for a Reasonable Accommodation Form with the application, and upon request.
- (b) All participants will be provided the Request Form again at the time of recertification, and upon request.
- (c) DCHA will respond in writing to all requests for reasonable accommodation.
- (d) All decisions to grant or to deny reasonable accommodations will be communicated in writing and in the form requested by the individual.

5767.3 Examples of reasonable accommodations may include, but are not limited to:

- (a) Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability that is on the lease;
- (b) Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
- (c) Allowing a live-in aide to reside in an appropriately sized RAD Covered Project unit;
- (d) Transferring a participant to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a participant to a unit on a lower level or a unit that is completely on one level;

- (f) Making documents available in large type, computer disc or Braille;
- (g) Making interpreters available to meet with staff or at resident meetings;
- (h) Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment; or
- (i) Permitting an outside agency or family member to assist a participant or an applicant in meeting screening criteria or meeting essential lease obligations;

5768 REQUEST FOR REASONABLE ACCOMMODATIONS BY RAD/PBV PARTICIPANTS AND APPLICANTS

5768.1 Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of District of Columbia and/or federal law;
- (b) A fundamental alteration in the nature of the RAD/PBV program;
- (c) An undue financial and administrative burden on owner of the RAD/PBV property;
- (d) A structurally unfeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

5768.2 All requests for reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the participant, applicant, any person identified by the individual, or by the Project Owner or DCHA staff member to whom the request is made. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation. The reasonable accommodation form shall be submitted to DCHA's Office of the 504/ADA Coordinator for processing.

5768.3 The 504/ADA Coordinator shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the participant in the opportunity to fully enjoy the dwelling unit or non-housing program.

5768.4 The following may provide verification of a participant's disability and the need for the requested accommodation:

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

- 5768.5 The participant will be notified in writing of the final reasonable accommodation determination by the ADA/504 Coordinator. If the accommodation is approved, the participant will be notified of the projected date for implementation. If the accommodation is denied, the participant will be notified of the reasons for denial.
- 5768.6 All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the Office of the Deputy Executive Director for Operations, in consultation with the PBV/RAD property owner, for implementation. All requests for reasonable accommodation that are approved by the Office of the Deputy Executive Director for Operations will promptly be implemented or begin the process of implementation.
- 5768.7 If a request for a reasonable accommodation is denied pursuant to the reasons provided in § 5768.1, DCHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by DCHA.
- 5768.8 DCHA shall not require a participant with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a RAD/PBV participant with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS compliant unit in that participant's project or an adjacent project, DCHA may offer to transfer the participant to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that participant rejects the proffered transfer, DCHA shall make modifications to the participant's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden.
- 5768.9 If the participant accepts the transfer, DCHA will work with the participant to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of DCHA's Tenant and Assignment Plan and any participant's rights thereunder.

5768.10 Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. Interpreters and readers will be made available upon request.

5769 OCCUPANCY OF ACCESSIBLE UNIT

5769.1 DCHA has RAD/PBV units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

5769.2 DCHA will offer these accessible units to families in the following order:

- (a) First: Current occupant of public housing or RAD/PBV unit who has a disability that requires the special features of that unit;
- (b) Second: An eligible qualified applicant on the public housing waiting list who has a disability that requires the special features of the unit; and
- (c) Third: If there are no eligible qualified applicants on the public housing waiting list, an applicant who does not have a disability will be offered the unit. DCHA will require that the applicant who does not have a disability agree to sign a lease that requires the applicant to move to an available non-accessible unit when either a current participant or applicant needs the special features of the unit.

5769.3 A Reasonable Accommodation Waiting List will be created and maintained by date and time of request pursuant to the order of families created by § 5769.2.

5769.4 The first qualified current participant in sequence on the list of participants seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

5769.5 Upon inspection of the offered unit, the participant or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. DCHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

5769.6 A current participant will receive two (2) offers of accessible units before his/her name is moved to the end of the Reasonable Accommodation Waiting List.

5769.7 An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.

5770 GRIEVANCES

5770.1 The RAD/PBV applicant or participant complainant may file a complaint in accordance with DCHA's grievance procedure (§§ 5730 *et seq.*) following a decision by the ADA/504 Coordinator.

5770.2 Rental Assistance Demonstration participant and applicant complainant may file a complaint in accordance with DCHA's grievance procedure (Sections 5730 through 5747) following a decision by the ADA/504 Coordinator.

5770.3 An applicant or participant may, at any time, exercise their right to appeal a DCHA decision through HUD or the Department of Justice.

5771 SERVICE OR ASSISTANCE ANIMALS

5771.1 Participants in DCHA programs, including RAD/PBV projects, with disabilities are permitted to have service or assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. RAD/PBV participants or applicants, who need a service or assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy set forth in this chapter.

5771.2 Residents who have a service or assistance animal residing with them at any DCHA-owned property prior to May 1, 2005, must file a request for a reasonable accommodation and otherwise comply with the requirements in this Chapter prior to July 1, 2005.

5771.3 Participants at any PBV/RAD property who are approved to have a service or assistance animal as a reasonable accommodation may keep the animal provided they comply with the following requirements:

- (a) Register the animal with the property manager;
- (b) Update the registration for the animal annually;
- (c) Provide proof the animal has been vaccinated in accordance with applicable local law;
- (d) Execute a lease addendum providing for the proper care and maintenance of the animal and the unit occupied by the animal in accordance with the RAD/PBV project rules; and
- (e) Continuously provide the proper maintenance and care for the animal and assure that the animal does not otherwise impair the peaceful enjoyment of the property by other residents.

5772 RECERTIFICATION/LEASE RENEWAL

- 5772.1 Thirty (30) days before the date for recertification/lease renewal for a participant in the RAD/PBV Program, the PBV/RAD property owner or manager will provide a notice along with a package to the family to initiate the recertification/lease renewal process.
- 5772.2 If requested as a reasonable accommodation by an individual with a disability, the PBV/RAD property owner or manager shall provide the notice of recertification/lease renewal in an accessible format.
- 5772.3 The PBV/RAD property owner or manager shall also mail the notice to a third party if requested as a reasonable accommodation for an individual with disabilities. This accommodation will be granted upon verification that it accommodates the participant's disability.
- 5772.4 The recertification/lease renewal package will include a Notice of Rights and Opportunities which will include a description of the following:
- (a) The right of a participant to request a reasonable accommodation for any member of the family who has a disability in order to allow the individual with a disability to better use the residence and DCHA's facilities and programs;
 - (b) The right to file a grievance in accordance with DCHA's Rental Assistance Demonstration Program; and
 - (c) The right of participants to request a grievance or informal hearing, as appropriate, in matters such as reasonable accommodations or any issue in which the participant feels that DCHA or the PBV/RAD property owner or manager has unfairly modified his/her rights, welfare, or status and about which the participant has been unable to resolve with the property manager, the ADA/504 Coordinator or the department involved.
- 5772.5 Where personal interviews are required as part of the recertification/lease renewal process, individuals with disabilities who are unable to come to PBV/RAD property manager's offices, will be granted an accommodation by conducting the recertification/lease renewal interview at the individual's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.
- 5772.6 If the family does not cancel a recertification/lease renewal interview scheduled at the PBV/RAD property manager's offices or is not at home at the time of a scheduled home visit, PBV/RAD Property manager may initiate action to terminate the family's assistance. However, an exception may be granted if the family is able to document an emergency situation that prevented them from

canceling or attending the interview or if requested as a reasonable accommodation for an individual with a disability.

5773 BARRING POLICY

5773.1 The Project Owner has the right to refuse entrance or access to any of its properties to any person not authorized under the meaning of § 5773.3.

5773.2 Definitions. For the purposes of this section, the following definitions shall apply:

- (a) “DCHA property” is defined as RAD Covered Projects and related facilities that are either
 - (1) Owned, operated, or managed by DCHA; or
 - (2) Assisted in development or administration by DCHA.
- (b) “A resident’s guest” is any individual who is an invitee of, and can identify by name and unit number, an individual who is a member of a household under lease with the Project Owner, and such individual is available and willing to accept the guest and responsibility for the actions of the guest.

5773.3 No person may enter upon a DCHA property unless that person is authorized to be on the property. The only persons authorized to be on a DCHA property are:

- (a) Residents of the property;
- (b) Members of the resident's household;
- (c) A resident's guests, except as provided in § 5773.6;
- (d) Persons authorized under § 5773.4;
- (e) Organizations with a license to use a portion of a property for specified purposes, and including the invitees of a licensee;
- (f) Persons employed by or doing business with the property owner at the property;
- (g) Persons engaged in the legal or law enforcement community who are engaging in activities directly related to civil or criminal matters, such as process servers, investigators, attorneys or other individuals legitimately on a property for such purpose; and

- (h) Persons authorized after consultation with the Resident Council as provided under Subsection 5773.4 below.

5773.4 Any person, not otherwise authorized under § 5773.3, seeking access to a DCHA property for legitimate business or social purposes shall be admitted as follows:

- (a) Any such person or organization shall submit a written request to the property management office of the respective DCHA property to which the person is seeking access.
- (b) The property owner, in consultation with the Resident Council of the respective property, shall review the request and respond to the request in writing within ten (10) business days of the request stating approval or disapproval of the request. If the property owner has not responded within ten (10) business days, the request is deemed approved.

5773.5 Any person not identified in § 5773.3 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice, not to exceed five years.

5773.6 Resident's guests may be subject to the issuance of a Temporary or Extended Bar Notice barring them from a specified development pursuant to the following:

- (a) Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or employees of the DCHA property or who violates DCHA policy may be barred for a temporary or extended period of time as specified in paragraphs (b) and (c) below.
- (b) A Temporary Bar Notice shall remain in effect for the first infraction for sixty (60) days, the second infraction for six (6) months, and the third infraction for one (1) year for the following infractions:
 - (1) Entering DCHA property without presenting identification or properly signing the visitor log, unless identified as a guest by the resident they are visiting;
 - (2) Being on DCHA property at a location or unit not specified on the guest pass or visitor log, unless the person is on the most direct route to or from such location, or accompanied personally by the resident being visited;
 - (3) Residing as an unauthorized occupant in a DCHA property dwelling unit; or

- (4) Engaging in excessively loud or disruptive conduct or otherwise disturbing the peace of residents or employees of the DCHA property.
- (c) An Extended Bar Notice shall remain in effect for five (5) years for the following:
- (1) Persons issued more than four (4) bar notices for activities identified in § 5773.6(b);
 - (2) Engaging in conduct that is dangerous to the health or safety of residents or employees of a DCHA property;
 - (3) Engaging in activities involving illegal drugs, violence, weapons, theft, assault, and serious damage to property; and
 - (4) Persons evicted from DCHA property on the basis of such person's criminal or illegal activity.
- (d) Nothing contained in this chapter shall prevent a guest of a DCHA property resident from access or entry to the resident's dwelling unit for legitimate business or social purposes except as they may have been barred as provided in §§ 5773.6(b) or (c).

5773.7 Bar Notices issued to unauthorized persons under § 5773.5 or to guests under § 5773.6 may only be issued to bar such individuals from a particular DCHA property. Bar Notices may not be issued to bar persons from public streets or sidewalks, or from private property adjoining DCHA property.

5773.8 Bar Notices shall be served on persons pursuant to the following:

- (a) Personal delivery or attempted delivery in writing of Bar Notices shall be made to each person barred from a DCHA property.
- (b) The Bar Notice shall identify the basis for the issuance of the Bar Notice and the time period for which the person is barred from DCHA property. The Bar Notice shall reflect the date, method and manner of delivery upon the barred person. The Bar Notice does not have to be delivered to the person on DCHA property.
- (c) A copy of the Bar Notice issued to a guest will be provided to the resident, if the guest has identified the unit number and name of the resident. A resident may file a grievance pursuant to the provisions of Sections 5730 through 5747 of this chapter if a guest of the resident has been barred.

5773.9 Bar Notices shall only be issued by the following persons:

- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;
- (b) Members of the Metropolitan Police Department;
- (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; or
- (d) Private security providers contracted by DCHA or DCHA's agent.

5773.10 Bar Notices and Barring Policy information shall be made available as follows:

- (a) The DCHA Office of Public Safety shall keep copies of all Bar Notices and records of the expiration dates thereof;
- (b) A copy of the Barring Policy, as set forth in this chapter, shall be provided to each applicant upon signing a lease for a unit at a DCHA property;
- (c) A copy of the Barring Policy, as set forth in this chapter, shall be provided to the Resident Council for the property; and
- (d) A copy of the Barring Policy, as set forth in this chapter, shall be available at the management office for each DCHA property.

5773.11 The issuance of a Bar Notice requires the following:

- (a) The barred person must immediately leave the DCHA property from which the person was barred and not return to that DCHA property for the period the Bar Notice remains in effect.
- (b) Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later return to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Official Code § 22-3302 (2012 Repl.) as amended.

5773.12 Any barred person may submit a written request for a temporary lift of an Extended or Temporary Bar Notice to the Chief of the DCHA Office of Public Safety.

- (a) The written request shall state the specific location and time period during which the barred person is seeking access, and the reason for the request of the temporary lift, including any documentation of a request for a reasonable accommodation.

- (b) A temporary lift shall be for a period of not more than eight hours during one calendar day.
- (c) A barred person may only be granted two (2) temporary lifts during any calendar year of the imposition of a Bar Notice.
- (d) Any barred person who commits a subsequent infraction on DCHA property during a period of a temporary lift shall be prohibited from requesting additional requests for temporary lifts during the remaining term of the Bar Notice.
- (e) The Chief of DCHA Office of Public Safety will review the request of temporary lift and respond in writing within ten (10) days of the submission.

5774 VEHICLE POLICY

5774.1 All RAD Covered Projects are private property and parking is prohibited unless approved by the owner. In addition, the owner has the right to tow any unauthorized vehicle on RAD Covered Projects as provided in this chapter.

5774.2 Definitions

- (a) "Abandoned Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that:
 - (1) Is inoperable and left unattended on public property for more than seventy-two (72) hours;
 - (2) Has remained illegally on public property for more than 72 hours;
 - (3) Has remained on public property for more than 72 hours and is:
 - (A) Not displaying current valid registration; or
 - (B) Displaying registration of another vehicle;
 - (4) Has remained on RAD Covered Project for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or
 - (5) Has remained unclaimed on RAD Covered Project for 72 hours after proper notice as provided for in Subsection 5774.6 below.

- (b) "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.
- (c) "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.
- (d) "RAD Covered Project" shall mean all property, including parking lots, sidewalks or internal driveways or streets that is a part of DCHA's RAD Project-Based Program.
- (e) "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

5774.3 Vehicles on Public Property

- (a) If the RAD Covered Project owner observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property, the owner of the RAD Covered Project may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the RAD Covered Project.
- (b) Owners of a RAD Covered Project may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

5774.4 Stolen Vehicles. If the owner of the RAD Covered Project determines that a vehicle is stolen, whether on RAD Project-Based Property or Public Property, the owner may notify the Metropolitan Police Department of the stolen vehicle or may request that DCHA's Office of Public Safety report the vehicle stolen on the requisite Metropolitan Police Department report form.

5774.5 Removal of Vehicles from RAD Covered Projects

- (a) If the owner of a RAD Covered Project determines that a vehicle is a Nuisance Vehicle located on the RAD Covered Project, the owner may immediately remove the vehicle from the RAD Covered Project.
- (b) If the owner determines a vehicle is an Abandoned or Junk Vehicle located on a RAD Covered Project for more than 72 hours, a Notice of

Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.

- (c) The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.
- (d) The owner of the Abandoned or Junk Vehicle will have seventy-two (72) hours to remove the vehicle from the RAD Covered Project.
- (e) Prior to initiating towing procedures, the owner of a RAD Covered Project will attempt to identify and contact the owner of the vehicle via telephone. In the event the RAD property owner is able to contact the vehicle owner, the RAD property owner will advise the owner of the following:
 - (1) The owner's vehicle is parked on a RAD Covered Project;
 - (2) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;
 - (3) The vehicle was issued a Notice of Infraction for being parked on a RAD Covered Project; and
 - (4) The process for recovering the vehicle if towed from the RAD Covered Project.

5774.6 Towing of Vehicles.

- (a) The owner of the RAD Covered Project will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for above. The attempts will be no less than twenty-four (24) hours apart.
- (b) If the owner of the RAD Covered Project is unable to contact the owner of a vehicle after two attempts, the property owner will proceed with the removal of the vehicle from the RAD Covered Project.
- (c) If the vehicle is not removed from the RAD Covered Project within 72 hours of the issuance of the Notice of Infraction and Warning Notice, the owner of the RAD Covered Project will have the vehicle removed by contacting either:
 - (1) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or
 - (2) A tow crane operator licensed with the District of Columbia.

5775 ACHIEVING YOUR BEST LIFE PROGRAM IN RAD COVERED PROJECTS

5775.1 Achieving Your Best Life (“AYBL”), governed by rules found at 14 DCMR §§ 9800 *et seq.*, is a program that allows public housing residents in the District to increase earned income and to prepare to purchase a home or rent in the private market without government assistance.

5775.2 When a public housing project converts under RAD, those tenants who have already entered into an AYBL contract as required under 14 DCMR § 9817 will remain in the AYBL program until the AYBL contract terminates. The regulations enumerated at 14 DCMR §§ 9800 *et seq.* will continue to govern these residents’ participation in the ABYL program, even though DCHA will no longer be functioning as landlord for the property.

5775.3 Until the AYBL contract terminates, monthly tenant rent shall be reduced by the amount paid that month by a household member into an AYBL account.

5775.4 Residents of units funded by project-based voucher assistance are not eligible for admission to the ABYL program.

5776 RESIDENT PARTICIPATION

5776.1 The RAD Project-Based Property Owner shall recognize a legitimate resident organization and will give reasonable consideration to concerns raised by a legitimate resident organization.

5776.2 “Legitimate resident organization” is defined as a resident organization that:

- (a) Has been established by the residents of a RAD Project-Based Property;
- (b) Meets regularly;
- (c) Operates democratically;
- (d) Is representative of all residents in the RAD Project-Based Property; and
- (e) Is completely independent of the property owner, management, and their representatives.

5776.3 Protected activities. Property owners must allow residents and resident organizations to conduct the following activities, and residents will not need prior permission to conduct them.

- (a) Distributing leaflets in lobby areas;

- (b) Placing leaflets at or under residents' doors;
- (c) Distributing leaflets in common areas;
- (d) Initiating contact with residents;
- (e) Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
- (f) Posting information on bulletin boards;
- (g) Assisting resident to participate in resident organization activities;
- (h) Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
- (i) Formulating responses to Project Owner's requests for:
 - (1) Rent increases;
 - (2) Partial payment of claims;
 - (3) The conversion from project-based paid utilities to resident-paid utilities;
 - (4) A reduction in resident utility allowances;
 - (5) Converting residential units to non-residential use, cooperative housing, or condominiums;
 - (6) Major capital additions; and
 - (7) Prepayment of loans;
- (j) Other reasonable activities related to the establishment or operation of a resident organization.

5776.4 Meeting space.

- (a) Property owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
 - (1) Residents or a legitimate resident organization and used for activities related to the operation of the legitimate resident organization; or
 - (2) Residents seeking to establish a legitimate resident organization or collectively address issues related to their living environment.
- (b) Resident and resident organization meetings must be accessible to people with disabilities.
- (c) Property owners may charge a reasonable, customary, and usual fee for the use of such facilities, if approved by HUD.

5776.5 Funding.

- (a) Property owners will provide twenty-five dollars (\$25) per occupied unit annually for resident participation, of which at least fifteen dollars (\$15) per occupied unit shall be provided to the legitimate resident organization.
- (b) These funds must be used for:
 - (1) Resident education;
 - (2) Organizing around tenancy issues; or
 - (3) Training activities.
- (c) In the absence of a legitimate resident organization, property owners must make resident participation funds available to residents for organizing activities. Residents must make requests for these funds in writing to the project owner. These requests will be subject to approval by the property owner.

5776.6 Resident Organizers.

- (a) Property owners will allow resident organizers to assist residents in establishing and operating resident organizations.
- (b) Resident organizers are residents or non-residents who assist residents in establishing and operating a resident organization, and who are not employees or representatives of current or prospective property owners, managers, or their agents.

5776.7 Property Owner Responsibilities.

- (a) When requested by residents, a property owner shall provide appropriate guidance to residents to assist them in establishing and maintaining a resident organization.
- (b) A property owner shall provide the residents or any legitimate resident organization with current information concerning the owner's policies on tenant participation in management.
- (c) In no event shall a property owner recognize a competing resident organization once a legitimate resident council has been established. Any funding of resident activities and resident input into decisions concerning the property shall be made only through the officially recognized resident organization.
- (d) If requested, a property owner shall negotiate with the legitimate resident organization on all uses of community space for meetings, recreation and social services and other resident participation activities pursuant to HUD guidelines. Such agreements shall be put into a written document to be signed by the property owner and the resident organization.
- (e) The property owner and resident organization shall put in writing in the form of a Memorandum of Understanding the elements of their partnership agreement and it shall be updated at least once every three (3) years.

5799 DEFINITIONS

5799.1 When used in this subtitle, the following terms and phrases shall have the meaning ascribed:

Adjusted Income - is annual income less the following amounts:

- (a) Four hundred eighty dollars (\$ 480) for each dependent;
- (b) Four hundred dollars (\$ 400) for any elderly family;
- (c) For any family that is not an elderly family but has a handicapped member other than the head of household or spouse, handicapped assistance expenses in excess of three percent (3%) of annual income, but this allowance shall not exceed the employment income received by family members who are eighteen (18) years of age or older as a result of the assistance to the handicapped or disabled person;

- (d) For any elderly family, one of the following:
- (1) That has no handicapped assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent (3%) of annual income;
 - (2) That has handicapped assistance expenses greater than or equal to three percent (3%) of annual income, an allowance for handicapped assistance expenses computed in accordance with paragraph (c) of this definition, plus an allowance for medical expenses that is equal to the family's medical expenses; or
 - (3) That has handicapped assistance expenses that are less than three percent (3%) of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of annual income; and
 - (4) Child care expense.

Annual Contributions Contract (ACC) - The written grant agreement between HUD and a PHA under which HUD agrees to provide funding for a program (*e.g.*, public housing or Housing Choice Vouchers (HCV)) under the Act, and the PHA agrees to comply with HUD requirements for the program.

Annual Income - For purposes of determining annual income for families who are applicants and participants in the RAD Covered Project, DCHA shall follow HUD requirements as enumerated in 24 CFR § 5.609, as amended.

Applicant/Applicant Family - a person or a family that has applied for housing assistance as a familial unit.

Contract Administrator - HUD or DCHA (under an Annual Contributions Contract with HUD) that executes a HAP Contract with a Project Owner.

Contract Rent - The total amount of rent specified in the HAP Contract as payable to the Project Owner for a unit occupied by an eligible family. In PBV, the contract rent is referred to as “Rent to Owner.”

Days - calendar days, unless otherwise specified (where a specified number of days ends on a weekend or a holiday, the prescribed period shall end on the next working day following the weekend or holiday).

DCHA - the District of Columbia Housing Authority.

Dependent - a member of the family household (excluding foster children) other than the family head of household or spouse who is under eighteen (18) years of age or is a disabled person or handicapped person, or is a full time student.

Disability – Disability will be defined according to 42 USC § 12102.

Displaced Person- a person(s) displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Dwelling Lease - a written agreement between a tenant and owner of the RAD Covered project for the use and occupancy of a specific dwelling unit.

Elderly Family - a family whose head or spouse, or whose sole member, is at least sixty-two (62) years of age, or a person with a disability, and may include two (2) or more elderly persons or persons with disabilities or living together, or one (1) or more elderly persons or persons with disabilities living together, or one (1) or more persons living with another person who is determined to be essential to his or her care or wellbeing.

Emergency Category- Applicants in this category are those who are:

- (a) Involuntarily displaced and not living in standard, permanent replacement housing (including applicants that are homeless (no fixed address), living in transitional housing, or living in a licensed shelter for the homeless); or the applicant will be involuntarily displaced within no more than six months from the date of any preference status certification by the family or verification of the family's status (An applicant may not qualify for this preference if he/she: (1) refused to comply with applicable polices for locally or federally assisted housing program(s), including notice of a mandatory transfer issued by DCHA or failure to comply with procedures with respect to the occupancy of under occupied or overcrowded public housing units; or (2) failed to accept a transfer to another housing unit in accordance with a court decree or HUD-approved desegregation plan; or (3) was displaced as a result of a DCHA initiated eviction; or (4) voluntarily left public housing in

an effort to avoid the public or assisted housing waiting lists by claiming he/she is now in an emergency category status.);

- (b) Living in substandard housing as determined by a certified inspector pursuant to the building and/or housing codes of the District of Columbia (or other applicable jurisdiction), at the time of preference verification;
- (c) Paying more than fifty percent (50%) of income for rent for at least ninety (90) days at the time of the preference verification. (Applicant family may not qualify for this preference if it is paying more than fifty percent (50%) of income for rent because the applicant's housing assistance was terminated as a result of the applicant family's failure to comply with local or federal housing program policies and procedures or if the applicant is paying more than 50% as a result of a DCHA initiated eviction);
- (d) Involuntarily displaced as a victim of recent or continuing domestic violence, *i.e.*, actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household;
- (e) Involuntarily displaced by recent or continuing hate crimes, *i.e.*, actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person's race, color, religion, sex, national origin, disability, sexual orientation, or familial status; or
- (f) Involuntarily displaced as a result of inaccessibility of a housing unit or a member of applicant family has mobility or other impairment that makes the member unable to use critical elements of the unit.

Family - the following person or persons:

- (a) Two (2) or more persons who are either related by blood, marriage or operation of law, or give evidence of a stable relationship which has existed over a period of time;
- (b) An elderly family as defined in this chapter (including disabled or handicapped persons);
- (c) A single person who is a displaced person as defined in this chapter.
- (d) The remaining member(s) of a HMA tenant family; or

- (e) A single person who is not an elderly family or a displaced person as defined in this chapter, where approved by HUD pursuant to 24 CFR, Part 912.3.

The term "Family" does not include a non-immigrant student alien (and related family members) as defined by HUD pursuant to § 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 USC § 1101(a)(15)(i)).

Fair Market Rent (FMR) - The cost in a particular housing market area of privately owned, decent, safe and sanitary rental housing. HUD establishes and publishes in the Federal Register FMRs for dwelling units of varying sizes for each metropolitan area. FMRs are gross rent estimates, *i.e.*, they include the cost of tenant-paid utilities. See 24 CFR part 888 subpart A.

First Available Unit - An Applicant with an application date earlier than an Applicant on a Site-Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the "First Available Unit Option" shall be selected from the waiting list before any eligible Applicant on the Site-Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Full Time Student- a person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Assistance Expenses for Participants with Disabilities- reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a family member with a disability and that are necessary to enable a family member (including the family member with a disability) to be employed; provided, that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Head of Household- the family member who is held responsible and accountable for the family (and whose name is identified as responsible on the dwelling lease).

Housing Assistance Payment (HAP) - The payment made by the Contract Administrator to the Project Owner of an assisted unit as provided in the HAP Contract. Where the unit is leased to an eligible household, the

payment is the difference between the contract rent for a particular assisted unit and the tenant rent payable by the family.

Housing Choice Voucher Program (HCVP) – a program that provides tenant-based rental assistance pursuant to Section 8 of the Housing Act of 1937.

Housing Quality Standards (HQS) - Standards set forth in 24 CFR § 982.401 that must be met by all units in the HCV program before assistance can be paid on behalf of a household. The HQS in 24 CFR § 982.401 apply to Project-Based Voucher units, in accordance with 24 CFR § 983.101. Generally, Voucher Agencies must conduct HQS inspections of PBV projects not less than biennially during the term of the HAP Contract.

HAP Contract - The contract entered into by the Project Owner and the contract administrator that sets forth the rights and duties of the parties with respect to the Covered Project and the payments under the contract.

HUD - the U.S. Department of Housing and Urban Development.

Leased Premises - Leased Premises includes the Lessee's dwelling unit as specified in the lease and any other buildings or areas that are provided for the exclusive use of the Lessee.

Lessee - The "Lessee" is the individual(s) that sign(s) the Lease with the owner of the RAD Covered project. Each Lessee is individually, jointly and severally responsible for performance of all obligations under the lease including, but not limited to, the payment of rent and other charges, as defined herein. No individual, other than the signatory to the lease, is deemed to be a Lessee or have any rights of a Lessee.

Low Rent Housing - housing owned by DCHA under the United States Housing Act of 1937.

Lower Income Family- a family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Medical Expenses - those medical expenses, including medical insurance premiums, that are anticipated during the twelve (12) month period for which annual income is computed, and that are not covered by insurance.

Mixed Finance Project – A project developed under 24 CFR § 905.604.

Net Family Assets- the value of equity in real property, savings, stocks, bonds and other forms of capital investments, excluding equity accounts in HUD homeownership programs. The value of necessary items of personal

property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted as part of annual income.) In determining net family assets, HMA shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for admission or reexamination, as applicable, in excess of the consideration received therefore. In the case a disposition as part of a separation or divorce settlement, the disposition shall not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Notice to Correct or Vacate – a written 30-day notice of termination of the tenancy that advises the Tenant that he/she is in violation of the Lease or DC Housing Code, specifies the violation(s) that form the basis of the notice, and specifies how the Tenant can cure the violations within the time period set forth in the notice.

Notice to Vacate – a written 30-day notice of termination of the tenancy that specifies the basis for termination of the tenancy, and specifies the time period by which the Tenant must vacate the premises.

Participant (participant family) - A family that has been admitted to a DCHA program and is currently assisted in the program.

Person with a Disability- a person with a disability as defined by this section.

Prepayment - The satisfaction (*i.e.*, payment in full) of the underlying mortgage prior to its maturity date. Prepayment is one of the eligibility triggering events for RAD conversion under Section III of this Notice.

Private Mixed Finance Project – A Mixed Finance Project whose owner is not substantially controlled by DCHA or a wholly-owned subsidiary of DCHA. For the purposes of this definition, “substantial control” is defined as greater than fifty percent (50%) voting power.

Priority Applicant- an applicant for admission to housing who meets the criteria of § 6105 of this title.

Project - For purposes of determining a RAD transaction, a “project” is a structure or group of structures that in HUD’s determination are appropriately managed as a single asset. In determining whether a combination of structures constitute a project, HUD will take into account

types of buildings, occupancy, location, market influences, management organization, financing structure or other factors as appropriate. For a RAD PBV conversion, the definition of “project” in 24 CFR § 983.3 continues to apply for all references to the term in 24 CFR § 983.

Project-Based Voucher (PBV) - A component of a PHA’s HCV program, where the PHA attaches voucher assistance to specific housing units through a PBV HAP Contract with an owner. Unlike a tenant-based voucher, the PBV assistance remains attached to the unit when the family moves, and assists the next eligible family to move into the PBV unit. The PBV program is administered by HUD’s Office of Public and Indian Housing.

Project Owner - For purposes of Sections 5700 through 5775, the term Project Owner refers to the owner of the Covered Project, including but not limited to any owner pursuant to a HAP Contract. For purposes of HAP Contracts, an Owner is a private person, partnership, or entity (including a cooperative), a non-profit entity, a PHA or other public entity, having the legal right to lease or sublease the dwelling units subject to the HAP Contract.

Public Housing - see Low Rent Housing.

Public Housing Advisory Board (Resident Advisory Board) - District of Columbia Public Housing Advisory Board, established by Mayor's Order 86-1.

Public Housing Agency (PHA) any HUD-approved entity that administers programs under the Housing Act of 1937, which could include public housing and HCVs. In addition to this general definition, the term PHA, as used in this Notice, refers to the owner of a First Component Converting Project (even if the project is a Mixed Finance Project and the PHA does not own ACC units).

Public Housing Project - Per 24 CFR § 905.108 the term “public housing” means low-income housing, and all necessary appurtenances thereto, assisted under the Act, other than assistance under 42 USC § 1437f of the Act (Section 8). The term “public housing” includes dwelling units in a Mixed Finance Project that are assisted by a PHA with public housing Capital Fund assistance or Operating Fund assistance. When used in reference to public housing, the term “project” means housing developed, acquired, or assisted by a PHA under the Act, and the improvement of any such housing. Each public housing project has a project identification number in the Public and Indian Housing Information Center (PIC), though a PHA may propose to convert individual sites within the public housing project.

RAD Covered Project - The post-conversion property, including but not limited to buildings, the common areas of the buildings and grounds associated with all the buildings, with assistance converted from one form of rental assistance to another under the Rental Assistance Demonstration.

Resident - a lessee under the dwelling lease.

Site-Based Waiting Lists - An Applicant who has applied to be placed on the Site-Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Tenant - a lessee under the dwelling lease.

Tenant Rent - the amount payable monthly by a tenant as rent to the owner of the RAD converted project under a dwelling lease as defined in 24 CFR part 5. Where all utilities and other essential housing services are supplied the tenant by the owner, Tenant Rent shall be the same as total tenant payment. Where some or all utilities and other essential housing services are not supplied to the tenant by the owner, and the cost is billed directly to the tenant, Tenant Rent shall be the amount of the total tenant payment less applicable utility allowances. Tenant rent shall be reduced by any amount paid that month by a household member into an Achieving Your Best Life (AYBL) escrow account, until the AYBL contract terminates. *See 14 DCMR § 5775.*

TTP - The total tenant payment as calculated pursuant to 24 CFR part 5.

Uniform Federal Accessibility Standards (UFAS) - Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR part 8 and the addendums thereto.

Utility Allowance - As defined in 24 CFR part 5, the amount that a PHA or Project Owner determines is reasonable for tenant-paid utility costs. In the case where the utility allowance exceeds the Total Tenant Payment (as defined at 24 CFR § 5.613), the tenant is reimbursed in the amount of such excess.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, is amended as follows:

Sections 6101 through 6111, and 6113, are amended to read as follows:

6101 APPLICATION FOR ASSISTANCE

6101.1 DCHA maintains the following waiting lists:

(a) Public Housing Waiting Lists:

(1) First Available Waiting List; and

(2) Site-Based Waiting List;

(b) Housing Choice Voucher Program Wait List – including applicants for tenant-based voucher assistance and project-based voucher assistance under the Partnership Program (operated in accordance with the rules set forth in Chapter 93 of this Title 14); and

(c) Moderate Rehabilitation Program Wait List.

6101.2 Each Applicant seeking public housing assistance owned, operated or administered by DCHA, or rental assistance through the Housing Choice Voucher Program, Moderate Rehabilitation Program, or the Rental Assistance Demonstration must submit a completed application with DCHA.

6101.3 Applications must be returned to DCHA via the methods as determined by DCHA at the time of the opening of the waiting list(s) pursuant to Section 6104.

6101.4 An Applicant may apply for one, some or all of the programs that DCHA owns and operates or administers.

6101.5 If an Applicant applies for public housing, the Applicant shall select to be on either the First Available Waiting List or the Site-Based Waiting list.

6101.6 If an Applicant for public housing chooses to be on the First Available Waiting List then his or her application shall be considered for a vacancy at any public housing or RAD Covered Project.

6101.7 If an Applicant for public housing chooses to be on the Site-Based Waiting List, Applicants shall select up to three (3) individual public housing or RAD Covered Projects where they wish to reside.

6101.8 As part of the Housing Choice Voucher and Moderate Rehabilitation Programs application process, Applicants shall be given the opportunity to select the

Housing Choice Voucher Program and/or the Moderate Rehabilitation Program for housing assistance.

- 6101.9 A review of all applications shall be conducted by DCHA based on the data contained in the application. This review is limited to determining the completeness of the application.
- 6101.10 Only completed applications will be accepted by DCHA for processing.
- 6101.11 If DCHA determines that an application is incomplete, DCHA shall return the incomplete application to the Applicant to the address listed on the application and advise the Applicant that the application is incomplete and what missing information is required to complete the application.
- 6101.12 Once the completed application is submitted to DCHA, the Applicant shall receive a confirmation of receipt either electronically, in person or via first class mail.
- 6101.13 DCHA shall record the date and time that the completed application was received.
- 6101.14 Applicants shall be placed on the DCHA waiting list(s) based on date and time of their completed application and any program preferences selected on the application pursuant to Sections 6102, 6103, 6105, and 6111 of this chapter.
- 6101.15 A person with a disability may request a reasonable accommodation at any time during the application process pursuant to Chapter 74 of Title 14.

6102 APPLICATION PROCESS AND REVIEW

- 6102.1 Upon receipt of a completed application, DCHA shall place the Applicant on the selected waiting list(s) based on the date and time that the application was received, the type and unit size required based on occupancy guidelines and applicable Special Programs and/or allocations, and any preference(s) established by DCHA.
- 6102.2 Each Applicant shall be assigned a unique Client Identification Number (CIN) for identification purposes.
- 6102.3 Placement on DCHA's waiting list(s) does not guarantee the family admission to public housing, RAD, the Housing Choice Voucher Program, or the Moderate Rehabilitation Program.
- 6102.4 Periodically, as vacancies occur or are anticipated at DCHA owned and operated public housing projects or at RAD Covered Projects, or as Housing Choice Vouchers become available or units become available in the Moderate Rehabilitation Program, Applicants near the top of the applicable waiting list(s)

shall be interviewed in order to obtain and verify any and all information necessary to make an eligibility determination in accordance with Sections 6106, 6107, 6108, and 6109.

- 6102.5 Public housing and Moderate Rehabilitation Applicants who have been deemed eligible shall be placed in the selection pool.
- 6102.6 DCHA shall review the application for any current debt owed to any public housing authority, Project Owner, or Housing Choice Voucher programs via the HUD Enterprise Income Verification system “EIV” or any other income or debt verification source.
- 6102.7 If a current debt is found, DCHA shall notify the Applicant of the debt amount, to whom it is owed and the consequences of an unresolved debt at the time of the eligibility determination.
- 6102.8 If the current debt is unresolved at the time of the eligibility determination the Applicant may be deemed ineligible.
- 6102.9 The Applicant shall be allowed to submit mitigating circumstances to demonstrate an Applicant’s suitability to receive housing assistance.
- 6102.10 Applicants in the public housing selection pool shall be offered housing units that meet their occupancy and accessibility needs as the appropriately sized units become available.
- 6102.11 Eligible Applicants for the Housing Choice Voucher Program are offered a voucher as vouchers become available pursuant to Chapter 76.
- 6102.12 Eligible Applicants for the Moderate Rehabilitation Program shall be placed in a selection pool and offered a unit as units become available pursuant to Chapter 76.
- 6102.13 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107 of this chapter.

6103 MAINTENANCE OF THE WAITING LIST(S)

- 6103.1 The waiting list(s) shall be maintained to ensure that Applicants are referred to appropriate developments, unit types (for example for public housing, RAD, Mixed Population, General Population or accessible) and sizes or housing programs.
- 6103.2 Applicants are responsible for updating their application when there are changes in the family composition, income, address, telephone number, and acceptance of

housing assistance. Failure to update the application timely may result in a delay in housing, being deemed eligible for housing or the Applicant being changed to inactive status from the waiting list(s).

6103.3 DCHA shall update its waiting list(s) periodically and to meet the needs of those requiring housing assistance, as needed. When this occurs, DCHA will send update forms to the affected Applicants.

- (a) The request for an update to a housing application shall provide a deadline by which the Applicant must respond and shall state that failure to respond shall result in the Applicant's being withdrawn from the waiting list(s) or changed to inactive status.
- (b) Applicants must complete an update form electronically, by telephone or mail, or by any other means established by DCHA within the time frame specified in the request for update package. Once the update is received the appropriate changes shall be made to the Applicant's file and the Applicant shall maintain their application date and time.

6103.4 Applicants who do not return the completed update form within the specified time frame shall have their waiting list status changed to inactive:

- (a) An Applicant whose status is inactive will not be actively considered for DCHA housing assistance.
- (b) If an inactive Applicant submits a completed update form at any time after the expiration of the specified update time frame, then the Applicant shall be restored to an active status on the waiting list based on the Applicant's original application date and time provided that the Applicant was deemed inactive after October 1, 2003.

6103.5 Changes in an Applicant's circumstances while on any of DCHA's waiting list(s) may affect the family's qualification for a particular development, bedroom size or entitlement to a preference. When an Applicant reports a change that affects their placement on the waiting list(s), the waiting list(s) shall be updated accordingly.

6103.6 When selecting Applicants from the Public Housing Waiting Lists, DCHA shall use the Applicant's family composition and any reasonable accommodations requests to determine the appropriate bedroom size and unit characteristics.

6103.7 Applicants on the wait list(s) who have requested a fully accessible unit, a unit with accessible features or any other reasonable accommodation through the reasonable accommodation process, must meet all requirements of the accommodation prior to being deemed eligible. All reasonable accommodations shall be verified and approved by the Office of the ADA/504 Coordinator prior to

a unit offer.

- 6103.8 Applicant families with members with disabilities who have verified and approved reasonable accommodations for fully accessible units or units with accessible features shall receive priority for those units that are designated as fully accessible units or designed with specific accessibility features.
- 6103.9 The only other system for assigning priority to eligible public housing Applicants is date and time of application, unless otherwise specified in this chapter under, for example, Sections 6111, 6112 or 6113.
- 6103.10 Applicants housed in public housing, RAD, Housing Choice Voucher or Moderate Rehabilitation programs do not qualify for the “homeless” preference category and shall have the preference removed.
- 6103.11 Selection for Public Housing and RAD:
- (a) Applicants seeking housing assistance in the public housing or RAD programs shall choose either the First Available Unit Waiting list or the Site-Based Waiting list.
 - (b) Applicants shall not be placed on the First Available Unit waiting list and the Site-Based Waiting List at the same time. Applicants who select both shall be listed only on the Site-Based Waiting lists that the Applicant selected.
 - (c) Applicants who do not select developments on the Site-Based Waiting List or the First Available Waiting Unit Waiting List shall be placed automatically on the First Available Unit Waiting list.
 - (d) Applicants shall only be listed at developments that have bedroom size and unit characteristics for which the family is authorized to occupy based on family composition and any reasonable accommodation requests.
 - (e) Applicants may select up to three (3) developments on the Site-Based Waiting list. An Applicant who has selected multiple developments on the Site-Based Waiting List, and has the earliest application date and time, shall be offered the first available unit of their site(s) selection.
 - (f) An Applicant who has selected the Site-Based Waiting List may not change his/her development selection after the application is received unless there is a change in their family circumstances that would require a change in bedroom size or unit characteristics. However, if the site selected can accommodate the required change, DCHA shall not approve a change in the site selection. The Applicant shall maintain his/her original application date and time for the newly selected site.

- (g) An Applicant on the Site-Based Waiting List may elect to voluntarily remove their selection from the Site-Based Waiting List to the First Available Waiting List and maintain their original application date and time.
- (h) Any Applicant on the First Available Waiting List may not change their selection from the First Available Waiting List to the Site-Based Waiting List.

6104 TEMPORARY CLOSURE OF THE WAITING LIST

6104.1 If the number of families on the Public Housing Waiting Lists or Housing Choice Voucher Program Waiting List is such that there is no reasonable prospect that additional applicants for specific units types or sizes can be housed within the next twelve (12) months, the Executive Director, DCHA may approve action to do the following:

- (a) Suspend the taking of further applications for certain unit types, unit sizes, or projects developed for special purposes; and
- (b) Limit application taking to certain specified periods of the year.

6104.2 When action is taken to suspend, limit or reopen the taking of applications, DCHA shall make known to the public through publication of notice in the *D.C. Register* and in newspaper(s) of general circulation, minority media, and other suitable means the following:

- (a) The nature of the action; and
- (b) The effective date of the action.

6104.3 Action to suspend, limit or reopen the taking of applications shall not take effect without at least ten (10) calendar days advance notice to the public in accordance with Subsection 6104.2.

6104.4 Notwithstanding the suspension of application taking, DCHA may continue to take applications from priority applicants eligible for priority placement on the waiting list pursuant to Subsection 6105.2 of this chapter.

6105 PREFERENCES FOR PUBLIC HOUSING

6105.1 At the time of application, applicants self-certify their preference. Verification of a preference is not required until an applicant reaches the top of the waiting list. Applicants will be required to provide verification that they meet the preference as part of the eligibility determination process.

6105.2 The granting of a preference does not guarantee admission to public housing. Preferences are used merely to establish the order of placement on the waiting list. Every applicant for public housing or the Housing Choice Voucher Program must also meet DCHA's Applicant Selection Criteria outlined in Section 6109 below.

(a) Preferences

(1) Mixed Population Properties

(A) The following admission preference system will be applied in the selection of otherwise eligible applicants from Public Housing Waiting Lists (based on the time and date of application) for a public housing or RAD unit offered in mixed population properties:

Preference #1: Elderly Families and/or Families with a household member with disability

Preference #2: Near Elderly Families

Preference #3: All Other Families

(B) No individual shall be considered a person with disabilities, for purposes of eligibility for public housing or RAD under this Title, solely on the basis of any current drug or alcohol dependence.

(2) General Population Properties - the following applicant admission categories, including percentages, will be applied to the selection of otherwise eligible applicants from the Public Housing Waiting Lists (based on the time and date of application) for public housing or RAD units offered in general population properties:

Category #1: Working Families (50% Annually)

Category #2: All Other Families (40% Annually)

(3) Emergency Category - Up to ten percent (10%) (not to exceed one hundred (100) units) annually of all applicants housed in the general and/or mixed-population properties will be selected from qualified applicants in the Emergency Category. Emergency Category is defined in 14 DCMR Section 5705.

(b) If there are no applicants on the waiting list that qualify for the Emergency Category, otherwise eligible applicants will be selected for admission.

- (c) The admission systems described above will work in combination with requirements to match the characteristics of applicant families to the type of units available, including units for targeted populations, *e.g.*, elderly, disabled. The ability to provide public housing for qualified applicants will depend on the availability of appropriately sized public housing or RAD units.

6105.3 The DCHA shall select families from the waiting list in the Emergency Category by date and time of application, except when a situation is a federally or locally declared natural disaster or civil disturbance, in which case the Executive Director has the discretion to waive date and time of application in selection. Any determination by the Executive Director to waive the date and time of application must be in writing stating the maximum number of applications that will be selected under these provisions or any limits on time for the waiver, with such waiver being approved for form and legal sufficiency by General Counsel and published in the *D.C. Register*.

6105.4 The preferences for admission to the Housing Choice Voucher Program are found in the DCHA's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs.

6106 ELIGIBILITY

6106.1 DCHA shall consider an applicant eligible for selection for public housing or the Housing Choice Voucher Program if the applicant meets the following criteria:

- (a) Qualifies as a family, as defined in Section 5999 of this chapter;
- (b) Annual income does not exceed the income limits for admission under Section 6108 of this chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this chapter;
- (d) Family size meets the occupancy standards established by DCHA under Section 6110 of this chapter; and
- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.

6106.2 DCHA shall consider an applicant eligible for selection for a RAD unit if the applicant meets the criteria set forth in Section 5707 of this Title 14.

- 6106.3 For applicants near the top of the waiting list, the Client Placement Division will mail written notice to the last address provided in order to obtain information needed for a determination of eligibility. The letter will state:
- (a) The date and time of the eligibility interview;
 - (b) The location where the eligibility interview will be held; and
 - (c) The documents the applicant should bring to the eligibility interview.
- 6106.4 A family or applicant may make one request to reschedule an eligibility interview for the convenience of the applicant up to thirty (30) days after the scheduled eligibility interview date. However, DCHA will reschedule an eligibility interview as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.
- 6106.5 If an applicant does not respond to notice of an eligibility interview and does not request an alternate appointment in advance of the scheduled interview date, then the applicant shall be deemed inactive on the waiting list for the type housing assistance offered. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after the scheduled interview date, then the applicant shall be restored to active status on the waiting list for the relevant type of housing assistance with the applicant's original application date. The applicant shall be scheduled for another eligibility interview based on the restored application date and any updated applicant information.
- 6106.6 The eligibility interview will be held in order to collect eligibility data, determine eligibility and identify any special problems or needs. As part of the eligibility determination, an applicant will be provided the opportunity to complete a reasonable accommodation request. All information shall be verified as a part of the eligibility determination.
- 6106.7 During the eligibility interview, the Client Placement Division shall assist the applicant in completing any forms necessary. The following forms, as applicable, are to be completed or signed by the applicant:
- (a) Privacy Act Notice;
 - (b) Asset Certification Form – only assets with a value greater than fifteen thousand dollars (\$15,000) or which generate a net income of greater than one thousand dollars (\$1,000) per year must be reported and documented. DCHA will rely on applicants certification as to value of assets and whether net income from assets exceeds the threshold established above;
 - (c) Verification of Date of Birth for each Household Member;

- (d) Social Security Number Certifications:
 - (1) Social Security Numbers for each Household Member six (6) years old or older; or
 - (2) Certification of inability to meet the documentation requirement where an applicant has a Social Security Number but no documentation; or
 - (3) Certification that Social Security Numbers have not been issued.
- (e) Picture ID for family members age eighteen (18) or older;
- (f) Declaration of Section 214 Status (Non-citizen Rule);
- (g) Verification of Preference or Admission Category;
- (h) Verification of Full-time Student Status Form;
- (i) Certification of Disability Form;
- (j) Statement of Child Care Expense Form;
- (k) Zero Income Statement;
- (l) Verification of Income from Assets;
- (m) Statement of Child Support;
- (n) Income Verification (Employment, Public Assistance, Social Security); and
- (o) Other forms, as may be required.

6106.8 At the end of the eligibility interview, the Client Placement Division shall provide the applicant with written notification of any missing or incomplete forms, information on how to determine if any debt remains unpaid to DCHA or any HCVP or RAD Project Owner, or any additional information which is to be provided by the applicant.

6106.9 If an applicant cannot complete all the necessary forms at the time of the interview, the interviewer may request that any additional required forms be completed by the applicant within a specified timeframe not to exceed ten (10) days.

- 6106.10 A written receipt shall be provided to the applicant for any additional information provided.
- 6106.11 Applicants who do not provide the additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, may request one (1) extension of time not to exceed ten (10) days.
- 6106.12 Applicants who do not provide additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, or within any additional period allowed under Subsection 6106.11, shall be removed from the waiting list(s).
- 6106.13 If an applicant experiences difficulty in securing verification in the prescribed form, DCHA may accept other documents to expedite the certification process (for example, baptismal or school records could be used as proof of birth).
- 6106.14 Briefings.
- (a) Applicants must attend a full briefing prior to issuance of a Housing Choice Voucher unless this requirement is waived by the Executive Director in emergency cases.
 - (b) DCHA will mail notice of the briefing via U.S. mail to the last address provided by the applicant or existing participant.
 - (c) Families or applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next available briefing and notified by mail of its date and time. If a family or applicant fails to attend a scheduled briefing another notice will be mailed for a second briefing date.
 - (d) If an applicant fails to attend two (2) scheduled briefings, and does not notify DCHA in advance of their inability to attend the second briefing appointment, then the applicant shall be deemed inactive on the waiting list. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after becoming inactive then the applicant shall be restored to active status on the waiting list with the applicant's original application date.
 - (e) If vouchers of the type that would have been issued to the applicant at the missed briefings are still available and the inactive applicant asserts the need for housing assistance less than thirty (30) days after initial eligibility determination then a new briefing appointment shall be made with the applicant.
 - (f) If the inactive applicant requests assistance more than thirty (30) days after the initial eligibility determination by DCHA, and vouchers of the

type that would have been issued to the applicant at the missed briefings are still available; DCHA shall schedule the restored applicant for another eligibility interview. If the applicant is determined to be eligible, the applicant shall be scheduled for a full briefing. If vouchers of the type that would have been issued are not available, the applicant will be restored to the waiting list as an active applicant with the date and time of the original application.

6107 ELIGIBILITY DETERMINATION

- 6107.1 After reviewing the application, additional supporting documents and obtaining necessary verifications, DCHA shall determine the applicant's eligibility in accordance with Section 6106 of this chapter.
- 6107.2 Applicants determined to be eligible for housing shall be placed in the selection pool.
- 6107.3 DCHA must mail a letter to each applicant determined to be ineligible and the notification of ineligibility shall contain:
- (a) The date and time of the informal conference;
 - (b) The location where the informal conference will be held;
 - (c) The reason for the determination of ineligibility;
 - (d) The applicant's right to bring new or additional information to the informal conference;
 - (e) The type of additional documentation or information DCHA may need in order to reconsider an applicant's eligibility for the public housing, RAD, and Housing Choice Voucher programs; and
 - (f) The applicant's right to bring an attorney or any other representative to the informal conference.
- 6107.4 The informal conference shall be scheduled and/or rescheduled as follows:
- (a) The date of the informal conference shall be no sooner than fifteen (15) days and no later than thirty (30) days after the postmark date of DCHA's letter to the applicant.
 - (b) A family or applicant may request to reschedule an informal conference for the convenience of the applicant any time up to two (2) days after the scheduled informal conference date. If a family or applicant fails to attend the conference rescheduled for their convenience they may make one final

request for rescheduling any time up to two (2) days after the rescheduled informal conference date.

- (c) Notwithstanding Subparagraph (b) above, DCHA will reschedule an informal conference as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.

- 6107.5 If the applicant does not attend the informal conference, a supervisor in the Client Placement Division will conduct a review of the application to determine if the applicant is eligible for public housing or RAD. This supervisory review will take place even where no additional information is provided by the applicant or the applicant's representative.
- 6107.6 Applicants determined to be eligible after the supervisory review or the informal conference will be notified in writing and placed in the selection pool.
- 6107.7 When an applicant is determined ineligible after the informal conference or supervisory review, the Client Placement Division will issue a letter informing the applicant of their right to:
- (a) A review by an independent third party acceptable to DCHA willing to review applicant files pro bono; and
- (b) Bring a grievance pursuant to Chapter 63, Chapter 89, or Sections 5730 through 5747 of this title.
- 6107.8 When an applicant is determined ineligible for public housing, RAD, or the Housing Choice Voucher Program, the applicant will be removed from the waiting list(s) and his or her application will be retained up to three (3) years in an inactive status.
- 6107.9 Applicants who were determined ineligible solely by reason of an unpaid debt may, at any time during their inactive status, provide evidence that the debt has been paid or otherwise resolved. These applicants may be returned to the waiting list(s) with the same date and time of application as the date and time the applicant had when the applicant was placed on inactive status.
- 6107.10 Notwithstanding provisions which may appear elsewhere in this subtitle, a determination of eligibility for public housing, RAD, or HCVP under this chapter shall be valid for a period of one hundred eighty (180) days from the date of said determination.

6108 INCOME LIMITS

- 6108.1 To be eligible for admission to public housing or the Housing Choice Voucher Program an applicant's annual income shall be within the limits of lower income families established by HUD, based on the family size.
- 6108.2 Income limits for lower income families and very low income families shall be as established and revised periodically by HUD. HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.
- 6108.3 Income limits shall be applied at the time of eligibility determinations by the Client Placement Division.
- 6108.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible lower income families from the Public Housing Waiting Lists is as follows: at least forty percent (40%) shall be families with extremely low incomes at the time of commencement of occupancy. Actual admission to RAD Covered Projects from the Public Housing Waiting Lists shall be governed by Section 5708 of this Title 14.

6109 APPLICANT FAMILY SELECTION CRITERIA

- 6109.1 This section applies to applicants for public housing, RAD, and the Housing Choice Voucher Program. All subsections of this section are applicable to applicants for public housing. Only Subsections 6109.3, 6109.4, 6109.6, 6109.7 and 6109.8 apply to applicants for public housing, RAD, and the Housing Choice Voucher Program.
- 6109.2 Information that will be considered in screening an applicant shall be reasonably related to assessing the applicant and other applicant family members listed on the application. The applicant's history (*e.g.*, employment history, personal habits or practices, and/or rental or personal credit history) must demonstrate the capacity to comply with the terms of the DCHA lease. If the applicant requires support (*e.g.*, live-in aide) to enable him/her to meet the standards identified below, the applicant must demonstrate that the necessary support would be available at the time of admission. Additionally, the applicant, including the applicant's family must be willing to:
- (a) Not interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community;
 - (b) Enhance and/or maintain the physical environment or financial stability of the project;

- (c) Help create an environment where young people, especially children, can live, learn, and develop into productive and responsible citizens;
- (d) Attend and complete DCHA's Community Living Training Program, prior to admission; and
- (e) Comply with the terms and conditions of the DCHA lease.

6109.3 DCHA will utilize the following methods in determining an applicant's eligibility for admission: reference checks, including current and/or previous landlords, consultations with current and/or former neighbors, conducting home visits, reviewing police reports and/or criminal background checks of each member of the applicant family, including juveniles, as may be permitted by law.

6109.4 Relevant information respecting personal habits or practices to be considered in the admission process, may include, but is not limited to, the following:

- (a) A reasonable cause to believe, supported by signed documentation, that any family member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of any DCHA programs by other residents, employees or community members; and
- (b) An applicant's past performance in meeting financial obligations, especially rental payment obligations. An applicant who is responsible for any debt to DCHA, any other housing authority, or any landlord participating in any federally assisted housing program (*e.g.*, the Housing Choice Voucher Program) may not be admitted or readmitted until the debt is paid or otherwise satisfied; and
- (c) A record of respecting the rights of others, as defined in the DCHA lease; and
- (d) A determination that the applicant has committed fraud in connection with any Federal housing assistance program or any local housing assistance program; and
- (e) An applicant's misrepresentation of any information related to eligibility, including, but not limited to, the award of a preference for admission, family composition, or income.

6109.5 If an applicant is determined eligible and qualified for admission, the applicant will be referred to a public housing property for housing, consistent with Section 6111 of this title. Notwithstanding, prior to the applicant signing a lease, if the relevant property manager or RAD Project Owner uncovers information regarding

the applicant that would lead a reasonable person to believe that housing the applicant on the relevant property would interfere with the other residents' peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community, the property manager shall so advise the Client Placement Division and refer the application for further consideration. The Client Placement Division will then conduct a further review of the application, taking into consideration the information provided.

6109.6 With respect to criminal conviction(s) or activity:

- (a) The DCHA may deny admission to public housing, RAD, or the Housing Choice Voucher Program to any applicant if any adult member of the applicant's family (or any non-adult member who has been convicted of a crime as an adult) has been convicted of a felony involving destruction of property or acts of violence against another person or other felony criminal convictions within the last seven (7) years that may adversely affect the health, safety, or welfare of other DCHA residents, staff, or other members of the community, *e.g.*, distribution or manufacture of illegal drugs or controlled substances, possession of an unlicensed firearm and/or ammunition, or child molestation; or
- (b) DCHA shall deny admission to any applicant who has been evicted from housing assisted under the United States Housing Act, for drug-related criminal activity for a three year period beginning from the date of the eviction.
- (c) DCHA shall prohibit admission of any family that includes any individual who is subject to a lifetime registration requirement under any sex offender registration program (*e.g.*, state, local or international). DCHA shall, upon request, provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.
- (d) DCHA shall prohibit admission for any individual that has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine or production of methamphetamine on the premises of federally assisted housing.

6109.7 If unfavorable information is received as a result of the investigation conducted pursuant to Subsections 6109.2, 6109.4, or 6109(a) or (b) above, consideration shall be given to the time, nature, and extent of the applicant family's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Verifying information may be provided or requested from various sources, including but not limited to, the applicant (by interview and/or home visit), landlords, clergy, employers, family members, social workers, parole officers, court records, drug treatment counselors,

neighbors, and/or police department records. Mitigating circumstances might include, but are not limited to:

- (a) Evidence of favorable changes in the applicant's pattern of behavior including the length of time since an offense or behavior was committed; or
- (b) Evidence of successful rehabilitation, *e.g.*, acknowledgment of culpability, evidence that the responsible member of the applicant family is not likely to repeat the prior criminal behavior, evidence that neither the applicant nor any member of the applicant family is likely to cause harm to the other public housing or Housing Choice Voucher Program residents, DCHA or Project Owner staff, or other members of the community; or
- (c) Evidence of the applicant's participation in or willingness to participate in relevant social service activities or other appropriate counseling services including but not limited to: participation in a generally recognized training program, substance abuse treatment, and/or successful completion of therapy directed at correcting the behavior that lead to the activity; or
- (d) Evidence of the applicant's modification of previous disqualifying behavior, with indications of continuing support intended to assist the applicant in modifying the disqualifying behaviors;
- (e) Context or details of previous disqualifying behavior, including the nature and severity of the offense, the age of the applicant at the time of the occurrence of the offense, whether the offense occurred on or was connected to property that was rented or leased by the applicant; or
- (f) Evidence of adequate and suitable employment.

6109.8 Care and consideration shall be used in soliciting personal information concerning the applicant and his/her family members, and appropriate authorizations shall be obtained for the release of information, as necessary, from each applicant family. Any information received regarding an individual applicant will be used solely for the purpose of determining eligibility and will not be released for any other use, unless such release is required by law. Failure to sign the required release forms or the failure to submit information determined necessary to establish eligibility, shall result in the applicant's removal from the waiting list(s). If the applicant is removed from the waiting list(s) because of such a failure, the informal conference procedures set forth in Section 6107 shall not apply.

6109.9 The DCHA Applicant Family Selection Criteria will not be used to determine eligibility of residents for continuing occupancy in the same public housing or RAD unit. Eligibility for continuing occupancy in the same unit will be made in accordance with the terms and conditions of the DCHA lease.

6109.10 Resident requests for transfers will be subject to this Section - Applicant Family Selection Criteria- and shall be a requirement for transfer of residents and the execution of new leases. This section will not be applicable to DCHA-initiated transfers, approved emergency medical transfers, reasonable accommodation transfers, or Property Transfers conducted pursuant to § 5750.16. Transfers that result in the family being offered a spot in a different DCHA program than the one they are currently in may be subject to screening for program qualifications.

6110 OCCUPANCY STANDARDS

6110.1 Standards for admission and continued occupancy shall be established to avoid overcrowding and wasted space, and each dwelling unit shall be leased in accordance with the standards of this Subtitle and Subtitle A of this title. Applicants assigned to public housing shall be governed by the occupancy standards set forth in this Section 6110. Applicants assigned to RAD Covered Projects shall be governed by the occupancy standards set forth in Section 5709 of this Title 14.

6110.2 Tenants shall be assigned to dwelling units which consist of the number of rooms necessary to provide decent, safe and sanitary accommodations without overcrowding or wasting space. The following standards for unit size at admission, and for continued occupancy, shall apply:

Unit Size (Number of Bedrooms)	Minimum Number of Persons in Unit	Maximum Number of Persons in Unit
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

6110.3 Dwelling units shall be assigned in a manner that will eliminate the need for persons of the opposite sex, other than husband and wife, to occupy the same bedroom.

6110.4 Every member of the family, regardless of age, shall be considered a person when applying the standards for admission and continued occupancy. In accordance with Chapter 74, DCHA will consider unit assignment to a larger size to provide a separate bedroom for a disabled person, if verified as medically necessary.

6110.5 Each dwelling unit shall be used solely as a residence for the tenant and the tenant's family as represented in the application for housing, and the dwelling lease.

6110.6 When possible, occupancy shall be restricted at admission to minimum requirements to allow for family growth.

6110.7 Application of occupancy requirements for continued occupancy shall be consistent with Subsection 6114.7 and Subsection 6205.2 of this subtitle.

6111 TENANT ASSIGNMENT

6111.1 When an Applicant has been deemed eligible and a unit has become available for offer, DCHA shall review the Applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no more than one hundred eighty (180) days prior to tenant assignment.

6111.2 If updated information is required, the Applicant shall be required to submit information in accordance with Section 6106 of this chapter before a unit is offered.

6111.3 Eligible Applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this title.

6111.4 Unit offers shall be made to Applicants with the earlier application date and time regardless of whether the Applicant selected the First Available Waiting List or a Site-Based Waiting List for the particular site selected.

6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected Applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:

- (a) For Applicants with a preference or in the Emergency Category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
- (b) For low income families, pursuant to Section 6105;
- (c) For disabled families, pursuant to Section 6112; and
- (d) For comprehensive modernization properties and new developments, pursuant to Section 6113.

6111.6 Each Applicant shall be assigned an appropriate unit in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.

6111.7 Selection from the First Available Waiting List.

- (a) Eligible applicants with the earliest application date and time selecting a First Available Unit shall be offered the next available unit that matches the family bedroom size and required needs regardless of the development pursuant to this section.
- (b) When an Applicant is offered a unit from the First Available Unit waiting list, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection. If the Applicant refuses the second unit offer, the Applicant shall be removed from the public housing waiting list(s) but shall remain on the Housing Choice Voucher Program and Moderate Rehabilitation Program waiting lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next Applicant on the Public Housing Waiting Lists in accordance with this section.
- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.8 Selection from the Site-Based Waiting List.

- (a) Eligible Applicants on the Site-Based Waiting List with the earliest date and time shall be offered the next available unit that matches the family bedroom size and unit characteristics pursuant to this section.
- (b) When an Applicant is offered a unit from the Site-Based Waiting List, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection at any of their selected sites when their name reaches the top of the waiting list(s). If the Applicant refuses the second unit offer, the Applicant shall be removed from all DCHA Public Housing Waiting Lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next eligible Applicant on the Public

Housing Waiting Lists in accordance with this section.

- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

- 6111.9 If the Applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the Applicant before removing the Applicant from the Public Housing Waiting Lists.
- 6111.10 If the Applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the Applicant from the Public Housing Waiting Lists.
- 6111.11 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.
- 6111.12 The following requirements shall be applicable to any offered vacancies:
- (a) The unit offer shall be in writing and shall include the following:
 - (1) Identification of the property;
 - (2) Address and phone number of the property management office;
 - (3) The bedroom size and unit characteristics; and
 - (4) The time to contact the property and to view the unit.
 - (b) The Applicant must contact the property in accordance with this section; and
 - (c) After the Applicant has viewed the offered unit, the Applicant shall accept or reject the unit at that time.
- 6111.13 Applicants with preferences who reject two units for reasons other than those allowed in this section shall be removed from the public housing waiting list(s). If they are on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.14 Applicants with preferences who reject two units for reasons other than those allowed in section shall lose their preference provided in Subsection 6105.2 and shall be withdrawn from the Public Housing Waiting Lists. If the Applicant is on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.15 Selection from the Housing Choice Voucher Program Waiting List.

- (a) Applicants seeking a Housing Choice Voucher shall be placed on the Housing Choice Voucher Program waiting list according to the date and time of the application and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.
- (b) When selecting Applicants from the waiting list for a Housing Choice Voucher, Applicants who have been deemed eligible shall be issued a voucher pursuant to Chapter 76 of this title.

6111.16 Selection from the Moderate Rehabilitation Program Waiting List.

- (a) Applicants seeking admission to the Moderate Rehabilitation Program shall be placed on the Moderate Rehabilitation Program waiting list according to the date and time of the application, and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.
- (b) When selecting Applicants from the waiting list for the Moderate Rehabilitation Program, Applicants who have been deemed eligible shall be referred to the next available unit based on the family composition, pursuant Chapter 76 of this title.

6113 TENANT ADMISSION AND OCCUPANCY: REDEVELOPED AND SERVICE RICH PROPERTIES

6113.1 Scope.

Redeveloped Properties are mixed-finance communities owned by private entities which communities are created through HOPE VI or other public funding combined with private financing, which have some or all of their units assisted by operating funds or project-based rent subsidy payments provided by DCHA. Service Rich Properties may be DCHA-owned, conventional public housing or privately owned units assisted with operating funds provided by DCHA and managed by DCHA or third parties, which provide and/or oversee the delivery of services for residents.

6113.2 Overview.

- (a) Pursuant to the MTW Agreement between DCHA and the U.S. Department of Housing and Urban Development, dated July 25, 2004, as amended by an Agreement dated September 29, 2010, and as such agreement may be further amended, DCHA may, notwithstanding certain provisions of the Housing Act of 1937 and regulations issued pursuant thereto, adopt local rules for the governance of its public housing and housing choice voucher programs.
- (b) Accordingly, Section 6113 sets forth the regulatory framework for the property based rules and ongoing oversight or approvals governing: occupancy and re-occupancy; selection criteria; screening criteria; application processing; waiting lists; lease provisions; income determinations; and grievance procedures for properties officially designated as Redeveloped or Service Rich Properties by the DCHA Board of Commissioners.
- (c) Service Rich Properties operated as District of Columbia-licensed assisted living residences also shall operate subject to, and in accordance with the requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), and regulations promulgated thereunder, Title 22 (Health), The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and any other applicable local or federal regulatory requirements.

6113.3 Selection Criteria.

- (a) The selection criteria, including all priorities and preferences for applicants for initial occupancy following construction and re-occupancy upon vacancy of units at Redeveloped or Service Rich Properties that are receiving operating subsidies or project-based rent subsidy payments from DCHA, are those incorporated in a regulatory and operating agreement or RAD control agreement by and between the owner and DCHA after consultation with representatives of the community and former and/or prospective residents. These selection criteria are hereinafter referred to herein as the “General Selection Criteria”.
- (b) While the General Selection Criteria may vary by property, selection and screening criteria for all properties shall include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute.
- (c) For UFAS-Accessible Units, besides the General Selection Criteria, occupancy of the Units shall be to a household qualified for the available bedroom size of the Unit and a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of

application or transfer request where there are multiple applicants within any one priority:

- (1) First, to a qualified returning resident who previously resided in one of the developments being redeveloped.
- (2) Second, to a qualified applicant referred by DCHA from its list of households designated in 2006 for interim assistance in accordance with the provisions of the Amended VCA.
- (3) Third, to a qualified applicant referred by DCHA from its list of households designated in 2007 for interim assistance in accordance with the provisions of the Amended VCA.
- (4) Fourth, to a qualified DCHA resident on DCHA's Transfer List;
- (5) Fifth, to a qualified public housing applicant on DCHA's Waiting List;
- (6) Sixth, to a qualified Housing Choice Voucher.

6113.4 Application Process.

Each property shall develop its own process for taking applications, subject to review and approval by DCHA.

- (a) Application forms for transferring or returning residents and applicants are developed by the owner for the Redeveloped Property and shall be subject to review and approval by DCHA.
- (b) Completed applications for returning residents, transferring residents or applicants shall be accepted at the property and shall be reviewed and approved in accordance with the criteria approved in accordance with Subsection 6113.2.
- (c) The occupancy and re-occupancy application and selection process shall be monitored by DCHA's Office of Asset Management.

6113.5 Waiting Lists.

- (a) Where the number of returning residents, transferring residents or new applicants exceeds the number of available units, applicants seeking to be housed at the property shall be placed on a waiting list.
 - (1) Waiting lists shall be maintained by the manager of the property based on the date and time of application and in accordance with

the selection criteria developed for the property and approved by DCHA in accordance with Subsection 6113.2; or

- (2) At certain properties, a basic eligibility determination for public housing shall be made by DCHA's Client Placement Division and eligible tenants shall be referred to the property where the property's selection criteria shall be applied.
- (b) A list of all properties, along with the status of each site based waiting list as either open or closed, shall be available from the DCHA's Client Placement Division. When a property makes a determination to open its waiting list, notice shall be provided to the DCHA resident advisory board and published in the *District of Columbia Register*.

6113.6 Lease Terms.

- (a) Leases for Redeveloped Properties or Service Rich Properties may be developed by the owner or manager, subject to the approval of DCHA for compliance with applicable local and federal provisions as well as DCHA's regulations, including the requirements regarding Special Supplements to Lease governed by the provisions of Subsection 6112.4 of Title 14.
- (b) Provisions relating to rent, rent collection, security deposits, excess utility charges, and such other provisions as DCHA may approve, may vary from the DCHA standard form of lease.

6113.7 Income Determinations.

Certification and recertification of income shall be performed by the manager of the property and monitored periodically by DCHA for compliance with applicable DCHA and federal regulations. At certain Service Rich Properties designated by DCHA, income for certification and recertification purposes may be disregarded for up to two (2) years of occupancy.

6113.8 Service Rich Properties – Assisted Living Residences.

- (a) Authority. HUD has authorized DCHA to operate certain of its Service Rich Properties as assisted living residences, as defined in the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (b) Eligibility; Continuing Occupancy.
 - (1) Families selected to live in a DCHA assisted living residence must meet assisted living-specific selection criteria, as outlined in site-

based, site-managed community-specific eligibility criteria that are set forth in the Management Plan for the property, which DCHA will make available.

- (2) Continued occupancy for families residing at DCHA assisted living residences will be based on adherence to the programmatic and occupancy requirements for the specific property, as set forth in the Dwelling Lease, Residential Agreement, and any Individual Service Plan, or any addenda thereto.
- (c) Grievance Rights.
- (1) DCHA assisted living residences shall establish grievance procedures, which include informal and formal settlement procedures, (1) for all grievances arising public housing landlord tenant matters, that are consistent with the requirements of 24 CFR §§ 966.50 *et seq.*, and (2) for all grievances arising from assisted living matters, including transfer, discharge and relocation, the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)). The procedures shall be incorporated into the Dwelling Lease, as set forth in 24 CFR § 966.4(n), and shall be set forth in the Residential Agreement, pursuant to D.C. Official Code § 44-106.02.
 - (2) The grievance procedures shall provide:
 - (A) Informal Settlement of Grievance, as follows:
 - (i) If a Tenant wishes to grieve a decision of the administrator of the assisted living residence, he or she or his or her representative/surrogate must request an informal conference in writing within four (4) days of receiving the decision of the administrator in writing or within four (4) days of any alleged failure to act on the part of the administrator.
 - (ii) The request for an informal hearing must include a description of the nature of the complaint and issue to be grieved. Upon request, a facility employee shall help the resident complete the written request.
 - (iii) The administrator will provide the Tenant with a dated receipt when the request for an informal conference is filed. The informal conference will be

scheduled at a mutually agreeable time and will be held within two (2) days of the receipt of the request by the administrator.

- (iv) The Tenant may bring his or her representative/surrogate and an advocate if he or she wishes. A Supervisor of the Administrator will preside and render the decision resulting from the informal conference. A copy of the written decision will become a part of the Resident's clinical record.
 - (v) The Supervisor shall provide the decision in writing to the Resident within twenty four (24) hours of the completion of the informal conference. The decision shall include a summary of the discussion, the decision regarding the disposition of the complaint and the specific reasons for the decision. The decision summary will list the names of the participants, and the date of the meeting. When the written results of the decision are delivered to the Resident, they will include a description of the options remaining to the Resident, including instructions on how to request a Formal Hearing.
 - (vi) If the original decision is concerning a discharge, transfer or relocation and it is upheld, and if the Resident decides not to pursue a Formal Grievance Hearing, the Resident must comply with the decision within thirty (30) days of having received the Notice of Relocation, Transfer or Discharge prepared and delivered according to the provisions of D.C. Official Code § 44-1003.02(a).
- (B) Formal Grievance Hearing Regarding Involuntary Discharge, Transfer or Relocation, as follows:
- (i) If the Resident wishes to proceed with a formal hearing in order to contest the decision to involuntarily discharge, transfer or relocate the Resident, the Resident, his or her representative/surrogate or the Long-Term Care Ombudsman shall mail a written request to the Department of Health and deliver it to the Administrator within seven (7) calendar days after receiving a notice of discharge or transfer to another facility, or within five (5)

calendar days after receiving a notice as described above, of relocation within the facility.

- (ii) If the Resident elects to request a Formal Hearing, the Administrator will remind the Resident that if the original decision is upheld, then the Resident will be required to leave the facility by the fifth (5th) calendar day following his or her notification of the hearing decision or before the 31st calendar day following his or her receipt of notice of discharge required by D.C. Official Code § 44-1003.02(a), whichever is later. If the Resident is being required to relocate within the facility, he or she will be reminded by the Administrator that this must occur by the eighth (8th) calendar day following his or her receipt of the notice to relocate or the third (3rd) calendar day following his or her notification of the hearing decision, whichever is later. The Administrator shall provide all notices required under this paragraph in written and oral form.
- (iii) The Department of Health will designate an appointee of the Office of Administrative Hearings as the Hearing Officer.
- (iv) The Office of Administrative Hearings will schedule the formal hearing to occur within five (5) days of the request from the Resident.
- (v) The Resident may bring his/her representative/surrogate, and advocate or the Long-Term Care advocate to participate in the hearing. The facility shall have the burden of proof unless the ground for the proposed discharge, transfer, or relocation is a prescribed change in the resident's level of care, in which case the person(s) responsible for prescribing that change shall have the burden of proof and the resident shall have the right to challenge the level of care determination at the hearing. The Resident may not litigate Medicaid eligibility at the hearing.
- (vi) The Office of Administrative Hearings will provide the decision within seven (7) days of the completion of the hearing. The decision will become a part of the Resident's clinical record.

- (vii) If the original decision is upheld, the resident must leave the facility by the fifth (5th) calendar day after the receipt of the Hearing Officer's decision or the thirty-first (31st) day after receiving the discharge notification, whichever is later. If the original decision required relocation within the facility and it is upheld, this must occur before the third (3rd) calendar day after receiving the Hearing Officer's decision or by the eighth (8th) calendar day after having received the relocation notification, whichever is later. Notice shall be provided orally and in writing.
 - (viii) If the resident prevails in contesting the notice then the discharge is rescinded unless administrator appeals the decision.
 - (ix) Failure to request a formal grievance hearing shall not constitute a waiver by the Resident of his or her right thereafter to contest the Administrator's action in disposing of the complaint in an appropriate judicial proceeding.
 - (x) A decision by the Office of Administrative Hearings in favor of the Administrator or which denies the relief requested by the Resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the Resident may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.
 - (xi) If the Resident chooses to take the matter to court, he or she must make the filing within the thirty (30)-day notice period.
 - (xii) A Resident may seek judicial review of any decision of the Office of Administrative Hearings by filing a petition with the Court of Appeals of the District of Columbia; or any decision of DCHA by filing an action in District of Columbia Superior Court.
- (d) Rent Calculation and Rent Collection at DCHA Assisted Living Residences.

- (1) Tenant rent at DCHA assisted living residences shall be established as set forth at 14 DCMR § 6200, except as provided in subparagraphs (ii) and (iii) of this subsection.
 - (2) So long as a Family pays any applicable assisted living program fees timely, as provided in the Dwelling Lease, then for purposes of calculating adjusted income, as defined in 14 DCMR § 6099, to establish tenant rent for DCHA assisted living residences, such assisted living program fees shall be considered medical expenses and shall be deducted, in full, from the Family's annual income, as set forth in DCHA's approved 2014 Moving To Work Plan. In the event that adjusted income is zero dollars (\$0.00) or less, then rent shall equal zero dollars (\$0.00). Minimum rent, as defined by 14 DCMR § 6210, for assisted living residences, if any, shall be established by DCHA.
 - (3) Payments or allowances to residents of DCHA assisted living residences, for incidental living expenses under the provisions of any applicable assisted living program may be excluded from annual income for the purpose of calculating tenant rent.
 - (4) The Dwelling Lease for DCHA assisted living residences will include an itemized list of all fees, how they are calculated and allowances or payments for incidental living expenses.
- (e) Assisted Living Residences - Resident Agreements.
- (1) For purposes of this Section 6113, the term "Residential Agreement" shall have the meaning and components according to the requirements of Section 44-106.2 of the D.C. Official Code. In addition, the Resident Agreement shall set forth the terms and conditions governing participation in the assisted living programming
 - (2) At DCHA assisted living residences, the Resident Agreement may include or incorporate Individual Service Plans, as defined by D.C. Official Code § 44-106.04, to be completed by the participating household members.
 - (3) Upon execution, the Resident Agreement and related documents will become part of the Dwelling Lease. Participating Families must comply with the terms and conditions of the Dwelling Unit Lease Agreement, Addenda, the Resident Agreement and any related documents.
 - (4) Failure to abide by the terms of the Resident Agreement and

related documents shall be considered a violation of the Dwelling Lease Agreement.

- (f) Assisted Living Residences - Transfers.
- (1) A request by a Family to transfer to a DCHA assisted living residence, in accordance with 14 DCMR § 6400, will be deemed “a tenant initiated transfer” request if the Family accepts the offer of a unit at a DCHA assisted living residence.
 - (2) If a Family, which resides in a DCHA assisted living residence, no longer wishes to participate in the programing available at the assisted living residence, but remains compliant with the Dwelling Lease, then the Family will receive up to two (2) transfer offers of Conventional Public Housing units, in writing.
 - (3) A Family residing in a DCHA assisted living residence unit that receives a written offer to transfer into a new dwelling unit may refuse the offer on the basis of evidence, satisfactory to DCHA, that acceptance of the offered unit would cause undue hardship, as set forth in Subsection 6111.9, and such refusal shall not count against one of tenant’s allowable offers under paragraph ii of this subsection.
 - (4) If a Family and refuses a second offered unit without good cause, then the Family may elect to stay at the assisted living residence, and shall comply with all applicable requirements, as set forth in the Dwelling Lease, or DCHA shall initiate discharge and termination processes, in accordance with Subsection 6113.8(h).
 - (5) Unless otherwise specified in the applicable Regulatory and Operating Agreement or Management Plan, or otherwise determined by DCHA, in the event of any family-initiated transfer to or from a DCHA assisted living residence to or from a conventional public housing unit as set forth in paragraph (f)(2) of this subsection, then the Family will be responsible for relocation costs.
 - (6) In addition to the foregoing requirements of this paragraph (g), any transfer of any resident from a DCHA assisted living residence shall be subject to, and in accordance with the applicable discharge and transfer requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (g) DCHA Assisted Living Residences – Discharge/Termination.

- (1) Any termination of any tenancy at DCHA assisted living facility shall be subject to the applicable termination and discharge provisions (including tenants' rights and protections) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), in addition to any other DCHA, District or federal requirements
- (2) If DCHA determines that a Family residing in an assisted living residence is in violation of the Dwelling Lease, except for lease violations predicated on criminal activity that threatens the residents health, safety or right to peaceful enjoyment of the assisted living residence, drug related criminal activity on or off the Leased Premises or at the assisted living residence or violent criminal activity, DCHA shall issue to the Lessee a notice to cure or vacate, stating in writing the violation(s) which provides the basis for the termination the lessee's right to cure the violations and instructions on how to cure the violations, provided that such notice and any requirement that tenant vacate the assisted living residence shall be subject to requirements of any applicable District or federal statute or regulation including those governing the assisted living residence or its services or programs. Administrator shall deliver notice orally and in writing.
- (3) The notice shall inform the Family of its right to file an administrative complaint in accordance with Subsection 6113.8 (c), and any other administrative rights to which Tenant may be entitled by virtue of any District or federal regulation or statute governing the assisted living residence or its services.
- (4) If a Lessee has filed a complaint requesting an administrative determination of his or her rights, in accordance with Subsection 6113.8(d), in response to service of a notice to cure or vacate or a notice of lease termination, and or such other notice required by District or federal regulation or statute including the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), to which the assisted living facility, may be subject, and has not prevailed, the Lessee shall be issued a notice to vacate, as the time to cure has past and the Lessee shall be subject to legal action to gain possession of the unit (eviction).
- (5) If DCHA determines that a Family's violation of the Lease results from a change in circumstance which renders the Family ineligible for the services offered at the assisted living facility, which change

is not at the fault or initiative of the Resident, then DCHA may, subject to availability and applicable requirements, transfer the Family to a unit in conventional public housing, in accordance with Subsection 6113.8(f).

- (6) In the event of any lease violations, predicated on criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the assisted living residence, violent or drug related criminal activity on or off the Leased Premises or the assisted living residence, DCHA shall issue a notice to vacate, together with such other notice required by District or federal regulation or statute to which the assisted living facility or its programs or services may be subject.
- (7) DCHA will not issue a notice to cure or vacate, or notice to vacate, where DCHA has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.

Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, is amended as follows:

Section 6400, TRANSFER POLICY, is amended as follows:

Subsection 6400.1 is amended to read as follows:

6400.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer tenants from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by its tenants. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project (as defined under Title 14, Chapter 57, Subsection 5705.1). Notwithstanding the foregoing, tenants residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.

Chapter 89, INFORMAL HEARING PROCEDURES FOR APPLICANTS AND PARTICIPANTS OF THE HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAM, is amended as follows:

Section 8907, ADDITIONAL HEARING RIGHTS FOR RAD RESIDENTS, is amended to read as follows:

8907 ADDITIONAL HEARING RIGHTS FOR RAD RESIDENTS

- 8907.1 In addition to DCHA determinations that require an opportunity for an informal hearing, as proscribed in 14 DCMR § 8903, residents of RAD Project-based properties may request a hearing for any dispute that a resident may have with respect to:
- (a) A Project Owner action in accordance with the individual’s lease; or
 - (b) The contract administrator in accordance with RAD PBV requirements that adversely affect the resident’s rights, obligations, welfare, or status.
- 8907.2 The RAD Project Owner will conduct any hearings authorized only under this subsection.
- 8907.3 There is no right to an informal hearing for class grievances or for disputes between residents not involving the RAD Project Owner or DCHA.
- 8907.4 When making a determination that creates a hearing right, the Rad Project Owner shall notify the family that the family may ask for an explanation of the basis of the determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
- 8907.5 The RAD Project Owner shall provide an opportunity for an informal hearing before an eviction.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA’s Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Edward Kane, at the Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase “Comment to Proposed Rulemaking” in the subject line. There are two methods of submitting Public Comments:

- (1) Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599.
- (2) Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane at: PublicationComments@dchousing.org.
- (3) No facsimile will be accepted.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-211 (2012 Repl. & 2018 Supp.) and D.C. Official Code § 25-351 *et seq.* (2012 Repl.), as amended, hereby gives notice of the following emergency and proposed rulemaking which would amend Section 304 (Adams Morgan Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of the rulemaking is to: (1) continue the moratorium on on-premises retailer’s licenses, classes CN, DN, CT, DT, CX, and DX, issued in a portion of Adams Morgan; (2) cap the total number of tavern and multipurpose facility licenses in this area at ten (10); (3) extend the moratorium zone to cover eighteen hundred feet (1,800 ft.) in all directions from 2459 18th St., N.W., Washington, D.C. 20009; and (4) keep the moratorium in place for three (3) years.

I. PROCEDURAL BACKGROUND

The Adams Morgan Moratorium Zone (AMMZ), promulgated at 23 DCMR § 304, would have expired on August 27, 2018. In order to prevent the rules from expiring, the Board adopted emergency rules on August 15, 2018, which allowed the current moratorium to remain in effect pending a public hearing. The emergency rules, which the Board adopted six (6) to zero (0), expired on December 13, 2018.

II. PUBLIC COMMENTS – LETTERS OF SUPPORT

On October 3, 2018, the Board held a public hearing concerning the moratorium. At the hearing, representatives from Advisory Neighborhood Commission 1C, the Kalorama Citizens Association, and the Reed-Cooke Neighborhood Association, as well as a member of the public testified before the Board. Prior to the hearing and until the record closed on October 12, 2018, the Board also received written comments from members of the public.

The Board has reviewed and duly considered all of the comments it has received. Below is a summary of those comments:

A. Adams Morgan Partnership Business Improvement District

The Adams Morgan Partnership Business Improvement District (BID) submitted a resolution in support of the moratorium. Although acknowledging the potential adverse impact that a moratorium, can have on economic growth and development, the BID acknowledges that the Adams Morgan community still has a few problematic taverns and restaurants. BID, however, does not support a blanket moratorium on all licenses.

As such, the BID requests that the Board (1) continue the moratorium on CN and CX licenses; and (2) not expand the boundary of the moratorium zone. The BID also suggests that the Board carefully review entertainment requests so as not to stifle artistic creativity in the community, but at the same time set restrictions on such licensees (*e.g.*, not allowing cover charges) in an effort to prevent establishments with entertainment endorsements from becoming *de facto* nightclubs.

B. Advisory Neighborhood Commission 1C

Commissioner Amir Irani, Chair of Advisory Neighborhood Commission (ANC) 1C's ABC and Public Safety Committee, and Commissioner Ted Guthrie, Single Member District (SMD) 1C03, testified at the Board's public hearing. ANC 1C also submitted a resolution as well as a joint petition with the Kalorama Citizens Association and the Reed-Cooke Neighborhood Association, asking the Board to continue the current moratorium for five (5) years and to expand it to eighteen hundred feet (1,800 ft.).

In support of continuing the moratorium, ANC 1C noted that there are still ongoing problems regarding CT license holders and some CR license holders with entertainment endorsements. According to the ANC, these establishments are particularly problematic during the last two hours in which they are open and their kitchens are closed. The ANC suggests that it is during these last few hours of operation that the establishments morph into nightclubs on Fridays and Saturdays. It is these concerns that have prompted the ANC to ask the Board to keep the moratorium in place, especially as it relates to the caps on taverns.

Commissioner Guthrie testified that should the Board remove the moratorium and allow new taverns and nightclubs, "life would be insufferable" for those that live in Adams Morgan. He testified that notwithstanding the improvements that the ANC and other community members have achieved, certain problems are still ongoing. In order to fully address those ongoing problems, Commissioner Guthrie believes the moratorium is necessary.

In addition to continuing the moratorium for five (5) years, ANC 1C recommended that the Board extend the moratorium from its current fourteen hundred feet (1,400 ft.) to eighteen hundred feet (1,800 ft.). In support of the expansion, the ANC points to the continued expansion along the eastern portion of Columbia Rd., N.W. According to ANC 1C, new large residential buildings are planned for Columbia Rd., N.W. As such, the ANC contends that it is essential that the Board expand the moratorium so that residents in that section of Adams Morgan are protected similar to residents in the remaining portions of Adams Morgan.

C. Denis James, President, Kalorama Citizens Association

Denis James, President of the Kalorama Citizens Association (KCA), testified before the Board on behalf of the KCA and also submitted a letter, dated September 27, 2018, as well as a joint resolution with the ANC and Reed-Cooke Neighborhood Association, voicing the organization's support of the Board continuing the Adams Morgan Moratorium for five (5) years and expanding the boundary to eighteen hundred feet (1,800 ft.).

Mr. James testified to the ongoing problems in the Adams Morgan community where the proliferation of alcohol-licensed establishments continues to have an adverse effect on the Adams Morgan community. Specifically, Mr. James testified that seventy (70) on-premises licensed establishments exist in the moratorium zone and that notwithstanding the moratorium, peace, order, and quiet issues still exist. In addition, patrons exiting the alcohol-licensed establishments are frequently observed in the community vomiting on the sidewalk or engaging in public urination.

Mr. James further testified that the alcohol-licensed establishments continue to have an adverse impact on the community's parking needs and pedestrian and vehicular safety. According to Mr. James, many persons frequenting these establishments and the establishments' employees park in nearby neighborhoods; thereby, reducing the number of parking spots available for residents and their guests. Mr. James acknowledged that car-sharing services are being used with greater frequency, but that they present similar traffic challenges as they make frequent stops in the neighborhood and circling the blocks until they can pick up passengers. In order to address this problem, Mr. James testified that residents along 18th St., N.W. petitioned the District to change its street to one-way only for purposes of alleviating the congestion in the area.

In support of continuing the limits on taverns, Mr. James testified that notwithstanding the improvements in the community since the Board placed a cap on taverns, the community is still plagued by the problem of taverns with entertainment endorsements morphing into nightclubs at night. Given the ongoing concerns the community has regarding these establishments, coupled with the general problems associated with alcohol-licensed establishments, Mr. James asked the Board retain the cap on tavern licenses.

D. William Simpson, President, Reed-Cooke Neighborhood Association

William Simpson, President of the Reed-Cooke Neighborhood Association (RCNA), testified at the public hearing and also submitted written comments, in support of the ANC's' resolution seeking a continuation of the moratorium for five (5) years and its being extended to eighteen hundred feet (1,800 ft.). Additionally, the RCNA filed a joint petition with ANC 1C and the KCA supporting the moratorium and its expansion.

Mr. Simpson testified that in 2013 when he was the chairman of ANC 1C, the commission asked the Board to amend the Adams Morgan Moratorium so as to allow new licensed establishments to open in the area. Those amendments were incorporated in the 2014 moratorium which created an exemption for restaurants. Mr. Simpson testified that, from his perspective, the moratorium has achieved many of the community's goals, including the opening of new quality establishments and the keeping out of rowdier licensed establishments.

Mr. Simpson acknowledged that some members of the community would like for the Board to remove the cap on tavern licenses. He stated that in his experience, however, doing so would be detrimental to the community because it may encourage some restaurants to switch their license class to a tavern license. According to Mr. Simpson, this is problematic where some taverns operate as *de facto* nightclubs.

Lastly, Mr. Simpson discussed with the Board his support for expanding the moratorium boundary to eighteen hundred feet (1,800 ft.). Specifically, Mr. Simpson testified to the hardships his constituents along Columbia Rd., N.W. experienced when a former tavern was operating there. This establishment, according to Mr. Simpson, operated more like a rowdy nightclub than a tavern. When the establishment closed, Mr. Simpson testified that the community was hopeful that positive changes would result. Instead, the community was faced with a six hundred (600) person nightclub wanting to open in the vacant spot. After tireless community effort, they were able to prevent the nightclub from operating there. Mr. Simpson contends extending the moratorium to eighteen hundred feet (1,800 ft.), and thereby encompassing Columbia Rd., N.W., would provide those that reside in that area with the protection they need to prevent undesired establishments from moving in.

E. Joint Petition : ANC 1C, KCA, and RCNA

Before the public hearing, ANC 1C, the KCA, and the RCNA (“Petitioners”) filed a joint petition with the Board seeking a continuation of the moratorium for five (5) years and its expansion to an eighteen hundred feet (1,800 ft.) radius from its existing fourteen hundred foot (1,400 ft.) radius.

In support of their resolution, the Petitioners argue that the Adams Morgan Moratorium is still necessary for purposes of addressing quality of life issues in the community. They contend that much of Adams Morgan is zoned mixed use; thus, encompassing both commercial establishments, including alcohol-licensed establishments, and residential properties. In the Adams Morgan Moratorium Zone, there are seventy (70) class C licenses, and of those, five (5) are in safekeeping. The density of alcohol-licensed establishments in a small area presents numerous quality of life concerns for the community according to the Petitioners, including litter, rat infestation, noise, traffic, crime and violence.

Additionally, the Petitioners’ joint resolution addresses the strain alcohol-licensed establishments are having on the community’s access to parking and pedestrian parking and vehicular safety. Since 2008, the Petitioners contend that once available parking spaces no longer exist in the community; thus, placing an additional strain on the community’s parking needs. Due to the limited amounts of public parking spaces and commercial garages in the area, the Petitioners argue that many persons frequenting the alcohol-licensed establishments park in the neighboring residential areas, which results in less parking spaces being available for residents and their guests.

In addition, the Petitioners are concerned that if the Board did not renew the moratorium, the community would be burdened by an overconcentration of alcohol-licensed establishments which would exacerbate the problems they are presently experiencing. They continue to welcome restaurants in the Adams Morgan community, but are particularly concerned about additional taverns and nightclubs moving in.

Additionally, the Petitioners ask the Board to extend the boundary of the moratorium from the present fourteen hundred feet (1,400 ft.) to eighteen hundred feet (1,800 ft.) from 2459 18t St., N.W., Washington, D.C. 20009. The Petitioners are concerned about the portion of Columbia

Rd., N.W. that is uncovered by the moratorium. According to the Petitioners, developers have already started to build in this section of Adams Morgan and that future development (both residential and commercial) is in the works. One such developer sought to open a large-scale nightclub in the area. The community, including the Petitioners, fought tirelessly to prevent the nightclub from opening. The Petitioners believe extending the moratorium to this area would help to protect the residents in that section of Adams Morgan from being threatened by undesired alcohol-licensed establishments.

Lastly, the Petitioners ask the Board to continue to cap the number of taverns at ten (10). The Petitioners contend that there are still ongoing concerns about taverns, particularly those with entertainment endorsements, morphing into nightclubs. According to the Petitioners, these establishments present the same challenges and problems as ordinary nightclubs but with fewer statutory protections. Given the community's troubled history with nightclubs and taverns, the Petitioners encourage the Board to maintain the cap on tavern licenses.

F. John B. Taht, President, The Beverly Court Cooperative, Inc.

John B. Taht, President of the Beverly House Cooperative (Beverly House), a cooperative apartment building located at 1736 Columbia Rd., N.W., submitted a letter in support of the existing moratorium. Specifically, Beverly House, requested that the Board continue the moratorium and extend the boundary to include Columbia Rd., N.W.

Mr. Taht recounted the numerous occasions members of the Beverly House have gone before the Board protesting ABC licenses or complaining about ABC-licensed establishments located in Adams Morgan. Residents have filed numerous noise complaints with ABRA and the Metropolitan Police Department (MPD).

Since the closing of Chief Ike's Mambo Room (Chief Ike's), Mr. Taht states that there have been improvements in the community as it relates to peace, order, and quiet. New establishments have opened in the area, some of which have entered into settlement agreements with the Beverly House, and the community hopes additional family-friendly establishments will come in the future. Notwithstanding the improvements in the community, Mr. Taht notes that the community's peace and tranquility was challenged when a new establishment sought to open a six hundred (600) person nightclub in the space vacated by Chief Ike's. He states that significant community involvement from Beverly House, the ANC, and neighborhood associations was needed in order to prevent this establishment from opening on Columbia Rd., N.W. It is for this reason that the Beverly House asks the Board to extend the moratorium to include Columbia Rd., N.W., so that it would not have to face similar challenges in the future.

G. Elizabeth F. Bebber, Executive Director, Christ House

Elizabeth F. Bebber, Executive Director of Christ House, submitted a letter to the Board encouraging it to continue the moratorium and to extend it to Columbia Rd., N.W. Several Christ House employees also reached out to the Board expressing their support of the moratorium.

Christ House is a residential facility for homeless persons. Their residents suffer from acute medical conditions, including cancer, hypertension, and HIV/AIDS. Some residents also receive drug recovery services.

Ms. Bebber asserts that a change to the moratorium would have an adverse effect on Christ House's residents who are able to thrive in the peaceful neighborhood setting. When a nightclub sought to open on Columbia Rd., N.W., near Christ House, the facility presented its concerns to the ANC at their monthly meeting. Christ House is not opposed to commercial development along Columbia Rd., N.W.; however, it would prefer more restaurants and bakeries, as opposed to alcohol drinking establishments.

H. Matt Wexler, Managing Partner, Foxhall Partners

Matt Wexler, Managing Partner of Foxhall Partners, wrote to the Board to express his support of ANC 1C's resolution requesting that the Board continue the Adams Morgan Moratorium for five (5) years on the existing licenses and expanding to eighteen hundred feet (1,800 ft.).

Mr. Wexler, a resident of Adams Morgan, owns several commercial properties in Adams Morgan. He serves on the board of directors for two (2) Adams Morgan non-profit boards. Lastly, Mr. Wexler is a former member of the BID's board of directors.

Mr. Wexler states that although he has concerns about the impact that moratoria can have on business development, he asked that the Board defer to the ANC and employ the proposal as set forth in the ANC's resolution. In particular, Mr. Wexler supports the continuation of the moratorium which he contends addresses the community's ongoing concerns regarding the overconcentration of alcohol establishments and the adverse impact that these establishments have on real and commercial property values. Similar to Beverly House and Christ House, Mr. Wexler reminds the Board of the substantial amount of community involvement that was necessary to prevent the six hundred (600) person nightclub from opening on Columbia Rd., N.W. Several residents in properties that he owns asked him to file a protest against the applicant. Mr. Wexler contends that the ANC's position is a balanced approach between the community's needs and concerns and economic development in Adams Morgan, and as such, recommends that the Board continue the moratorium with the amendments as suggested by the ANC.

I. Jessica Petro, Executive Director, Sarah's Circle

Jessica Petro, Executive Director of Sarah's Circle wrote to the Board in support of the Moratorium. Sarah's Circle provides affordable housing to low-income senior citizens. It is located at 2551 17th St., N.W.; steps away from 16th St. and Columbia Rd., N.W. Ms. Petro not only supports the continuation of the moratorium, but also the extension of the moratorium boundary to include Columbia Rd., N.W.

Mr. Petro states that had the nightclub which sought to open on Columbia Rd., N.W. been permitted to open, Sarah's Circle's residents would have been adversely affected. She suggests that traffic and congestion along 17th St., N.W., is already a problem for residents, and that had

the nightclub been permitted to open, its presence in the community would have exacerbated the problem.

J. Comments from Various Adams Morgan Residents

The Board received numerous comments from residents within the Adams Morgan community, supporting the current moratorium and asking the Board to not only keep the moratorium in place but to extend it to eighteen hundred feet (1,800 ft.) so that it encompasses Columbia Rd., N.W. They all had concerns about the adverse impact alcohol establishments have had on the community, especially as it relates to noise, traffic, crime, and violence.

Hal Simmons, an Adams Morgan resident, informed the Board that because of the increased criminal activity in the area in the evenings, he avoids leaving his home at night. Leslie Delagran, another Adams Morgan resident, told the Board about her experience of paying thousands of dollars to repair the damage to her vehicle due to alcohol-licensed establishment patrons hitting her car while parking their own.

Ruth Stenstrom, a resident of Beverly House, states that excessive noise, crime, and rowdiness are an ongoing problem for residents. She contends that many residents are seniors or children whose sleep is frequently disturbed by late night revelry at these establishments. In addition, Tshaye Taylor, a Sarah's Circle resident, notes that in addition to the noise disturbances associated with the alcohol-licensed establishments in Adams Morgan, trash and litter is a significant problem.

K. Benedicte Aubrun

Benedicte Aubrun, a twenty-two (22) year resident of Adams Morgan, testified at the hearing in support of the continuing Adams Morgan Moratorium and, at the same time, extending the boundaries to eighteen hundred feet (1,800 ft.). Ms. Aubrun testified to her observations of the Adams Morgan community over the last ten (10) years. In her opinion, the community has deteriorated over this time period. She testified to an increase in criminal activity and violence, including bar fights that continue outside of the licensed establishments. She stated many patrons arrive at the licensed establishments inebriated and then proceed to become more intoxicated after consuming additional alcoholic beverages.

In addition to increased criminal activity, Ms. Aubrun testified to the vast amount of litter and trash in the community, as well public vomiting and urination. Parking is also an issue for the community according to Ms. Aubrun. She testified that patrons tend to occupy spaces designated for residents and their guests. Noise is also a problem due to the number of patrons at the various alcohol-licensed establishments as well as those congregating on the sidewalks; thereby, disturbing nearby residents.

L. Raymond Connolly

Raymond Connolly, a thirty-six (36) year resident of Adams Morgan submitted a letter to the Board supporting the moratorium. Mr. Connolly contends that the moratorium is essential to

safeguarding the peace, tranquility, and safety of the community. Thus, he encourages the Board to continue the moratorium for five (5) years and to extend it to eighteen hundred feet (1,800 ft.).

III. PUBLIC COMMENTS – LETTERS IN OPPOSITION

Not everyone was in support of the Adams Morgan Moratorium. The Board received several letters from community members who asked the Board to discontinue the moratorium. Below is a summary of those comments:

A. David Carollo

David Carollo, an Adams Morgan resident, submitted a letter to the Board opposing the moratorium and encouraging the Board to discontinue it. Mr. Carollo, who possesses degrees in policy analysis, stated that in his opinion, the moratorium has had a negative impact on development in Adams Morgan. He argues the moratorium has discouraged businesses from coming to Adams Morgan; thereby, leaving behind vacant storefronts. Finally, he further contends that the price of obtaining an alcohol license will rise as long as restrictions are placed on the number of alcohol licenses that are available while demand for such establishments continues to rise. In turn, Mr. Carollo contends this would limit the types of business models in the community which are able to make a profit.

B. Arianna Bennett, Owner of Amsterdam Falafelshop

Arianna Bennett, the owner of the Amsterdam Falafelshop, wrote to the Board in opposition to the moratorium. She encourages the Board to focus less on limiting licenses and more on enforcement action. She recommends that ABRA investigators should increase their inspections with a focus on troubled licensed establishments. When violations are discovered, Ms. Bennett contends the Board should take immediate enforcement action.

C. Great Weight to ANC 1C

Pursuant to D.C. Official Code § 1-309.10(d)(3)(A), the Board is required to give great weight to the Advisory Neighborhood Commission's recommendations during its deliberations on matters that relate to the commission. In accordance with said statutory requirements, the Board notes that great weight has been given to ANC 1C's recommendations concerning the Adams Morgan Moratorium. The Board is adopting ANC 1C's recommendation with one exception as will be discussed in greater detail in Section V (The Board's Decision) below.

D. The Board's Decision

The Board appreciates all of the comments that members of the public submitted to them either in writing or at the public hearing. It has carefully considered all of the comments.

Whether or not to impose a moratorium is a decision not to be taken lightly. The Board recognizes the impact that a moratorium can have on future business development. As the BID and Mr. Carollo indicated, there is the risk that moratoria may hinder future business

development. The District of Columbia has a booming economy and the Board wants that to continue. Commercial development, including alcohol-licensed establishments, is essential to raising funds for a variety of District programs and services.

Notwithstanding the adverse impact that moratoria may have on business development, the Board finds that the adverse impact to the Adams Morgan community should the Board discontinue the moratorium at this time far exceeds any potential hardship on economic development. The Board, like ANC 1C, the KCA, and the RCNA, recognizes that substantial improvements have been made in Adams Morgan since the Board first adopted the moratorium, and progress continued after it renewed the moratorium in 2014. Nevertheless, the Board finds that renewing the moratorium for three (3) years is necessary to ensure that progress continues as well as protecting the peace, order, and quiet of the Adams Morgan community, and addressing the community's ongoing concerns regarding parking and traffic.

Many supporters of the moratorium spoke about how eliminating it would adversely affect the peace, order, and quiet of the community, and why extending is essential. Mr. Taht, mentioned that numerous Beverly House residents have complained to ABRA and MPD about the excessive noise originating from neighboring alcohol-licensed establishments. Ms. Robertson, who resides on Columbia Road, N.W., attested to the noise pollution she and neighbors are subjected to because of the alcohol-licensed establishments in the area. She contends additional alcohol-licensed establishments would exacerbate a previously existing problem.

In addition to noise, the Board is persuaded by the public's comments regarding the other adverse effects associated with alcohol-licensed establishments. The Petitioners' joint resolution highlights many of these concerns, including rat infestation, litter, patrons driving under the influence and the risk they pose to other drivers and pedestrians, and the destruction of property. Ms. Delagran told the Board that she has spent thousands of dollars on car repairs due to by partygoers hitting her vehicle. Ms. Aubrun testified that violence involving handguns and knives and bar fights that continue outside of the establishments is a problem in Adams Morgan. Additionally, Mr. Simmons said that he is afraid to leave his home because of the increased violence in the community.

Finally, the Board is persuaded by the testimony it received regarding the strain alcohol-licensed establishments place on the residential parking needs of those who reside in Adams Morgan and the implications they have on traffic and congestion in the community. Many residents complained about patrons parking in the neighboring residential communities; occupying parking spaces for residents and their guests. Since 2008, the Petitioners noted that there are fewer public parking spaces in the area due to the institution of larger loading zones, crosswalks, and crosswalk bump outs. There used to be two public garages in the community, but now there is only one on 18th St., N.W. The other is now a condominium.

Likewise, traffic congestion is a problem. Ms. Petro told the Board that several of her residents have complained about the amount of traffic near Sister Circle stemming from persons going to or leaving alcohol-licensed establishments. The Petitioners' joint resolution notes the significant amount of traffic congestion in the area on Thursdays through Saturdays. According to the Petitioners, the problem is further exacerbated whenever MPD closes a street. Mr. James testified that notwithstanding the use of shared vehicles, traffic congestion is still a problem. He

stated the problem is so bad on 18th St., N.W., that residents there sought to change their street to one-way only.

Not only does the number of persons frequenting licensed establishments pose a problem regarding traffic, they also pose safety concerns. As the Petitioners noted in their joint resolution, the amount of the traffic in the area makes it difficult for first responders to attend to emergencies. The Petitioners stated it is not uncommon for first responders to have difficulties finding a place to park because of persons in restricted areas or alleyways. First responders' inability to respond to emergencies poses significant health and public safety risks that are simply unjustifiable.

The Board also agrees with the comments that it received that keeping the current moratorium in place for three (3) years with its previous boundaries does not fully address the peace, order, and quiet concerns within Adams Morgan. Additional protection is necessary. Specifically, the Board agrees that an expansion of the moratorium boundary is necessary in order to protect those residents living on or near Columbia Rd., N.W. ABRA's records reveal that there is an adequate number of licensees within the same license class and those of a combination of license classes to support extending the moratorium to a portion of the community, or up to eighteen hundred feet (1,800 ft.).

The Board recognizes that when it amended the moratorium in 2014, it had not considered a moratorium covering Columbia Rd., N.W. At that time, fewer residential properties were being built in that area. Since then, several residential communities have opened on or near Columbia Rd., N.W. and future development projects are planned. For example, Mr. Simpson testified that Scottish Rite Temple intends to build a one hundred (100) unit apartment complex there.

Presently, these residents on or near Columbia Rd., N.W. are not protected by the moratorium. There has been a substantial amount of testimony of how this lack of protection left those residents vulnerable to a new nightclub opening in the location vacated by Chief Ike's. Although the community was successful in preventing the nightclub from opening there, it required a significant amount of time and effort. Had the moratorium covered this section of Adams Morgan, the community would not have been subjected to this burden.

In light of the Board's decision to significantly expand the size of the moratorium zone from fourteen hundred feet (1,400 ft.) to eighteen hundred feet (1,800 ft.) in all directions, the Board is imposing the moratorium for three (3) years instead of five (5) years. This will allow the Board the opportunity to review in three (3) years the impact of expanding the moratorium zone will have on the Adams Morgan community.

The Board acknowledges that its decision to renew the moratorium for three (3) years as opposed to the requested five (5) years may disappoint some in the Adams Morgan community. The Board appreciates the arguments raised in support of a five (5) year moratorium in the Petitioners' joint resolution. However, the Board is aware that progress has been made in the Adams Morgan community with a three (3) year moratorium. Furthermore, with the Board's decision to expand the moratorium zone, it does not want to impose the maximum moratorium period on this area of the community prior to reviewing the impact of the expansion on the

neighborhood. Should amendments need to be made, the Board will be better able to address those changes with a shorter moratorium period than with a longer moratorium period.

Thus, for the reasons discussed above, the Board gives notice, that on November 28, 2018, it has approved the Adams Morgan Moratorium Zone Notice of Emergency and Proposed Rulemaking, six (6) to zero (0). The rulemaking (a) renews the Adams Morgan Moratorium for three (3) years; (b) caps the number of CT, DT, CX, and DX licenses at ten (10); and (c) amends the moratorium boundary to cover eighteen hundred feet (1,800) in all directions from 2459 18th St., N.W., Washington, D.C. 20009. The emergency rules shall remain in effect for one hundred twenty (120) days, expiring on March 28, 2019, unless superseded by an emergency or final rulemaking.

Further, the Board gives notice of intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *D.C. Register*. In accordance with D.C. Official Code § 25-211(b), these proposed rules will be transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day period of review. The Board will not adopt the rules as final prior to the expiration of the ninety (90)-day review period, unless approved by Council resolution.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Strike the current Section 304, ADAMS MORGAN MORATORIUM ZONE, in its entirety and insert the following in its place, to read as follows:

304 ADAMS MORGAN MORATORIUM ZONE

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately eighteen hundred (1800) feet in all directions from 2459 18th St., N.W., Washington, D.C. 20009. This area shall be known as the Adams Morgan Moratorium Zone.

304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18th Street and Vernon Street, NW; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19th Street; Northwest on 19th Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20th Street; Northwest on 10th Street to Belmont Road; West on Belmont Road to Waterside Drive; North on Waterside Drive to Allen Place; East on Allen Place to 20th Street; North on 20th Street to Biltmore Street; North on Biltmore Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Northwest on Adams Mill Road, and then Northeast to Ontario Road; East on Ontario Road to Lanier Place; Northeast on Lanier Place to Quarry Road; Southeast on Quarry Road to Columbia Road; Northeast on Columbia Road to Mozart Place; South on Mozart Place to Euclid Street; East on Euclid Street to

16th Street; South on the West side of 16th Street to Florida Avenue; Southwest on Florida Avenue to U Street, and West on U Street to 18th Street, Washington, D.C.

- 304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:
- (a) All restaurants, whether present or future;
 - (b) All hotels, whether present or future; and
 - (c) Retailer's licenses Class A and B.
- 304.4 The number of Retailer's licenses Class CT, CX, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed ten (10). The number of Retailer's licenses Class CN or DN shall not exceed zero (0). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CT, CX, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). Nothing in this subsection shall prohibit the Board from approving a change of license class application that was filed with the Board by the holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone prior to August 2, 2006.
- 304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CR, CT, CX, DR, DT, and DX within the Adams Morgan Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.
- 304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by § 304.3.
- 304.8 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 304.9 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 304.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in the *District of Columbia Register*.

Copies of the proposed rulemaking can be obtained from by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions and comments concerning the rulemaking should contact Martha Jenkins at (202) 442-4456 or via e-mail at martha.jenkins@dc.gov. Comments should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED 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 (District) 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.774; D.C. Official Code § 1-307.02 (2016 Repl.)), 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) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 65 (Medicaid Reimbursement to Nursing Facilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF is proposing this amendment to the reimbursement methodology to nursing facilities participating in the District's Medicaid program beginning February 1, 2018. These proposed rules set forth the revised methodology and requirements governing Medicaid reimbursement of nursing facilities. Major highlights of the originally proposed reimbursement methodology include: 1) continuation of prospective rates that are refined to avoid the continuous cycle of adjusting rates and claims; 2) specific per diem rates for each patient; 3) availability of add-on payments for special needs patients who require ventilator or bariatric care or who are behaviorally complex; and 4) the creation of a new quality improvement program, including mandatory reporting and a performance payment for participating District nursing facilities that demonstrate improvement or maintain a high level of performance across a set of quality improvement measures.

This proposed methodology ensures that similar facilities are paid similar reimbursement rates for similar patients, and that facilities receive immediate financial benefit when admitting higher acuity patients. The proposed methodology also eliminates the need for quarterly census and case mix calculation requirements under the prior methodology. Finally, new quality reporting requirements and the availability of quality-related supplemental payments will incent nursing facilities to develop the infrastructure, processes, and reporting mechanisms necessary to implement future quality improvement and payment reform initiatives.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 19, 2018, at 65 DCR 000460. One (1) set of comments was received from the District of Columbia Health Care Association (DCHCA). DHCF carefully considered all comments received and made some changes in response to the comments received. In addition, DHCF is making changes pursuant to requests from the Centers for Medicare and Medicaid Services (CMS) to support approval of the accompanying State Plan Amendment (SPA), which was approved by CMS on March 15, 2018. Proposed changes in this rulemaking are detailed below.

Per Diem Rate Adjustment Criteria

The initial emergency and proposed rule Subsection 6501.15 gave DHCF the authority to adjust the per diem rate for nursing facilities in circumstances where the facility incurred higher costs

due to “extraordinary circumstances beyond its control, including but not limited to strikes, fire, flood, earthquake, or similar unusual occurrences with substantial cost effects.” DCHCA expressed concerns about the scope of circumstances covered by this subsection, specifically that using the word “similar” would limit the circumstances under which DHCF would make an adjustment and that the language wasn’t broad enough to capture all circumstances beyond a facility’s control. Instead, DCHCA requested DHCF strike the word “similar” from Subsection 6501.15. DHCF’s purpose in including the qualifying criteria for rate adjustments under Subsection 6501.15 was to preserve the agency’s ability to adjust the facility specific per diem rate in the event that extraordinary circumstances beyond a nursing facilities control that have substantial cost effects take place. The list of extraordinary circumstances in Subsection 6501.15 is not intended to be exhaustive or limited to the items explicitly included. For these reasons, DHCF believes the language in the proposed rule was sufficiently broad and is not proposing substantive amendments to Subsection 6501.15 at this time. DHCF is proposing technical corrections to Subsection 6501.15 to correct grammar.

Public Notice of Rate Changes

Subsection 6502.6 in the initial emergency and proposed rulemaking states that DHCF will publish nursing facility reimbursement rates to the *D.C. Register* thirty (30) calendar days prior to implementation. DCHCA inquired whether or not DHCF has published the nursing facility rates. DHCF published the proposed nursing facility reimbursement methodology in the *D.C. Register* on January 19, 2018. DHCF issued individualized rate notices to each participating nursing facility on December 22, 2017, consistent with the requirement of thirty (30) days advance notice before the changes were to be implemented. In addition, DHCF shall post final rates on the DHCF website following approval of the corresponding SPA by CMS. For these reasons, DHCF is recommending clarifying amendments to Subsection 6502.6 to ensure that the rules reflect DHCF’s action in providing notice.

Allowable Costs

DCHCA expressed concerns with Subsection 6516.2(g) stating that, as written, the provision would allow DHCF to offset add-on payments for ventilator care, bariatric care, and care for the behaviorally complex against expenses during rebasing. The purpose of Subsection 6516.2(g) is to preserve DHCF’s authority to reduce allowable costs, pursuant to the Medicare Principles of Reimbursement, by any income or expense item not otherwise listed in Subsection 6516.2. DHCF does not intend to offset add-on payment reimbursement against expenses during rebasing and is proposing technical amendments to Subsection 6516.2(g) to clarify intent.

Nursing Facility Quality Improvement Incentive Track

Performance Scoring

DCHCA requested further clarification on performance scoring for the Nursing Facility Quality Improvement Incentive (NFQII) track. DCHCA is concerned whether providers participating in the NFQII track will receive points in a domain for any improvement over performance in the measurement year. DCHCA stated that DHCF’s intent was unclear based on the language in

Subsections 6526.2 and 6526.5. DHCF agrees that the reference to a “defined threshold” in Subsection 6526.2 and “relative improvement” in Subsection 6526.5 creates ambiguity with regard to how providers will be scored. As stated in Subsection 6526.1(c), DHCF intends to award points to any provider participating in the NFQII track for improvement by any margin over their score in the measurement year. For these reasons, DHCF is proposing amendments to Subsections 6526.2, 6526.3, and 6526.5 to clarify intent.

DCHCA also expressed concerns that the language in the rulemaking does not provide enough information on how nursing facilities participating in the NFQII track will be awarded points across the relevant quality measures and domains.

DHCF agrees that additional clarity is needed with regard to how nursing facilities will be awarded points across the relevant quality measures and domains. If the benchmark is attainment or improvement based, then a provider who either achieves the seventy-fifth (75th) percentile of all facilities or demonstrates any improvement relative to the facility’s performance score in the measurement year will receive the total points allotted for the measure. If the benchmark is attestation based, then a provider who attests to compliance or completion of a performance measure will receive the total point allotted for the measure. DHCF is proposing amendments to Subsections 6526.3 and 6526.7 to clarify intent.

Additionally, as stated in Subsection 6526.8, DHCF will send a policy transmittal to each participating facility no later than ninety (90) calendar days after the start of the measurement year with information on the benchmarks that will be used to measure a facility’s performance. The transmittal will include detailed guidance on NFQII track performance scoring.

Performance Payment

DCHCA asked for clarification of DHCF’s intent with regard to the language in Subsection 6527.5 regarding the amount of funds available to each facility for performance payments. Subsection 6527.5 reads, “Any unused funds from the prior fiscal year shall be returned to the Nursing Facility Quality of Care Fund.” The amount available for distribution for the NFQII track payment shall be determined based on available funds from the Nursing Facility Quality of Care Fund. As stated in Subsection 6527.2, DHCF shall provide notice of the specific amount of funds available for distribution under the NFQII track. DHCF is not proposing additional amendments at this time.

Further, DCHCA expressed confusion about whether it was DHCF’s intent to cap the potential award amount for each nursing facility provider participating in the NFQII track. The proposed NFQIIP methodology establishes a maximum award amount for each nursing facility. As set forth in Subsection 6527.3, the maximum performance payment a nursing facility can receive is determined by its proportionate share of total Medicaid days multiplied by the total amount of funds distributable under the NFQII track. The percentage of the maximum award that DHCF will pay to a participating nursing facility is determined by the facility’s performance score.

DHCF will only distribute the total amount of available NFQII funds to eligible nursing facilities if all eligible nursing facilities achieve the maximum performance score. Otherwise, unused

funds will return to the Nursing Facility Quality of Care Fund. The purpose of the NFQII track is to incent nursing facilities to earn the maximum performance payment by delivering higher quality of care and improving in each performance category. Therefore, DHCF is not proposing additional amendments at this time.

Revisions to Conform with CMS Requirements and State Plan Submission

DHCF is also proposing changes in this rulemaking to comport with changes made to the District State Plan for Medical Assistance (State Plan) based on comments and suggested changes by CMS. Pursuant to these comments, DHCF is proposing the following changes: (1) adding language in Subsections 6502.2 through 6502.4 to clarify DHCF's intent with respect to calculation of peer group prices; (2) adding a link to the DHCF website in Subsections 6502.2 through 6502.4 to specifically identify the peer group specific factors and fixed percentage DHCF used to calculate peer group prices; (3) defining the term "clinically eligible" as used in Subsection 6500.5; (4) updating the definition of "resident day" and adding a definition for the term "Medicaid resident day" to clarify DHCF's intent; and (5) making technical corrections in Subsections 6510, 6512, 6514, 6525, 6526, and 6599.

Finally, DHCF is making technical revisions to the descriptions of a number of quality measures in Subsections 6524.3 and 6524.4 to clarify intent and align measure terminology with language established for other Medicaid reporting requirements.

The estimated aggregate fiscal impact of the new reimbursement methodology is an increase of \$2,771,588.00 in fiscal year (FY) 2018 and an increase of \$2,692,539.00 in FY 2019.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of beneficiaries who use Medicaid nursing facility services. DHCF is implementing a new reimbursement methodology to ensure nursing facility providers are adequately reimbursed for the services provided to District Medicaid beneficiaries. Any delay in implementation could threaten nursing facilities' capacity to provide appropriate, quality services to Medicaid beneficiaries. DHCF is publishing these rules on an emergency basis to ensure that the health, safety, and welfare of Medicaid beneficiaries is not threatened by a lapse in access to ongoing healthcare services provided by qualified providers.

These rules correspond to a related SPA, which was approved by CMS and the Council of the District of Columbia (Council). The Council authorized the SPA in the "Fiscal Year 2017 Budget Support Act of 2016," effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-307.02). The SPA was approved by CMS on March 15, 2018 with an effective date of February 1, 2018.

These emergency rules were adopted on March 12, 2019. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until July 10, 2019 unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Chapter 65, MEDICAID REIMBURSEMENT TO NURSING FACILITIES, of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety and replaced with the following:

CHAPTER 65 MEDICAID REIMBURSEMENT TO NURSING FACILITIES

- 6500 GENERAL PROVISIONS**
- 6501 REIMBURSEMENT OF DISTRICT NURSING FACILITIES**
- 6502 COMPUTATION OF PRICE AND FLOOR**
- 6503 RESIDENT ASSESSMENT**
- 6504 RESIDENT CLASSIFICATION SYSTEM**
- 6505 FACILITY NURSING AND RESIDENT CARE COSTS PER DIEM CALCULATION**
- 6506 FACILITY ROUTINE AND SUPPORT COSTS PER DIEM CALCULATION**
- 6507 FACILITY CAPITAL-RELATED COSTS PER DIEM CALCULATION**
- 6508 VENTILATOR CARE**
- 6509 VENTILATOR CARE DISCHARGE**
- 6510 VENTILATOR CARE REIMBURSEMENT**
- 6511 BEHAVIORALLY COMPLEX CARE**
- 6512 BEHAVIORALLY COMPLEX CARE REIMBURSEMENT**
- 6513 BARIATRIC CARE**
- 6514 BARIATRIC CARE REIMBURSEMENT**
- 6515 ALLOWABLE COSTS**
- 6516 EXCLUSIONS FROM ALLOWABLE COSTS**
- 6517 REBASING AND ANNUAL RATE ADJUSTMENTS**
- 6518 REIMBURSEMENT FOR NEW PROVIDERS**
- 6519 REIMBURSEMENT FOR REORGANIZED FACILITIES, EXPANDED FACILITIES, REDUCED CAPACITY, OR CHANGE OF OWNERSHIP**
- 6520 REIMBURSEMENT FOR OUT OF STATE FACILITIES**
- 6521 COST REPORTING AND RECORD MAINTENANCE**
- 6522 ACCESS TO RECORDS**
- 6523 APPEALS**
- 6524 NURSING FACILITY QUALITY IMPROVEMENT PROGRAM**
- 6525 PARTICIPATION IN THE NURSING FACILITY QUALITY IMPROVEMENT PROGRAM**
- 6526 NFQII PERFORMANCE SCORING**
- 6527 NURSING FACILITY QUALITY OF CARE FUND AND NFQII PERFORMANCE PAYMENT**
- 6599 DEFINITIONS**

6500 GENERAL PROVISIONS

6500.1 The purpose of this chapter is to establish principles of reimbursement for nursing facilities participating in the District of Columbia Medicaid program.

- 6500.2 Medicaid reimbursement to nursing facilities for services provided beginning February 1, 2018 shall be on a prospective payment system consistent with the requirements set forth in this chapter.
- 6500.3 In order to receive Medicaid reimbursement, each nursing facility shall enter into a provider agreement with the Department of Health Care Finance (DHCF) for the provision of nursing facility services and comply with the screening and enrollment requirements set forth in Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 of the District of Columbia Municipal Regulations (DCMR).
- 6500.4 As a condition of Medicaid reimbursement, each nursing facility shall be licensed as a nursing home pursuant to the requirements set forth in the “Health Care and Community Residence License Act of 1983,” effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.* (2012 Repl.)) and meet the federal conditions of participation for nursing facilities in the Medicaid program as set forth in 42 CFR part 483.
- 6500.5 Medicaid reimbursement for nursing facility services to a Medicaid beneficiary shall not be provided unless the Medicaid beneficiary has been determined clinically eligible for nursing facility services in accordance with 29 DCMR § 989 and District policy guidance.

6501 REIMBURSEMENT OF DISTRICT NURSING FACILITIES

- 6501.1 Each nursing facility located in the District of Columbia shall be reimbursed by Medicaid for a patient specific per diem rate for each resident in accordance with the formula set forth in § 6501.2. The rate shall be prospective and only include allowable cost described in §§ 6501.9, 6501.10, and 6501.11.
- 6501.2 The Medicaid reimbursable patient specific per diem rate shall equal the sum of:
- (a) The product of the resident’s Resource Utilization Group (RUG) weight as described in § 6504 and the facility specific per diem for nursing and patient care price described in §§ 6502.3 and 6505.7;
 - (b) The facility specific per diem for routine and support price described in § 6502.2; and
 - (c) The facility specific per diem for capital cost described in § 6507.
- 6501.3 In addition to the patient specific rate described in § 6501.2, each nursing facility may receive an add-on payment for each resident who is:
- (a) Receiving ventilator care pursuant to the requirements set forth in §§ 6508-6510;

- (b) Qualifying as behaviorally complex pursuant to the requirements set forth in §§ 6511-6512; and
 - (c) Qualifying as bariatric pursuant to the requirements set forth in §§ 6513-6514.
- 6501.4 The patient specific rate described in § 6501.2 is developed by establishing a base year facility specific per diem rate using three (3) cost categories as described in § 6501.8.
- 6501.5 Each nursing facility shall be classified into three (3) peer groups as described in § 6502.
- 6501.6 The base year per diem price for each peer group is a per diem rate that is calculated using the allowable costs for the base year for all Medicaid-participating nursing facilities in the District. The base year used to establish February 1, 2018 rates is the 2015 cost report year.
- 6501.7 Except for depreciation, amortization, and interest on capital-related expenditures, the base year allowable costs calculated for each nursing facility shall be adjusted to a common end date, the mid-point of the District rate year, using the Centers for Medicare and Medicaid Services (CMS) Prospective Payment System Skilled Nursing Facility Input Price Index.
- 6501.8 The base year per diem rate for nursing and resident care services and routine and support services for each peer group and the facility specific capital cost per diem is based on the allowable base year costs and shall be developed using three (3) cost categories:
 - (a) Routine and support expenditures, as described in § 6501.9;
 - (b) Nursing and resident care expenditures as described in § 6501.10; and
 - (c) Capital-related expenditures, as described in § 6501.11.
- 6501.9 Routine and support expenditures shall include expenditures for:
 - (a) Dietary and nutrition services, including raw food;
 - (b) Laundry and linen;
 - (c) Housekeeping;
 - (d) Plant operations and related clerical support;

- (e) Volunteer services;
- (f) Administrative and general salaries;
- (g) Professional services - non-healthcare related;
- (h) Non-capital related insurance;
- (i) Travel and entertainment;
- (j) General and administrative costs;
- (k) Medical Director and related clerical costs;
- (l) Non-capital related interest expense;
- (m) Social services;
- (n) Resident Activities;
- (o) Staff development;
- (p) Medical Records;
- (q) Routine personal hygiene items and services;
- (r) Utilization review;
- (s) Central supplies; and
- (t) Other miscellaneous expenses as noted on the nursing facility's cost report submitted pursuant to § 6521.

6501.10 Nursing and resident care costs shall include the costs of:

- (a) Nursing services
- (b) Non-prescription drugs and pharmacy consultant services;
- (c) Medical supplies;
- (d) Laboratory services;
- (e) Radiology services;

- (f) Physical, speech, and occupational therapy services that are provided to Medicaid beneficiaries;
- (g) Respiratory therapy;
- (h) Behavioral health services; and
- (i) Oxygen therapy.

6501.11 Capital-related costs shall include the costs of:

- (a) Equipment rental;
- (b) Depreciation and amortization;
- (c) Interest on capital debt;
- (d) Facility rental;
- (e) Real estate taxes and capital-related insurance;
- (f) Property insurance; and
- (g) Other capital-related expenses.

6501.12 Provider tax expenses shall not be included in calculating the base year costs.

6501.13 The costs attributable to paid feeding assistants provided in accordance with the requirements set forth in 42 CFR parts 483 and 488 shall be included in nursing and resident care costs for base years beginning on or after October 27, 2003.

6501.14 When necessary, each facility specific per diem rate will be reduced by the same percentage to maintain compliance with the Medicare upper payment limit requirement.

6501.15 DHCF may approve an adjustment to the facility specific per diem rate if the facility demonstrates that it incurred higher costs due to extraordinary circumstances beyond its control, including but not limited to a strike, fire, flood, earthquake, or similar unusual occurrences with substantial cost effects.

6501.16 Each adjustment pursuant to § 6501.15 shall be made only to the extent the costs are reasonable, attributable to the circumstances specified, separately identified by the facility, and verified by DHCF. Any such adjustment will be applicable only to the affected facility, shall be time limited, and shall not impact the peer group price.

6502 COMPUTATION OF PRICE AND FLOOR

- 6502.1 DHCF shall classify each nursing facility operating in the District and participating in the Medicaid program into three (3) peer groups:
- (a) Peer Group One - All freestanding nursing facilities, with more than seventy-five (75) Medicaid certified beds;
 - (b) Peer Group Two - All freestanding nursing facilities with seventy-five (75) or fewer Medicaid certified beds; and
 - (c) Peer Group Three - All hospital-based nursing facilities.
- 6502.2 The routine and support per diem price for each peer group shall be the day-weighted median cost per diem as described in § 6506 multiplied by a peer group specific factor. The peer group specific factors used in this formula will be posted on the DHCF website at <https://dhcf.dc.gov/page/medicaid-reimbursement-nursing-facilities-participating-district-columbia-medicaid-program>. To the extent that changes to these factors are needed in future, DHCF will publish notice in the *D.C. Register* thirty (30) days in advance of any changes and post the updated factors on the DHCF website at the link noted above.
- 6502.3 The nursing and resident care price for each peer group shall be the day-weighted median case mix neutralized cost per diem as described in § 6505 multiplied by a peer group specific factor. The peer group specific factors used in this formula will be posted on the DHCF website at <https://dhcf.dc.gov/page/medicaid-reimbursement-nursing-facilities-participating-district-columbia-medicaid-program>. To the extent that changes to these factors are needed in future, DHCF will publish notice in the *D.C. Register* thirty (30) days in advance of any changes and post the updated factors on the DHCF website at the link noted above.
- 6502.4 For the rate period beginning February 1, 2018, DHCF has applied a fixed percentage of the peer group price in calculating the peer group floor. Each facility's case mix adjusted Medicaid cost per day is subject to the floor, which is a fixed percentage of the peer group price. The fixed percentage used in this calculation will be posted on the DHCF website at <https://dhcf.dc.gov/page/medicaid-reimbursement-nursing-facilities-participating-district-columbia-medicaid-program>. To the extent that changes to this percentage are needed in future, DHCF will publish notice in the *D.C. Register* thirty (30) days in advance of any changes and post the updated percentage on the DHCF website at the link noted above.
- 6502.5 Once nursing facilities have been classified into peer groups for the purpose of establishing the peer group prices, the nursing facility price for each peer group shall apply to all facilities in that peer group until Medicaid rates are rebased, or until DHCF makes an adjustment to the price or floor.

6502.6 DHCF shall publish a public notice in the *D.C. Register* and on the DHCF website setting forth the reimbursement methodology for each District nursing facility at least thirty (30) calendar days prior to implementation. In addition, DHCF shall issue individualized notices that detail facility-specific reimbursement rates to each participating nursing facility at least thirty (30) days prior to February 1, 2019. DHCF shall post notice of the final rates on the DHCF website upon approval of the reimbursement methodology by the U.S. Health and Human Services, Centers for Medicare and Medicaid Services (CMS). A public notice of any changes to the reimbursement rates shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes.

6503 RESIDENT ASSESSMENT

6503.1 Each nursing facility shall complete an assessment of each resident's functional, medical and psycho-social capacity consistent with the requirements set forth in 42 CFR § 483.20.

6503.2 The Minimum Data Set (MDS), Version 3.0 or successor updates to this version, shall be used by each nursing facility.

6503.3 Each nursing facility shall comply with the policies set forth in the October 2016 Long-Term Care Facility Resident Assessment Instrument 3.0 User's Manual for the MDS Version 3.0 or successor updates to this version.

6504 RESIDENT CLASSIFICATION SYSTEM

6504.1 DHCF shall use the forty-eight (48)-group resident classification system developed by CMS known as the Resource Utilization Groups IV (RUGS IV), Version 1.03 or successor updates.

6504.2 DHCF shall use the Case Mix Indices known as the standard data set F01 developed by CMS or successor updates to this version.

6504.3 Each resident assessed under RUGS shall be assigned the highest numeric case mix index (CMI) score for which the resident qualifies. Assessments that cannot be classified to a RUGS IV category due to errors shall be assigned the category with the lowest numeric CMI score.

6504.4 The most recent valid MDS assessment for the resident shall be used by the nursing facility when submitting the RUG category on the claim for services.

6504.5 The RUG category shall be included on the claim for services as a valid Health Insurance Prospective Payment System (HIPPS) code.

6504.6 The CMI for the submitted RUG category will be used to adjust the nursing and resident care portion of the facility specific per diem during claims adjudication.

6504.7 If subsequent review of the medical record, or the MDS reveals that the RUG category submitted as a HIPPS code on the claim is incorrect, the claim will be reprocessed with the appropriate HIPPS code, RUG category, and CMI.

6505 FACILITY NURSING AND RESIDENT CARE COSTS PER DIEM CALCULATION

6505.1 Each nursing facility's allowable nursing and resident care Medicaid reimbursable costs shall be adjusted in accordance with § 6505.4.

6505.2 The total resident days shall be determined in accordance with § 6515.2.

6505.3 The amount calculated in § 6505.1 shall be divided by the Total Facility Case Mix Index to establish case mix neutral costs. This process is known as case mix neutralization. For the base year, total facility case mix will be the average facility-wide case mix for the three calendar quarters beginning January 1, 2015 and ending September 30, 2015.

6505.4 For nursing and resident care costs other than the cost for speech therapy, occupational therapy, and physical therapy, the case mix neutral costs established in § 6505.3 shall be divided by the resident days calculated in accordance with § 6505.2 to determine each nursing facility's nursing and resident care cost per diem without physical, speech and occupational therapy services.

6505.5 Per diem costs for physical, speech and occupational therapy services shall be calculated by dividing such costs by total Medicaid resident days. The resulting per diem shall be added to the per diem for nursing and resident care costs, excluding the costs for speech therapy, occupational therapy, and physical therapy. The resulting sum of the per diems shall comprise each nursing facility's nursing and resident care cost per diem unadjusted for case mix.

6505.6 The peer group price established in accordance with § 6505.3 for nursing and resident care costs for each peer group shall be reduced for any facility whose nursing and resident care cost per diem adjusted for Medicaid case mix does not meet the established minimum percentage of the Medicaid case mix adjusted peer group price (the “floor”).

6505.7 The difference between the facility Medicaid case mix adjusted cost per diem and the floor is subtracted from the Medicaid case mix adjusted peer group price for that facility. The resulting value is divided by the facility Medicaid case mix to determine the facility specific nursing and resident care Medicaid case mix neutral per diem price. In the base year, the Medicaid case mix used in the

calculations in §§ 6505.6 and 6505.7 is the average case mix for the quarters ending June 30, 2016 and September 30, 2016.

6505.8 For rebasing periods after February 1, 2018, the nursing and resident care cost per diem shall be adjusted for Medicaid case mix using the day-weighted average Medicaid case mix of the preceding federal fiscal year for each facility, based on the Medicaid case mix of final paid claims for that facility for nursing facility services.

6506 FACILITY ROUTINE AND SUPPORT COSTS PER DIEM CALCULATION

6506.1 In the base year, each facility's routine and support cost per diem shall be established by dividing total allowable routine and support base year costs adjusted in accordance with § 6501.7 by total resident days determined in accordance with § 6515.2 for all nursing care residents.

6506.2 Each nursing facility's routine and support price per diem shall be the per diem price calculated for the facility's assigned peer group in § 6502.2.

6507 FACILITY CAPITAL-RELATED COSTS PER DIEM CALCULATION

6507.1 Each nursing facility's capital-related cost per diem shall be calculated by dividing total allowable capital-related base year costs adjusted in accordance with § 6501.7 by total resident days determined in accordance with § 6515.2 for all nursing care residents.

6507.2 For all rate periods on or after February 1, 2018, the capital cost per diem calculated in the base year shall apply to all subsequent rate periods, until the next rebasing period.

6508 VENTILATOR CARE

6508.1 In addition to the patient specific per diem rate described in § 6501.2, DHCF shall pay an additional per diem amount for any day that a resident qualifies for and receives ventilator care pursuant to the requirements set forth in §§ 6508 through 6510.

6508.2 Each resident receiving ventilator care shall meet all of the following requirements:

- (a) Be ventilator dependent and not able to breathe without mechanical ventilation;
- (b) Use the ventilator for life support, sixteen (16) hours per day, seven (7) days per week;

- (c) Have a tracheostomy or endotracheal tube;
- (d) At the time of placement the resident has been ventilator dependent during a single stay or continuous stay at a hospital, skilled nursing facility or intermediate care facility for individuals with intellectual disabilities (ICF/IID);
- (e) Have a determination by the resident's physician and respiratory care team that the service is medically necessary, as well as documentation which describes the type of mechanical ventilation, technique and equipment;
- (f) Be medically stable, without infections or extreme changes in ventilatory settings and/or duration (increase in respiratory rate by five (5) breaths per minute, increase in FiO₂ of twenty-five percent (25%) or more), and/or increase in tidal volume of two-hundred milliliters (200 mls) or more at time of placement;
- (g) Require services on a daily basis which cannot be provided at a lower level of care; and
- (h) Require services be provided under the supervision of a licensed health care professional.

6508.3 Each nursing facility shall comply with all of the standards governing ventilator care services set forth in 22-B DCMR § 3215.

6508.4 Ventilator care shall be prior-authorized by the DHCF. The following documents shall be required for each authorization:

- (a) Level of Care determination;
- (b) Pre-admission Screening and Annual Resident Review (PASARR) forms;
- (c) Admission history;
- (d) Physical examination reports;
- (e) Surgical reports; and
- (f) Consultation reports and ventilator dependent addendum.

6508.5 For purposes of this section the term “medically necessary” shall mean a service that is required to prevent, identify, or treat a resident's illness, injury or disability and meets the following standards:

- (a) Consistency with the resident's symptoms, or with prevention, diagnosis, or treatment of the resident's illness or injury;
- (b) Consistency with standards of acceptable quality of care applicable to the type of service, the type of provider, and the setting in which the service is provided;
- (c) Appropriateness with regard to generally accepted standards of medical practice;
- (d) Is not medically contraindicated with regard to the resident's diagnosis, symptoms, or other medically necessary services being provided to the resident;
- (e) Is of proven medical value or usefulness, and is not experimental in nature;
- (f) Is not duplicative with respect to other services being provided to the resident;
- (g) Is not solely for the convenience of the resident;
- (h) Is cost-effective compared to an alternative medically necessary service which is reasonably acceptable to the resident based on coverage determinations; and
- (i) Is the most appropriate supply or level of service that can safely and effectively be provided to the resident.

6509 VENTILATOR CARE DISCHARGE

6509.1 Each provider shall ensure that residents are weaned from the ventilator when weaning is determined to be medically appropriate.

6509.2 A provider shall discontinue weaning and resume mechanical ventilation if the resident experiences any of the following:

- (a) Blood pressure elevation of more than twenty (20) millimeters of mercury (mmHg) systolic or more than ten (10) mmHg diastolic;
- (b) Heart rate of more than ten percent (10%) above the baseline or a heart rate of one-hundred twenty (120) beats per minute;
- (c) Respiratory rate increase of more than ten (10) breaths per minute or a rate above thirty (30) breaths per minute;

- (d) Arrhythmias;
- (e) Reduced tidal volume;
- (f) Elevated partial pressure of arterial carbon dioxide;
- (g) Extreme anxiety;
- (h) Dyspnea; or
- (i) Accessory muscle use in breathing or an otherwise deteriorating breathing pattern.

6509.3 Each nursing facility shall have an appropriate program for discharge and weaning from the ventilator.

6509.4 The nursing facility shall ensure that the resident and all caregivers be trained in all aspects of mechanical ventilation and demonstrate proficiency in ventilator care techniques before a ventilator-dependent resident can be discharged home on a mechanical ventilator.

6509.5 The physician and respiratory team shall arrange a schedule for follow-up visits, as indicated by the needs of the resident.

6509.6 A written discharge plan shall be provided to and reviewed with the resident and resident's caregiver and shall include at a minimum the following information:

- (a) Name, address, and telephone number of the primary physician;
- (b) Address and telephone number of the local hospital emergency department;
- (c) Name, address and telephone number of the physician for regular respiratory check-ups, if different from the physician identified in § 6509.6(a);
- (d) The responsibilities of the resident and caregiver in daily ventilator care;
- (e) Identification of financial resources for long-term care;
- (f) Identification of community resources for health, social, educational and vocational needs;
- (g) An itemized list of all equipment and supplies needed for mechanical ventilation;

- (h) Names, addresses and telephone numbers of mechanical ventilation equipment dealers and a list of services that they provide; and
- (i) Contingency plans for emergency situations.

6509.7 The nursing facility shall notify DHCF of the date of discharge from the facility.

6510 VENTILATOR CARE REIMBURSEMENT

6510.1 The add-on reimbursement rate for ventilator care shall be three hundred eighty dollars (\$380.00) per day for each resident. A public notice of any changes in the ventilator care reimbursement rate shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes.

6511 BEHAVIORALLY COMPLEX CARE

6511.1 In addition to the patient specific per diem rate described in § 6501.2, DHCF shall pay an additional per diem amount for any day that a resident qualifies as behaviorally complex pursuant to the definition set forth in § 6511.2.

6511.2 A behaviorally complex resident is defined as one who demonstrates two (2) or more of the following categories of behaviors, with at least one (1) behavior occurring four (4) or more days per week:

- (a) Demonstrates self injury, including head banging, self-biting, hitting oneself, or throwing oneself to floor with or without injury;
- (b) Demonstrates physical aggression, including assaulting other residents, staff, or property with or without injury to other residents or staff;
- (c) Demonstrates verbal aggression, including disruptive sounds, noises, screaming that disturbs roommate, staff or other residents;
- (d) Demonstrates aggressive behaviors, including sexual behaviors, disrobing, throwing or smearing food, feces, stealing, hoarding, going through other residents' or staff belongings, or elopement attempts; or
- (e) Consistently rejects medical care.

6511.3 Reimbursement for behaviorally complex residents shall be prior authorized by DHCF. Medical records including the MDS, nursing progress notes, and incident reports supporting experience of behavior, including documentation of disruptive behavior within the last thirty (30) days is required for prior authorization. The documentation shall support that a resident meets the definition set forth in § 6511.2.

6511.4 If the resident has transferred within the last thirty (30) days, the documentation shall include the records from the referring facility.

6511.5 DHCF may authorize reimbursement of the add-on rate not to exceed ninety (90) consecutive days. Any subsequent reimbursement after expiration shall require prior authorization.

6512 BEHAVIORALLY COMPLEX CARE REIMBURSEMENT

6512.1 The add-on reimbursement rate for behaviorally complex care shall be eighty-two dollars (\$82.00) per day for each resident. A public notice of any changes in the behaviorally complex care reimbursement rate shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes.

6513 BARIATRIC CARE

6513.1 In addition to the patient specific per diem rate described in § 6501.2, DHCF shall pay an additional per diem amount for any day that a resident qualifies as a bariatric resident pursuant to the requirements set forth in § 6513.2.

6513.2 A bariatric resident is defined as one who:

- (a) Has a body mass index (BMI) of forty (40) or higher; and
- (b) Requires the assistance of two or more staff for three (3) or more Activities of Daily Living (ADL) during the most recent MDS assessment period.

6513.3 Reimbursement for bariatric residents shall be prior authorized by DHCF. The following documentation is required for authorization:

- (a) Medical records including MDS documenting the resident's height, weight and calculation of BMI; and
- (b) A description of the resident's ADL assistance needs, including the relevant section of the most recent MDS assessment demonstrating the need for assistance of two or more staff for three (3) or more ADLs.

6514 BARIATRIC CARE REIMBURSEMENT

6514.1 The add-on reimbursement rate for bariatric care shall be thirty-nine dollars (\$39.00) per day for each resident. A public notice of any changes in the bariatric care reimbursement rate shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes.

6515 ALLOWABLE COSTS

6515.1 Allowable costs shall include items of expense the provider incurs in the provision of routine services related to resident care including:

- (a) Room and board, including dietary and nutrition services, food, laundry and linen, housekeeping, routine personal hygiene items and services, plant operations and maintenance;
- (b) Medical direction;
- (c) Nursing care;
- (d) Medical and surgical supplies;
- (e) Social services
- (f) Resident activities;
- (g) Special services required by the resident, including physical, occupational, or speech therapy, oxygen therapy, but not dental care;
- (h) Incontinency care;
- (i) Behavioral Health services;
- (j) Canes, crutches, walkers and wheelchairs, excluding customized wheelchairs;
- (k) Traction equipment and other durable medical equipment for multi resident use;
- (l) Special dietary services, including tube or hand feeding and special diets;
- (m) Laundry services, including basic personal laundry; and
- (n) Other allowable expenses as determined by DHCF and identified in policy guidance.

6515.2 The occupancy rate used in determining the per diem rate for each cost category shall be the greater of:

- (a) The actual total facility paid occupancy, including paid reserved bed days; or

- (b) Ninety-three percent (93%) of certified total facility bed days available during the cost reporting period.

6515.3 General and administrative expenses shall include but not be limited to:

- (a) Administrative salaries, including fringe benefits;
- (b) Professional services, including accounting and auditing expenses, fees of management consultants and legal fees;
- (c) General liability insurance;
- (d) Telephone;
- (e) Licenses;
- (f) Travel and entertainment;
- (g) Office expenses, including services and supplies;
- (h) Personnel and procurement;
- (i) Dues and subscriptions;
- (j) Home office costs;
- (k) Interest on working capital; and
- (l) Occupational Safety and Health Administration costs.

6515.4 Depreciation allowance shall be determined in accordance with the Medicare Principles of Reimbursement set forth at 42 CFR part 413 subpart G, except that:

- (a) Only the straight line method shall be used; and
- (b) The useful life of the assets must comply with the most recent guidelines for hospitals published by the American Hospital Association, and approved by the Medicare program.

6515.5 Consistent use of either the component or composite asset depreciation schedule shall be required, as follows:

- (a) Component depreciation is permitted in the case of a newly constructed facility and for recognized building improvements where the costs can be separated and acceptable useful lives determined; and

- (b) Composite depreciation shall be applied for a newly purchased existing facility.
- 6515.6 Donated assets shall be recorded at fair market value at the time received, based on the lesser of at least two bona fide appraisals.
- 6515.7 Leasehold improvements shall be depreciated over the lesser of the asset's useful life or the remaining life of the lease.
- 6515.8 When a facility is sold, the depreciation basis shall be subject to the limitation of the reevaluation of assets mandated by § 1861(v)(1)(O) of Title XVIII of the Social Security Act.
- 6515.9 Necessary and proper interest on both current and capital indebtedness shall be allowable costs, determined in accordance with the Medicare Principles of Reimbursement set forth at 42 CFR § 413.153.
- 6515.10 Bad debts, charity, and courtesy allowances, as defined at 42 CFR § 413.89(b), shall not be recognized as allowable costs.
- 6515.11 The cost of services, facilities, and supplies furnished to the provider by an organization related to the provider by common ownership or control are included in the allowable cost of the provider at the cost to the related organization. The cost charged by the related organization shall not exceed the price of comparable services, facilities or supplies that could be purchased by independent providers in the Washington metropolitan area.
- 6515.12 Return on equity capital of proprietary providers shall be determined according to the Medicare Principles of Reimbursement.
- 6515.13 Reasonable rental expense shall be an allowable cost for leasing of a facility from a non-related party if it is an arm's length transaction.
- 6515.14 The purchase or rental by a facility of any property, plant, equipment, services and supplies shall not exceed the cost that a prudent buyer would pay in the open market to obtain these items.
- 6515.15 District of Columbia provider tax costs shall be excluded from allowable costs.
- 6515.16 Home office costs and management fees shall be subject to the following conditions and limitations:
- (a) Home office cost allocations and management fees between related parties shall be reported without mark-up by the nursing facility;

- (b) Costs that are not allowable, such as those related to nonworking officers or officers' life insurance, shall not be included in home office allocations or management fees; and
- (c) The nursing facility's audited certified cost allocation plan relating to home office and management fees shall be provided.

6515.17 Respiratory therapy costs including equipment rental, supplies and labor and staffing costs associated with providing ventilator care shall be excluded from allowable costs.

6515.18 For purposes of this section, the phrases “related to the provider,” “common ownership” and “control” shall have the same meaning as set forth in 42 CFR § 413.17(b).

6516 EXCLUSIONS FROM ALLOWABLE COSTS

6516.1 The following categories of expense shall be excluded from allowable operating costs because they are not normally incurred in providing resident care:

- (a) Fund raising expenses in excess of ten percent (10%) of the amount raised;
- (b) Parties and social activities not related to resident care;
- (c) Personal telephone, radio, and television services;
- (d) Gift, flower and coffee shop expenses;
- (e) Vending machines;
- (f) Interest expenses and penalties due to late payment of bills or taxes, or for licensure violations;
- (g) Prescription drug costs;
- (h) Personal resident purchases; and
- (i) Beauty and barber shop costs.

6516.2 The following expenditures shall reduce allowable costs:

- (a) The greater of the revenues generated from employee and guest meals or the cost of the meals;
- (b) The greater of the revenues generated from rental space in the facility or the cost of the rental space;

- (c) Purchase discounts and allowances;
- (d) Investment income for unrestricted funds to the extent that it exceeds interest expense on investments;
- (e) Recovery of an insured loss;
- (f) Grants, gift and income from endowments designated by the donor for specific operating expenses; and
- (g) Any other income or expense item determined to reduce allowable costs pursuant to the Medicare Principles of Reimbursement. DHCF shall not offset performance based payments made to nursing facilities participating in the Nursing Facility Quality Improvement Program and add-on payments for ventilator care, bariatric care, and care for the behaviorally complex against allowable costs.

6517 REBASING AND ANNUAL RATE ADJUSTMENTS

- 6517.1 Not later than October 1, 2021, and every four (4) years thereafter, the base year data, medians, day-weighted medians and peer group prices shall be updated.
- 6517.2 DHCF retains authority to update the routine and support and the nursing and resident care components of the peer group nursing facility rates annually.

6518 REIMBURSEMENT FOR NEW PROVIDERS

- 6518.1 Each new provider shall be assigned to the appropriate peer group as set forth in § 6502.1.
- 6518.2 The per diem rate for each new provider shall be the base year day-weighted average case mix neutral peer group price for nursing and resident care and the peer group price for routine and support services.
- 6518.3 The capital per diem for each new provider shall be the greater of the base year day-weighted average per diem of facilities in the assigned peer group, or the median per diem for the peer group.
- 6518.4 Each new provider may receive an add-on payment for each resident that qualifies and receives ventilator care pursuant to §§ 6508 - 6510 or for residents qualifying for reimbursement as behaviorally complex pursuant to §§ 6511- 6512 or bariatric care, pursuant to §§ 6513 - 6514.

6518.5 DHCF shall notify, in writing, each new nursing facility of its payment rate calculated in accordance with this section. The rate letter to a new provider shall include the per diem payment rate calculated in accordance with this section.

6519 REIMBURSEMENT FOR REORGANIZED FACILITIES, EXPANDED FACILITIES, REDUCED CAPACITY, OR CHANGE OF OWNERSHIP

6519.1 A nursing facility that has been reorganized pursuant to Chapter 11 of Title 11 of the United States Bankruptcy Code on or after September 30, 2000 shall be reimbursed at the same rate in effect prior to the date the reorganized facility filed its petition for bankruptcy.

6519.2 A nursing facility with a change of ownership on or after September 30, 2000 shall be reimbursed at the same rate established for the nursing facility prior to the change of ownership, except the capital per diem shall be the greater of the base year day-weighted average per diem of facilities in the assigned peer group or the capital rate for the nursing facility prior to the change of ownership.

6519.3 A nursing facility that expands its bed capacity shall be reimbursed for its newly added beds at the same rate established for the nursing facility prior to the expansion until the next rebasing effective date, unless the addition of beds qualifies the expanded facility for a different peer group.

6519.4 If the expanded facility qualifies for a different peer group, the facility rates will be adjusted to comply with the new peer group rates one (1) year after the new beds are put into service, or on the next rebasing date, whichever comes first.

6519.5 A nursing facility that reduces its bed capacity shall continue to be reimbursed at the same rate established for the nursing facility prior to the bed reduction until the next rebasing effective date, unless the bed reduction qualifies the facility for a different peer group.

6519.6 If a reduction in the number of beds qualifies the facility for a different peer group, the facility rates will be adjusted to comply with the new peer group rates as soon as the reduction is effective.

6520 REIMBURSEMENT FOR OUT OF STATE FACILITIES

6520.1 If a District Medicaid beneficiary is placed in an out-of-state facility in accordance with the requirements of § 6520.5, DHCF shall reimburse the facility in accordance with the Medicaid reimbursement rate of the state in which the facility is located or a negotiated rate, provided that it is not greater than the estimated Medicaid reimbursement rate of the state in which the facility is located.

- 6520.2 DHCF shall notify each out-of-state facility, in writing, of its payment rate calculated in accordance with this section.
- 6520.3 An out-of-state facility is not required to file cost reports with DHCF.
- 6520.4 Each out-of-state facility shall obtain written authorization from DHCF prior to admission of a District Medicaid beneficiary.
- 6520.5 DHCF may approve placement of a District Medicaid beneficiary in an out-of-state facility only if DHCF determines there are not nursing facilities in the District with immediate capacity to admit that can provide the appropriate level of care for the beneficiary.

6521 COST REPORTING AND RECORD MAINTENANCE

- 6521.1 Each nursing facility shall submit an annual cost report to the Medicaid program within one hundred twenty days (120) days of the close of the facility's cost reporting period, which shall be concurrent with its fiscal year used for all other financial reporting purposes.
- 6521.2 Cost reports shall be submitted on the DHCF approved form, and shall be completed according to the published cost report instruction manual. DHCF reserves the right to modify the cost reporting forms and instructions and shall send written notification to each nursing facility regarding any changes to the forms, instructions and copies of the revised cost reporting forms.
- 6521.3 A delinquency notice shall be issued if the facility does not submit the cost report on time and has not received an extension of the deadline for good cause.
- 6521.4 Only one (1) extension of time shall be granted to a facility for a cost reporting year and no extension of time shall exceed thirty (30) days. DHCF shall honor all extensions of time granted to hospital-based facilities by the Medicare program.
- 6521.5 If the cost report is not submitted within thirty (30) days of the date of the notice of delinquency, twenty percent (20%) of the facility's regular monthly payment shall be withheld each month until the cost report is received.
- 6521.6 Each nursing facility shall submit one (1) original hard-copy and (1) one electronic copy of the cost report. Each copy shall have an original signature.
- 6521.7 The requirements for cost reports shall be detailed in the DHCF nursing facility cost report instruction manual. Each cost report shall meet the following requirements:
- (a) Be properly completed in accordance with program instructions and forms and accompanied by supporting documentation;

- (b) Include copies of audited financial statements or other official documents submitted to a governmental agency justifying revenues and expenses;
- (c) Include and disclose payments made to related parties in accordance with § 6515.11 and the reason for each payment to a related party; and
- (d) Include audited cost allocation plans for nursing facilities with home office costs, if applicable.

- 6521.8 Computations included in the cost report shall be accurate and consistent with other related computations and the treatment of costs shall be consistent with the requirements set forth in these rules.
- 6521.9 In the absence of specific instructions or definitions contained in these rules or cost reporting forms and instructions, the decision of whether a cost is allowable shall be determined in accordance with the Medicare Principles of Reimbursement and the guidelines set forth in Medicare Provider Reimbursement Manual.
- 6521.10 All cost reports shall cover a twelve (12) month cost reporting period, which shall be the same as the facility's fiscal year, unless DHCF has approved an exception.
- 6521.11 A cost report that is not complete, as required by §§ 6521.6 through 6521.8, shall be considered an incomplete filing and the nursing facility shall be so notified.
- 6521.12 If, within thirty (30) days of the notice of incomplete filing, the facility fails to file a completed cost report and no extension of time has been granted by DHCF, twenty percent (20%) of the facility's regular monthly payment shall be withheld each month until the filing is complete.
- 6521.13 DHCF shall pay the withheld funds promptly after receipt of the completed cost report and documentation required meeting the requirements of this section.
- 6521.14 Each facility shall maintain adequate financial records and statistical data for proper determination of allowable costs and in support of the costs reflected on each line of the cost report. The financial records shall include the facility's accounting and related records including the general ledger and books of original entry, all transactions documents, statistical data, lease and rental agreements and any original documents which pertain to the determination of costs.
- 6521.15 Each nursing facility shall maintain the records pertaining to each cost report as described in § 6521.14 for a period of not less than seven (7) years after filing of the cost report. If the records relate to a cost reporting period under audit or appeal, records shall be retained until the audit or appeal is completed.

- 6521.16 All records and other information may be subject to periodic verification and review. Each cost report may be subject to a desk review.
- 6521.17 Each nursing facility shall:
- (a) Use the accrual method of accounting; and
 - (b) Prepare the cost report in accordance with generally accepted accounting principles and all program instructions.
- 6521.18 Audits shall be conducted to establish the rates upon rebasing as set forth in § 6517.

6522 ACCESS TO RECORDS

- 6522.1 In accordance with the Health Insurance Portability and Accountability Act of 1996 and other privacy laws, each nursing facility shall allow appropriate DHCF personnel, representatives of the Department of Health and Human Services and other authorized agents or officials of the District of Columbia government and federal government full access to all records during announced and unannounced audits and reviews.

6523 APPEALS

- 6523.1 At the conclusion of each base year audit or any other required audit, a nursing facility shall receive an audited cost report including a description of each audit adjustment and the reason for each adjustment.
- 6523.2 Within thirty (30) days of the date of receipt of the audited cost report, any nursing facility that disagrees with the audited cost report may request an administrative review by sending a written request for administrative review to DHCF.
- 6523.3 The written request for an administrative review shall include an identification of the specific audit adjustment to be reviewed, the reason for the request for review of each audit adjustment and documentation supporting the request.
- 6523.4 DHCF shall mail a formal response to the nursing facility no later than forty-five (45) days from the date of receipt of the written request for administrative review pursuant to § 6523.2.
- 6523.5 Decisions made by DHCF and communicated in the formal response described in § 6523.4 may be appealed to the Office of Administrative Hearings within thirty (30) days of the date of issuance of the formal response.

6523.6 DHCF shall issue a rate letter to each nursing facility that includes the relevant rate parameters used to determine the final rate components consistent with the requirements set forth in this chapter.

6524 NURSING FACILITY QUALITY IMPROVEMENT PROGRAM

6524.1 Beginning February 1, 2018, DHCF will implement the Nursing Facility Quality Improvement (NFQIP) Program.

6524.2 Participation in the Nursing Facility Quality Improvement Reporting Track is mandatory for all nursing facilities in the District. Participation in the Nursing Facility Quality Improvement Incentive Track is optional. The two tracks are set forth below:

- (a) Nursing Facility Quality Improvement Reporting (NFQIR) Track: This track only reports performance measures set forth in § 6524.3 and does not provide a supplemental Medicaid payment; and
- (b) Nursing Facility Quality Improvement Incentive (NFQII) Track: This track provides a supplemental Medicaid payment for participating nursing facilities that report performance measures set forth in §§ 6524.3 and 6524.3 and provide services that result in better care and higher quality of life for their residents; or

6524.3 Quality reporting is mandatory for all District nursing facilities. Each nursing facility shall report to DHCF, annually, on the performance measures set forth below, which shall be calculated and reported as follows:

Nursing Facility Quality Improvement Reporting Performance Measures				
Measure Number/ Name	Measurement Domain	NQF #	Steward	Description

<p>1. Percent of high risk, long-stay residents with pressure ulcers</p>	<p>Quality of Care</p>	<p>0679</p>	<p>CMS</p>	<p>Numerator: The number of all long-stay residents with a selected target assessment that meets both of the following conditions:</p> <ul style="list-style-type: none"> • Condition #1: There is a high risk for pressure ulcers, as “high-risk” is defined in the denominator definition below. • Condition #2: Stage II-IV or unstageable pressure ulcers are present, as indicated by any of the following six (6) conditions: <ul style="list-style-type: none"> ○ 2.1 (M0300B1 = [1, 2, 3, 4, 5, 6, 7, 8, 9]) or ○ 2.2 (M0300C1 = [1, 2, 3, 4, 5, 6, 7, 8, 9]) or ○ 2.3 (M0300D1 = [1, 2, 3, 4, 5, 6, 7, 8, 9]). <p>Denominator: The number of all long-stay residents with a selected target assessment who meet the definition of high risk, except those with exclusions.</p> <p>Residents are defined as high-risk if they meet one (1) or more of the following three (3) criteria on the target assessment:</p> <ul style="list-style-type: none"> • Impaired bed mobility or transfer indicated, by either or both of the following: <ul style="list-style-type: none"> ○ Bed mobility, self-performance (G0110A1 = [3, 4, 7, 8]) or ○ Transfer, self-performance (G0110B1 = [3, 4, 7, 8]) or • Comatose (B0100 = [1]) or • Malnutrition or at risk of malnutrition (I5600 = [1]) (checked). <p>Exclusions:</p> <ul style="list-style-type: none"> • Target assessments that define a long-stay resident as high risk under this measure should be excluded from the denominator calculation if the target assessment is an admission assessment (A0310A = [01]) or a Prospective Payment System (PPS) 5-day or readmission/return assessment (A0310B = [01, 06]). • If the resident is not included in the calculation of the numerator (the resident did not meet the pressure ulcer conditions for the numerator) and any of the following conditions are true: <ul style="list-style-type: none"> ○ (M0300B1 = [-]). ○ (M0300C1 = [-]). ○ (M0300D1 = [-]).
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<p>2. Percentage of long-stay residents who received an antipsychotic medication</p>	<p>Quality of Care</p>	<p>N/A</p>	<p>CMS</p>	<p>Numerator: The number of long-stay residents with a selected target assessment where the following condition is true: antipsychotic medications received. This condition is defined as follows:</p> <ul style="list-style-type: none"> • For assessments with target dates on or before 03/31/2012: (N0400A = [1]). • For assessments with target dates on or after 04/01/2012: (N0410A = [1, 2, 3, 4, 5, 6, 7]). <p>Denominator: The number of long-stay residents with a selected target assessment, except those with exclusions.</p> <p>Exclusions: Residents are excluded from the calculation of the numerator if any of the following is true:</p> <ul style="list-style-type: none"> • For assessments with target dates on or before 03/31/2012: (N0400A = [-]). • For assessments with target dates on or after 04/01/2012: (N0410A = [-]). <p>Residents are also excluded if any of the following related conditions are present on the target assessment (unless otherwise indicated):</p> <ul style="list-style-type: none"> • Schizophrenia (I6000 = [1]). • Tourette’s syndrome (I5350 = [1]). • Tourette’s syndrome is considered to be (I5350 = [1]) if this item is not active on a prior the target assessment or if a prior assessment is available; or. • Huntington’s disease (I5250 = [1]).
<p>3. Percent of long-stay residents with a urinary tract infection</p>	<p>Quality of Care</p>	<p>0684</p>	<p>CMS</p>	<p>Numerator: The number of long-stay residents with a selected target assessment that indicates urinary tract infection within the last thirty (30) days (I2300 = [1]).</p> <p>Denominator: The number of all long-stay residents with a selected target assessment, except those with exclusions.</p> <p>Exclusions: Residents are excluded from the denominator calculation if:</p> <ul style="list-style-type: none"> • Target assessment is an admission assessment of (A0310A = [01]) or a PPS 5-day or readmission/return assessment (A0310B = [01, 06]); or • Urinary tract infection value is missing (I2300 = [-]).

<p>4. Percent of low risk long-stay residents who lose control of their bowels or bladder</p>	<p>Quality of Care</p>	<p>N/A</p>	<p>CMS</p>	<p>Numerator: The number of long-stay residents with a selected target assessment that indicates frequently or always incontinence of the bladder (H0300 = [2, 3]) or bowel (H0400 = [2, 3]).</p> <p>Denominator: The number of all long-stay residents with a selected target assessment, except those with exclusions.</p> <p>Exclusions: Residents are excluded from the calculation of the denominator if:</p> <ul style="list-style-type: none"> • Resident’s target assessment is an admission assessment (A0310A = [01]) or a PPS five (5-) day or readmission/return assessment (A0310B = [01, 06]); . • Resident is not in numerator and H0300 = [-] OR H0400 = [-]. • Residents have any of the following high risk conditions: a. Severe cognitive impairment on the target assessment as indicated by (C1000 = [3] and C0700 = [1]) OR (C0500 ≤ [7]); b. Totally dependent in bed mobility self-performance (G0110A1 = [4, 7, 8]);. c. Totally dependent in transfer self-performance (G0110B1 = [4, 7, 8])’or . d. Totally dependent in locomotion on unit self-performance (G0110E1 = [4, 7, 8]). • Resident does not qualify as high risk (see #3 above) and both of the following two (2) conditions are true for the target assessment: a. C0500 = [99, ^, -]; and b. C0700 = [^, -] or C1000 = [^, -]. • Resident does not qualify as high risk (see #3 above) and any of the following three (3) conditions are true: a. G0110A1 = [-]; b. G0110B1 = [-]; and c. G0110E1 = [-]. • Resident is comatose (B0100 = [1]) or comatose status is missing (B0100 = [-]) on the target assessment. • Resident has an indwelling catheter (H0100A = [1]) or indwelling catheter status is missing (H0100A = [-]) on the target assessment. • Resident has an ostomy (H0100C = [1]) or ostomy status is missing (H0100C = [-]) on the target assessment.
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<p>5. Percent of long-stay residents experiencing one or more falls with major injury</p>	<p>Quality of Care</p>	<p>0674</p>	<p>CMS</p>	<p>Numerator: The number of long-stay residents with one or more look-back scan assessments that indicate one or more falls that resulted in major injury (J1900C = [1, 2]).</p> <p>Denominator: The number of all long-stay nursing home residents with a one or more look-back scan assessments except those with exclusions.</p> <p>Exclusions: Residents are excluded from the calculation of the denominator if one of the following is true for all of the look-back scan assessments:</p> <ul style="list-style-type: none"> • The occurrence of falls was not assessed (J1800 = [-]), or • The assessment indicates that a fall occurred (J1800 = [1]) and the number of falls with major injury was not assessed (J1900C = [-])
<p>6. Resident/Family Satisfaction Survey</p>	<p>Quality of Life</p>	<p>N/A</p>	<p>DHCF or its representative</p>	<p>The survey will document resident/family satisfaction with the services provided by the nursing facility. The survey will be:</p> <ul style="list-style-type: none"> • The AHRQ standardized nursing home CAHPS survey tool; and • Annually administered and tabulated by an external entity from the nursing facility and DHCF. <p>A summary report of the survey and response rate will be made publicly available.</p>
<p>7. End of Life Program</p>	<p>Quality of Life</p>	<p>N/A</p>	<p>DHCF</p>	<p>The facility must develop a program for all residents (including but not limited to those with a terminal diagnosis) that serves the staff, residents, and family members in preparation for the time when beneficiary is unable to communicate their wishes for themselves regardless of anticipated length of stay .</p> <p>Supporting documentation for the program provided by the nursing facility to DHCF must provide:</p> <ul style="list-style-type: none"> • A detailed narrative of the facility's end of life program that identifies individual preferences, spiritual needs, wishes, expectations, specific grief counseling, a plan for honoring those that have died, and a process to inform the facility residents of such death; • Documentation of no less than four (4) and no greater than ten (10) residents' individual wishes and how the facility honored them; and • Proof of staff education on the facility's end of life planning program.

8. Low-acuity Non-emergent ED visits	Utilization	N/A	DHCF	Percentage of inpatient admissions among nursing facility long stay residents for specific ambulatory care conditions that may have been prevented through appropriate outpatient care.
9. All-cause 30-day Readmissions	Utilization	1768	NCQA	<p>The number of acute inpatient stays during the measurement year that were followed by an unplanned acute readmission for any diagnosis within thirty (30) calendar days and the predicted probability of an acute readmission. Data are reported in the following categories:</p> <ul style="list-style-type: none"> • Count of Index Hospital Stays (denominator); • Count of thirty (30)-Day Readmissions (numerator); and • Average adjusted Probability of Readmission.
10. Potentially Preventable Hospital Admissions	Utilization	N/A	AHRQ	Percentage of inpatient admissions among nursing facility residents for specific ambulatory care conditions that may have been prevented through appropriate outpatient care. Includes admissions for one of the following conditions: diabetes with short-term complications, diabetes with long-term complications, uncontrolled diabetes without complications, diabetes with lower-extremity amputation, chronic obstructive pulmonary disease, asthma, hypertension, or heart failure without a cardiac procedure.
11. Staff Continuing Education in MDS Training	Infrastructure	N/A	DHCF	Provide documentation that staff is trained to document MDS assessment in a uniform and consistent manner.
12. Staff Turnover	Infrastructure	N/A	DHCF	<p>The percentage of direct care staff[^] who have been terminated^{^^} during the measurement period, calculated as follows: $100 * (\text{Number of nursing terminations at the nursing home during the period} / (\text{average number of nursing staff employees}) - 100$.</p> <p>[^]Direct Care Staff - All full-time, part-time, permanent, short-term, seasonal, salaried and hourly RN, LPN, and CNA staff. Staff of temporary agencies and outside contractors are not included.</p> <p>^{^^}Terminated - Any person who is no longer employed by the nursing facility for any reason.</p>
13. RN hours per resident day	Infrastructure	N/A	DHCF	RN hours per resident day is calculated by adding RN hours plus fifty (50) percent of Direct of Nursing (DON) hours worked by nursing home employees plus eighty (80) percent of RN hours worked by contract agency staff, and dividing by total resident days for the reporting period.

14. Quality Improvement Plan <i>(This measure will be retired in FY2020 and will become a participation requirement for the NFQII program.)</i>	Infrastructure	N/A	DHCF	Documentation on how the nursing facility will address transitions of care and optimize on performance measures. The measure will review the nursing facility’s Quality Assurance and Performance Improvement program utilizing the ACA required guidelines.
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6524.4 In addition to the reporting requirements set forth in § 6524.3, each nursing facility participating in NFQII shall report to DHCF, annually, on an additional set of requirements and performance measures set forth below:

Nursing Facility Quality Initiative Incentive Performance Measures				
Measure Number/ Name	Measurement Domain	NQF #	Steward	Description
1. Certified EHR Adoption <i>(NFQII only)</i>	Infrastructure	N/A	DHCF	Demonstrate use of electronic health record (EHR) technology to support the creation and execution of a person-centered plan of care for each beneficiary that will facilitate transitions of care.
2. Enrollment and Integration in the Chesapeake Regional Information System for our Patients (CRISP) to receive ENS <i>(NFQII only)</i>	Infrastructure	N/A	DHCF	Demonstrate use of enrollment in and use of Health Information Exchange tools as detailed below: <ul style="list-style-type: none"> • In year 1 nursing facilities provide proof of enrollment in the Chesapeake Regional Information System for our Patients (CRISP) or comparable system, to receive hospital and emergency department alerts for enrolled beneficiaries. • In year 2 nursing facilities provide narrative of how the facility has integrated the HIE connectivity into its workflow

6524.5 Results on all performance measures referenced in § 6524.3 shall be publicly posted on the DHCF website.

6525 PARTICIPATION IN THE NURSING FACILITY QUALITY IMPROVEMENT PROGRAM

6525.1 To participate in the NFQIR track, the nursing facility must:

- (a) Be located in the District of Columbia;

- (b) Be enrolled in and seek reimbursement from the District's Medicaid Program as a nursing facility; and
- (c) Report data pursuant to § 6524.3.

6525.2 To participate in the NFQII track, the nursing facility must:

- (a) Meet requirements pursuant to § 6525.1;
- (b) Submit a letter indicating intent to participate in the NFQII track by September 1, 2018 and annually thereafter; and
- (c) Beginning fiscal year 2020 and annually thereafter, submit a quality improvement plan on the nursing facility plans to address improved transition of care and optimize its workflow to achieve optimal performance on performance measures set forth in § 6524.3.

6525.3 DHCF shall notify the nursing facilities if all participation requirements have been met no later than thirty (30) business days after the receipt of the required materials.

6525.4 Measures specifications for the performance payment shall consist of a set of guidelines set forth by DHCF. Measure specifications for the baseline period and first performance measurement period are set forth in § 6524.3.

6525.5 DHCF reserves the right to change performance measures, measure specifications, and participation requirements. DHCF will notify nursing facilities of the performance measures, measure specifications, and any changes through transmittals issued to the nursing facilities no later than sixty (60) calendar days prior to October 1st of each measurement year (MY).

6525.6 Data from the following periods will be used to determine the initial performance payment in fiscal year 2020:

- (a) The baseline period shall begin on February 1, 2018 and end on September 30, 2018; and
- (b) Fiscal year 2019, the period beginning October 1, 2018 and ending September 30, 2019, is the first performance measurement period.

6526 NFQII PERFORMANCE SCORING

6526.1 Nursing facilities electing to participate in the NFQII will be assessed for the performance payment based on the facility:

- (a) Submitting a written statement attesting to compliance or completion of a performance measure accompanied by supporting documentation;
- (b) Attaining the seventy-fifth (75th) percentile based on all nursing facility performance from the previous measurement period; or
- (c) Improving on the individual nursing facility performance relative to the previous year by any margin.

- 6526.2 DHCF will establish performance benchmarks for attainment based on data collected in the baseline period. The performance payment program's baseline period will be the period from February 1, 2018 to September 30, 2018, in which nursing facility performance is initially measured. For each subsequent measurement year, benchmarks will be based on data collected from the prior measurement year. If a participating nursing facility did not attain its goal, then DHCF shall assess whether the participating nursing facility's performance with regard to measures set forth in § 6524 improved from the previous measurement year.
- 6526.3 For domain measures where attainment is measured, an eligible nursing facility must achieve the attainment benchmark of the seventy-fifth (75th) percentile for the initial baseline period or for the previous measurement year to receive the points allotted for those measures in accordance with § 6526.6. Setting the threshold at the seventy-fifth (75th) percentile means that only nursing facilities performing at the level of the top quartile for the previous year would earn points for attainment. Participating nursing facilities performing below the attainment benchmark will also be able to receive the total points allotted for that measure if they have improved measure performance from the previous year by any amount.
- 6526.4 DHCF will determine an annual performance score using the data available in the measurement year for each eligible nursing facility. The score is based on the number of points that a facility earns for its performance in meeting the benchmarks for each measure described in §§ 6524.3 and 6524.4.
- 6526.5 For domain measures where improvement can be measured, the improvement benchmark will be any improvement in performance of the measure compared to the prior year's performance by any margin.
- 6526.6 DHCF shall determine the distribution of points to calculate annual performance score based on a maximum of one hundred (100) points. DHCF shall apply weights to each of the domains and measures. Each measure in the domain is assigned points by dividing the total points amongst measures in each domain as outlined below:

(a)

Nursing Facility Performance Measure Point Distribution Methodology			
Domains	Measures	MY 2019	MY 2020
Quality of Care	Pressure Ulcers	6	6
	Anti-psychotic Medications	6	6
	Urinary Tract	6	6
	Loss of bowels or bladder	6	6
	Falls w/ injury	6	6
	Domain Total	30	30
Quality of Life	Resident survey	8	10
	End of Life Program	2	10
	Domain Total	10	20
Utilization	Low-Acuity Non-emergent ED Visits	3.3	3.3
	All-cause 30-day Readmissions	3.3	3.3
	Potentially Preventable Hospital Admissions	3.3	3.3
	Domain Total	10	10
Infrastructure	Staff Continuing Education in MDS Training	5	6
	Staff Turnover Rate	5	6
	RN Nursing Hours per Resident Day	5	6
	EHR Adoption	10	11
	HIE Connectivity	10	11
	Quality Improvement Plan	15	N/A
	Domain Total	50	40
Total	Total NFOII Points	100	100

(b) DHCF shall retain the right to adjust relative weights assigned to domains and measures. DHCF shall issue a transmittal notifying nursing facilities of assigned weights no later than sixty (60) calendar days prior to the beginning of the measurement year.

6526.7

If a nursing facility attests to compliance with or completion of a given measure, attains the seventy-fifth (75th) percentile for a given measure, or improves performance on a given measure, as appropriate, then the nursing facility will be awarded the total amount of points allotted for that measure as set forth in § 6526.6. If a nursing facility neither attest to compliance or completion of a given measure, attains the seventy-fifth (75th) percentile for a given measure, nor

improves performance on a given measure, as appropriate, no points will be awarded for that measure. The total score for a nursing facility will be the sum of the total points earned through either attainment, attestation, or improvement across measures set forth in §§ 6524.3 and 6524.4.

6526.8 A transmittal will be issued to each nursing facility no later than ninety (90) calendar days after the start of the measurement year with information on the benchmarks that will be used to measure a facility's performance (attainment or improvement).

6526.9 DHCF shall provide written notification of the attainment and individualized improvement thresholds to each eligible nursing facility no later than one hundred eighty (180) calendar days after the conclusion of the previous measurement year after all performance measures are received and validated.

6527 NURSING FACILITY QUALITY OF CARE FUND AND NFQII PERFORMANCE PAYMENT

6527.1 DHCF shall calculate and distribute performance payments based on available funds from the Nursing Facility Quality of Care Fund.

6527.2 DHCF shall calculate the amount of funds available for distribution to nursing facilities after the conclusion of each measurement year for the subsequent year in accordance with the requirements set forth below:

(a) The amount of funds available for DHCF to distribute to nursing facilities shall be a percentage of the total assessments collected under the Nursing Facility Quality of Care Fund during the fiscal year; and

(b) DHCF shall provide public notice of the amount of funds available for distribution at least sixty (60) days ahead of the beginning of the measurement year.

6527.3 DHCF will distribute performance payments to eligible nursing facilities based on the participating facility's proportionate share of the total Medicaid resident days of all nursing facilities and the facility's annual performance score during the measurement year.

6527.4 Beginning with measurement year 2019, and annually thereafter, performance payments shall be calculated and distributed no later than one hundred eighty (180) calendar days after the conclusion of each measurement year once all performance measures are received and have been validated. A payment letter will include the facility's performance score and the amount of the award.

6527.5 Any unused funds from the prior fiscal year shall be returned to the Nursing Facility Quality of Care Fund.

6599 **DEFINITIONS**

6599.1 When used in this chapter, the following terms shall have the meanings ascribed:

Accrual Method of Accounting - a method of accounting pursuant to which revenue is recorded in the period earned, regardless of when collected and expenses are recorded in the period, regardless of when paid.

Arm’s Length Transaction – a transaction between the nursing facility and another party where both parties are acting in their own best interests and there is no established relationship except the mutual involvement of the parties in the transaction itself.

Base Year - the standardized year on which rates for all facilities are calculated to derive a prospective reimbursement rate.

Case Mix Index - a number value score that describes the relative resource use for the average resident in each of the groups under the RUGS IV classification system based on the assessed needs of the resident.

Case Mix Neutralization - the process of removing cost variations between nursing facilities nursing and resident care costs resulting from different levels of case mix.

Change of Ownership shall have the same meaning as “acquiring of effective control” as set forth in D.C. Official Code § 44-401(1).

Clinically Eligible - means that the beneficiary meets the criteria for a nursing facility level of care, as determined by an assessment completed by DHCF or its assign. The assessment includes a determination from clinicians that the beneficiary requires a nursing facility level of care.

Day-Weighted Median - the point in an array from high to low of the per diem costs for all facilities at which half of the days have equal or higher per diem costs and half have equal or lower per diem costs.

Department of Health Care Finance (DHCF) - the single state agency responsible for the administration and oversight of the District’s Medicaid program.

Expanded Facility - a facility that puts additional Medicaid certified beds into service.

F01 - the case mix index scores developed by the Centers for Medicare and Medicaid Services for the Medicaid 48-group Resource Utilization Groups (RUGS-IV) classification system.

FiO2 - (fraction of inspired oxygen) - the ratio of the concentration of oxygen to the total pressure of other gases in inspired air.

Facility Medicaid Case Mix - the arithmetic mean of the individual resident case mix index for all residents, for whom DHCF is the payer source, admitted and present in the nursing facility on one (1) day per quarter in each fiscal year, as selected by DHCF. The arithmetic mean shall be carried to four (4) decimal places.

Fair Market Value - the value at which an asset could be sold in the open market in a transaction between unrelated parties.

Long-Stay Resident – A resident who resides in nursing facility for one hundred and one (101) resident days or more.

Mechanical Ventilation - a method for using machines to help an individual to breathe when that individual is unable to breathe sufficiently on his or her own to sustain life.

Median - the point in an ordered array from lowest to highest of nursing facility per diem costs at which the facilities are divided into equal halves.

Medicaid Resident Day - one (1) continuous twenty-four (24)-hour period of care furnished by a nursing facility that concludes at midnight each calendar day, where DHCF is the primary payor. Calendar days include reserved bed days that are paid for by DHCF. The day of the resident's admission is counted as a resident day. The day of discharge is not counted as a resident day.

Minimum Data Set (MDS), Version 3.0 means the resident assessment instrument and data used to determine the RUGS classification of each resident.

New Provider – a nursing facility that, at the time of application to enroll as a Medicaid provider, has not been a provider during the previous twelve (12)-month period or, for rates effective February 1, 2018 and after, does not have a cost report as set forth in § 6521 of this chapter; and a nursing facility not defined as a reorganized facility or a facility that has changed ownership.

Nursing Facility - a facility that is licensed as a nursing home pursuant to the requirements set forth in the “Health Care and Community Residence

License Act of 1983,” effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*) and meets the federal conditions of participation for nursing facilities in the Medicaid program as set forth in 42 CFR part 483.

Nursing Facility Quality of Care Fund – District fund established in accordance with the “Fiscal Year 2005 Budget Support Act of 2004,” effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441 (September 3, 2004)) as amended by the “Fiscal Year 2006 Budget Support Act of 2006,” effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899 (August 25, 2006)) and the “Technical Amendments Act of 2008,” effective March 25, 2009 (D.C. Law 17-687; 56 DCR 1117 (February 4, 2009)).

Out of State Facility - a nursing facility located outside the District of Columbia which meets the licensure standards in the jurisdiction where services are provided and meets the federal conditions of participation for nursing facilities in the Medicaid program as set forth in 42 CFR part 483.

Peer Group - a group of nursing facilities sharing the same characteristics.

Per Diem Rate - a rate of payment to the nursing facility for covered services in a resident day.

Reorganized Facility - a nursing facility that has filed for bankruptcy in accordance with the requirements set forth by Chapter 11 (Reorganization) of Title 11 of the United State Bankruptcy Code and is managing debts and operations pursuant to a confirmed reorganization plan.

Resident - an individual who resides in a nursing facility due to physical, mental, familial or social circumstances, or intellectual disability.

Resident Day - one (1) continuous twenty-four (24) hour period of care furnished by a nursing facility and reimbursed by any payor that concludes at midnight each calendar day. Calendar days include reserved bed days that are paid for by DHCF. The day of the resident's admission is counted as a resident day. The day of discharge is not counted as a resident day.

Resource Utilization Groups (RUGS IV) - a category-based resident classification system developed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) used to classify nursing facility residents into groups based on each resident's needs and functional, mental and psychosocial characteristics.

Tidal Volume - the volume of air inspired and expired during a normal respiratory cycle.

Total Facility Average Case Mix - the arithmetic mean of the individual resident case mix indices for all residents, regardless of payer, admitted and present in the nursing facility on one (1) day per quarter in each fiscal year, as selected by DHCF. The arithmetic mean shall be carried to four (4) decimal places.

Tracheostomy - a surgical opening in the trachea or windpipe through which a tube is channeled to assist breathing.

Ventilator Dependent - a resident who requires at least sixteen (16) hours per day of mechanically assisted respiration to maintain a stable respiratory status.

Weaning - the process of gradually removing an individual from the ventilator and restoring spontaneous breathing after a period of mechanical ventilation.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-012
March 18, 2019

SUBJECT: Establishment — Office of the Deputy Mayor for Operations and Infrastructure

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:

1. **Establishment:** There is established in the Executive Office of the Mayor the Office of the Deputy Mayor for Operations and Infrastructure (“**Office**”), to be headed by a Deputy Mayor for Operations and Infrastructure.
2. **Purpose:** The purpose of the Office is to ensure that there is a strong and sustained focus by the District government on maintaining, strengthening, and investing in the District’s infrastructure (built and natural environment) and delivering high-quality government services to District residents and businesses.
3. **Functions:** In carrying out the purpose of the Office, the Deputy Mayor for Operations and Infrastructure shall:
 - a. Manage and oversee the performance of the District government’s transportation, infrastructure, and government services agencies that report to the Mayor;
 - b. Coordinate activities with the District government’s independent transportation, infrastructure, and government services agencies and serve as the District government’s main point of contact with those agencies;
 - c. Coordinate activities with private utilities and serve as the District government’s main point of contact with private utilities;
 - d. Ensure the successful delivery of the Mayor’s goals in the areas of infrastructure, mobility, sustainability, multimodal transportation, and government services and coordinate with the Mayor and City Administrator in setting other goals for the District government in these areas;

- e. Develop, lead, and/or coordinate initiatives to assist in delivering on the Mayor's goals in the areas of infrastructure, mobility, sustainability and the delivery of high-quality government services to District residents and businesses;
- f. With the Homeland Security and Emergency Management Agency, ensure coordination and management of the District's response to weather and infrastructure events, including snowstorms, traffic incidents, and environmental incidents;
- g. Work with District agencies to achieve the goal of a safe, reliable, and robust multimodal transportation network that includes a focus on pedestrians, bicycles, person mobility devices, and mass transit, along with motor vehicles;
- h. Develop and assess innovative ways to provide faster, more transparent and customer-friendly government services for District residents and businesses, including in the areas of: licensing and permitting, solid waste and recycling services, snow removal, street, sidewalk and alley state of good repair, and ticketing.
- i. Assess District and regional infrastructure plans to establish an overall set of performance measures and outcomes and to establish a priority among potential large-scale infrastructure projects and investments;
- j. Develop strategies and policies to achieve the Mayor's infrastructure, mobility, sustainability, and government services goals by aligning agency budgets, engaging key stakeholders, and ensuring the implementation of programs and operations;
- k. Provide strategic advice to the Mayor and City Administrator on matters related to infrastructure, mobility, sustainability, and government services;
- l. Represent the Mayor and the administration on committees, boards, and other official bodies, and in meetings and communications with key stakeholders and the public; and
- m. Carry out such other responsibilities as may be designated by the Mayor.

4. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to January 15, 2019.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-013
March 18, 2019

SUBJECT: Establishment — Office for East of the River Services

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (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:

1. **Establishment:** There is established in the Office of the City Administrator, under the direction and control of the City Administrator, the Office for East of the River Services, to be headed by an Executive Director.
2. **Purpose:** The mission of the Office for East of the River Services is to ensure that residents and neighborhoods in Ward 7 and Ward 8 enjoy the same socio-economic opportunities and benefits, high-quality District government facilities, community amenities, and access to District government services that all District residents and neighborhoods deserve.
3. **Functions:** The Office for East of the River Services shall:
 - a. Offer policy advice to the City Administrator and District government agencies to help ensure that the District government's budget priorities, legislative initiatives, programs, and policies take into account and appropriately address the needs and interests of Ward 7 and Ward 8 residents and communities;
 - b. Work with District government agencies to improve results in Ward 7 and Ward 8 in three specific areas of focus: neighborhood development, public safety, and government services;
 - c. Engage residents, businesses, community organizations, and other community stakeholders in Ward 7 and Ward 8 to improve the District government's understanding of the needs and opportunities in Ward 7 and Ward 8;
 - d. Convene agencies to develop programs, policies, and initiatives to address persistent challenges that impact Ward 7 and Ward 8 and assist agencies in

the coordination and implementation of those programs, policies, and initiatives;

- e. Coordinate with District government agencies to help ensure that high-quality government services are proactively provided to residents and neighborhoods in Ward 7 and Ward 8; and
 - f. Develop strategic partnerships with external entities to leverage private resources to improve outcomes in Ward 7 and Ward 8.
4. The Office of the Deputy Mayor for Greater Economic Opportunity and the position of the Deputy Mayor for Greater Economic Opportunity, established by Mayor’s Order 2015-143, dated May 27, 2015, are hereby abolished.
 5. Mayor’s Order 2015-143, dated May 27, 2015, is hereby rescinded.

EFFECTIVE DATE: This Order shall become effective *nunc pro tunc* to January 15, 2019.



MURIEL BOWSER
MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MARCH 27, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah

- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-AUD-00087; Neighborhood Restaurant Group, XVIII, LLC, t/a Red Apron at Union Market, 1309 5th Street NE, License #91030, Retailer CR, ANC 5D
Failed to File Quarterly Statement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CIT-00614; Madaket, LLC, t/a Surfside 2444 Wisconsin Ave NW License #78406, Retailer CR, ANC 3B
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CIT-00615; Madaket, LLC, t/a Surfside, 2444 Wisconsin Ave NW License #78406, Retailer CR, ANC 3B
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-AUD-00111; The Big Stick, LLC, t/a The Big Stick, 20 M Street SE License #94844, Retailer CR, ANC 6D
Failed to File Quarterly Statement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-AUD-00109; Bee Hive, LLC, t/a Sticky Rice/Sing Sing Karaoke 1222 H Street NE, License #72783, Retailer CR, ANC 6A
Failed to File Quarterly Statement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CMP-00227; Vap H Street, LLC, t/a Vapiano, 623 H Street NW License #76727, Retailer CR, ANC 2C

Board’s Calendar

March 27, 2019

No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM

Case # 18-AUD-00110; Kilala Enterprises, LLC, t/a Sushi Capitol, 325 Pennsylvania Ave SE, License #92785, Retailer DR, ANC 6B

Failed to File Quarterly Statement

Fact Finding Hearing* 10:00 AM

Case # 19-CMP-00008; Hope Lounge, LLC, t/a Peace Lounge, 2632 Georgia Ave NW, License #106785, Retailer CT, ANC 1B

Allowed a Promoter to Manage the Establishment, Allowed Adult Entertainment, Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Terms for its License

Fact Finding Hearing* 10:30 AM

Case # 19-251-00009; Hunam Inn, Inc., t/a Cobalt/30 Degrees/Level One Cobalt/30 Degrees/Level One, 1639 R Street NW, License #71833, Retailer CT, ANC 2B

Simple Assault, Interfered with an Investigation

Fact Finding Hearing* 11:00 AM

Case # 19-251-00030; Zhou Hospitality Group, LLC, t/a Umayya, 733 10th Street NW, License #94099, Retailer CT, ANC 2C

Simple Assault

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MARCH 27, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 6B. SMD 6B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Garrison*, 524 8th Street SE, Retailer CR, License No. 098736.
-

2. Review Request to Extend Safekeeping of License – Ninth Request. Original Safekeeping Date: 7/1/2005. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skylark Lounge (formerly)*, 1943 New York Avenue NE (formerly), Retailer CN, License No. 090611.
-

3. Review Request to Extend Safekeeping of License – Seventh Request. Original Safekeeping Date: 12/23/2013. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Dancing Crab*, 4615 41st Street NW, Retailer CR, License No. 090297.
-

4. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 9/19/2018. ANC 5E. SMD 5E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Super Liquors*, 1633 N. Capitol Street NE, Retailer A Liquor Store, License No. 079241.
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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.**

DC MAYOR’S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on **March 20, 2019** at 6:30 pm.

The meeting will be held at the MOAPIA office at One Judiciary Square, 441 4th Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov .

The DC Commission on Asian and Pacific Islander Affairs convenes meetings to discuss current issues affecting the DC Asian American and Pacific Islander (AAPI) community.

MEETING AGENDA

**DC Commission on Asian and Pacific Islander Affairs Monthly Meeting
Wednesday, March 20, 2019, 6:30 pm**

Meeting Location: 441 4th St NW, Room 721 North Washington, DC

Agenda

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of January 2019 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Director Ben de Guzman, MOAPIA.
2. Staff Report, Henry Duong, MOAPIA.
3. MOAPIA Budget Hearing, DC City Council
4. May AAPI Heritage Celebration, Tuesday, May 7, 2019, 6:30 pm, Lincoln Theatre, 1215 U Street NW.
5. May AAPI Heritage Celebration Award Nomination Process.
6. Commission Task Force Report

Miscellaneous Items

Meeting Adjournment

Next Meeting:

Wednesday, April 17, 2019, 6:30 pm

MOAPIA,

441 4TH St NW Room 721 North

Washington DC

Questions:

John Tinpe Chairman, John.Tinpe@dcbc.dc.gov

Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov

Ngoc Trinh, MAOPIA Ngoc.Trinh@dc.gov

www.apia.dc.gov

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 one or more vendors for general contractor services.

Contact Person:

Natasha Harrison
nharrison@centercitypcs.org

To obtain copies of full RFP's, please visit our website:
<https://centercitypcs.org/contact/requests-for-proposal/>. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

**EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL
INVITATION TO BID**

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA) request proposals for:

- **Furniture for New School Facility Currently Under Construction** – experienced vendor needed for furnishing and installing classroom, and office furniture in new school facility. **Submission deadline:** ECA will receive bids until 4:00 pm on April 1, 2019. Late submissions will not be considered

For further information send email inquiries to bids@ecapcs.org.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING
COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting
Washington, DC – The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, April 11, 2019 from 6:30 pm to 8:00 pm at One Judiciary Square, 441 4th Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes specifically around the quality work, hear from DC Policy Center on the Funding Landscape of OST Programs in DC, discuss items from the four strategic priorities committees about the strategic plan and hear updates from the OST Commission’s standing committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, April 9th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Approval of Minutes
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Presentation DC Policy Center
- VIII. Strategic Priorities Committee Reports and Discussion
- IX. Standing Committee Updates
- X. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission’s purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: April 11, 2019
Time: 6:30 p.m. – 8:00 p.m.
Location: One Judiciary Square
Room 1107 South
441 4th Street, NW
Washington, DC 20001
Contact: Debra Eichenbaum
Grants Management Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 478-5913
Debra.eichenbaum@dc.gov

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR THE ARCHITECT OF THE CAPITOL, CAPITOL BUILDING JURISDICTION**

Notice is hereby given that the Architect of the Capitol, Capitol Building Jurisdiction has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at the U.S. Capitol Building, located at U.S. Capitol Building, Washington, DC 20515:

Emission Units			
Emission Unit ID	Stack ID	Emission Unit Identification	Description
Emergency Generator 1	CVC1	Caterpillar Model No. 3516 generator set located at U.S. Capitol Visitor Center	2,000 kWe generator set powered by a 2,937 hp diesel engine, installation date: 2008 (NSPS)
Emergency Generator 2	CVC2	Caterpillar Model No. 3516 generator set located at U.S. Capitol Visitor Center	2,000 kWe generator set powered by a 2,876 hp diesel engine, installation date: 2006 (NSPS)
Emergency Generator 3	CVC3	Caterpillar Model No. 3516 generator set located at U.S. Capitol Visitor Center	2,000 kWe generator set powered by a 2,876 hp diesel engine, installation date: 2006 (NSPS)
Emergency Generator 4	CVC4	Caterpillar Model No. 3516 generator set located at U.S. Capitol Visitor Center	2,000 kWe generator set powered by a 2,876 hp diesel engine, installation date: 2006 (NSPS)
Senate Side Emergency Generator	CAP1-S	Caterpillar Model No. 3412 generator set located at U.S. Capitol Building	750 kWe generator set powered by a 1,109 hp diesel engine, installation date: 2005 (non-NSPS)
House Side Emergency Generator	CAP2-H	Caterpillar Model No. 3412 generator set located at U.S. Capitol Building	750 kWe generator set powered by a 1,109 hp diesel engine, installation date: 2005 (non-NSPS)

Miscellaneous Activities:

1. Two (2) Underground Storage Tanks (USTs) for diesel;
2. Six (6) Aboveground Storage Tanks (ASTs) for diesel;
3. Twenty-four (24) Wet-Type Transformer Vaults for mineral oil;
4. Twenty-six (26) Elevator Storage Tanks for hydraulic oil;
5. One (1) portable cement mixer; and

6. One (1) carpentry shop dust collector.

The contact person for the facility is Ms. Mamie Bittner at (202)228-1793 or communications@aoc.gov.

The following is an estimate of overall potential emissions from the facility:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	Potential Emissions
Sulfur Dioxide (SO ₂)	0.03
Oxides of Nitrogen (NO _x)	39.24
Total Particulate Matter (PM Total)	2.10
Volatile Organic Compounds (VOCs)	1.04
Carbon Monoxide (CO)	2.21
Total Hazardous Air Pollutants (HAPs)	0.02

This facility has the potential to emit 39.24 tons per year of oxides of nitrogen (NO_x). The value for this criteria pollutant exceeds the major source thresholds in the District of Columbia of 25 TPY of NO_x. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 051 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notice-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment

1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after April 22, 2019 will be accepted.

For more information, please contact Thomas Olmstead at (202) 535- 2273 or thomas.olmstead@dc.gov.

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

NOTICE OF FOR-HIRE VEHICLES ADVISORY COUNCIL MEETING

The For-Hire Vehicle Advisory Council will hold a meeting on Tuesday, March 26, 2019 at 10:00 am. The meeting will be held at the Department of For-Hire Vehicles, 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the For-Hire Vehicle Advisory Council Meeting on the DFHV website at www.dfhv.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Council on any issue of concern; the Council generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed two (2) minutes to address the Council. To register, please call 202-645-6002 no later than 3:00 p.m. on March 25, 2019. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Advisory Council Recorder no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Advisory Council Communication
- III. Advisory Council Action Items
- IV. Department of For-Hire Vehicles staff reports
- V. Government Communications and Presentations
- VI. Public Comment Period
- VII. Adjournment

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective candidates to provide:

- **A Learning Management System**-The LMS should be a web-based technology solution used to plan, implement, and assess student work and provide instructors with a way to create and deliver content, monitor student participation, and assess student performance. Students should also have the ability to use its interactive features such as threaded discussions, video, and discussion forums.
- **Event Support Services** -To included but not limited to event space, catering, promotional items, décor, & furniture rental.
- **Consultant Services** to improve applicant tracking system (ATS), iCIMS. Bidders must be established members of the iCIMS consultant ecosystem with multiple years of experience providing iCIMS support, customization and training for a range of clients.

The full scope of work will be posted in a competitive Request for Proposal that can be found on FPCS website at <http://www.friendshipschools.org/procurement/>. Proposals are due no later than 4:00 P.M., EST, **Friday, April 19th, 2019**. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Earned Admissions at Arizona State University

Friendship PCS intends to enter into a sole source contract with Earned Admissions at Arizona State University to offer Friendship School students access to a dual enrollment program via online college courses. The decision to sole source is based on Arizona State University focus on removing barriers and increasing access to the first year of college for students. Earned Admissions is a collection of first- year courses that fulfill a specific set of general education requirements, including Mathematical Studies, English, Humanities, Arts and Design, Social-Behavioral Sciences, and Natural Sciences. Students enrolled in EA courses will receive college academic credit after they've successfully passed their course(s), and they can take EA courses multiple times if necessary to ensure college readiness. Since payment for academic credits are only charged once the student has passed the class(es), EA is an excellent risk-free option for students allowing them to jump-start their first year of college. The estimated yearly cost is approximately \$60,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by the Fiscal Year 2019 Budget Support Act of 2018, Title V, Subtitle G, Section 5062 to make grant funds available to develop a pilot program to strengthen the ability of faith-based organizations to deliver health care services through telehealth to residents located in Wards 5, 7, and 8. The Director of DHCF has authority to issue grants under 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(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunity will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is June 1st, 2019 to September 30th, 2019.

Description of Opportunity:

Telehealth at Faith-Based Organizations Pilot Program Grant: One (1) grant of up to \$75,000 will be awarded to develop a pilot program to strengthen the ability of faith-based organizations to deliver health care screenings, assessments, and services through telehealth and reduce low-acuity, non-emergency (LANE) hospital visits, avoidable hospitalizations, and hospital readmissions for residents located in Wards 5, 7, and 8.

Applicants will be required to demonstrate that proposed telehealth services and activities will be provided in compliance with local licensure requirements or must explain why the project is exempt from those requirements. Priority will be given to organizations that demonstrate an ability to enhance or expand current telehealth programs in Wards 5, 7, and/or 8.

Eligibility Requirements:

Applicants must be a faith-based organization located and/or providing services in Wards 5, 7, and/or 8 and be registered with the DC Department of Consumer and Regulatory Affairs (DCRA) as a Not-for-Profit Corporation or must demonstrate a partnership with such a faith-based organization. Applicants who choose to subgrant must have a demonstrated record of partnership and provide Letters of Commitment for any existing or proposed partnerships.

All applicants and subgrantees must be a registered organization in good standing with DCRA's Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

A RFA will be released on or around April 8th, 2019. The application package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website (<https://dhcf.dc.gov/page/dhcf-grant-opportunities>). Hard copies of the application package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 a.m. until 4:00 p.m.

DHCF will hold a pre-proposal conference on April 11th, 2019 at 3:00 p.m. at 441 4th St. N.W., 10th floor, Main Street Room 1028, Washington, D.C. 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00 p.m. Eastern on May 8th, 2019. Applications must be submitted in hard copy and in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.

For additional information regarding this NOFA, please contact Jordan Kiszla, Project Manager, DHCF, Health Care Reform and Innovation Administration at jordan.kiszla@dc.gov or at (202) 442-9055.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

MEDICAID BEHAVIORAL HEALTH TRANSFORMATION WAIVER

The Department of Health Care Finance (DHCF) is working with the Department of Behavioral Health (DBH) and other District agencies and stakeholders to develop a Section 1115 Medicaid Waiver to transform Medicaid's system for behavioral health services in the District of Columbia.

To get more information from the public, DHCF and DBH are holding a public meeting on **Thursday, March 28, 2019, from 1:30 to 3:00 PM in Room 1117, 11th Floor 441 4th Street NW**. This meeting will inform the public about the waiver and the District's proposed goals, service changes, and timeframe for submission. The meeting will also share information on how members of the public can be involved in this initiative. All interested members of the public, including service providers, advocates, and Medicaid enrollees, are welcome to attend to share any questions, feedback, and ideas.

Individuals can join the meeting by phone by dialing 1-650-479-3208 and using the access code 737 504 801, or by web conference by going to <https://dcnet.webex.com/dcnet/j.php?MTID=m4957e0449d20a6e39b4255938ca0dff4> and using password "BepPCSEm."

To share questions, receive further information, and get updates on future events, please email dhcf.waiverinitiative@dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS
REQUEST FOR PROPOSALS

Fob Entry Access and Electronic Lock Installation

KIPP DC is soliciting proposals from qualified vendors for Fob Entry Access and Electronic Lock Installation. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on April 10, 2019. Questions can be addressed to jessica.gray@kippdc.org.

Facilities Management

KIPP DC is soliciting proposals from qualified vendors for Facilities Management. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on April 12, 2019. Questions can be addressed to kevin.mehm@kippdc.org.

Afterschool Girls Empowerment Program

KIPP DC is soliciting proposals from qualified vendors for an Afterschool Girls Empowerment Program. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on April 2, 2019. Questions can be addressed to emmanuelle.stjean@kippdc.org.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING OF THE
WALTER REED ARMY MEDICAL CENTER
COMMUNITY ADVISORY COMMITTEE**

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

Date: Monday, April 1, 2019

Time: 6:30 PM – 8:00 PM

Location: DC International School, 1400 Main Drive NW

Contact: Randall Clarke, DMPED

The draft agenda is as follows:

Walter Reed Council Advisory Committee Meeting Agenda

1. LRA Opening Remarks
 - Welcome & Intro
 - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
 - CBE First Source Project Update/Upcoming Opportunities
 - Project Updates
 - Construction Updates
 - Project Events
3. Aspen Street Update
4. Adjourn – 8 PM

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code,¹ of its final tariff action taken on March 13, 2019, in Order No. 19856, granting the Application² of Verizon Washington DC, Inc. (Verizon DC) requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201
Section 1A, 12th Revised Page 3**

2. Verizon DC identified the proposed tariff amendment as an update to its Universal Service Trust Fund surcharge, which is required by Chapter 28 of the Commission's Rules of Practice and Procedure. The surcharge is being updated to true up the 2017-2018 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2019 assessment. With the approval of this Application, the monthly per line surcharge is \$0.05 per non-Centrex line and \$0.01 per Centrex line. Verizon DC represented that this Application would not change the surcharge for non-Centrex or Centrex lines.³ In Order No. 19856, the Commission approved Verizon DC's Application.

¹ D.C. Code § 2-505 (2016 Repl.); D.C. Code § 34-802 (2012 Repl.).

² *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing (2019 Surcharge) ("Verizon DC Application"), filed December 20, 2018.

³ Verizon DC Application at 2.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFFELECTRIC TARIFF 2019-01, IN THE MATTER OF THE PROPOSAL OF THE POTOMAC ELECTRIC POWER COMPANY TO AMEND ITS GENERAL TERMS AND CONDITIONS TARIFF, P.S.C.-D.C. No. 1

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) proposed amendment to its General Terms and Conditions Tariff in not less than 30 days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On March 1, 2019, Pepco filed a request for Commission approval of an addition to Section 7(c) of Pepco's Tariff to include language that specifies the percentage amount that Pepco can charge for late payments.² Pepco proposes the tariff amendment in order that the assessment of late payment charges conform to the requirements of 15 DCMR, Chapter 3: Consumer Rights and Responsibilities (commonly known as the Consumer Bill of Rights or CBOR), Section 305.3, which provides that: "No late payment charge shall be levied on any amounts, including deferred payment installments, paid by the due date, or on amounts in dispute before the Commission. Utilities may levy a late payment charge on amounts that are not paid by the due date. Such late payment charges shall be established in tariffs in accordance with the procedure required by the Commission."³ To that end, Pepco's proposal will amend the following tariff page:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Second Revised Page No. 24

According to the tariff amendment, Pepco's proposed late payment charge will state that: "Such late payment charges shall be one percent (1%) for amounts unpaid within the first month after the due date and an additional one and one half percent (1 ½%) on any remaining unpaid balance per billing month thereafter."⁴

¹ D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.).

² *Electric Tariff 2019-01, In the Matter of the Joint Motion of Potomac Electric Power Company and the Office of the People's Counsel for the District of Columbia to Amend Pepco's General Terms and Conditions for Furnishing Electric Service in the District of Columbia*, The Motion of the Potomac Electric Power Company to Amend Pepco's General Terms and Conditions for Furnishing Electric Services in the District of Columbia, filed March 1, 2019 ("Tariff Amendment").

³ Tariff Amendment at 2, *citing* 15 DCMR § 305.3 (2009). (Pepco's Emphasis).

⁴ Tariff Amendment at Proposed Third Revised Page No. 24.

3. Any person interested in commenting on the subject matter of this proposed tariff may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or electronically on the Commission's website at https://edocket.dcpSC.org/public/public_comments. Copies of the proposed tariff may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on the Surcharge Update.

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, March 19, 2019 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Agenda

1. Review and Approval of the Minutes from the February 19, 2019 Meeting - Action Item, Judge Lee.
2. Annual Report Overview – Informational Item, Barbara Tombs-Souvey, Executive Director.
 - a. Key Findings
 - b. Sentencing Trends
3. Presentation of Requested Research Findings – Discussion Item, Mehmet Ergun, Statistician.
 - a. Lapsed and Revived Convictions
 - b. Impact of Juvenile Adjudications on CH Scores
4. Presentation of Crime Curve Analysis - Discussion Item, Taylor Tarnalicki, Research Analysis.
5. Schedule Next Meeting – April 23, 2019.
6. Adjourn.

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Substitute Teacher Services**

The Next Step Public Charter School Solicits Proposals for Human Resources Services for the 2018-2019 school year (July 1, 2018 – June 30, 2019).

The Request for Proposals (RFP) specifications such as scope and responsibilities can be obtained on March 22, 2019 from Taunya Melvin, TNSPCS Chief Operations Officer via email listed below.

Bids must be received by Friday, April 19, 2019 midnight (EST) at the email address listed below. Any bids not addressing all areas as outlined in the Substitute Teacher Services (RFP) will not be considered.

SUBMITT BIDS electronically to: rfp@nextsteppcs.org

THE SEED PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Rooftop Package Unit Replacement**

The SEED Public Charter School of Washington DC is inviting firms to submit proposals for the removal and replacement of (7) Trane package gas rooftop units. Additional specifications outlined in the Request for Proposal (RFP) may be obtained between the hours of 8 am – 4pm from:

Brendan Dowd
Campus Operations Manager
THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON, D.C.
4300 C Street, SE
Washington, D.C. 20019
bdowd@seedschooldc.org
202-248-7773 x 5045

The deadline for submitting bids is April 10, 2019 at 1:00 PM.

All bids not addressing all areas as outlined in the RFP will not be considered.

REQUEST FOR PROPOSALS**Roof Replacement and Repair**

The SEED Public Charter School of Washington DC is inviting firms to submit proposals for the repair and replacement of roof spaces on the Academic, Student Center, Marshall Hall, and Brown Hall buildings. Additional specifications outlined in the Request for Proposal (RFP) may be obtained between the hours of 8 am – 4pm from:

Brendan Dowd
Campus Operations Manager
THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON, D.C.
4300 C Street, SE
Washington, D.C. 20019
bdowd@seedschooldc.org
202-248-7773 x 5045

The deadline for submitting bids is April 10, 2019 at 1:00 PM.

All bids not addressing all areas as outlined in the RFP will not be considered

**DISTRICT DEPARTMENT OF TRANSPORTATION
PLANNING & SUSTAINABILITY DIVISION
TRANSPORTATION SAFETY BRANCH**

HIGHWAY SAFETY BEHAVIORAL GRANT PROGRAM

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2020 Grant to Non-Profit Community-Based Organizations

The Planning & Sustainability Division (PSD), Transportation Safety Branch, within the District of Columbia (District) Department of Transportation (DDOT) is soliciting detailed innovative projects that address the following identified problem areas:

Impaired Driving;
Occupant Protection to include seat belts and child passenger safety;
Aggressive Driving; and,
Pedestrian/Bicycle Safety

Successful grant applications will provide solutions to identified problems, implement proven strategies, show a commitment on the part of the applicant to sustain and contribute to success, have measurable outcomes, and/or have the greatest demonstrable need or problem. The purpose of the Highway Safety (Behavioral) Grant Program is to reduce fatalities and injuries in the District of Columbia through the implementation of programs that will bring awareness to aggressive driving, impaired driving, seatbelt usage, pedestrian/bicycle, and motorists. Applicants problem statements must be data driven, have performance measures, goals and objectives.

DDOT intends to make several grant awards of up to fifth thousand dollars (\$50,000) to fund eligible organizations. This of course is based on funding availability. The award will be for fiscal year 2020 which begins October 1, 2019 and expires September 30, 2020. Eligible organizations must be non-profit organizations. This is a reimbursable grant based on expenditures. No cash advances are allowed. Indirect costs are not fundable as well. In addition, Research-based projects cannot be funded. The service and activities to be funded through these grants should have a direct impact on behavioral changes of residents of the District of Columbia and meet the requirements of the highway safety grant program.

The Request for Application (RFA) will be released on Monday April 8, 2019 and a copy of the grant application may be requested by emailing Carole Lewis at carole.lewis@dc.gov, or can be obtained by going to the safety office's website www.ddot-hso.com. Once there click on "Grants Information", then click on *2020 Grant Application & Guide*. For additional information please contact Carole A. Lewis by email at: carole.lewis@dc.gov.

The deadline for submission of all grant applications is May 10, 2019 at 3:00 pm

NOTICE OF NON-DISCRIMINATION

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, status as a victim of an intrafamily offense, 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.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF FUNDING AVAILABILITY (NOFA)****Vision Zero 2019 Open Streets Coordination Grant****Request for Application Release Date: March 22, 2019****Application Submission Deadline: April 19, 2019**

The District Department of Transportation (DDOT) is the lead agency implementing Mayor Bowser's Vision Zero safety initiative. Vision Zero seeks to achieve zero traffic fatalities and serious injuries in the District through better engineering of roadways, more effective traffic-safety education efforts, smarter use of transportation data and safety analyses, and more effective enforcement of life-saving laws.

As part of Mayor Bowser's Vision Zero safety initiative, DDOT will be hosting Washington, DC's inaugural Open Streets in the Fall of 2019 and is requesting grant proposals from interested parties to assist the agency in planning, coordinating and implementing this project. The Open Streets concept involves events where streets are periodically closed to motor-vehicle traffic and open to people for healthy activities suitable for all ages and abilities. The concept helps inspire people to think differently about their streets by encouraging physical activity, creating recreational opportunities, and fostering community building and education. The concept originated in Bogotá, Columbia in 1976 and has been replicated in cities around the world.

Non-profit organizations in the Washington metropolitan area are eligible to apply for Fiscal Year 2019 grant funds to plan, coordinate and implement the inaugural Open Streets program in Washington, DC. Proposals should not exceed \$65,000.

The selected proposal will be responsive to all aspects of the request for applications (RFA). The RFA will be available by email or on DDOT's website at <https://ddot.dc.gov/page/apply-grant> on **March 22, 2019**. Please refer to the full RFA for this funding opportunity for detailed requirements and timeline.

For additional information or to receive the full RFA by email, please contact:

Jonathan D. Rogers
Transportation Planner
Planning and Sustainability Division
55 M Street SE, Suite 500
Washington, DC 20003
Phone: (202) 671-3022
Email: jonathan.rogers2@dc.gov

NOTICE OF NON-DISCRIMINATION

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TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Owner's Representative**

Two Rivers PCS is seeking an owner's representative to provide project management and construction oversight services for a \$17 million middle school project to be delivered in August, 2020. For a copy of the RFP, please email **Sarah Richardson at procurement@tworiverspcs.org**.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, April 4, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of March 7, 2019 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non-Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19369 of Capitol Hill Partners I, LLC, pursuant to 11 DCMR §§ 3100 and 3101¹, from a July 15, 2016 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to not issue a stop-work order on Building Permit Nos. B1512726 and B1605810 in the R-4 District at premises 521 11th Street, S.E. (Square 973, Lot 69).

HEARING DATES: November 16, 2016 and November 30, 2016
DECISION DATE: November 30, 2016

ORDER DENYING APPEAL

This appeal was submitted on September 2, 2016 by Capitol Hill Partners I, LLC, to challenge a decision by the Zoning Administrator (“ZA”), at the Department of Consumer and Regulatory Affairs (“DCRA”), issued July 15, 2016, determining not to issue stop-work orders on Building Permits Nos. B1512726 and B1605810 to enforce 11 DCMR §§ 3130.2 and 3130.3, which govern time limits on the validity of Board of Zoning Adjustment (“the Board” or “BZA”) orders (“Decision Letter”). Pursuant to 11 DCMR § 3130.2 “Any permit approved under this chapter shall be issued within a period of six (6) months after the date of the filing of an application for the permit.” Pursuant to 11 DCMR § 3130.3, “[t]he erection or alteration approved in the permit shall be started within six (6) months after the date of the issuance of the permit, and shall proceed to completion in accordance with its terms. If the work is not started within such period, the permit shall expire and not be renewed.” Following a public hearing, the Board failed to achieve a majority vote on either granting or denying a motion to dismiss and then voted to affirm the decision of the ZA and deny the appeal.

PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning scheduled a hearing on November 16, 2016. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellant, to DCRA, and the owner of the subject property, Bernard Renard (the “Owner”).

¹ All references to Title 11 DCMR within the body of this order are to provisions that were in effect on the date the case was decided by the Board of Zoning Adjustment (the 1958 Zoning Regulations), but which were repealed as of September 6, 2016 and replaced by new text (the 2016 Zoning Regulations). The repeal and adoption of the replacement text has no effect on the validity of the Board’s decision in this case or of this Order.

Parties

Appellant. The Appellant is Capitol Hill Partners I, LLC. This entity owns the building at 519 11th Street, S.E., located next door to the property that is the subject of the appeal.

Appellee. DCRA was the agency whose decision was being appealed, and as such was the Appellee. It was represented by its Office of the General Counsel, Maximillian Tondro, Esq.² The Zoning Division of DCRA is headed by the ZA, Matthew LeGrant, and is charged with administering the Zoning Regulations. On Mr. LeGrant's authority, Mr. Tondro issued the Decision Letter in question and Mr. LeGrant testified at the public hearing on behalf of DCRA.

Property Owner. As the owner of the subject property, Bernard Renard (the "Owner") is automatically a party under 11 DCMR § 3199.1.

Advisory Neighborhood Commission ("ANC") 6B. ANC 6B, as the affected ANC, also was an automatic party under 11 DCMR § 3199.1. In a resolution dated November 10, 2016, issued after a regularly scheduled meeting with a quorum present, the ANC voted that it agreed with the Appellant's request "that an existing building permit be nullified given the time that has elapsed since the project was proposed and permits issued and that the Zoning Administrator erred in approving the permit." (Exhibit 27.) The ANC report also asserted that contrary to the Owner's assertions, this case is of public interest and the neighbors are concerned that the project has remained incomplete for nine years despite the issuance of building permits.

For the reasons stated below, the Board found no error was made by the Zoning Administrator, and therefore finds the ANC's issues and concerns unpersuasive.

Motions to Dismiss

On November 14, 2016, DCRA filed a motion to dismiss the appeal for untimely filing, and on November 30, 2016, the Owner also filed a motion to dismiss the appeal for untimely filing.³

² As of the date of this Order, Mr. Tondro is employed by the Office of the Attorney General ("OAG") and is the Section Chief of the Land Use and Public Works Section, the OAG Section responsible for advising the Board. Mr. Tondro did not take part in the drafting or legal review of this Order. However, Mr. Tondro was consulted to clarify an aspect of the Zoning Administrator's argument, which is customary as the OAG Section converses with the prevailing side's attorney when needed to accurately convey the prevailing side's argument, and is authorized to accept proposed findings of fact and conclusions of law from a party if requested by the Board.

³ As noted, the Board failed to achieve a majority vote on either granting or denying the motion; therefore, the Board has omitted any discussion of the arguments presented by the parties regarding the motion in this Order.

FINDINGS OF FACT

The Property

1. The property which is the subject of this appeal is known as 521 11th Street, S.E. (Square 973, Lot 69) (the “Property”).
2. The Property is located in the center of the block facing 11th Street, S.E.
3. The Property is in the R-4 Zone District.
4. The Property is within the Capitol Hill Historic District.
5. The lot is improved with a two-story row-dwelling. The existing structure is 18 feet, 8 inches high and has a total floor area of 1,070 square feet.
6. The project proposes partial demolition of the structure, a two-story addition to the rear section of the lot, and a partial third-floor addition (mezzanine).

Background

7. The Owner initially filed an application to the Board for special exception and variance relief on May 1, 2006, and the Board granted the requested relief by BZA Order No. 17509 issued on June 11, 2007 (the “Order”). More specifically, the Order granted a special exception allowing an addition to one of two row dwellings sharing the same lot proposed for subdivision that would not meet the minimum width requirements for an open court or the maximum percentage of lot occupancy limitations; and a variance from the minimum lot width requirements. (Exhibit 5A.)
8. The Order authorized the subdivision that created two lots now known as 521 11th Street, S.E. (the “Property”) and 523 11th Street, S.E., and required the existing shed on the property and the garage workshop on the adjacent 523 11th Street, S.E. to be demolished to reduce the amount of lot occupancy relief granted under the Order. The Order also required a parking space to be installed in place of the shed on the Property. (Exhibit 28.)
9. Pages two and three of the Order indicated that:

Under 11 DCMR § 3125.9, “no decision or order of the Board shall take effect until ten days after having become final pursuant the supplemental rules of practice and procedure for the Board of Zoning Adjustment.”

Pursuant to 11 DCMR § 3130.1, 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 purposes of securing a building Permit.

10. The Order states its final date as being June 11, 2007, meaning it became effective on June 21, 2007 and would expire two years later if no building permit were applied for.
11. The Owner sought a two-year extension of that Order which the Board granted on March 24, 2009 and through BZA Order No. 17509-A issued on April 8, 2009. That order assumed that the underlying Order was effective for two years, and therefore the validity of the Order was extended until June 11, 2011.
12. The Owner sought a second two-year extension to the Order, which the Board also granted and issued an order on July 19, 2011, BZA Order No. 17509-B. As a result, the new deadline for applying for a building permit was extended to June 11, 2013.
13. On March 18, 2011, two-and-a half months prior to the expiration of the first Board extension of the Order, the owner was issued two permits, the first, Permit No. D1100170, was to demolish the shed on the Property, and the second, Permit No. B1104462, was to demolish the workshop attached to the garage on the adjacent 523 11th Street, S.E. The Owner was required to complete these demolitions before the subdivision separating the Property and 523 11th Street, S.E. could occur, as authorized by the Order. The owner completed the subdivision and installed a parking space in place of the shed on the property as required by the Order. (BZA Hearing Transcript of November 30, 2016 (“Tr.”) at 182.)
14. The Owner agreed to the Historic Preservation Review Board’s design proposal to remove the form-stone façade and replace it with the original wood siding and to restore the front porch. (Exhibit 24, p. 4.)
15. The Owner therefore filed two further applications for permits on June 6, 2013 because of the project’s complexity. One application was for the historical exterior work to the front porch and façade and the second was for the remaining section of the house with the rear addition.
16. DCRA issued the third permit, Permit No. B1307627, related to the project on July 15, 2013 for construction of the front porch and façade, and a fourth permit, Permit No. B1107802, was issued on September 12, 2014 for the remaining section of the house and the rear addition.
17. The permit for the rear addition included approval of a partial rear third-floor mezzanine of approximately 20 feet in length to extend seven to eight feet above the roof line of the Appellant’s property; and an exterior wall of concrete block facing the Appellant’s property. (Exhibit 24, p. 4.)
18. The Owner explained that he decided to wait for the fourth permit to be issued before starting the work approved by the third permit and testified that after issuance of the fourth permit in September 2014, he had to stop all work on the project and was unable to start construction on the rear addition because he was stricken with “a very serious case of rheumatoid arthritis and he was completely impaired.” (Tr. at 190; Exhibit 45, p. 13.)

Therefore, construction did not begin within six months of issuance of either the third or the fourth permit.

19. Beginning in early 2015, minimal progress was made on the project including ongoing planning, construction preparatory work, and tests. (Exhibit 24, p. 4.)
20. Construction of the front façade was completed in early 2016 and interior work for the remaining section of the house was well underway at that time. (Exhibit 24 p. 5.)
21. DCRA issued three extensions to the Owner’s fourth permit (Permit No. B1107802) for the remaining section of the house and the rear addition.
22. The first extension was issued on September 15, 2015, Permit No. B1512726, then a second extension on March 15, 2016, Permit No. B1605810, and a third on September 9, 2016, Permit No. B1612950. The third extension permit had an expiration date of March 12, 2017. Hereinafter, these permits are referred to as “the three extensions.”
23. By email dated July 15, 2016, the Zoning Administrator denied the Appellant’s request to issue a stop work order on the fourth permit (No. B1107802) first issued on September 12, 2014 and the three extensions to it, stating “While Sections 3130.2 and 3130.3 do appear to require that a permit utilizing relief granted by a Board Order (i) have the permit issued within 6 months of application and (ii) start construction within 6 months of permit issuance, the long-standing practice of the Zoning Administrator has been to not enforce these provisions as administratively unworkable and inequitable in practice. I note that the new Zoning Regulations have dropped this requirement, indicating that the Zoning Commission sees no value in these sections⁴ Therefore, the Zoning Administrator has determined that there is no reason to put a hold on the permit for 521 11th Street, SE.” (Exhibit 2.)
24. However, DCRA presented a different argument in its pre-hearing statement and hearing testimony, asserting that there was no violation of the requirement to start construction within six months of issuance of Permit No. B1107802 and its three extensions because the two permits issued on March 18, 2011, Permit Nos. D1100170 and B1104462, had already satisfied the requirements to vest the Order. DCRA noted that the Zoning Administrator has recognized a demolition permit as vesting the relevant Board Order when the order approved more than the construction of a building. (Exhibit 28, p. 4.) In these circumstances, the Order authorized the subdivision of the lot but first the owner was required to demolish the shed and the garage workshop to reduce the lot occupancy relief granted under the Order. However, because the second permit, Permit No. B1104462 only approved the partial demolition of the garage workshop and some construction work was required to repair the remaining roof and walls, it was technically

⁴ In March 2016, prior to the Zoning Administrator’s July 2016 decision letter, a Notice of Final Rulemaking was published adopting the 2016 Zoning Regulations and repealing the 1958 Zoning Regulations, including the requirements of 11 DCMR § 3130.3; however, there was a delay to allow time for compliance with the 2016 Zoning Regulations and the rule in § 3130.3 was not officially repealed until September 6, 2016.

classified as a building permit as signified by its permit number starting with a “B” instead of a “D”; therefore, it met all the requirements to vest the Order under § 3130.1. (Tr. at 180; Exhibit 28, p. 4.)

25. The Appellant filed this appeal on September 2, 2016, appealing the Zoning Administrator’s decision not to issue a stop work order on the fourth permit and its three extensions. Initially the appeal claimed violations of both § 3130.2, which requires permit issuance within six months of filing a permit application, and § 3130.3, which requires construction to start within six months of issuance of a permit. (Exhibit 23.)
26. The Owner asserted that he was advised to apply for a permit to satisfy the requirements of both §§ 3130.2 and 3130.3, although he was told these provisions were not enforced “as later confirmed by the Zoning Administrator ... email ... that these provisions were administratively unworkable and inequitable in practice.” (Exhibit 24, p. 6.)
27. At the hearing, the Appellant indicated that it was no longer pursuing its claim of a violation of § 3130.2, conceding that it should have known that the permit application filed on June 6, 2013 and the resulting permit, Permit No. B1107802, issued on September 12, 2014 was not issued within six months. Thus the subject of the appeal is only the Zoning Administrator’s decision not to issue a stop work order on the fourth permit, Permit No. B1107802, and its three extensions, all for which construction was not started within six months of permit issuance as required by § 3130.3. (Tr. at 153.)
28. The Owner argued that he applied for and secured a demolition permit, Permit No. D1100170 and a building permit, Permit No. B1104462, on March 18, 2011 and work promptly started under the permits as required by § 3130.3. Because the work was a major part of the construction project and required to meet the lot occupancy relief granted in the Order, the Owner believed the Zoning Administrator would recognize the work as constituting the “erection or alteration” required to start within six months under § 3130.3. (Exhibit 24, p. 6 and Exhibit 45, p. 11.)
29. The Owner asserted that he believed he could rely on the first two permits that were issued to satisfy the requirements under § 3130.3 and was given no indication or warning in his communications with the Office of Zoning or DCRA that the permits would have limited validity, be insufficient, or that he would need to apply for another permit to meet the requirements of § 3130.3. (Exhibit 24, p. 6.)

CONCLUSIONS OF LAW AND OPINION

The Board is authorized by § 8 of the Zoning Act to “hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal” made by any administrative officer in the administration or enforcement of the Zoning Regulations. (D.C. Official Code § 6-641.07(g)(1) (2008 Repl.); 11 DCMR § 3100.2.) Appeals to the Board of Zoning Adjustment “may be taken by any person aggrieved, or organization authorized to represent that person ... affected by any decision of an administrative officer ... granting or withholding a certificate of occupancy or any other administrative decision based in

BZA APPEAL NO. 19369

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whole or part upon any Zoning regulations ...” (D.C. Official Code § 6-641.07(f) (2008 Repl.); 11 DCMR § 3100.2.)

The Board finds it irrelevant that DCRA cited a different argument in its decision letter denying the request to issue a stop work order than the argument it presented in its pre-hearing statement and testimony. (*See* Appeal No. 17444 of Kuri Brothers, Inc. (April 9, 2008) (affirming DCRA’s revocation of a certificate of occupancy based upon a different occupancy than the occupancy authorized by DCRA in the certificate of occupancy issued).) However, DCRA’s assertion in its decision letter that “the long-standing practice of the Zoning Administrator has been to not enforce these provisions as administratively unworkable and inequitable in practice” was not a persuasive justification for its decision. Despite the fact that the Zoning Administrator knew, as of the decision date, that the rule in § 3130.3 was repealed in the 2016 Zoning Regulations to become effective on September 6, 2016, the Board believes the Zoning Administrator was still obliged to enforce the rules that were currently in effect. As the D.C. Court of Appeals has repeatedly stated, “even if an agency charged with implementing a regulation - which in this case, we note, is not the agency that wrote it – perceives it to be deficient or imperfect, it is not the agency’s (or this court’s) prerogative ‘to rewrite the statute [or regulation] ...’” *Chagnon v. District of Columbia Bd. of Zoning Adjustment*, 844 A.2d 345, 348-349 (D.C. 2004) quoting *Moore v. Gaither*, 767 A.2d 278, 285 (D.C. 2001)(internal punctuation omitted) (decision vacating a Board Order affirming the Zoning Administrator’s decision to issue Metro Day a certificate of occupancy as a child/elderly development center based on its adult day treatment program providing care similar to a child/elderly development center but not principally for children or the elderly).

Pursuant to §§ 3130.1 and 3130.3, two steps are required to vest an order. First, an applicant must apply for a building permit within two years of the effective date of the order; and second, an applicant must start the work approved under the permit within six months of permit issuance. Once these requirements are fulfilled, the order is vested for all purposes. Typically, a project approved under an order requires only one building permit for all construction, but this case involved multiple building permits. The Owner argued that he believed he satisfied the requirements of § 3130.3 by starting work within six months of the issuance of the demolition permit (D1100170) and building permit (B1104462) issued on March 18, 2011; however, it seems unlikely that the Owner believed the first two permits could satisfy all the time requirements to fully vest the Order because he applied for two extensions to the Order specifically to allow more time to apply for a building permit.

The Appellant’s principal argument in this case is that work has to start within six months of the issuance of the building permit directly related to the relief granted under an order to vest an order; therefore, because the owner did not start work within six months of issuance of the fourth permit, the building permit approving the 44-foot the rear addition directly related to the lot occupancy relief granted under the Order, the Order never vested. (Tr. at 172-174.) Further, the Owner could not satisfy the requirements of §§ 3130.1 and 3130.3 with the first two permits issued, Permit Nos. D1100170 and B1104462, because they both approved demolition work and neither was a building permit approving work directly related to the lot occupancy relief granted

under the Order. Thus, the Zoning Administrator erred by not issuing a stop work order on the fourth permit and its three extensions to enforce § 3130.3 “which clearly indicates a time period within which construction toward the relief granted in an order must begin” (Tr. at 168.)

Although § 3130.1 requires an applicant to apply for a building permit to vest an order and the Owner applied for a building permit to partially demolish the garage workshop on March 18, 2011, based on the facts in this case the Board is persuaded by DCRA’s argument that a demolition permit can vest an order authorizing more than just the construction of a building. Here, the Order also authorized the subdivision of the lot but, before the subdivision could be approved, the owner was required to demolish the shed and to partially demolish the garage workshop. Had the owner failed to complete these demolitions approved in the first two permits, Permit Nos. D1100170 and B1104462, none of the relief granted under the Order could have materialized. Because of this, and the fact that both permits were applied for and issued on March 18, 2011, the Board could reach the conclusion that once work started within six months of issuance of Permit Nos. D1100170 and B1104462 the Order vested; and if both permits were classified by DCRA as demolition permits, the Board would be inclined to reach such a conclusion. However, the Board does not have to reach this conclusion because the second permit (B1104462) was a building permit that met the requirements to vest an order under §§ 3130.1 and 3130.3. One, the Owner applied for the building permit on March 18, 2011, within the first extension period the Board granted to validate the Order; and two, the owner started work under the building permit within six months of permit issuance. Accordingly, the Board concludes that the second permit officially vested the Order.

The Board finds that the first building permit that met the requirements of §§ 3130.1 and 3130.3 was sufficient to vest the Order and does not agree that work had to start within six months of issuance of the fourth permit, the building permit approving the 44-foot rear addition, to vest the Order. On projects like this, where multiple building permits are issued, the Board sees no value in picking one building permit deemed directly related to the relief granted under the order and assigning vesting power to that one building permit only. In this case, it is arguable that any work authorized by the Order that was a precondition to the subdivision of the lot was directly related to the lot occupancy relief granted under the Order. Therefore, the Board cannot place any special value on the fact that the fourth permit approved construction of the rear addition, and generally finds the specific work a building permit approves irrelevant in determining whether or not it serves to vest an order. The relevant issues under §§ 3130.1 and 3130.3 are that the building permit was applied for while the order was still valid, and that the work approved under the permit was started within six months of permit issuance. Hence, the Board must conclude that the Order was vested by the second permit in 2011 well before the Owner failed to start work on the rear addition within six months of issuance of the fourth permit or any of its extensions.

Accordingly, the Board finds that the Zoning Administrator reasonably determined not to issue a stop work order on the fourth permit and its extensions based on the conclusion that the Order was already vested.

Based on the findings of fact and conclusions of law, the Board concludes that the Appellant has not satisfied the burden of proof in its claims of error in the decision of the Zoning Administrator to not issue a stop-work order on Building Permit Nos. B1512726 and B1605810 in the R-4 District at premises 521 11th Street, S.E. (Square 973, Lot 69).

Accordingly, it is therefore **ORDERED** that the **APPEAL** is **DENIED** and the Zoning Administrator's determination is **SUSTAINED**.

VOTE: 3-0-1 (Frederick L. Hill, Anita Butani D'Souza, and Anthony J. Hood voting to DENY; Jeffrey L. Hinkle abstaining; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 8, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 19441-A in Appeal No. 19441 of Richardson Place Neighborhood Association, pursuant to 11 DCMR Subtitle Y § 302, from decisions made on September 27, 2016, and October 20, 2016, by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permits No. B1611469 and B1611470, and subsequently to issue Certificates of Occupancy No. CO1700955 and CO1700918, to allow two adjacent flats in the R-4 District at premises 410 and 412 Richardson Place, N.W. (Square 507, Lots 101 and 102).¹

HEARING DATE: March 22, 2017
DECISION DATE: May 17, 2017
ORDER ISSUANCE DATE: February 4, 2019
STAY DECISION DATE: February 21, 2019

ORDER GRANTING STAY

By Order issued February 4, 2019, the Board granted an appeal submitted on December 16, 2016, by the Richardson Place Neighborhood Association (the “Appellant”), a non-profit citizens’ association comprising owners of approximately ten residences on or adjacent to Richardson Place, N.W., to challenge the decisions of the Department of Consumer and Regulatory Affairs (“DCRA”) to issue two building permits and two related certificates of occupancy that allowed two flats on adjacent lots at 410 and 412 Richardson Place, N.W. (Square 507, Lots 101 and 102).

The parties in this proceeding are the Appellant; DCRA; Oaktree Development LLC, doing business as OTD 410-412 Richardson Place LLC, the owner of the property that is the subject of the appeal (“OTD” or the “Property Owner”); and Advisory Neighborhood Commission (“ANC”) 5E, the ANC in which the subject property is located.

On February 11, 2019, the Property Owner submitted a motion to stay the effectiveness of the Board’s Order granting the appeal pursuant to Subtitle Y § 701.2. The motion was served on the other parties in accordance with Subtitle Y § 407.3, and at a public meeting on February 13, 2019, the Board set the deadline for responses from the parties as February 19, 2019, in accordance with Subtitle Y § 407.4. At the public meeting, the Board indicated its intent to deliberate on the motion for stay at a public meeting on February 20, 2019; the meeting was

¹ This order refers to provisions and zone districts in effect under the Zoning Regulations of 1958 when the decision was made. The 1958 Regulations were repealed as of September 6, 2016, and replaced by the 2016 Regulations; however, the repeal and adoption of the replacement text have no effect on the validity of the Board’s decision in this case or of this Order.

postponed to February 21, 2019, since the District of Columbia Government was closed due to inclement weather on the originally scheduled date.

FINDINGS OF FACT

1. The property that is the subject of this appeal is two adjoining lots located at 410 Richardson Place, N.W. (Square 507, Lot 102) and 412 Richardson Place, N.W. (Square 507, Lot 101).
2. Building permits were issued in 2011 and 2013 to a prior owner of the subject property to authorize construction of a flat on each lot. The prior owner began construction at the site in 2014 and sold the property to the current owner in April 2016. The original building permits were extended, and the Property Owner filed for revised permits to reflect a change in ownership. The revised building permits were issued on September 27, 2016, for 412 Richardson Place, N.W. and October 20, 2016, for 410 Richardson Place, N.W.
3. The Appellant met with a representative of the Property Owner on October 31, 2016, for the purpose of learning more about the planned operation of the new construction. The Property Owner indicated that Oaktree Development LLC would enter into a master lease of the subject property with Common Living, Inc., which would operate the buildings as a total of 24 living units, each of which would be individually leased in an arrangement known as “co-living.” One of the units would be leased to a representative of Common Living, who would act “as a sort of superintendent of the entire property.” (Exhibit 9.)
4. The Property Owner obtained certificates of occupancy authorizing use of the properties as two-family flats on February 2, 2017 (412 Richardson Place, N.W.), and February 13, 2017 (410 Richardson Place, N.W.).

CONCLUSIONS OF LAW AND OPINION

Pursuant to Subtitle Y §§ 701.1 and 701.2, the Board may order the effectiveness of a final decision and Order of the Board stayed pending reconsideration of that Order. In accordance with Subtitle Y § 701.3, the Board may grant a party’s request for a stay only upon finding that all four of the following criteria are present: (a) the party seeking the stay is likely to prevail on the merits of the motion for reconsideration; (b) irreparable injury would result if the stay is denied; (c) opposing parties would not be harmed by a stay; and (d) the public interest favors the granting of the stay.

With regard to the first element, the Board notes the Property Owner’s arguments, made in its related motion for reconsideration, challenge the Board’s decision to grant the appeal. The Board concludes that a stay of the effectiveness of the Order will maintain the status quo for a brief additional period until the Board can fully address the claims of the Property Owner.

With regard to irreparable injury absent a stay, the Property Owner states that “[t]here is no question that OTD and its tenants will suffer irreparable harm if the requested Stay is denied,” since DCRA would otherwise be required to revoke building permits and certificates of occupancy issued for the buildings “and OTD will be required to evict tenants that have been living in the buildings for nearly two years.” (Exhibit 50.) The Appellant complains that “OTD and Common have operated as though the decision did not even happen, subsequently populating the subject property with tenants....” (Exhibit 52.) However, despite its opposition to the Property Owner’s request for a stay, the Appellant did not oppose “a 30-day maximum” stay so that tenants could have time to relocate, an acknowledgement that harm would result absent a stay.

With regard to the third element, the Board finds that opposing parties would not be harmed by a stay. The Appellant did not claim that approval of a stay would cause any harm to the association or its members. According to the Property Owner, DCRA had no objection to the requested stay.

Finally, the Board concludes that the public interest favors a stay, which will prevent the revocation of the Property Owner’s certificates of occupancy until the Board has an opportunity to address the Property Owner’s claims of error in the reconsideration proceeding. The Board expects to deliberate on the motion for reconsideration at a public meeting on March 20, 2019.

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). The affected ANC, ANC 5E, was served with a copy of the Property Owner’s motion for stay, but did not submit a response. The Board’s decision as to whether to grant the requested stay is not a final decision, in light of the Property Owner’s motion for reconsideration of its Order granting the appeal, but concerns only whether the status quo should be maintained until the Board makes a decision on reconsideration. (*See Appeal No. 18027* (Order granting stay, issued November 25, 2009).) The ANC was also served with a copy of the Property Owner’s motion for reconsideration on the same day it was filed, and has been provided an opportunity to submit a written report before the Board makes a final decision on the motion for reconsideration.

For the reasons stated, it is hereby **ORDERED** that the motion for **STAY** is **GRANTED** until the date of issuance of a written decision and Order on the related motion for reconsideration of the Board’s Order granting the appeal, issued on February 4, 2019.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to GRANT the stay; Lorna L. John not participating.)

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BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 8, 2019

THE STAY FORMALLY ORDERED HEREIN BECAME FINAL AND EFFECTIVE UPON THE RECORDATION OF THE BOARD'S VOTE TO GRANT THE STAY ON FEBRUARY 21, 2019.

**BZA APPEAL NO. 19441
PAGE NO. 4**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19689 of MIC9 Owner, LLC, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the private school regulations under Subtitle X § 104.1 and from the bulk extension regulations under Subtitle A § 207.2, to construct new office space and a 111-unit apartment house on the campus of an existing adult private school in the RA-2 and RA-4 Zones at premises 2300 16th Street, N.W. (Square 2568, Lot 806, 808, and 809).

HEARING DATES: March 28, April 18, May 16, and June 13, 2018²
DECISION DATE: July 25, 2018

DECISION AND ORDER

This application (“Application”) was submitted on December 13, 2017, by MIC9 Owner, LLC (“Applicant”), on behalf of Meridian International Center (the “Center” or “Meridian”), the owner of the property that is the subject of the application (“Property”). The application requests special exception approval pursuant to Subtitle X § 104.1 of Title 11 DCMR of the Zoning Regulations of 2016 (“Zoning Regulations”) to modify the Center’s existing private school plan, and pursuant to Subtitle A § 207.2 of the Zoning Regulations to extend the bulk regulations of the RA-4 zone 35 feet west into a portion of the Property zoned RA-2, in order to construct a mixed-use building with approximately 111 residential units and approximately 9,266 square feet of office and meeting space for the Center (“Project”). Following a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated February 5, 2018, the Office of Zoning sent notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 1; Advisory Neighborhood Commission (“ANC”) 1C, the ANC for the area in which the Property is located; ANC 1B, the ANC located directly across 16th Street N.W. from the Property; and the single-member district representative for ANC 1C08. Pursuant to 11 DCMR Subtitle Y § 402.1, on February 5, 2018, the Office of Zoning mailed notice of the hearing to the Applicant, ANC 1C,

¹ The initial application also requested special exception relief for the height of the proposed retaining walls pursuant to Subtitle C § 1402.1. However, that request was subsequently withdrawn because the retaining wall regulations do not apply in the RA zones. (Exhibit 59.)

² The public hearing was originally scheduled for March 28, 2018, but was postponed three times and rescheduled for June 13, 2018, at the Applicant’s request to allow more time to engage in dialogue with the representatives of the surrounding properties and negotiate agreements to mitigate the impacts of the Project.

ANC 1B, and the owners of all property within 200 feet of the Property. Notice was published in the *D.C. Register* on February 9, 2018. (65 DCR 1434.)

Party Status. The Applicant, ANC 1C, and ANC 1B were automatically parties in this proceeding. A party status request was filed by the Beekman Place Condominium Association (“BPCA”), which represents the owners of the residential condominium development located to the south of the Property across Belmont Street, N.W. at 1600 Beekman Place, N.W. BPCA was represented by counsel. The BPCA withdrew its request for party status, however, prior to the hearing on the application. (Exhibit 70.)

Applicant’s Case. The Applicant provided evidence and testimony describing the Project and the satisfaction of the standards for the requested relief to modify the existing private school plan and extend the bulk regulations of the RA-4 zone 35 feet into a portion of the Property zoned RA-2. The Applicant asserted that the proposal satisfied the applicable requirements of the Zoning Regulations under Subtitle X § 104.1 and Subtitle A § 207.2. (Exhibits 9, 52, 69, and 87.) The Applicant also submitted a Comprehensive Transportation Report (“CTR”) into the record. (Exhibit 22.) The Applicant subsequently submitted a supplemental transportation memorandum regarding potential signal timing adjustments at the intersection of 16th Street N.W. and Crescent Street N.W. and potential removal of on-street parking along Belmont Street N.W. (Exhibit 42A.)

In response to concerns from BPCA and the ANC, on June 12, 2018, the Applicant submitted revised plans incorporating a redesign of the garage to incorporate a one-way exit from the garage onto Crescent Place, N.W., as well as a supplemental transportation memorandum addressing this redesign. (Exhibits 69, 69A, and 69B.) Under the revised design, except for limited events utilizing valet operations, all vehicles will enter the Project via the entry court on Belmont Street, N.W. and must exit via Crescent Place, which addressed traffic circulation concerns raised by the BPCA and other surrounding property owners. The Applicant also included in this submission three draft Memoranda of Understanding (“MOUs”) developed in coordination with the BPCA, Meridian Crescent Condominium Association (“Meridian Crescent”), 1661 Crescent Place, N.W., Inc. (“1661 Crescent”), and owners of certain property located on 17th Street, N.W., near the Property (collectively, the “Surrounding Property Owners”). (Exhibits 69C, 69D, and 69E.)

At the Board’s hearing on the Application, the Applicant proffered Matthew Bell of Perkins Eastman DC as an expert in architecture and Jami Milanovich of Wells and Associates as an expert in transportation engineering, who the Board qualified as experts.

Following the public hearing and in response to requests from the Board, the Applicant filed an extensive post-hearing submission on July 2, 2018. (Exhibit 87.) The post-hearing submission included additional commitments to mitigate the impact of the Project, including a commitment to limit the term of the new meeting/conference space in order to facilitate further Board review of whether the mitigation efforts were effective, as well as a proposed list of conditions, the final

versions of the MOUs, and a final, consolidated set of plans for the Project reflecting the revised garage access plan.

OP Report. In its memorandum dated June 1, 2018, OP recommended approval of the requested relief, finding that the application met the criteria for approval under Subtitle X § 104.1 and Subtitle A § 207.2. (Exhibit 56.) Specifically, with respect to modification of the existing private school plan, OP found that the existing Center constitutes a private school and that the proposed new office and meeting space for the Center is not likely to be objectionable to nearby properties, given that the Project will not result in an increase in the number of staff or an increase in the number of events. OP further stated that the overall amount of traffic to and from the Center is not likely to change significantly following development of the Project, and that the MOUs between the Applicant and the Surrounding Property Owners will address any noise issues at the site.

With respect to the relief under Subtitle A § 207.2, OP concluded that extension of the bulk regulations of the RA-4 zone into a portion of the site zoned RA-2 would not have an adverse effect on the character or future development of the neighborhood. OP noted that the relief would not result in more overall density at the site, but rather would allow the concentration of building mass and vertical expression along 16th Street, N.W., where historically higher density development has been focused in the neighborhood. OP did not recommend any additional development requirements under Subtitle A § 207.2(d), but supported the conditions in the Applicant's proposed MOUs and removal of the four conditions imposed under the Board's most recent approval of the private school plan under BZA Order No. 17070.

DDOT Report. In its memorandum dated June 1, 2018, DDOT stated that the Project's proposed density is not anticipated to have significant impacts on the District's vehicular transportation network. (Exhibit 57.) DDOT's report further stated that the Applicant has worked with the Surrounding Property Owners and DDOT to address transportation concerns. The report stated that DDOT does not support the installation of a new traffic signal at the intersection of Belmont Street, N.W. and 16th Street, N.W., but that DDOT is open to reviewing post-occupancy signal warrant studies to address any change in circumstances after the Project is developed. Lastly, DDOT's report stated that the Applicant's CTR is acceptable given the Project's level of impact. Based on these conclusions, DDOT indicated no objection to the requested relief, conditioned on the Applicant funding and constructing improvements to bring the intersections of 16th Street, N.W. with Belmont Street, N.W. and Crescent Place, N.W. up to DDOT standards. The Applicant agreed to these conditions.

ANC Report. Both ANC 1C and ANC 1B were affected ANCs and, therefore, automatically parties to the Application. ANC 1B did not submit any report regarding the Application, testify at the Board's hearing, or otherwise participate in the consideration of the Application. ANC 1C submitted a report dated May 24, 2018, ("ANC Report") stating that the ANC voted at a duly noticed public forum on May 23, 2018, with a quorum present, to adopt a resolution which alleged that the existing operations at Meridian impose adverse impacts and that the requested

relief would impose further adverse impact on the community, and the ANC therefore concluded that the Application does not meet the standards for approval. (Exhibit 55.)

Following the close of the public hearing, the Board granted ANC 1C an opportunity to consider the changes made by the Applicant with respect to the garage entrance as well as the final terms and conditions of the MOUs. ANC 1C submitted a report dated July 18, 2018, (“ANC Post-Hearing Report”) stating that the ANC voted at a duly noticed public forum on July 11, 2018, with a quorum present, to adopt a resolution reiterating its concerns and outlining why the negative impacts of the Project were not adequately addressed by either the modified garage design submitted by the Applicant prior to the Board’s hearing or the three proposed MOUs reached between the Applicant and the Surrounding Property Owners. (Exhibit 55.) The ANC Post-Hearing Report also raised, for the first time, allegations that the Meridian use did not constitute a “private school” use and that the existing zoning of the Property was inconsistent with the Comprehensive Plan.

On July 25, 2018, the day of the Board’s scheduled decision on the Application, ANC 1C filed a motion requesting to postpone the Board’s decision (“Motion to Postpone”; together with the ANC Report and ANC Post-Hearing Report, the “ANC Comments”). (Exhibits 89 and 89A.) In its Motion to Postpone, the ANC argued that the Zoning Commission and OP should review the Application in light of the Property’s designation on the Comprehensive Plan Future Land Use Map (“FLUM”) and that OP’s report on the Application should not be given “great weight” by the Board because it does not sufficiently assess the Project’s impacts or address alleged violations of the Comprehensive Plan.

Persons in Opposition. Twenty letters were filed in opposition to the Application by nearby residents.³ (Exhibits 61–69, 72–83.) Jake Perry, a resident of the Beekman Place Condominiums, testified in opposition at the Board’s hearing. On July 25, 2018, the date of the Board’s scheduled decision on the Application, Gary Youngblood, a resident of the Beekman Place Condominiums, filed a motion requesting that the Board reopen the record to accept additional comments from the community.⁴

Persons in Support. Katherine Boettrich, a resident of 17th Street near the Project, submitted a letter in support of the Applicant. Ms. Boettrich explained that she was part of the community working group that reviewed the Project for over two years and based on that experience, she supported the Project because the Project was in harmony with the general purpose and intent of the Zoning Regulations and the proposed MOUs, which were negotiated in good faith, included not only provisions to address peace, order and quiet but also mechanisms to ensure compliance.

³ An additional letter in opposition was filed after the Board closed the record and voted on the Application. (Exhibit 92.)

⁴ The motion states that it is filed on behalf of other residents in the surrounding neighborhood. However, the motion does not include any authorizations from such other residents or identify residents purportedly represented by the motion.

Other participants. Steve McPeek, appearing on behalf of Meridian Crescent, testified at the Board’s hearing and submitted written testimony. (Exhibit 84; BZA Public Hearing Transcript for June 13, 2018 (“Tr.”) at 101-103.) Meridian Crescent neither supported nor opposed the application. Mr. McPeek testified regarding the Applicant’s outreach with the Surrounding Property Owners and development of the MOUs. Like Ms. Boettrich, he explained that the negotiations were collaborative and responsive discussions that resulted in MOUs that would mitigate the impacts of the Project, with a framework for accountability and enforcement. Mr. McPeek testified further that, although Meridian Crescent is in close proximity to the Center — directly across 17th Street, N.W. to the west — the Meridian Crescent Condominium Association had not heard significant objections to the Center’s current operations from residents and that he trusts that the Center will continue to act as a good neighbor.

1661 Crescent, one of the other Surrounding Property Owners that was party to the MOUs representing the residential building immediately across the street from the Project to the north, did not appear in either support or opposition to the Application.

FINDINGS OF FACT

Subject Property and Surrounding Area

1. The Property is located at 2300 block of 16th Street, N.W. (Square 2568, Lots 806, 808, and 809).
2. The Property fronts on four streets and is bounded by Belmont Street, N.W., 17th Street, N.W., Crescent Place, N.W., and 16th Street, N.W.
3. The Property sits across 16th Street, N.W., from Meridian Hill Park.
4. The Property is improved with two historic mansions: The White-Meyer House in the central portion of the site, and the Meridian House on the western portion of the site (together, the “Historic Mansions”).
5. The Historic Mansions are both designated historic landmarks designed by John Russell Pope and occupied and used by the Center.
6. The eastern portion of the Property, facing on 16th Street, N.W., is undeveloped but used as unpaved parking for the Center with a capacity of approximately 30 unstriped spaces, or 50 parking spaces through the use of attendant-assisted parking.
7. The Property is located within the Meridian Hill Historic District, which is characterized by a mix of large mansions and apartment buildings.
8. Apartment buildings are located to the north and west of the Property, with the greatest density and height concentrated along 16th Street, N.W. fronting on Meridian Hill Park.

9. The Property's immediate neighbors to the north are the Envoy and 1661 Crescent Place buildings. The Beekman Place Condominiums complex is across Belmont Street, N.W. to the south. To the west of the Property, across Belmont Street, is 2200 Belmont, a condominium development that includes 39 underground parking spaces used by the Center's employees.
10. The Property is split-zoned, with the eastern portion facing 16th Street, N.W. zoned RA-4 and the remainder of the site zoned RA-2. This zoning dates back to at least 1958.
11. The Property is well-served by multiple Metrobus lines along 16th Street, N.W. and is approximately six blocks from the U Street Metrorail station.

The Center and Prior Zoning Approvals

12. Meridian is a premier nonprofit global leadership organization that offers educational and cultural exchange programs focused on fostering international diplomacy by preparing public and private sector leaders to strengthen global engagement.
13. Meridian's programs include experiential learning via tours and activities in other cities, as well as various training programs, expert panels, and related events hosted at the Center.
14. In addition to international leaders in both private and public sectors, the Center's cultural and educational programs have also included work with District of Columbia public schools, local not-for-profit organizations, and the Mayor's Office of International Affairs.
15. The Center, then known as the Washington International Center, was first established at the Meridian House in 1960 pursuant to BZA Order No. 5802, which approved the Center as a private school for adults.
16. In 1987, the Board approved a modification to the private school plan pursuant to BZA Order No. 14571, in order to expand the private school use into the White-Meyer House.
17. In 2003, the Board approved another modification to the private school plan in BZA Order No. 17070, which authorized the redevelopment of the Center's surface parking lot at 2200 17th Street, N.W. with what is now the Meridian-Crescent condominium building. The Board also permitted relocation of the Center's parking into an underground garage underneath the condominium. As part of the Board's approval, the Center also agreed to utilize the undeveloped area on the portion of the Property east of the White-Meyer House for parking during events.

Proposed Project

18. The Applicant proposes to construct an apartment building on the existing unpaved parking area on the eastern portion of the lot.

19. The Project will include approximately 111 residential units and up to 9,266 square feet of gross floor area of office and meeting space for the Center.
20. The building design includes two components. The primary mass facing 16th Street, N.W. is located entirely within the RA-4 zoned-portion of the Property; it is eight stories and 80 feet in height, which is less than the maximum 90 feet permitted in the RA-4 zone. The top story of the primary mass is set back to reduce its apparent height and scale and includes balconies at the building corners to narrow the building profile. The secondary mass along Crescent Place is located within the RA-2 and RA-4 zones; it is five stories and 50 feet in height, as permitted in both zones. The primary and secondary mass both have a habitable penthouse, which is permitted in the RA-2 and RA-4 zones.
21. The RA-4 portion of the Project will have an individual FAR of 4.2, within the maximum 4.2 FAR permitted for Inclusionary Zoning (“IZ”) projects. The RA-2 portion of the Project will have an FAR of 0.91, much less than the maximum 2.16 FAR permitted for IZ projects.
22. Aside from the requested relief, the Project otherwise complies with all zoning requirements, including height, lot occupancy, yard and court requirements, green area ratio, parking, and loading.
23. The Center’s operations will remain largely the same following development of the Project, with space in the proposed building providing open office area for a more collaborative workspace and on-site workstations for employees that telecommute, as well as meeting space to accommodate up to 175 people. The proposed new meeting space will be an alternative to, not in addition to, the existing event space in the Historic Mansions.

Parking

24. As with the prior development approved by the Board in 2003 in BZA Order No. 17070, the Applicant will relocate the existing surface parking into an underground garage, which will contain approximately 33 parking spaces for use by the Center (44 with attendant-assisted parking) and 66 parking spaces for the new residents.
25. The Center agreed to make its parking spaces within the Project available for evening and weekend parking by area residents.
26. In addition to commitments regarding the parking in the Project, the Center agreed to parking-related commitments relative to its overall operation, including continued commitments to valet operations and satellite lots to meet parking demand for larger events, free guest parking in the Center’s lots during non-valet periods, subsidized parking rates to encourage employee parking and employee subsidies for public transportation.

27. The Center will continue to maintain an additional 39 parking spaces (45 with attendant-assisted parking) in the Meridian-Crescent garage.

Vehicle and Truck Circulation

28. In addition to relocating the Center's existing surface parking underground, the Project will relocate the parking entrance from its current location on Crescent Place, N.W. on the north side of the Property, to Belmont Street, N.W. on the south side. The primary parking exit will remain on Crescent Place. Accordingly, most vehicular traffic will enter the garage at the proposed entry court on Belmont Street and will exit via Crescent Place.
29. Because Belmont Street, N.W. and Crescent Place, N.W. circulate around the Property in a one-way, clockwise direction, the proposed parking circulation plan will substantially reduce the amount of traffic traveling on these streets from the current condition, under which all vehicles must turn off of 16th Street, N.W. onto Belmont Street and circulate all the way around Belmont Street and Crescent Place to reach the parking entrance on the north side of the Property.
30. The Project's valet traffic from the Center's garage will be permitted to exit back onto Belmont Street in order to facilitate efficient circulation to the pedestrian entrances to each building. Similarly, vehicles dropping off or picking up passengers from the Project will do so within the entry court, and will be permitted to exit back onto Belmont Street.
31. The Project's truck traffic will follow the truck routing plan agreed to by the Applicant and the Surrounding Property Owners, whereby certain trash, delivery, residential moving, and other activities will be directed to turn left onto Belmont Street and right onto 16th Street. The truck routing plan will minimize the number of trucks circulating around the neighborhood streets and minimize truck impacts on queuing at the Belmont / 16th Street intersection. As a part of the MOUs, the Applicant and the Center each agreed to limitations on truck activity, including the size of trucks and the location and hours for truck activities.
32. As a part of the MOUs, the Center agreed to additional commitments regarding vehicle operations, including rules and limits on valet and shuttle bus operations.
33. The Applicant's traffic study concluded that the existing intersection of 16th Street and Belmont Street did not meet the required warrants to justify the signalization of the intersection, and the Project's anticipated traffic volume would not alter that outcome. Nevertheless, as a part of the MOUs, the Applicant agreed to fund pre- and post-construction traffic studies to evaluate whether the traffic from the Project required signalization of the intersection. The Applicant also agreed to other transportation-related improvements, including signage and markings improvements on nearby streets and intersections to improve pedestrian safety and traffic operations, as well as a signal detector at the Belmont Street intersection that would be linked to the upstream signal at Crescent Place and create gaps in traffic on 16th Street to facilitate egress from Belmont Street.

34. As a part of the MOUs, the Applicant and the Surrounding Property Owners agreed to the removal of three parking spaces on the two-way segment of Belmont Street in order to increase the width of the travel lanes and better facilitate two-way traffic on that portion of the street.

Architectural Design

35. The Project's architectural design will reflect the style of the Historic Mansions and the surrounding Historic District. Among other features consistent with the other grand apartment buildings in the area, the Project features a symmetrical design organized around a strong central entrance on 16th Street and a rhythm of bay windows that create vertical expression and help to break down the mass of the building. (Tr. at 26-28.) The Project also maintains and embraces an existing wide grassy berm and two mature trees along 16th Street, which together help frame and place the Project within a similar "front yard" context as other buildings within the Historic District. (*Id.* at 37-40.) The Project also integrates a number of design features, such as corner balconies, upper-story setbacks, and the lower five-story wing along Crescent Place, which further break down the building scale and height relative to surrounding structures. (*Id.* at 26.) With respect to the Historic Mansions, the lower portion of the Project appears to be a three-story building when viewed from the west. Accordingly, it matches the scale and height of the two existing mansions and helps frame the White-Meyer forecourt as a counterpoint to the Meridian House. (*Id.* at 31-32.) The Project's primary masonry and stone material is consistent with the materiality of the historic district. (*Id.* at 28, 33-34.)
36. The Project has undergone extensive review by the District of Columbia Historic Preservation Office ("HPO") and Historic Preservation Review Board ("HPRB"). Following multiple reviews and design revisions, the Project received concept approval from HPRB on June 29, 2017. HPRB and HPO staff found that the Project is compatible with the historic character of the adjacent White-Meyer House and the Meridian Hill Historic District. HPRB found that the proposed massing and configuration, with the taller primary mass facing 16th Street, N.W. and the lower secondary mass on Crescent Place, N.W., are compatible and appropriate. Moreover, HPRB found that the proposed height of the primary mass along 16th Street is appropriate and specifically rejected a shorter version of the building as inconsistent with the surrounding Historic District.

Community Outreach, Project Revisions, and MOUs

37. In the three years leading up to the filing of this Application, the Applicant engaged in meetings with ANC 1C and representatives of the Surrounding Property Owners and formed a working group of interested stakeholders led by a community facilitator. The working group consisted of, among other members, current and former ANC 1C commissioners. During the Project's development, this working group has evaluated the Project and worked

to refine the Project to minimize any potential impacts associated with the Project during and after construction.

38. Following HPRB's initial review of the Project in 2015, and in response to community concerns regarding the direction of the design, the Applicant engaged the current architect, who maintained the overall site plan developed by the Project's original architect, but redesigned the Project to be more compatible with the character of the Historic District by, among other things, utilizing more consistent materials and creating a central building entrance on 16th Street, N.W.
39. The revised design also reduced the height of the Project by one story and reduced the mass by over 20%.
40. Following additional direction from HPRB in December 2016 to further study the Project's height and treatment of the building entrance, the Project was further revised to strengthen the building entrance on 16th Street, N.W. and reduce its apparent height through setback and design changes. HRPB ultimately approved the revised design in June 2017, after specifically reviewing and rejecting a shorter version of the building as inconsistent with the character of the Historic District.
41. As part of its outreach with the community working group, the Applicant has developed three MOUs with the Surrounding Property Owners to address concerns regarding: (a) the transportation, noise, and other impacts of the Center, both currently and following development of the Project; (b) impacts of the proposed residential use; and (c) the construction phase of the Project.
42. The MOU related to the Center's operations ("Meridian MOU") addresses issues including: the timing and location of loading, deliveries, and trash collection; limitations on the number and size of the Center's events and restrictions related to noise associated with such events; traffic, parking, and circulation for guests of Meridian events and programs, including for shuttle bus and valet operations; litter and maintenance; regular communication between the Center and surrounding residents; and reporting and review procedures for violations of the Meridian MOU and enforcement actions to address such violations.
43. The MOU related to the new residential use ("Residential MOU") addresses issues including: the timing and location of loading, deliveries, and trash collection; timing, coordination, and operations for move-ins/move-outs; resident parking and traffic control; litter and maintenance; restrictions related to the use of rooftop amenity spaces; lighting management; and regular communication between the Center and surrounding residents, reporting and review procedures for violations of the Residential MOU, and enforcement actions to address such violations.

44. The MOU related to the construction phase of the Project (“Construction MOU”) addresses issues including: construction hours and staging, traffic circulation and parking during construction; cleanliness and site maintenance; damage repair; and landscaping protections.
45. The Applicant proffered, and the Board accepted, many of the provisions of the MOU as conditions of approval of the Project.

Requested Relief

Modification of the Private School Plan

46. The Applicant requests special exception relief pursuant to Subtitle X § 104.1 to modify the Center’s existing private school plan to include the proposed approximately 9,266 square feet of office and meeting space in the new building and relocate the existing surface parking spaces on the Property to an underground garage and reconfigure traffic circulation in order for vehicles to enter the new parking garage off of Belmont Street, N.W. and exit the garage from Crescent Place, N.W.
 - a. The Center’s overall use and operations will otherwise remain the same after the Project is developed. The number of employees and visitors will remain at current levels, as will the number and type of events the Center hosts. The Center will also maintain the existing underground parking underneath the Meridian-Crescent building but modify vehicular access to and through the Property.
 - b. The new office and meeting space will provide additional space to accommodate the Center’s existing activities. The office space will provide a collaborative work area for employees, and the meeting space will provide more modern facilities for meetings and events. The new meeting space will not support an increase in the number of events and programs; instead, it will provide an alternative space to the existing space used in the Historic Mansions.
 - c. The Center will also partner with a private developer to construct a 111-unit condominium building and related underground parking on the Property. The overall height, bulk, parking, and intensity of use of the new residential use is within the matter-of-right limits for the Property.
47. Under Subtitle C § 104.2, to modify an existing private school plan, the Applicant must demonstrate that the school is located so that it is not likely to become objectionable to adjoining and nearby properties because of noise, traffic, number of students, or otherwise objectionable conditions. As discussed in detail below, the Board finds that the proposed Project, when taken as a whole, will not “significantly increase objectionable qualities over their current levels in the area” or “significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create.” *Draude v. District of Columbia Bd. Of Zoning Adjustment*, 527 A.2d 1242, 1253 (D.C. 1987).

Noise

48. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to noise, and will not significantly increase noise levels over those currently existing in the area.
49. The Project will result in an increase in vehicular and pedestrian activity entering the Property along Belmont Street related to events held at the Center's new space within the Project. However, once such activity enters the forecourt, any noise impacts will be minimized and will not be objectionable because the bulk of the activities are within the Project. The Center's new office and meeting space will be indoors and will be used primarily for daytime events. Loading and service activities for the Center's new space will also occur within the building. In addition, existing outdoor parking, with its attendant noise and light, will be relocated within the new underground garage, with departing garage traffic continuing to leave via Crescent Place. Finally, as testified by representatives of the Surrounding Property Owners, the proposed vehicular and truck circulation plan will focus such activity near 16th Street and reduce the noise associated with such activity circulating into the quieter center of the neighborhood. (Exhibit 84.)
50. The Project will not result in an increase in noise generated by the Center's other operations, since the Center will maintain current levels of operation. The Center's outdoor events will continue to be held on the western portion of the Campus where they currently occur. The representative of the Meridian-Crescent building, which is closest to this portion of the Campus, testified that they have not heard significant objections to Meridian's current operations. (Exhibit 84.)
51. The Meridian MOU and the Residential MOU developed by the Applicant and the Surrounding Property Owners each include extensive provisions to address any existing or potential noise impacts of the Center and the Project, including noise impacts related to loading and deliveries, the number, timing, and size of the Center's events, arriving/departing guests, and amplified music at such events. As one representative of the Surrounding Property Owners stated, the agreements would ensure "peace, order, and quiet." (Exhibit 83.) Restrictions in the MOUs have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the MOUs provide procedures for enforcement actions to address ongoing violations, if any occur.

Traffic

52. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to traffic, and will not significantly increase traffic levels over those currently existing in the area.

53. Overall Traffic Volume.

- a. Existing traffic operations adjacent to the Center at the 16th / Belmont and 16th / Crescent intersections operate at an overall acceptable level of service “A”, with some delay noted for eastbound movements turning onto 16th Street from both streets. (Exhibit 69B at 3.) Existing crash data from the intersections obtained by DDOT indicated 18 crashes over a three-year period at the Crescent Place intersection and 19 crashes over a three-year period at the Belmont Street intersection, yielding a crash rate that is below what is considered “high” by DDOT. (Exhibit 23A1 at 19.)
- b. The level of operations and intensity of the Center’s use will not increase as a result of the Project and, accordingly, traffic levels generated by the Center will generally remain the same as current conditions. The new residential building will generate approximately 34 additional vehicular trips in the AM peak hour and approximately 39 additional vehicular trips in the PM peak hour—in other words, slightly over 1 additional car every 2 minutes.
- c. The Board credits the Comprehensive Transportation Report (Exhibits 23A1 and 23A2, as supplemented by Exhibit 42A and Exhibit 69B) (“CTR”) prepared by the Applicant’s transportation expert and the expert’s testimony at the hearing, which provided a thorough evaluation of the impact of the Project on multiple modes of transportation using a methodology found acceptable by DDOT. The CTR concluded that the final “two driveway” design of the Project—including not only traffic generated by the changes to the Center but also traffic generated by the new residential building—would not have a negative impact on the levels of service or queues at either the 16th / Belmont or the 16th / Crescent intersections. (Exhibit 69B at 3.)

54. Traffic Circulation. Existing traffic related to the Center’s surface parking must currently enter the neighborhood on Belmont Street and circulate throughout the neighborhood to reach the driveway on Crescent Place. With respect to traffic associated with the Center’s parking, the Board finds that the proposed traffic circulation plan will reduce the level of traffic circulating all the way around the Property because it will allow vehicles to enter the garage on Belmont Street and exit the garage on Crescent Place. Accordingly, the majority of traffic will be focused near 16th Street, N.W. minimizing the traffic generated further west on Belmont Street and Crescent Place. Valet traffic will continue to circulate around the Property, which represents no change from existing conditions. Therefore, the traffic circulation changes associated with the Project will not impose objectionable impacts.

55. The Belmont / 16th Street Intersection.

- a. The CTR as supplemented concluded that neither existing nor projected future conditions supported the signalization of the 16th / Belmont intersection based on

a number of factors, including the low volume of traffic on the side street approach and crash data below the minimal levels required to justify signalization. (Exhibit 42A at 1.) Nevertheless, the Applicant committed to undertake additional evaluations of the 16th / Belmont intersection after construction is complete and, if warranted, install a traffic signal. This extensive analysis and commitment, along with other measures from the MOUs regarding traffic and truck routing memorialized as conditions of this Order, further supports the Board's finding that the traffic conditions surrounding the Project, including at this intersection, are not objectionable and will not become objectionable due to the Project.

- b. As a part of the Project, the Applicant and the Surrounding Property Owners proposed to work with DDOT to remove three on-street parking spaces on the two-way stretch of Belmont Street near the intersection with 16th Street in order to widen the travel lanes to 11 feet and improve two-way vehicular flow. With the removed spaces, the travel lanes will now meet DDOT's standards for minimum travel lane widths. (Exhibit 23A1 at 32-33.) The Board finds that this change will help ensure access for all vehicles, including cars, trucks, and emergency vehicles, and it will further lessen existing concerns regarding congestion at this intersection.
 - c. The CTR evaluated proposed queuing at all affected intersections, including at the proposed entrance to the Project and its motor court on Belmont Street. The CTR concluded that there would not be any anticipated queuing along Belmont Street from this entrance as a result of the Project, based on peak hour volumes. (Exhibit 23A1 at 18.)
56. Through the CTR and the MOU process, the Applicant identified and committed to implement multiple signage and pavement marking improvements to the surrounding vehicular and pedestrian network, which will further improve traffic flow and safety.
57. The Meridian MOU and the Residential MOU each include extensive provisions to address any potential traffic impacts associated with the Center's existing operations as well as the proposed Project. These include restrictions regarding loading, deliveries and trash collection, the number, timing, and size of the Center's events, and shuttle bus and valet operations for events and Center programs. (Among other issues, specific measures address the staging, double parking, and idling of trucks and shuttle buses.) These restrictions have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the MOUs provide procedures for enforcement actions to address ongoing violations that may occur.

Parking

58. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to parking, and will not significantly increase parking constraints over those currently existing in the area.
59. The Project and Center together require a total of 125 parking spaces pursuant to the Zoning Regulations. With the Project, the Campus will provide a total of 138 parking spaces, with an additional 17 parking spaces when valet operations are utilized.
60. Meridian Parking.
- a. The existing surface parking on the Property accommodates up to approximately 30 unstriped spaces, or 50 spaces utilizing attendant-assisted parking. The Project will include underground parking for the Center with approximately 33 to 44 spaces, depending on whether valet operations are utilized. The 39 existing parking spaces (45 with valet operations) provided for Center employees located at the Meridian-Crescent condominiums will remain. Accordingly, the Project will maintain a similar level of parking compared to current conditions.
 - b. Because the number and type of events at the Center will remain constant following the Project's completion, the proposed parking will be more than adequate to accommodate the Center's activities. Furthermore, the garage will provide convenient, covered, and secured parking within the Project, resulting in a net positive impact with respect to parking.
61. Residential Parking. The Project includes 66 parking spaces for the proposed 111 condominium units, which significantly exceeds the minimum amount of parking required for such use under the Zoning Regulations.
62. On-Street Parking.
- a. As discussed above, based on the evaluation of existing conditions compared to DDOT standards, the Applicant and the Surrounding Property Owners agreed to remove three on-street parking spaces on Belmont Street to widen the travel lanes to 11 feet and improve two-way traffic flow.
 - b. As is currently the case with the existing surface parking lot on the Property, pursuant to the Meridian MOU, the Center will make its parking available to the Surrounding Property Owners during evenings and weekends that events are not being hosted at the Center. This commitment will continue to provide additional parking for neighbors beyond available street parking, and it will result in an improved parking option as compared to the unenclosed, unpaved, and unstriped parking currently provided on the Property.

63. The Meridian MOU and the Residential MOU each include extensive provisions to address any potential parking impacts associated with existing operations and the proposed modification to the private school plan, including commitments and restrictions regarding employee parking, guest parking, utilization of valet operations to maximize onsite parking capacity, and utilization of off-site parking for larger events. These provisions have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the Meridian MOU and Residential MOU each provide procedures for enforcement actions to address ongoing violations that may occur.

Number of Employees, Students, and Event Attendees

64. The Board finds that the private school plan, as modified, will not have an adverse effect on surrounding properties with respect to the number of employees, students, and event attendees, and will not significantly increase the effects of employees, students and event attendees currently existing in the area.

65. The Center currently has approximately 106 employees, and this number is expected to remain the same following development of the Project.

66. The Center currently conducts regular educational and leadership programs and events, as well as some private events and weddings that provide funds to support maintenance costs for the two historic mansions. The level of operations is expected to remain at current levels. To support this expectation, Meridian agreed to the following commitments:

- a. Limit the number of guests at programs and events to 275 people at any one time.
- b. Limit the number, size, and timeframe of events including:
 - i. No more than 150 events per year, within which:
 1. No more than 55 evening events per year (with no more than 25 evening events per year ending after 9:30), and
 2. No more than 45 weekend events per year (with no more than one wedding per weekend)
 - ii. No more than 250 guests per event (except for the Meridian Ball)
 - iii. No more than 10 events per year with more than 200 guests

67. Because the Center's new meeting space in the Project will serve as an alternative, rather than an additional, location for the Center's programs and events, the space will not result in an increase in the number of event guests, program participants, and other visitors above the current levels. Moreover, weddings will not be held in the new meeting space.

68. The Meridian MOU includes extensive provisions to address any existing and potential impacts associated with the Center's events, including the above restrictions on the number of people and events as well as restrictions and requirements regarding loading, deliveries and trash collection for events, the number, timing, the size of events, and shuttle bus and

valet operations for events and Center programs. These provisions have been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the Center MOU provides procedures for enforcement actions to address ongoing violations that may occur.

Other Objectionable Impacts

69. The Board finds that the condominium portion of the Project, including the height and density of the building and number of new residents will not have an objectionable or adverse impact. Other impacts related to the condominium portion of the Project, such as noise, traffic, and parking, were each addressed above. The underlying zoning permits multifamily condominiums as a matter of right, with no limit on the number of units other than the height and density limitations of the RA-2 and RA-4 Zones. As the Applicant demonstrated, the height and density of the Project is well within the matter-of-right height and combined density available within the underlying zoning. Accordingly, the condominium portion of the Project and the residents associated with it do not create an objectionable impact, since they do not impose objectionable impacts over what a matter-of-right structure would generate.
70. For similar reasons, the Board finds that the construction of the Project will not have an objectionable or adverse impact. The Board has repeatedly concluded that construction impacts are typically not relevant to a special exception or variance analysis, because matter-of-right construction can cause similar levels of impact. As the D.C. Court of Appeals recently affirmed, construction impacts are only relevant when “harm will result from the structure as built with the [zoning relief].” *St. Mary’s Episcopal Church v. D.C. Zoning Comm’n*, 174 A.3d 260, 271 (D.C. 2017). Moreover, the District’s Construction Code, environmental regulations, and public space regulations are intended to control and mitigate the safety, environmental impact, and traffic and parking impacts related to construction. In any event, here, there is nothing in the record to suggest that the proposed special exception relief results in greater impact due to construction. Furthermore, the Applicant and the Surrounding Property Owners agreed to a detailed Construction MOU that addresses many of the impacts related to the construction of the Project, including among other measures the provision of off-site parking to offset the loss of existing on-site and on-street parking during construction.
71. The Board finds that the private school plan, as modified, will not have an adverse effect on surrounding properties with respect to trash, litter, event attendee behavior, or other alleged quality-of-life impacts referenced in the record. The MOUs—and the conditions to this Order—contain specific, enforceable provisions that govern the notification, accounting, and management of events, snow removal, litter removal, lighting restrictions, pet waste, stormwater management, and tree management. To the extent that other unforeseen impacts may arise from time to time, the MOUs and the attached conditions provide mechanisms for receiving, monitoring, and responding to complaints and concerns, such as the proposed

hotline, the proposed neighborhood liaison manager, and the proposed Meridian Community Partnership.

Compliance and Enforceability

72. The Board acknowledges varying evidence in the record regarding the Center's management of its existing impacts and adherence to its current MOU with the neighborhood. The Board finds that the new MOUs and this Order will together create a more comprehensive and effective set of tools to manage any impacts caused by the Center's operations. In addition to all of the measures proffered in the MOUs, the Board credits the Center's additional commitments to a neighborhood liaison manager and term limits on the new meeting / conference space in the Project.
- a. Reporting. The Center will improve its ability to receive and respond to complaints in real time, as well as provide regular reporting on issues and engagement through the Meridian Community Partnership.
 - b. Staffing. The Center will designate two staff members with primary responsibility for implementing the MOU and otherwise addressing community concerns, including a neighborhood liaison manager and an event manager.
 - c. Enforcement. The Center agreed to take measurable steps to ensure compliance with its commitments by its staff and vendors, including a system of fines.
 - d. Term Limitation. Finally, the Center agreed to limit the term of the new meeting/conference space within the Project to a period of five years as measured from the date of issuance of a certificate of occupancy for that space. This makes the Center accountable for its impacts and will provide the Board with an opportunity to review the efficacy of the impact mitigation commitments and require adjustments, if necessary, to ensure that the Center's operations will remain unobjectionable.

Zone Boundary Extension

73. The Applicant requests special exception relief pursuant to Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2. The Board may grant such relief subject to the following standard:
- a. The extension shall be limited to that portion of the lot in the more restrictive zone but not exceeding 35 feet;
 - b. In authorizing an extension, the Board shall require compliance with Subtitle A § 207.1(d), which assigns density limits for lots located in certain R and RF zones;

- c. The extension shall have no adverse effect upon the present character and future development of the neighborhood; and
 - d. The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.
74. The requested extension is limited to 35 feet west of the RA-4 zone boundary, as required.
75. The Board finds that the requested extension will not have an adverse effect on the character and future development of the neighborhood.
- a. The requested extension of the RA-4 zone will permit the Project's proposed massing to focus density along 16th Street, N.W., which is the appropriate location for a taller apartment building. As testified by the Applicant's architectural expert, the 16th Street corridor is defined by a series of larger apartment buildings. (Tr. at 26-27.)
 - b. The relief will not increase the Project's density above what is otherwise permitted currently. The Project is well within the maximum density permitted for the Property as a whole. All the relief does is shift density away from the Historic Mansions and toward 16th Street, N.W., where height and density is concentrated in surrounding development. Specifically, the zone boundary extension permits the Applicant to construct an additional 12,895 square feet of density — or approximately one story — in the RA-4 portion of the Property facing 16th Street, rather than placing this density deeper within the neighborhood along Crescent Place or Belmont Street, or deeper within the Campus adjacent to the Historic Mansions. The Applicant submitted massing studies demonstrating the impact of placing this additional density closer to the Historic Mansions. (Exhibit 52D.)
 - c. Extension of the RA-4 zone boundary will not result in additional height or use within the transitional 35-foot area of the RA-2 portion of the Property. Indeed, the Project's shorter secondary mass, with a height of 50 feet, will continue well into the portion of the Property zoned RA-4. Even the taller portion of the Project is below the matter-of-right height limits for the RA-4 Zone. (Exhibit 52 at 7.)
 - d. The zone boundary extension results in a massing that is more consistent with the architectural character of the Historic District. Both HPO and HPRB concluded that the Project is compatible with the character of the surrounding Meridian Hill Historic District, with the taller primary mass along 16th Street, N.W. and the shorter secondary mass along Crescent Place, N.W. In so doing, HPO and HPRB also concluded that maintaining open space between the new construction and the Historic Mansions was appropriate. Finally, HPO and HPRB concluded that a

shorter building design facing 16th Street would be incompatible with the surrounding neighborhood and inconsistent with the character of the Historic District. (Exhibit 13.)

- e. On the whole, the requested relief is minor compared to what can be done as a matter of right and results in a sensitive, compatible design approach that is executed “extremely well.” (Tr. at 121 (comments from Zoning Commission member Peter May).) The Applicant submitted shadow studies demonstrating that the massing of the Project with the zone boundary line adjustment would not impose more adverse impacts than a matter-of-right massing. And based on the Applicant’s plans, the overall Project will have a blended density of 2.11 FAR, which remains within a “moderate” density range.

Harmony with the Purpose and Intent of the Zoning Regulations and Map

76. The Project and requested relief to modify the private school plan and extend the RA-4 zone boundary is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.
77. The uses within the Project are consistent with the intended character of the RA Zones, which specifically permit “urban residential development and compatible institutional and semi-public buildings.” (11-F DCMR § 100.1.)
 - a. The proposed modification of the private school plan will provide new office and meeting space for the Center without increasing the intensity of the private school use. The Board has previously approved the Center as a private school use—without objection to the categorization of the Center as a private school under the Zoning Regulations by ANC 1C or any other person or party—on three previous occasions. (BZA Appeal No. 5802 (1960); BZA Application No. 14571 (1987); BZA Application No. 17070 (2003).) As a private school, the Center is a use that is specifically permitted within the RA-2 and RA-4 zones pursuant to a special exception.
 - b. The proposed condominium building is permitted as a matter-of-right in both the RA-2 and RA-4 Zones, and its height, lot occupancy, yards, courts, parking and loading all comply with the Zoning Regulations and the Zoning Map.
78. The requested zone boundary extension will allow the Project to focus density along 16th Street, N.W., consistent with other development in the surrounding area and is not being used to construct additional height or density in the RA-2-zoned portion of the Property or the Project’s overall height and density. Focusing density along 16th Street is consistent with the overall framework of the RA zones by shifting density out of the moderate density RA-2 zone and into the medium-to-high density RA-4 zone.

79. The height, density, scale, and massing of the Project are all in harmony with the purpose and intent of the Zoning Regulations and Zoning Map. The RA Zones are intended to allow flexibility for all types of urban residential development (11-F DCMR § 100.3(b), (c)); the RA-2 Zone is described as predominantly moderate-density, and the RA-4 Zone is described as predominantly medium- to high-density. (11-F DCMR § 300.3, 300.5.)
- a. The Board acknowledges that some of the nearby apartment buildings, such as 1661 Crescent and Meridian-Crescent, are a comparatively lower height than the taller portion of the Project. However, this reduction in height and scale is reflective of the Zoning Map, which transitions from the RA-4 to the RA-2 Zone District as one moves away from 16th Street. Indeed, the secondary 5-story portion of the Project also respects this pattern of development, since it is within the permitted height for the RA-2 Zone District.
 - b. The Board also acknowledges that the apartment-style height and scale of the Project is inconsistent with the townhouse-style height and scale of the Beekman Place development to the south. However, this discrepancy is not due to inconsistency of the Project with the zone plan; rather, it is because the Beekman Place development, which is also primarily located within the RA-4 Zone District, is well below the height and density parameters allowed within that zone and reflect a rowhouse character that is more common in the lower-density RF Zones. (See 11-E DCMR § 100.1.)
80. Other characteristics of the Project are also consistent with the general purpose and intent of the zone plan for the District of Columbia, which are set forth in Subtitle A, Section 101 of the Zoning Regulations. As a result of, in part, the zone boundary extension, the Project has been sensitively designed and massed to provide adequate light and air. The Project is within the overall height and bulk limitations established by the zone plan and it includes commitments by the Center to limit its overall population as well as the number and size of events, which prevents the undue concentration of population and overcrowding of land. As an infill development along a major transit corridor, the Project furthers goals for the favorable distribution of land uses and efficient use of public infrastructure. And by ensuring the continued operation of the Center, the Project will create conditions favorable to civic activity, educational, and cultural opportunities. (Exhibits 9, 52, 87.)

No Adverse Effect on the Use of Neighboring Property

81. The Board finds that the requested relief will not tend to adversely affect the use of neighboring property.
82. The proposed new office and meeting space for the Center will not increase the intensity of the use as the level of operations, number of employees, and frequency and size of programs and events will remain the same as the current condition. Further, the various provisions of the Meridian MOU developed by the Applicant and the Surrounding Property Owners, many

of which are also incorporated as conditions of this Order, will ensure that the continued operation of the center, as modified by this Order, will not have an adverse impact on nearby residents. Even ANC 1C acknowledged that the level of detail and improved enforcement mechanisms in the MOUs were “laudable.” (Exhibit 89 at 5.)

83. The Board also finds that the revised traffic circulation and relocation of the Center’s parking to an underground garage will result in a net positive impact and will improve conditions in the neighborhood by reducing the amount of traffic that circulates all the way around Belmont Street, N.W. and Crescent Place, N.W., and by internalizing any impacts associated with the Center’s parking, which is currently unenclosed.
84. The proposed condominium portion of the Project will not adversely affect the use of neighboring property. The requested zone boundary extension will achieve a design that is more compatible with the development in the surrounding neighborhood by shifting density closer to 16th Street, N.W., where height and density has traditionally been focused in the area, while achieving a design that meets historic preservation requirements and respects the Historic Mansions on the Property. The Project is otherwise within the matter-of-right zoning limits for height, bulk, yards, and courts and provides nearly double the amount of required parking for the condominium portion. And much like the Center, impacts of the residential portion of the Project will be mitigated and managed by the Residential MOU.

CONCLUSIONS OF LAW AND OPINION

Procedural Issues

On July 25, 2018, the day of the Board’s scheduled decision on the Application, ANC 1C filed a motion requesting to postpone the Board’s decision. (Exhibits 89 and 89A.) In its Motion to Postpone, the ANC argued that the Zoning Commission and OP should review the Application in light of the Property’s FLUM designation in the Comprehensive Plan and that OP’s report on the Application should not be given “great weight” by the Board because OP did not sufficiently assess the Project’s impacts through an independent impact study and assessment, or address each prong of the special exception test, and OP did not address alleged violations of the Comprehensive Plan.

The Board denied the Motion to Postpone, concluding that OP had conducted a proper review of the special exception criteria and that the record was sufficiently full with respect to the standards for the relief requested such that the Board should proceed to a decision. All that is required under the Regulations is a report by OP on compliance with the elements of the special exception standards - there is no requirement that OP undertake the burdensome process of “independent impact studies and assessments.” (*See* 11-Y DCMR § 405.4.) The burden of proof is on the Applicant, and not the agency, to justify the requested relief. In addition, as discussed in more detail below, the Comprehensive Plan is not within the Board’s purview in reviewing a request for special exception relief.

The Board acknowledges that the OP report does not specifically reference the general special exception criteria of Subtitle X, which require a finding that the relief is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. The Board is not convinced that this oversight invalidates the professional evaluation within the remainder of the report. The OP report includes a detailed analysis of each of the specific prongs of both the private school and zone boundary line extension that are most germane to the zoning relief at issue in the case. Moreover, in many cases these specific criteria overlap with the general exception criteria. For example, the “objectionable impact to neighboring property” standard is quite similar to the “adversely affect neighboring property” standard. That OP did not specifically opine on the Project’s “harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,” simply means that the Board must weigh for itself the evidence submitted by the Applicant, the ANC, and the other persons participating in the case on this particular prong without the benefit of OP’s specific guidance. In short, the Board may give great weight to the OP Report to the extent of issues it addressed.

The Board further notes that there is no procedure under the Board’s Rules of Practice and Procedure to delay deliberations and a decision on an application pending review by the Zoning Commission. The decision to review an order of the Board rests solely with the Commission. Subtitle Z Chapter 8 provides procedures for *sua sponte* review of a Board decision by the Zoning Commission, but such review is purely at the Commission’s discretion, after a final written order has been issued by the Board. (See 11 DCMR Subtitle Z §§ 800.2, 800.6, and 800.7; see also *BZA Order No. 18787-A of 143 Rear W Street LLC* (“[N]othing in the Zoning Regulations grants a party the right to request [Zoning Commission] review. ... [S]uch review is *sua sponte*, i.e., ‘[w]ithout prompting or suggestion; on [the Zoning Commission’s] own motion.’”) (quoting *Black’s Law Dictionary* 1650 (10th ed. 2014).) Accordingly, the Board denied the ANC’s Motion to Postpone a decision on the Application.⁵

In addition, on July 25, 2018, Gary Youngblood, a resident of the Beekman Place Condominiums, filed a motion requesting that the Board reopen the record to accept additional comments from the community. However, only a party has the right to file motions under the Board’s Rules of Practice and Procedure. (11 DCMR Subtitle Y § 403.7(a).) Mr. Youngblood was not a party to the Application, nor did he request party status. Accordingly, the Board was not required to consider Mr. Youngblood’s motion to reopen the record. In any event, even if the Board had had occasion to consider the merits of the motion, the Board finds that there was ample time provided prior to and following the public hearing on the Application for members of the community to submit comments into the record.

⁵ Even assuming *arguendo* that the Board was required to provide such referral to the Zoning Commission, the error would be harmless. Following the conclusion of this case, the opponents to the Project filed a petition with the Zoning Commission to downzone the Property based on its FLUM designation. The Commission voted against setting down the application for a public hearing and denied the petition. (See Z.C. Case No. 18-12 (2018).)

Special Exception Relief

The Applicant requests special exception relief under 11 DCMR Subtitle X § 104.1 of the Zoning Regulations to modify the Center’s existing private school plan and relief under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone 35 feet westward into a portion of the Property zoned RA-2. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008), to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject to specific conditions. (*See* 11 DCMR Subtitle U § 901.2.)

The Board’s discretion in reviewing an application for special exceptions under Subtitle X § 104.1 and Subtitle A § 207.2 is limited to a determination of whether the applicant has complied with the requirements of those provisions and Subtitle X § 901.2 of the Zoning Regulations. If the applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *see also Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18–19 (D.C. 1980).

As outlined below, based on the above findings of fact, which are hereby incorporated by reference, the Board concludes that the Application satisfies the standards for approval of the private school plan modification and the requested zone boundary extension.

Modification of the Private School Plan

Pursuant to Subtitle X § 104.2, to modify a private school plan, the applicant must demonstrate that the use is “located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.” The D.C. Court of Appeals (“Court”) has articulated two tests that the Board may use when evaluating whether a proposed school use is likely to become objectionable. Under one test, the Board may examine whether the proposed school use would “significantly increase objectionable qualities over their current levels in the area”. Alternatively, the Board may examine whether the proposed school use “would significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create.” *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1253 (D.C. 1987). The Court left it to the Board to determine which test would be the appropriate method for evaluation. *Id.*; *see also Glenbrook Rd. v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22, 34 (D.C. 1992).

Moreover, in evaluating whether a proposed school use creates an “objectionable” condition, the Court has explained that the Board’s role is to “determine whether a reasonable accommodation has been made between the [school] and the neighbors.” *Id.* at 32. The analysis is focused on the “proposed site”. (*Id.* (emphasis in original).)

Based on the above findings of fact and in accordance with the established methodology for evaluation of “objectionable” impacts for a school special exception, the Board concludes that the Application meets the standards for the relief requested. The Applicant seeks to modify the private school plan to construct approximately 9,266 additional square feet of office and meeting space in the Project, to relocate the existing surface parking on the Property to an underground garage, and to reconfigure traffic circulation for the Center in order for most vehicles to enter the new parking garage off of Belmont Street, N.W. and exit the garage from Crescent Place, N.W. The Applicant also seeks to construct a new residential condominium building and associated parking at a height, density, and intensity of use that is within the otherwise matter-of-right limitations for the Property.

The Center’s new office and meeting space will be indoors and will be used primarily for daytime events, minimizing any noise impact on surrounding properties. Loading and service activities for the Center’s new space will also occur within the building. The level of operations and intensity of the Center’s use will not increase as a result of the Project and, accordingly, traffic levels generated by the Center will generally remain the same as current conditions. Under the new traffic circulation plan, the majority of traffic will be focused near 16th Street, N.W., minimizing the level of traffic generated further west on Belmont Street, N.W. and Crescent Place, N.W. The Project will maintain a similar parking capacity for the Center as current conditions but it will internalize currently unenclosed parking within the Project. The number of employees is expected to remain the same following development of the Project, as are the number and size of events and programs at the Center. Because the Center’s new meeting space will serve as an alternative, rather than an additional, location for programs and events, the space will not result in an increase in the number of event guests, program participants, and other visitors above the current levels.

In concluding that the proposed modification to the private school plan will not result in objectionable impacts as it relates to noise, traffic, number of programs and events, or other issues, the Board gives due consideration to the Meridian MOU (Exhibit 87A) developed by the Applicant and the Surrounding Property Owners, which includes extensive provisions and restrictions to address all of these issues in detail, as well as enforcement mechanisms to ensure compliance and resolve any ongoing violations of the MOU. The Meridian MOU’s provisions go well beyond the impacts of the new space or changes in circulation. They include comprehensive provisions to address the noise, traffic, circulation, parking, and other impacts of the Center’s operations as a whole. The Board also notes that the Applicant agrees to a similar, comprehensive MOU to address the impacts of the residential component of the Project.

Finally, the Meridian MOU also includes specific commitments to ensure accountability, responsiveness, and enforceability of the Center’s commitments. The Center agreed to additional commitments regarding staffing and term limits to further mitigate its impacts. The Center’s new space within the Project will require reapproval in five years, which will provide the Board and all parties with an opportunity to affirm that the Center’s commitments are effective. Finally, the Board has incorporated many provisions of the MOUs as enforceable conditions to this Order,

which will provide ANC 1C, the Surrounding Property Owners, and other stakeholders with an additional forum to resolve concerns and complaints.

The Board also concludes that the proposed modification of the private school plan is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, as required under Subtitle X § 901.2(a), as it will provide new office and meeting space for the Center without increasing the intensity of the use, which is permitted in the RA-2 and RA-4 zones by special exception, subject to conditions. (The residential component of the Project is permitted by right and is therefore fully consistent with the Regulations and Map, which allow multifamily residential development in both zones.) Lastly, for the same reasons stated above with respect to issues of noise, traffic, parking, and number and size of events and programs, the Board concludes that the modified private school plan will not tend to adversely affect the use of neighboring property, as required under Subtitle X § 901.2(b).

For all of these reasons, the Board concludes that the Application satisfies the standards for approval of the Center's private school plan, as modified.

Zone Boundary Extension

Pursuant to Subtitle A § 207.2, for approval of a zone boundary extension on a split-zoned property, an applicant must demonstrate: (a) that the extension is limited to that portion of the lot in the more restrictive zone but not more than 35 feet; (b) that the extension complies with Subtitle A § 207.1(d) for properties located in the R or RF zones; (c) that the extension will not have an adverse effect on the character and future development of the neighborhood; and (d) the Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or other requirements it deems necessary to protect adjacent or nearby property. Based on the findings of fact above, the Board concludes that the Application satisfies the criteria for approval.

Here, the Applicant requests relief to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2. The requested extension is limited to 35 feet west of the RA-4 zone boundary, as required. Further, the Board finds that the requested extension will not have an adverse effect on the character and future development of the neighborhood. Rather, the relief will permit the Project to shift density away from the western portion of the site and focus this density instead along 16th Street, N.W. by constructing an additional 12,895 square feet in the RA-4 portion of the Property. As HPO and HPRB concluded, this proposed massing and concentration of height and density along 16th Street is compatible with the surrounding development and the character of the Meridian Hill Historic District. The Project will comply with the maximum permitted height in the RA-4 and RA-2 zones — and indeed will extend the shorter secondary mass of the building with a height of 50 feet well into the RA-4 zoned portion of the Property. Further, the Project will be well within the overall maximum permitted density. (Subtitle A § 207.1(d) is inapplicable in this case as it only applies to lots located in the R or RF zones.)

The Board also concludes that the Project and requested zone boundary extension is in harmony with the Purpose and intent of the Zoning Regulations and Map, as required. By allowing the project to focus density along 16th Street, N.W., consistent with other development in the surrounding area, and without increasing the Project's height or overall density above what would otherwise be permitted, the requested relief fulfills the overall framework of the RA zones by shifting density from the moderate density RA-2 zone into the medium- to high-density RA-4 zone. Further, the overall density of the Project will remain comfortably within the range of what constitutes moderate density. Lastly, the Board concludes that requested relief will not tend to adversely affect the use of neighboring property. Rather, the requested zone boundary extension will achieve a design that is more compatible with the development in the surrounding neighborhood.

For all of these reasons, the Application meets the criteria for approval to extend the bulk regulations of the RA-4 zone 35 feet west into a portion of the Property zoned RA-2.

OP and DDOT Reports

The Board is required to give "great weight" to the recommendations of the Office of Planning. (See D.C. Official Code § 6-623.04 (2001).) In this case, OP recommended approval of the application and described how the Applicant met the standards for the requested special exception approval, and the Board concurs with that recommendation. OP found that the Center constitutes a private school and that the proposed new office and meeting space is not likely to be objectionable to nearby properties, given that the Project will not result in an increase in the number of staff or events. OP further stated that the overall amount of traffic to and from the Center is not likely to change significantly due to the Project, and that the MOUs between the Applicant and the Surrounding Property Owners will address any potential noise issues at the site. In light of the Board's findings and discussion above, the Board agrees with OP's conclusions that the Application satisfies the standards for the requested relief and will not result in objectionable impacts on neighboring properties.

DDOT, in its report, concluded that the Project's proposed density is not anticipated to have significant impacts on the District's vehicular transportation network. DDOT's report noted the Applicant's work with the Surrounding Property owners and DDOT to address transportation concerns and that the Applicant's CTR is acceptable given the Project's level of impact. DDOT noted no objection to the requested relief, conditioned on the Applicant funding and constructing improvements to bring the intersections of 16th Street, N.W. with Belmont Street, N.W. and Crescent Place, N.W. up to DDOT standards. The Board finds DDOT's findings and recommendations persuasive and, in addition, that any potential transportation impacts that may be associated with the Project are well addressed by MOUs developed by the Applicant and the Surrounding Property Owners and the conditions of this Order, detailed below.

ANC 1C Reports and Contested Issues

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. *See* Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) (“ANC Act”). In this case, ANC 1B, the ANC located across 16th Street, N.E. from the Property, did not submit any written report or otherwise provide comments on the Application.

As discussed above, ANC 1C submitted the ANC Report in opposition to the Application. (Exhibit 55.) Following the hearing, the Board provided ANC 1C with an opportunity to review and comment on the final design changes and MOUs; the ANC did so in the ANC Post-Hearing report and also raised new issues regarding the status of the Center as a “private school” and consistency of the Project with the Comprehensive Plan. (Exhibit 88.) Finally, the ANC filed the Motion to Postpone the Board’s decision on the application in order to compel the Board to require additional analysis from OP and refer the case to the Zoning Commission. (Exhibit 89.) ANC 1C’s opposition related to the requested relief for both the modification of the Center’s private school plan and the zone boundary extension. The Board addresses each of the ANC’s issues and concerns in turn below.

Modification of the Private School Plan

The ANC Report states that the frequency and times of events at the Center currently have a negative impact on the surrounding residents because the nature of the neighborhood is substantially different than when the Center was first established as a private school pursuant to the Board’s approval in 1960 under Order No. 5802. The report further states that the existing MOU between the Center and the surrounding neighbors addressing noise, traffic and parking, limits on events, and violations, has not improved problems associated with the Center’s events given continuing violations of the MOU, and that the addition of the proposed meeting and office space and the proposed multifamily residential use will compound these issues. Specifically, the report refers to violations of the existing MOU with respect to illegal parking and idling by shuttle buses; double-parked trucks and service vehicles blocking traffic on Belmont Street; illegal parking by diplomatic vehicles on Crescent Street; and amplified music and guest noise during Center events. Based on these violations of the existing MOU, the ANC Report questions whether conditions are likely to improve in the future and states that the additional office and meeting space and the proposed residential use will compound existing problems. This concern is also reiterated in the ANC Post-Hearing Report, which asserts that the MOUs will not adequately address the Project’s impacts.

The ANC Post-Hearing Report also argues that the Center is not a private school within the definition provided in Webster’s Unabridged Dictionary and, thus, should not be permitted to expand its operations. The ANC Post-Hearing Report also asserts that OP did not conduct an independent study of the Project’s impacts and instead relied on the Applicant’s statement and the MOUs between the Applicant and the Surrounding Property Owners. The ANC further

argued that many of the Center's events, such as private weddings, are not related to the Center's institutional use. The ANC cited previous cases in which the Board imposed limitations on hours and outdoor uses for private schools seeking special exception relief to expand in a residential area.

The ANC Comments further outline the following concerns related to the requested modification of the private school plan:

- Noise. The ANC asserted that the Project will have an adverse effect with respect to noise due to: construction of the Project; traffic in and around the Project's entry court off of Belmont Street, N.W. generated by persons accessing the Center and residents of the Project; increased pedestrian and vehicle traffic at 16th Street and Belmont Street, N.W. resulting from the Project; and the Center's events and operations, particularly large outdoor events.
- Traffic. The ANC asserted that the Project will have an adverse effect with respect to traffic due to: challenges associated with turning left onto Belmont Street from the northbound left lane on 16th Street, N.W.; lack of traffic calming measures at the intersection of 16th Street and Belmont Street, N.W.; delays and frequent idling by shuttle buses that impedes visibility for vehicles seeking to turn onto 16th Street off of Belmont Street; and exacerbation of these problems by the location of the Project's entry court on Belmont Street near 16th Street and allowing vehicles exiting the Project from the entry court to turn left onto Belmont, rather than turning right and circulating round the block to Crescent Place. The ANC also expressed concern that no impact studies had been conducted to assess the response time by emergency agencies and first responders.
- Parking. The ANC asserted that the Project will have an adverse effect with respect to parking, will exacerbate existing parking problems in the surrounding neighborhood, that the Applicant has failed to take steps to mitigate parking impacts, and that the neighborhood will lose approximately 30 parking spaces during construction of the Project and another 40 spaces in the current Center parking lot, in addition to permanently removing three on-street parking spaces from Belmont Street, N.W.
- Number of Students and Other Objectionable Conditions. The ANC asserted that, to properly evaluate the impacts of the private school plan under the special exception standard, the Board must consider not only the Center's new office and meeting space and parking garage, but also the impact of the proposed new residential use because it will share an entry court with the Center and that it is impossible in most circumstances to differentiate between the impacts of the Center and those related to the proposed residential use.

The Board has carefully weighed the ANC's issues and concerns regarding the potential impacts of the requested relief to modify the existing private school plans and finds the ANC's objections to the Application unpersuasive.

The Center is a Private School

First, the Board concludes, as it has in its multiple prior approvals for the Property, that the Center constitutes a private school. The Center is a nonprofit organization that offers educational and cultural exchange programs, including experiential learning as well as various training programs, expert panels, and related events focused on specialized instruction in international diplomacy and global leadership. The term "private school" is not defined in the Zoning Regulations, and thus the Board looks to the definition provided in Webster's Unabridged Dictionary ("Webster's"), *see* 11 DCMR Subtitle B § 100.1(g), which defines a "private school" as "a school that is established conducted, and primarily supported by a non-governmental entity." A "school" is defined by Webster's as "an organization that provides instruction," including among other things, "an establishment offering specialized instruction" The Center clearly meets this definition as an organization that offers specialized instruction on global leadership and international diplomatic issues. Accordingly, the ANC is wrong in its assertion that the Center does not meet the definition of a private school under the Zoning Regulations.

This conclusion is consistent with the Board's prior conclusion, as affirmed by the D.C. Court of Appeals, that the definition of "private school" is broad and encompasses non-traditional educational institutions, such as a school of music. *See Neighbors on Upton Street v. District of Columbia Bd. Of Zoning Adjustment*, 697 A.2d 3, 7-8 (D.C. 1997). Moreover, the Board has no reasonable basis for changing its interpretation now, particularly since it has approved the Center use as a private school multiple times, beginning in 1960. *Cf. Draude*, 527 A.2d at 1253 (stating that, in order to change an interpretation of a controlling statutory term, an agency "must explain and justify its change of mind or its use of a different standard from one situation to the next") (internal citations omitted). Accordingly, the Board concludes, as it has previously, that the Center is a private school.⁶

Comprehensive Plan

Second, the ANC argues that the Project must be assessed in accordance with the relevant portions of the Comprehensive Plan, and that the Project is inconsistent with policies and goals of the Framework, Historic Preservation, Land Use, Urban Design, Housing, and Transportation

⁶ The Board also notes that the ANC failed to raise this issue at the hearing, where the Applicant would have had an opportunity to directly address the question, but instead raised the issue for the first time in its post-hearing submission. Indeed, the ANC's assertion is directly contradicted by its own Report, which referred to the Center as a private school. (Exhibit 55 at 2 (stating that the "Center was first established as a private school in 1960 . . .").) Nevertheless, the Board concludes there is sufficient evidence in the record to affirm that the Center is a private school.

Elements of the Plan, the Generalized Policy Map, and the FLUM. Among other provisions, the ANC references specific provisions of the Comprehensive Plan that direct evaluations of noise, traffic, parking, historic preservation and other impacts.

The Board disagrees with the ANC’s assertion that the Comprehensive Plan is applicable to the Board’s review of an application for special exception relief. The Board’s discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with the requirements of the applicable provisions of the Zoning Regulations, and, if the applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). None of the applicable standards of approval require consistency with the Comprehensive Plan.

Moreover, the Comprehensive Plan is not self-executing, and the D.C. Court of Appeals has held that the Board has no power to implement the Comprehensive Plan. *Tenley and Cleveland Park Emergency Committee v. District of Columbia Bd. of Zoning Adjustment*, 550 A.2d 341 n.22 (D.C. 1988); *see also BZA Order No. 18108 of ANC 3C* (2010).

Accordingly, it is not within the Board’s jurisdiction to implement the Comprehensive Plan in reviewing this Application. This includes not only the overall planning guidance provided by the FLUM, the Policy Map, or the District and Area Elements, but also specific provisions requiring certain types of impact analysis for new development as referenced by the ANC. The Zoning Commission is the sole zoning authority responsible for enacting the Zoning Regulations and Map and, in so doing, ensuring that the Zoning Regulations and Map are “not inconsistent” with its guidance. D.C. Code §§ 6-641.01 – 641.02. By contrast, the Board lacks “the power to amend any regulation or map.” D.C. Code §§ 6-641.07(e).

In any event the ANC’s concerns regarding the consistency of the FLUM with the existing Zoning Map were specifically addressed by the Commission following the decision on this matter but prior to the issuance of this Order. *See Z.C. Case No. 18-12* (2018) (denying petition to downzone the Property based on the Comprehensive Plan). Moreover, through this application, the Board undertook a detailed evaluation of the noise, traffic, parking, design, and other impacts of the Project, while HPRB provided a thorough analysis of the historic preservation impacts of the Project through multiple rounds of review.

The Office of Planning Analysis Satisfied the Legal Requirements

Third, with respect to the ANC’s assertion that OP did not conduct an independent study of the Application, the Board disagrees. OP’s report and testimony at the hearing make clear that OP fulfilled its duty to “review and comment” on the requested relief and make its own assessment of whether the applicable standards for approval were met. (11-Y DCMR § 405.8(a).) The ANC has pointed to no evidence to suggest otherwise. The Regulations only require that OP “report on the application’s compliance” with the special exception standards. (11-Y DCMR § 405.4.)

The Project, Taken as a Whole, Will Not Impose Objectionable Impacts

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Fourth, as to the ANC's concerns regarding noise, traffic, parking, the number of students and events, and other impacts, as discussed in detail in the findings and conclusions above, the Board finds that the Application satisfies the applicable standards for relief. As discussed above, the Board concludes that the impacts associated with the Center's new office and meeting space and the relocation of parking and reconfigured traffic circulation will have a minimal impact on the surrounding area and any potential impacts will be mitigated by the Meridian MOU. Further, with respect to traffic and parking, the Board credits the conclusions by both DDOT and the Applicant's transportation expert that the Project will not have a significant impact on transportation in the surrounding area.

In addition, contrary to the ANC's assertion, the Applicant did not limit its analysis to just the impact of the changes to the Center. Rather, the Applicant also addressed in detail impacts related to the existing Center's operations, putting forth a new Meridian MOU that addresses and mitigates existing and proposed impacts comprehensively. Although existing operations are arguably not relevant under the first *Draude* test (which requires an evaluation of whether the proposed school use will "significantly increase objectionable qualities over their current levels in the area"), the Board can conclude that the new Meridian MOU will not only maintain current levels of impact but also likely reduce those impacts through its enhanced implementation and enforcement measures.

Moreover, the Applicant also addressed in detail the impact of the proposed residential use through detailed analyses of the building's height and mass and inclusion of its use in the comprehensive transportation analysis. Furthermore, the Applicant also proffered the extensive Residential MOU to address the residential building's impacts, with similar commitments on accountability and enforceability. The multifamily residential use is permitted as a matter of right, with no limit on the number of units other than the number that can fit within the height and bulk limits of the Zoning Regulations. Therefore, although the impact of the residential building is arguably not relevant under the second *Draude* test (which requires an evaluation as to whether the use "would significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create"), the Board is satisfied that the residential building will not impose any additional objectionable or adverse impacts compared to a similar matter-of-right development on the Property. Again, with the Residential MOU those impacts will likely be less than what would come through a matter-of-right residential building.

As noted in the findings of fact, the Board acknowledges the ANC's concerns regarding the effectiveness of the current MOU between the Center and the surrounding neighbors, as well as the new Meridian MOU developed by the Applicant and the Surrounding Property Owners. However, the Board finds that the Meridian MOU is much more extensive in scope; it covers a wide range of existing and potential future impacts from the Center's operations. Moreover, the Meridian MOU includes much more robust enforcement measures to ensure compliance as compared to the current MOU. In concluding that the Meridian MOU will be effective in mitigating any potential impacts associated with the Center, the Board gives due consideration to testimony from representatives of the Surrounding Property Owners, the withdrawal of the

BPCA, and the fact that the Surrounding Property Owners — which include the representatives of the condominium boards of each of the adjacent buildings — were involved in the crafting of the MOU and do not object to the requested relief. This supports the inference that the Surrounding Property Owners believe that the new Meridian MOU is adequate to address any potential impacts. (Indeed, even the ANC acknowledged the level of detail and improved enforcement mechanisms in the MOUs as “laudable.”) Finally, as an additional protective measure, this Order imposes a five-year term on approval of the Center’s new office and meeting space, after which period the Board will have the opportunity to reassess whether the MOUs have been effective in mitigating objectionable impacts.

Finally, although the ANC raised many concerns related to construction of the Project, issues pertaining to construction are outside of the Board’s jurisdiction and not relevant to review of special exception relief, since those impacts would be created by matter-of-right construction as well. Nevertheless, the Board credits the Applicant’s willingness to enter into the detailed Construction MOU, which contains multiple detailed provisions that address the specific concerns raised by the ANC.

Zone Boundary Extension

Fifth, with respect to the requested special exception to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2, ANC 1C asserted that the mass, height, and scale do not fit with the surrounding neighborhood context and exceed that of the adjacent residential and historic buildings. The ANC further asserted that the Project’s mass and density correlate directly with concerns about traffic, parking, noise (both during and after construction), and other quality-of-life concerns.

As outlined in detail in the findings and conclusions above, the Board finds that the proposed design, with the taller primary mass along 16th Street, N.W., and the shorter secondary mass along Crescent Place, N.W., is compatible with the character of the surrounding neighborhood. This conclusion is consistent with the determination by HPO and HPRB that the Project is compatible with the Meridian Hill Historic District and appropriate for the site. Although the ANC claims that the Project’s mass and density correlate to its concerns regarding other impacts, such as traffic and noise, the Board does not find the ANC’s claim persuasive. The proposed residential use is permitted as a matter of right, and the Project’s overall density is less than the maximum permitted as a matter of right for the Property. The requested relief will merely enable the Applicant to shift density out of the RA-2 zoned portion of the Property and to the RA-4 zoned portion that is closer to 16th Street, N.W. This proposal is in line with the other development in the surrounding area, which has traditionally focused height and density along 16th Street, and is more respectful of the Historic Mansions on the Property. In addition, as stated above, the Board credits the conclusions by both DDOT and the Applicant’s transportation expert that the Project will not result in significant impacts on transportation in the surrounding area. The Board concludes that the proposed design is appropriate and compatible with the surrounding context.

General Special Exception Criteria

Sixth and finally, the ANC Comments state that the Application does not meet the requirements under Subtitle X § 901.2 that the requested relief be in harmony with the Zoning Regulations and not tend to adversely affect the use of neighboring property. Specifically, the ANC asserted that the Project is not consistent with the stated goals of the RA zones to promote stable residential areas, allow limited non-residential uses that are compatible with adjoining residential uses, and encourage compatibility between the location of new construction and the existing neighborhood. *See* 11 DCMR § 100.3(c), (e), and (f). The ANC also claimed that the requested relief would cause substantial detriment to the public good by degrading the environment of the adjacent homes.

For the same reasons as discussed above, the Board disagrees with the ANC's assessment and concludes that the Application satisfies the requirements of Subtitle X § 901.2. The Project will provide appropriate infill development at a transit-oriented site that will promote stable residential growth in the area. The requested modification to the Center's private school plan will allow this use to continue with modernized space and internalized parking, while placing appropriate restrictions and limitations on the use by imposing appropriate conditions to the Board's approval, including a five-year term to allow the Board to reassess the approval in the future. Lastly, the ANC has not provided any examples or evidence of environmental degradation that would result from the Project, and thus the Board finds unpersuasive the ANC's generalized, unsupported claim of such impacts.

Conclusion

Based on the case record, the testimony at the hearing, and the findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under 11 DCMR Subtitle X § 104.1 to modify the Center's private school plan, and under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone into a portion of the Property zoned RA-2. Accordingly, it is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 87E - ARCHITECTURAL PLANS AND ELEVATIONS - AND SUBJECT TO THE FOLLOWING CONDITIONS:**

Project

1. The Project shall be constructed in accordance with the plans dated July 2, 2018 and included as Exhibit 87E of the Record.
2. The Applicant shall have flexibility with the design of the Project in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and

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toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

- b. To vary the final selection of the colors of the exterior materials, within the range presented to the Board and included with the drawings, based on availability at the time of construction;
- c. To make minor refinements to exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes: (1) to comply with Construction Codes that are otherwise necessary to obtain a final building permit, (2) to comport with final design comments from District historic preservation officials, or (3) to address the structural, mechanical, or operational needs of the building uses or systems that do not significantly alter the exterior design as shown on the plans.
- d. To vary the final number of residential units plus or minus 10%;
- e. To vary the final number of parking spaces plus or minus 10%;
- f. To vary the final streetscape design and materials in the public right-of-way, in response to direction received from District public space permitting authorities;
- g. To vary the final landscaping materials of the Project, consistent with the range presented to the Board and included with the drawings, based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
- h. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements;

Term

3. The new meeting/conference space within the Project for the Meridian International Center (“Meridian”) is approved for a period of **five (5) years** from the date of issuance of the certificate of occupancy for such space.

Meridian Community Partnership and Communication

4. Meridian Community Partnership. The Applicant shall work with representatives of the Beekman Place Condominium Association, 1661 Crescent Place, NW Inc., Meridian Crescent Condominium Association, and the 17th Street neighbors (the “Community Parties”) to establish the Meridian Community Partnership (“MCP”) as a forum for collective discussion regarding ongoing community-related issues. The MCP shall have a steering committee (the “MCP Steering Committee”) comprised of a designated representative of each of the Community Parties, Meridian, and the future condominium

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association of the Project. The MCP Steering Committee shall meet no less than twice per year to discuss ongoing issues and concerns.

5. Event Notification.

- a. Meridian shall email the Community Parties, no later than the 25th of each month, a list of evening events, weekend events, and any additional events, programs, or activities that require valet services scheduled for the following month. The list shall include information on the date, time (start/end), use of valet parking, transportation plan (shuttle buses, vans, etc.), location, and range in the number of guests for each planned event. The List shall also include an accounting of the previous month's events as well as an accounting of events over the year to date.
- b. Meridian shall send out information regarding the Meridian Ball at least two (2) months prior to the Meridian Ball.

6. Meridian Complaint Reporting and Resolution.

- a. Hotline:
 - i. Meridian shall establish a "hotline" for neighbors to report concerns at neighbors@meridian.org or (202) 939-5535. Through use of the email or phone number, any complaint will go to the Neighborhood Liaison Manager, as well as the Meridian Event Manager and the Vice President of Human Resources & Administration.
 - ii. Meridian shall keep a log of all emails and phone calls to the "hotline" and shall provide a log of the emails and phone calls to the representatives of the Community Parties each month. For each concern, an explanation of actions taken to rectify the concern shall be provided.
- b. Neighborhood Liaison Manager. Meridian shall designate a neighborhood liaison manager (the "Neighborhood Liaison Manager") responsible for monitoring the "hotline" and promptly responding to any concerns that are reported.

Meridian Use – Number of People and Events

7. Maximum Number of Guests. Except for the Meridian Ball, no more than 275 guests shall be permitted on the Campus at any one time for any Meridian function, whether for Meridian Leadership Programs involving international professional participants or Events, as defined in Condition No. 8 below.
8. Events
 - a. For purposes of this Order, "Event" means any Meridian activity on the Campus that involves catering or outside vendor services, except for the Meridian Ball;

“Evening Event” means any Event the majority of which takes place after 5:30 PM on a weekday; and “Weekend Event” means any Event that takes place on a Saturday or Sunday, irrespective of the timing of the Event, and includes weddings.

- b. Number of Events.
 - i. Total Number of Events. No more than 150 Events shall be permitted per year.
 - ii. Evening Events. No more than 55 Evening Events shall be permitted per year, and no more than 25 of such Evening Events shall end after 9:30 PM.
 - iii. Weekend Events. No more than 45 Weekend Events shall be permitted per year, and no more than one (1) wedding shall be permitted per weekend.
 - iv. Neighborhood Meetings and Events. The above-stated restrictions on the number of Events shall not apply to any neighborhood meeting or event, including but not limited to the Beekman Annual meeting and any ANC IC meeting.
- c. Location of Events – Weddings. No wedding shall take place in the new space for Meridian constructed as part the approved Project (“New Meridian Space”).
- d. Number of Guests at Events
 - i. No more than 250 guests shall be permitted per Event.
 - ii. No more than 10 Events per year shall have more than 200 guests.
- e. Deadline for Conclusion of Events. All Events shall end by 11:00 PM to allow for the breakdown of tables and the stowage of equipment and refuse prior to 1:00 AM.
- f. Meridian Ball
 - i. The above-stated restrictions on the number of guests shall not apply to the Meridian Ball, which may have more than 300 guests and may occur on all of the Meridian space.
 - ii. No more than one (1) Meridian Ball shall be permitted per year.

Noise

- 9. Meridian Events – Arrival and Departure of Guests

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- a. Event Manager. Meridian shall have an event manager (“Meridian Event Manager”) on duty at all Events and the Meridian Ball. The Meridian Event Manager shall be responsible for oversight from the beginning to the end of each Event and the Meridian Ball.
- b. Contract Provision. All new contracts for shuttles servicing Meridian Events and the Meridian Ball shall include the following language: “As a courtesy to neighbors, we ask that arriving and departing guests exercise the same degree of consideration they would expect in their own neighborhoods with respect to noise, litter, and otherwise disruptive behavior.”
- c. Guest Management. The Meridian Event Manager shall remind all guests to observe quiet in the residential neighborhood as they depart, shall ensure that unacceptable behavior results in the immediate expulsion of the responsible persons, and shall emphasize the obligation for adult supervision when people under the age of 18 years of age are present.

10. Meridian Events – Amplified Music

- i. Indoors. Amplified music indoors for Events shall be terminated by 11:00 PM.
- ii. Outdoors. Amplified music outdoors for Events shall be terminated by 9:00 PM.

11. Residential Building Rooftop Terrace

- a. The residential portion of the Project (“Residential Building”) shall include a rooftop terrace above the sixth floor of the Residential Building (“Rooftop”). The Applicant shall install and utilize landscaping and trellises to mitigate sound transmissions from the Rooftop along Crescent Place. The Applicant shall install a Plexiglas, glass, masonry, or other comparable solid screen at railing height around the perimeter of the Rooftop, subject to DCRA and any other required governmental agency approval.
- b. The Rooftop shall be limited to a maximum of 100 people at one time.
- c. Amplified music through a loudspeaker shall not be permitted on the Rooftop at any time.
- d. Rooftop hours of use shall be limited to 7:00 AM and 10:00 PM on Sunday through Thursday and 7:00 AM and 11:00 PM on Friday and Saturday.

Transportation – Parking

12. Residential Garage.

- a. The residential portion of the Project’s garage (“Residential Garage”) shall be reserved for the residents and guests of residents of the Residential Building, with unsold spaces being made available only to residents of the Community Parties.
- b. The Applicant shall reserve space for two (2) car-sharing spaces in the Project, subject to a signed agreement with a car sharing service.
- c. The Applicant shall install signage and mirrors at the garage exit on Crescent Place to ensure the awareness and ability of exiting traffic to see oncoming pedestrian and vehicular traffic.

13. New Meridian Garage – Community Use.

- a. The Meridian portion of the Project’s garage (“Meridian Garage”) shall be made available to the Community Parties and to the guests of the future residents of the Project between 7:00 PM and 8:00 AM on weekdays and at all times on weekends, subject to Meridian’s Event schedule.
- b. The specific logistics for permitting access and permit allocations for the Meridian Garage shall be determined post-construction, but prior to the issuance of the first certificate of occupancy for the Project, in cooperation with the Community Parties.

14. Meridian Use – Employee Parking and Transportation Management

- a. Meridian shall subsidize employees who take public transit to work and shall offer a stipend to employees who bike to work as an effort to encourage employees to commute via non-auto modes of transportation.
- b. Meridian shall charge employees subsidized rates to park on Campus as an effort to encourage employees who drive to work to park in the Meridian parking lots (i.e., the existing parking garage under Meridian Crescent and the new Meridian Garage in the Project).

15. Meridian Use – Guest Parking and Transportation Management

- a. Meridian shall encourage all guests to use carpooling or public transportation whenever feasible.
- b. Meridian shall maximize the use of all Meridian parking lots via directed parking at all times other than when valet operations are utilized.
 - i. Guests shall be given the privilege of parking free of charge in all Meridian parking lots.

- ii. Meridian shall station an attendant at the Meridian Crescent garage entrance to provide access to the Meridian Crescent parking garage and to ensure garage security during those times the garage will be utilized for Events in the Meridian spaces.
- iii. Prior to the issuance of building permit for the Project, Meridian shall provide for long-term contractual arrangements for satellite lots for Meridian functions for which their parking lots cannot fully accommodate guests' cars.

Transportation – General Circulation

16. All vehicles parked in the Residential Garage and all self-parked vehicles in the Meridian Garage must exit via the Crescent Place exit. All other traffic, except for trucks subject to the Truck Routing Plan described below, shall be permitted to exit onto Belmont Street and turn left or right on Belmont Street when exiting the Project.
17. All rideshares and taxis dropping off and/or picking up passengers at the Project shall be required to use the Project's entry court ("Entry Court") or 16th Street entrance.
 - a. The Applicant shall update the geolocation of both the Project's address and the New Meridian Space's address on Google and other websites to be located within the Entry Court.
 - b. Meridian shall encourage all guests being dropped off at the New Meridian Space to utilize the Entry Court for any pickup and drop off.

Transportation – Loading and Service Activity

18. Loading Coordinator. Meridian shall designate a staff member as the "Meridian Loading Coordinator." The Residential Building shall also designate a staff member as the "Residential Loading Coordinator." Each Loading Coordinator shall be on site anytime there are scheduled deliveries, trash, and move-in/move-out activity.
19. Truck Routing Plan. Vehicles subject to the truck routing plan shall exit the Project by turning left onto Belmont Street and then turning right onto 16th Street ("Truck Routing Plan").
20. Traffic Rules. Vehicles subject to the traffic rules shall comply with the following provisions ("Traffic Rules"):
 - a. Vehicles shall not double park on streets surrounding the Meridian's campus ("Campus"), shall keep one clear lane of traffic open at all times, and shall otherwise obey all posted parking, stopping, and standing restrictions on streets surrounding the Campus.

- b. Vehicles shall abide by the D.C. “Motor Vehicle Excessive Idling Act” of 1984, as amended (1997), (“Excessive Idling Act”) which allows idling of up to three (3) minutes while a motor vehicle is parked, stopped, or standing, except, *inter alia*, “to operate for 15 minutes air conditioning equipment on buses with an occupancy of twelve or more persons” or “to operate heating equipment when the local temperature is thirty-two degrees Fahrenheit or below.”
- c. All contracts with vendors and service providers shall include a provision that requires all vehicles coming to the Campus (including any subcontractors) to comply with the Traffic Rules.

21. Trash

- a. Meridian Use – Entire Campus. No private trash pick-up activity shall take place between 10:00 PM and 7:00 AM on weekdays or between 10:00 PM and 9:00 AM on weekends, with the exception of the night of and the morning after Meridian’s annual fundraising ball (the “Meridian Ball”).
- b. New Meridian Space – Truck Routing Plan. The Meridian Loading Coordinator shall direct all trash trucks associated with the New Meridian Space to use the Truck Routing Plan.
- c. Residential Building. Private trash pick-up activity associated with the Residential Building shall occur between 9:00 AM and 5:00 PM on weekdays, and between 10:00 AM and 5:00 PM on weekends.

22. Deliveries – Meridian Use

- a. For purposes of this Order, “Meridian Delivery Vehicles” means any commercial vehicles (including a trucks, pick-up trucks, and vans) delivering goods or services to Meridian and its Campus.
- b. Location. The Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to utilize the prescribed loading docks or designated on-street commercial loading zone as shown on pages 9-10 of Exhibit 87E of the Record.
- c. Hours. Delivery activity that involves a Meridian Delivery Vehicle utilizing a back-up beeper shall not take place on the Campus between 10:00 PM and 9:00 AM. Select vendors with trucks limited to a 16-foot box truck or less are permitted to load-out after 10:00 PM, provided that any Meridian Delivery Vehicle utilizing a back-up beeper is staged prior to 10:00 PM.
- d. Truck Routing Plan. For deliveries to the New Meridian Space, the Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to use Truck Routing Plan.

- e. Traffic Rules. The Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to comply with the Traffic Rules.

23. Deliveries – Residential Building

- a. Delivery Vehicles. For purposes of this Order, “Residential Delivery Vehicles” means all commercial vehicles (including trucks, pick-up trucks, and vans) delivering goods or services to customers contracted by the Residential Building or a resident of the Project.
- b. Location. The Residential Loading Coordinator shall be responsible for directing all scheduled deliveries for residents to use the Entry Court or, when necessary, the 16th Street entrance (subject to obtaining proper “No Parking” permits from the District of Columbia).
- c. Size.
 - i. Residential Delivery Vehicles accessing the Entry Court shall be no more than 30 feet in length including the driver cab.
 - ii. No more than one (1) Residential Delivery Vehicle over 24 feet in length shall be permitted in the Entry Court at one time.
- d. Hours.
 - i. All delivery activity utilizing a Residential Delivery Vehicle over 16 feet in length, other than a maintenance vehicle for residents for emergency repairs, shall occur between 9:00 AM and 5:00 PM or between 7:00 PM and 10:00 PM.
 - ii. All other delivery activity with Residential Delivery Vehicles that are 16 feet or less in length shall occur between 8:00 AM and 10:00 PM.
- e. Truck Routing Plan. The Residential Loading Coordinator shall direct all Residential Delivery Vehicles over 24 feet in length to use the Truck Routing Plan.
- f. Traffic Rules. The Residential Loading Coordinator shall direct all Residential Delivery Vehicles to comply with the Traffic Rules.

24. Residential Building – Moving Activity

- a. Location. The Residential Loading Coordinator shall direct all moving vehicles (“Moving Trucks”) to utilize the loading docks or, when necessary, the 16th Street entrance (subject to obtaining proper “No Parking” permits from the District of Columbia).

- b. Size.
 - i. Moving Trucks permitted to use the Entry Court and loading dock shall be no more than 30 feet in length.
 - ii. Moving Trucks that are more than 30 feet in length shall be required to utilize curbside space on 16th Street to load and unload. In the event that 16th Street is utilized for Moves, the Residential Loading Coordinator shall direct the moving resident to obtain a “No Parking” permit from the District of Columbia and post the signs a minimum of two (2) days in advance of the moving date.
- c. Hours.
 - i. Any Moves utilizing a Moving Truck that is more than 16 feet in length shall occur between 9:00 AM and 5:00 PM.
 - ii. All other Moves with Moving Trucks that are 16 feet or less in length shall occur between 8:00 AM and 10:00 PM.
 - iii. Moves using a truck that is greater than 24 feet in length within the Entry Court shall not be permitted to arrive or depart while guests for Meridian Events with over 100 guests located within the New Meridian Space are arriving or departing.
- d. Truck Routing Plan. The Residential Loading Coordinator shall direct all Moving Trucks to use the Truck Routing Plan.
- e. Traffic Rules. The Residential Loading Coordinator shall direct all Moving Trucks to comply with the Traffic Rules.

Transportation – Shuttle Bus and Valet Operations

25. Shuttle Bus Operations

- a. Maximum Number of Passengers. Shuttle buses dropping-off or picking-up passengers within the Campus (“Shuttle Buses”) shall be limited to a maximum of 36 passengers, except as permitted in Condition 25 d.iii below.
- b. Traffic Rules. Meridian shall direct all Shuttle Bus operators to comply with the Traffic Rules.
- c. Contract Provisions. In addition to language requiring compliance with the Traffic Rules and the language regarding guest behavior set forth in Condition 9.b, all contracts with Shuttle Bus operators shall include the following language: “While waiting between drop-offs and pick-ups, Shuttle Buses are required to

leave the [Project]’s entry court, Belmont Street, Crescent Place, and 17th Street roadways and wait in an offsite location.”

d. Passenger Drop-off/Pick-up

- i. Meridian House and White Meyer House. Meridian shall direct all Shuttle Buses to pull over to a curb when picking up and discharging passengers at the Meridian House or the White Meyer House.
- ii. New Meridian Space.
 1. For Events in the New Meridian Space, Shuttle Buses shall be required to load and unload within the Entry Court.
 2. Meridian shall direct all Shuttle Buses to use the Truck Routing Plan.
 3. For all Events that require a Shuttle Bus, a traffic control operator (“Traffic Control Coordinator”) shall be stationed within the Entry Court.
- iii. Shuttle Buses with More than 36 Passengers. Occasionally, Shuttle Buses transporting more than 36 passengers may be necessary. Any Shuttle Buses transporting more than 36 passengers shall be required to conduct drop-off/pick-up operations on 16th Street. In the event that any such Shuttle Bus is unable to utilize 16th Street, the Shuttle Bus Operator shall find another location for discharging passengers and shall not be permitted to utilize the Entry Court, Belmont Street, Crescent Place, or the 17th Street roadways for discharging passengers.

26. Valet Operations

a. All Meridian Spaces

- i. Activities with 100–150 People. For all Events, programs, or activities in excess of 100 people and less than 150 people, Meridian shall provide a Traffic Control Coordinator.
- ii. Activities with More than 150 People. For all Events, programs, or activities in excess of 150 people, Meridian shall require valet operations and other “assisted arrival,” such as Shuttle Buses. In the event that valet operations are provided, the valet operator shall serve as the Traffic Control Coordinator. In the event that only Shuttle Buses are utilized, Meridian shall provide a Traffic Control Coordinator.

- b. Valet Staffing. Meridian shall continue to work with its consistent and vetted valet parking operators to ensure operations are staffed sufficiently to keep traffic flowing and to minimize backups.
- c. Permitting and Signage. Meridian shall obtain a valet permit from the District of Columbia for each Event, program, or activity that requires valet parking, which states the use of a specified number of curbside parking spaces (3–8), depending on the size of the Event, program, or activity. Meridian shall post “No Parking” signs a minimum of three (3) days in advance of the Event, program, or activity date, in accordance with District standards, and shall remove such signs immediately following the Event, program, or activity.
- d. Traffic Rules. Meridian shall direct all valet parking operators to comply with the Traffic Rules.
- e. Noise. Meridian shall brief all valet parking operators with regard to noise limitations and no shouting.
- f. Entrance Access. Meridian shall direct all valet parking operators to not obstruct the entrances to Beekman Place, Meridian Crescent, or 1661 Crescent Place.
- g. New Meridian Space
 - i. For Events, programs, or activities at the New Meridian Space that require a valet, pick-up and drop-off activity shall be located within the Entry Court.
 - ii. Meridian shall direct the valet parking operator to position a Traffic Control Coordinator at the entrance of the Entry Court to safely and efficiently guide traffic entering and exiting the Entry Court in order to prevent queuing along Belmont Street.

Transportation – Proposed Improvements

27. Pre-Construction Study. Prior to the commencement of construction of the Project, the Applicant shall pay for and perform a traffic study to evaluate the anticipated impact of the Project on the Belmont Street and 16th Street intersection (“Pre-Construction Study”).
- a. The Pre-Construction Study shall include an evaluation of whether a traffic signal is warranted at the intersection. If warranted, the Applicant shall pay for and install the signal, subject to DDOT approval.
 - b. If the Pre-Construction Study does not call for a new signal at that location, the Applicant shall request that DDOT install a signal detector on Belmont Street to call the green signal on Crescent Place, thereby creating a gap in traffic on 16th

Street to facilitate egress from Belmont Street. Installation of such improvement shall be subject to DDOT approval.

28. Signage and Markings. Prior to the issuance of a certificate of occupancy for the Project and subject to DDOT approval, the Applicant shall do the following:

- a. Install signing and pavement markings at the intersection of 16th Street and Belmont Street to improve visibility of and awareness of pedestrians crossing Belmont Street.
- b. Install “Do Not Block the Box” signing and pavement markings at the intersection of 16th Street and Belmont Street and the intersection of 16th Street and Crescent Place.
- c. Install a “No Trucks Over 7,000 lbs. Gross Vehicle Weight” sign at the intersection of 17th Street and Crescent to prohibit trucks travelling north on 17th Street.
- d. Install two-way traffic pavement markings along the two-way section of Belmont Street to 16th Street.
- e. Install pavement markings at the Crescent and 16th Street intersection identifying individual left and right turn lanes.
- f. Install a “No Left Turn from 7:00 to 9:30 AM and 4:00 to 6:30 PM” sign on Belmont Street at its intersection with 16th Street.

29. Removal of Parking Spaces. Prior to the issuance of a certificate of occupancy and subject to approval by DDOT, the Applicant shall remove three (3) on-street parking spaces on the south side of Belmont Street (between 16th Street and the primary Beekman Place driveway entrance) to increase the width of the travel lanes to better accommodate two-way traffic on the portion of the street.

30. Vehicle Routing / Post-Occupancy Study. When the Residential Building is 85% occupied, the Applicant shall pay for and perform a traffic study that evaluates the impact of the Project on the Belmont and 16th Street intersection (“Post-Occupancy Study”).

- a. The Post-Occupancy Study shall include an evaluation of whether a traffic signal is warranted at the intersection. If warranted, the Applicant shall pay for and install the signal, subject to DDOT approval.
- b. If the Post-Occupancy Study does not call for a new signal at that location, the Applicant shall request that DDOT install a signal detector on Belmont Street to call the green signal on Crescent Place, thereby creating a gap in traffic on 16th Street to facilitate egress movements from Belmont Street. Installation of such improvement shall be subject to DDOT approval.

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- c. If the Post-Occupancy Study does not call for a new signal or signal detector at that location, but the Post-Occupancy Study indicates that the total number of new trips at the intersection exceeds either 28 new trips in the AM peak hour or 36 new trips in the PM peak hour (as compared to the 2022 background peak hour traffic volumes set forth on Figure 15B of the Applicant's traffic study dated January 2018), then the Applicant shall implement operational measures and signage to direct all traffic exiting the Project except trucks greater than 24 feet in length to turn right and proceed westbound on Belmont Street between 7:30 AM and 9:30 AM on weekday mornings and between 4:30 PM and 6:30 PM on weekday evenings.

Other Impacts

31. Snow Shoveling. The Applicant and Meridian shall shovel the entire width of the sidewalks, including ramps to crosswalks, adjacent to the Campus within the first eight (8) hours of daylight after the ceasing to fall of any snow or sleet in accordance with D.C. Code § 9-601.
32. Litter Removal. The Applicant and Meridian shall continue to keep the area adjacent to the Campus free of litter.
33. Lighting. The Applicant shall install full cut off lights on the Project to mitigate light pollution to neighboring properties.
34. Dog Waste. Subject to Public Space review and approval, the Applicant shall to install two (2) dog waste stations with bag dispensers along the perimeter of the Project that will be available for the general public to use. The Project's condominium association shall be responsible for refilling the dispensers. The Applicant shall incorporate this provision into the future condominium documents and by-laws of the Project.
35. Construction Management Agreement. The Applicant shall abide by the Construction MOU included in Exhibit 87C of the Record.
36. Stormwater Management. Consistent with the requirements of D.C. law and municipal regulations (DCMR, Title 21), plans for Project shall incorporate a plan for effective stormwater management. To the greatest extent possible, the Applicant shall implement stormwater management measures (e.g., low-grade slopes, erosion-resistant ground cover, centralized stormwater conveyance, and collection facilities) that minimize both runoff to adjacent properties and standing water on the site of the Project and protect the Chesapeake Watershed.
37. Tree Protection Plan. The Applicant shall utilize the services of a licensed and insured arborist/tree removal expert to ensure the protection of the two (2) trees on 16th Street and any other street trees that are planned to remain. Such arborist shall be retained to:

- a. Examine all trees on or adjacent to the Property that are to remain post-construction.
 - b. Identify and tag those trees requiring removal as a result of erosion problems.
 - c. Identify and tag all trees that can be saved as part of the Project’s overall landscape plan.
 - d. Approve the plan to protect the two 16th Street trees.
 - e. Identify appropriate species for planting on the Property.
38. 16th Street Trees. In addition to any fine imposed under the 2016 Heritage Tree provisions, the Applicant shall post a \$25,000 Tree Protection Bond for five (5) years following substantial completion of the Project for replacement trees in the case of damage to the two willow oaks on 16th Street. Any replacement tree must be approved by the City Arborist.
39. Replacement Tree on Crescent Place. Subject to DDOT and any other governmental agency approval, the Applicant shall plant a street tree in the location of the Crescent Place curb cut that will be closed post-construction.
40. Protection of Existing Street Trees. Subject to DDOT review and approval, the Applicant shall protect and retain the existing street trees adjacent to the Project located on both Belmont Street and Crescent Place.

VOTE: 5-0-0 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 7, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19908 of New District Development LLC, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse setbacks of Subtitle C § 1502, and pursuant to Subtitle X, Chapter 10, for a use variance from the use restrictions of Subtitle U § 201.1, to construct a new eight-unit apartment house in the R-2 Zone at premises 4442 B Street S.E. (Square 5350, Lots 11 and 12).

HEARING DATE: March 6, 2019

DECISION DATE: March 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 45.) 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") 7E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The full ANC did not submit a report, but the Vice Chair and Single-Member District Commissioner for 7E04 submitted a letter in support. (Exhibit 18.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 47.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 33.)

The Board received a letter in support of the application from Exit Elite Realty. (Exhibit 43.)

¹ The application was submitted with a referral from the Zoning Administrator stating that a use variance was required. (Exhibits 13, 15.) The application was amended to add special exception relief from the penthouse setbacks of Subtitle C § 1502. (Exhibit 45.)

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for use variance from the use restrictions of Subtitle U § 201.1. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle C § 1504 from the penthouse setbacks of Subtitle C § 1502. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 1 AND 39-41.**

VOTE: 4-1-0 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, and Carlton E. Hart to APPROVE; Peter G. May opposed.)

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 8, 2019

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. 19908

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19928 of David Glaudemans, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3 from the upper floor addition requirements of Subtitle E § 206.1(a), to construct a third story addition to an existing, two-story, attached principal dwelling unit in the RF-1 Zone at premises 918 7th Street N.E. (Square 857, Lot 848).

HEARING DATE: March 6, 2019

DECISION DATE: March 6, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated September 5, 2018, from the Zoning Administrator, certifying the required relief. (Exhibit 1.)

The Board of Zoning Adjustment (the “Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on February 13, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 25.)

The Office of Planning (“OP”) submitted a timely report, dated February 22, 2019, noting that it could not make a recommendation at that time. OP indicated that if the Applicant submitted revised plans based on their discussions, it would be able to file an updated recommendation. (Exhibit 26). At the hearing, OP provided testimony recommending approval of the application, based on the Applicant’s revised plans. The District Department of Transportation (“DDOT”) submitted a report, dated February 22, 2019, expressing no objection to the approval of the application. (Exhibit 28.)

Four letters in support of the application were submitted to the record. (Exhibits 27 and 32.) The Capitol Hill Restoration Society filed a letter in opposition to the application. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E §§ 206.2 and 5203.3 from the upper floor addition

requirements of Subtitle E § 206.1(a), to construct a third story addition to an existing, two-story, attached principal dwelling unit in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 206.2, 5203.3 and 206.1(a), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 29A1 AND 29A2.**

VOTE: **5-0-0** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, Lesylleé M. White and Peter G. May to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 11, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 19928

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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19931 of Marcy Mey, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a two-story rear addition to an existing, detached principal dwelling unit in the R-1-B Zone at premises 1440 Otis Street N.E. (Square 4003, Lot 18).

HEARING DATE: March 6, 2019

DECISION DATE: March 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 16, 2019, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibits 26 and 27.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 30.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1. 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 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 35, WITH THE FOLLOWING CONDITION:**

1. The Applicant shall have flexibility with regard to the location of the proposed west stair, provided that no additional zoning relief is required. The Applicant shall also have flexibility to modify the exterior materials shown on the approved plans.

VOTE: 5-0-0 (Carlton E. Hart, Lorna L. John, Frederick L. Hill, Lesylleé M. White, and Peter G. May to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 8, 2019

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.

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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19932 of Jefferson Parke, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third story and rear addition to an existing, attached principal dwelling unit and convert it to a flat in the RF-1 Zone at premises 1227 4th Street N.W. (Square 523, Lot 842).

HEARING DATE: March 6, 2019

DECISION DATE: March 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) 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") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, 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 4, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 27.)

The Office of Planning ("OP") submitted a timely report, dated February 22, 2019, in support of the application. (Exhibit 40.) OP also noted that the Applicant received feedback from Historic Preservation Review Board ("HPRB") and may revise its design to address the HPRB's concerns about the visibility of the proposed 3rd floor. (Exhibit 40.) The Applicant testified that any potential design changes would not affect zoning relief. The District Department of Transportation ("DDOT") submitted a report, dated February 22, 2019, expressing no objection to the approval of the application. (Exhibit 41.)

Two letters of support for the application were submitted to the record. (Exhibits 8 and 36.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third story and rear addition to an existing, attached principal dwelling unit and convert it to a flat in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201, 304.1, 205.5, and 205.4, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 34.**

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Peter G. May to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 12, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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