

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 23-0171, “Minor Consent for Vaccinations Amendment Act of 2019” which permits a minor of any age to consent to receive a vaccine if informed consent is established
- D.C. Council schedules a public hearing on “Expanding the Franchise: Strategies for Increasing Voter Registration and Turnout”
- Executive Office of the Mayor establishes the Complete Count Committee to maximize District resident participation in the 2020 Census (Mayor’s Order 2019-041)
- Office of the Chief Financial Officer notifies public of increase in the Tax Year 2020 surtax for cigarette packages in the district
- Department of Energy and Environment announces funding availability for developing, monitoring, and maintaining trash traps in the District’s waterways
- Department of Health announces funding availability for programs to reduce pregnancy and birth rates for the youth population
- Department of Human Services announces funding availability for programs to assist families with minor children to remain in or access permanent housing

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L22-313 Omnibus Public Safety and Justice Amendment Act of 2018..... 006308

L22-314 Firearms Safety Omnibus Amendment Act of 2018 006309

D.C. ACTS

A23-49 Firearms Safety Omnibus Clarification Emergency Amendment Act of 2019 [B23-286] 006310 - 006320

RESOLUTIONS

Res 23-72 Multiyear Contract No. DCAM-18-NC-0093A Approval and Payment Authorization Emergency Declaration Resolution of 2019..... 006321

Res 23-73 Multiyear Contract No. DCAM-18-NC-0093A Emergency Approval and Payment Authorization Resolution of 2019 006322

Res 23-74 Multiyear Contract No. DCAM-18-NC-0093B Approval and Payment Authorization Emergency Declaration Resolution of 2019..... 006323

Res 23-75 Multiyear Contract No. DCAM-18-NC-0093B Emergency Approval and Payment Authorization Resolution of 2019 006324

Res 23-76 Multiyear Contract No. DCAM-18-NC-0093C Approval and Payment Authorization Emergency Declaration Resolution of 2019..... 006325

Res 23-77 Multiyear Contract No. DCAM-18-NC-0093C Emergency Approval and Payment Authorization Resolution of 2019 006326

Res 23-78 Multiyear Contract No. DCAM-18-NC-0093D Approval and Payment Authorization Emergency Declaration Resolution of 2019..... 006327

Res 23-79 Multiyear Contract No. DCAM-18-NC-0093D Emergency Approval and Payment Authorization Resolution of 2019 006328

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

RESOLUTIONS CONT'D

Res 23-80 Multiyear Contract No. DCAM-18-NC-0093E
Approval and Payment Authorization
Emergency Declaration Resolution of 2019 006329

Res 23-81 Multiyear Contract No. DCAM-18-NC-0093E
Emergency Approval and Payment Authorization
Resolution of 2019 006330

Res 23-84 Modifications to Human Care Agreement No. CW64136
Approval and Payment Authorization Emergency
Declaration Resolution of 2019.....006331 - 006332

Res 23-85 Modifications to Contract No. CW56028 Approval
and Payment Authorization Emergency Declaration
Resolution of 2019006333 - 006334

Res 23-86 Modification No. 2 to Contract No. NFPHC-2018-435-A
Approval and Payment Authorization Emergency
Declaration Resolution of 2019.....006335 - 006336

Res 23-87 Modification and Task Orders for Contract No.
DCRL-2015-C-0100 Approval and Payment Authorization
Emergency Declaration Resolution of 2019006337 - 006338

Res 23-96 Board of Ethics and Government Accountability
Charles Nottingham Confirmation Emergency
Declaration Resolution of 2019..... 006339

Res 23-97 Board of Ethics and Government Accountability
Charles Nottingham Emergency Confirmation
Resolution of 2019 006340

Res 23-98 Board of Ethics and Government Accountability
Melissa Tucker Confirmation Emergency Declaration
Resolution of 2019 006341

Res 23-99 Board of Ethics and Government Accountability
Melissa Tucker Emergency Confirmation
Resolution of 2019 006342

Res 23-100 Primary Date Alteration Emergency
Declaration Resolution of 2019.....006343 - 006344

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bill B23-300 and Proposed Resolutions PR23-317 and PR23-318 006345

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

COUNCIL HEARINGS

Notice of Public Hearings -

B23-0171	Minor Consent for Vaccinations Amendment Act of 2019 (Revised).....	006346 - 006347
B23-0187	Community Health Investment Act of 2019 (Revised)	006346 - 006347
B23-0261	Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019 (Revised)	006346 - 006347
B23-0269	Health Care Reporting Amendment Act of 2019 (Revised).....	006346 - 006347
B23-0275	Clinics Licensing Amendment Act of 2019 (Revised).....	006346 - 006347
B23-0180	On-Site Services Act of 2019 (Joint).....	006348 - 006349
B23-0210	Manufacturer's Satellite Taverns Amendment Act of 2019	006350 - 006351
B23-0227	Alcoholic Beverage Enforcement Amendment Act of 2019	006350 - 006351
B23-0277	Manufacturer and Pub Permit Parity Amendment Act of 2019	006350 - 006351
B23-0254	Alcoholic Beverage Control Board License Categories, Endorsements and Hourly Percentage Rate Amendment Act of 2019	006350 - 006351
B23-0255	Alcoholic Beverage Procedural and Technical Amendment Act of 2019	006350 - 006351
B23-0214	Direct Support Professional Payment Rate Act of 2019 (Joint)	006352 - 006353
	Expanding the Franchise: Strategies for Increasing Voter Registration and Turnout.....	006354 - 006355
B23-0031	Paid Leave to Vote Amendment Act of 2019.....	006354 - 006355
B23-0126	Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019	006354 - 006355
B23-0165	Initiative and Referendum Process Improvement Amendment Act of 2019	006354 - 006355
PR23-0317	Director of the Department of Behavioral Health Barbara Bazron Confirmation Resolution of 2019 (Revised).....	006356 - 006357
B23-0178	Interagency Council on Behavioral Health Establishment Amendment Act of 2019 (Revised).....	006356 - 006357

Notice of Public Roundtables -

PR23-0281	Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019	006358
PR23-0282	People's Counsel Sandra Mattavous-Frye Confirmation Resolution of 2019	006359

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

OTHER COUNCIL ACTIONS

Notice of Grant Budget Modifications -

GBM 23-32	FY 2019 Grant Budget Modifications of April 23, 2019	006360
GBM 23-33	FY 2019 Grant Budget Modifications of April 26, 2019	006360
GBM 23-34	FY 2019 Grant Budget Modifications of May 2, 2019	006360

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Brightwood Supermarket - ANC 4B - Transfer to a New Location.....	006361
Class C and D Renewals for May 24, 2019	006362 - 006366
Gatsby/Mahzedahr - ANC 6D - New	006367
Iron Age - ANC 1A - New	006368
Retrobottega - ANC 1C - New	006369
Select Reserves - ANC 6E - New.....	006370
Sonoma - ANC 6B - Renewal - READVERTISEMENT	006371
Sonoma - ANC 6B - Renewal - RESCIND.....	006372
Sugar Shack Donuts and Coffee/Nocturne - ANC 1B - Renewal - READVERTISEMENT	006373
Sugar Shack Donuts and Coffee/Nocturne - ANC 1B - Renewal - RESCIND	006374
Truluck’s Seafood Steak and Crab House - ANC 2C - New	006375
Voodoo Brewing - ANC 1B - New	006376

Historic Preservation Review Board -

Historic Landmark and Historic District Designations - Case - 17-09 National Geographic Society Headquarters, 1145 17th Street NW	006377 - 006378
---	-----------------

Zoning Adjustment, Office of - July 10, 2019 - Public Hearings

20030 Blair Zervos - ANC 6A	006379 - 006382
20046 District Properties.com Inc. - ANC 8C	006379 - 006382
20053 Mohammed Sikder - ANC 5C.....	006379 - 006382
20054 Rupsha 2011 LLC - ANC 7C.....	006379 - 006382
20055 Stephen and Maria Cashin - ANC 2E	006379 - 006382
20058 Michael Duncanson - ANC 5A	006379 - 006382
20059 5804 Field LLC - ANC 7C.....	006379 - 006382

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

Public Service Commission - RM27-2016-02
Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 27 (Regulation of Telecommunications Service Providers),
Sections 2704-2708, 2710 and Sec. 2799 (Definitions), to require
telecommunications service providers to comply with the
requirements for withdrawing services from the local exchange market..... 006383 - 006404

PROPOSED RULEMAKING

Health, Department of -
Amend 16 (Consumers, Commercial Practices, and Civil Infractions),
Ch. 36 (Department of Health (DOH) Infractions), to add
Sec. 3627 (Body Art Establishment Infractions),
to establish infractions for body art.....006405 - 006412

Health, Department of -
Amend 17 DCMR (Business, Occupations, and Professionals), to add
Ch. 94 (Dialysis Technicians),
Ch. 95 (Medication Aides),
Ch. 96 (Certified Nursing Assistants), and
Ch. 97 (Patient Care Technicians),
to establish registration processes and training programs for
the respective professions; Third Proposed Rulemaking to
incorporate changes from the Second Proposed Rulemaking
published on January 12, 2018 at 65 DCR 185.....006413 - 006492

Public Service Commission - RM27-2019-01 -
Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 27 (Regulation of Telecommunications Service Providers),
Sec. 2799 (Definitions), to revise two definitions for their
corresponding applications006493 - 006494

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2019-039 Appointments – Health Information Exchange Policy
Board (Olubukunola Osinupebi-Alao, Melisa Byrd,
and Amelia Whitman) 006495

2019-040 Delegation – Authority to the Director of the
Department of General Services to Convey
Easements to the Maryland Department of
Transportation State Highway Administration.....006496 - 006497

2019-041 Establishment – Complete Count Committee.....006498 - 006500

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Breakthrough Montessori Public Charter School -
 Notice of Intent to Enter a Sole Source Contract -
 Heutink International - Montessori Classroom Materials 006501

Chief Financial Officer, Office of the -
 Notice of Increase in the Tax Year 2020 Surtax for
 Cigarette Packages in the District of Columbia 006502

Notice of Tax on Other Tobacco Products in the
 District of Columbia..... 006503

D.C. Bilingual Public Charter School -
 Request for Proposals - Landscape and Snow Removal Services..... 006504

Elections, Board of -
 Certification of ANC/SMD Vacancies in 1B05, 1B07,
 3D10, 3F07, 4A05 and 7F07 006505

Revised Schedule of 2019 Regular Meetings..... 006506

Energy and Environment, Department of -
 Intent to Issue Air Quality Permits -
 #6318-R2 Potomac Creek Associates, LLC,
 490 L'Enfant Plaza East, SW 006507

#6321-R2, United States Marine Corps, Marine Barracks,
 #6322-R2, & Bachelor Enlisted Quarters (BEQ),
 #6323-R2 Building #20, 8th and I Streets SE.....006508 - 006509

#6749-R1 Potomac Creek Associates, LLC,
 955 L'Enfant Plaza North, SW 006510

#6841-R1 Potomac Creek Associates, LLC,
 490 L'Enfant Plaza East, SW 006511

#6892-R1 United States Department of State,
 through 2201 C Street NW.....006512 - 006514
 #6900-R1

Notice of Funding Availability - Trash Free Rivers..... 006515

Health, Department of (DC Health) -
 Notice of Funding Availability - HIV/AIDS, Hepatitis, STD
 and TB Administration (HAHSTA) - Innovative Approaches
 to Pregnancy Prevention - HAHSTA_ IAPP_06.07.19 (RFA)006516 - 006517

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Homeland Security and Emergency Management Agency, DC -
 Homeland Security Commission - Notice of Closed Meeting -
 May 20, 2019 006518

Human Services, Department of -
 Notice of Funding Availability - FY2020 Emergency Rental
 Assistance Program (ERAP) - JA-FSA-ERAP-2020-001.....006519 - 006520

IDEA Public Charter School -
 Request for Proposals - Multiple Services 006521

Inspired Teaching Demonstration Public Charter School -
 Notice of Intent to Enter Into a Sole Source Contract -
 MCN Build - Design/Build Construction..... 006522

Request for Proposals - Project Management Services..... 006522

Paul Public Charter School -
 Request for Proposals -
 Food Service Management Company Services 006523
 Multiple Services..... 006524

Perry Street Preparatory Public Charter School -
 Request for Proposals - Food Service Management
 Company Services..... 006525

Planning and Economic Development, Office of the Deputy Mayor for -
 Notice of Public Meeting of the Walter Reed Army Medical
 Center Community Advisory Committee - June 3, 2019006526 - 006527

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries Public -
 Effective July 1, 2019006528 - 006534

Shining Stars Montessori Academy Public Charter School -
 Request for Proposals - Multiple Services 006535

St. Coletta Special Education Public Charter School -
 Request for Proposals - Security Camera System 006536

Zoning Adjustment, Board of - Cases -
 19862 Heights Holdings, LLC - ANC 1A - Order.....006537 - 006550
 19942 Alula Abera - ANC 1A - Order.....006551 - 006553
 19963 District Properties.com - ANC 7C - Order006554 - 006556

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Zoning Adjustment, Board of - Cases - cont'd

19972	David Do - ANC 5D - Order.....	006557 - 006559
19998	Jay M. Eisenberg Trustee c/o Museles - ANC 2D - Order	006560 - 006562
20003	Dorothy Morgan - ANC 5E - Order.....	006563 - 006565
20010	Josae Pink - ANC 4A - Order	006566 - 006568
20011	Mekela Whyte-Nesfield - ANC 5D - Order.....	006569 - 006571

Zoning Adjustment, Board of - July 10, 2019 - Public Meeting Notice

20060	Steven Zeddun and Jessica Gladden - ANC 3G	006572 - 006574
-------	--	-----------------

Zoning Commission - Cases -

19-10	Valor Development, LLC, on behalf of Apex Real Estate Company, American University, and FW DC-Spring Valley Shopping Center, LLC - Notice of Filing.....	006575
-------	--	--------

70-28	Washington Metropolitan Area Transit Authority - Order No. 70-28[1]	006576 - 006577
-------	--	-----------------

85-16A	CLPF-CC Pavilion, L.P. - Order.....	006578 - 006580
--------	-------------------------------------	-----------------

Zoning Commission -

	Notice of Closed Meetings - June 10 and June 24, 2019	006581
--	---	--------

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-313

"Omnibus Public Safety and Justice 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 22-255 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-614 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1627). Act 22-614 was transmitted to Congress on February 14, 2019 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 22-614 is now D.C. Law 22-313, effective May 10, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

February	14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30
May	1, 2, 3, 6, 7, 8, 9

COUNCIL OF THE DISTRICT OF COLUMBIA

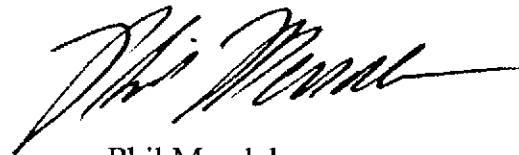
NOTICE

D.C. LAW 22-314

"Firearms Safety Omnibus 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 22-588 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-620 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1672). Act 22-620 was transmitted to Congress on February 14, 2019 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 22-620 is now D.C. Law 22-314, effective May 10, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

February	14, 15, 19, 20, 21, 22, 25, 26, 27, 28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30
May	1, 2, 3, 6, 7, 8, 9

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 16, 2019

To amend, on an emergency basis, the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court for the District of Columbia to the list of entities that shall receive from the Metropolitan Police Department information related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks; to amend the Homeland Security, Risk Reduction, and Preparedness

ENROLLED ORIGINAL

Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to designate certain violations of the act civil pedestrian offenses and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations; to amend the District of Columbia Traffic Adjudication Act of 1978 to exempt certain pedestrian offenses from criminal penalty; and to amend Title 18 of the District of Columbia Municipal Regulations to include a civil fine schedule for certain violations of the Act to Regulate Public Conduct on Public Passenger Vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Safety Omnibus Clarification Emergency Amendment Act of 2019".

Sec. 2. Title IV of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1204.01 *et seq.*), is amended as follows:

(a) Section 402 (D.C. Official Code § 7-1204.02) is amended to read as follows:

"Sec. 402. Civil commitment proceedings; extreme risk protection orders.

"Mental health information may be disclosed by a mental health professional when and to the extent necessary to:

"(1) Initiate or seek civil commitment proceedings under D.C. Official Code § 21-541; or

"(2) Request an extreme risk protection order under Title X of the Firearms Control Regulations Act of 1975, effective May 10, 2019 (D.C. Law 22-314; 66 DCR 1672)."

(b) Section 403 (D.C. Official Code § 7-1204.03) is amended by adding a new subsection (c) to read as follows:

"(c) Mental health information shall be disclosed to the Office of the Attorney General for the District of Columbia in response to a court order issued pursuant to section 203(f)(3)(A)(i) or section 1003(d)(2) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03(f)(3)(A)(i) or § 7-2510.01 *et seq.*)".

Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

(1) Subsection (a)(15) is amended to read as follows:

"(15) Is not the subject of an *ex parte* extreme risk protection order issued pursuant to section 1004 or a final extreme risk protection order issued pursuant to section 1003, or renewed pursuant to section 1006."

(2) Subsection (f)(3) is amended as follows:

ENROLLED ORIGINAL

(A) Subparagraph (A) is amended to read as follows:

“(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that the Office of the Attorney General can conduct a search of the petitioner’s mental health records and report its findings to the court as required by subparagraph (B) of this paragraph.

“(ii) The court shall order the Office of the Attorney General to file a response to the petition. Within 60 days after the court’s order for a response, the Office of the Attorney General shall file a response indicating whether the Office of the Attorney General supports or opposes the petition.

“(iii) The court may, for good cause shown, extend in 30-day increments the date by which the Office of Attorney General must file its response under subparagraph (ii) of this paragraph.”

(B) Subparagraph (B) is amended by striking the phrase “criminal history” and inserting the phrase “criminal history and firearms eligibility” in its place.

(b) Section 705(b) (D.C. Official Code § 7-2507.05(b)) is amended by striking the phrase “the United States Attorney and the Corporation Counsel for the District whether” and inserting the phrase “the United States Attorney’s Office and the Office of Attorney General whether” in its place.

(c) Section 712 (D.C. Official Code § 7-2507.11) is amended to read as follows:

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.”

(d) Section 1001 (D.C. Official Code § 7-2510.01) is amended as follows:

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

“(1A) “Hours of daylight” means between 6:00 a.m. and 9:00 p.m.”.

(2) Paragraph (2)(A) is amended by striking the phrase “relationship rendering the application of this title appropriate” and inserting the word “relationship” in its place.

(e) Section 1002 (D.C. Official Code § 7-2510.02) is amended as follows:

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

(A) Paragraph (3) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Paragraph (4) is repealed.

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

“(c)(1) The Office of the Attorney General may:

ENROLLED ORIGINAL

“(A) Intervene in the case and represent the interests of the District of Columbia; or

“(B) At the request of the petitioner, provide individual legal representation to the petitioner in proceedings under this title.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

“(B) The court terminates a final extreme risk protection order pursuant to section 1008; or

“(C) The Office of the Attorney General withdraws from the intervention.”.

(3) Subsection (d) is amended to read as follows:

“(d) The court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal for good cause shown.”.

(4) A new subsection (e) is added to read as follows:

“(e) When computing a time period specified in this title, or in an order issued under this title:

“(1) Stated in days or a longer unit of time:

“(A) Exclude the day of the event that triggers the time period;

“(B) Count every day, including intermediate Saturdays, Sundays and legal holidays; and

“(C) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.

“(2) Stated in hours:

“(A) Begin counting immediately on the occurrence of the event that triggers the time period;

“(B) Count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

“(C) If the time period would end on a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period continues to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.”.

(f) Section 1003 (D.C. Official Code § 7-2510.03) is amended as follows:

(1) Subsection (a)(2) is amended to read as follows:

“(2) The initial hearing shall be held within 14 days after the date the petition was filed.”.

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

ENROLLED ORIGINAL

(A) Paragraph (1) is amended by striking the phrase "5 business days" and inserting the phrase "7 days" in its place.

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

"(3) If the respondent is unable to be personally served after the court has set a new hearing date and required new attempts at service pursuant to paragraph (2) of this subsection, the court may dismiss the petition without prejudice."

(3) Subsection (d) is amended to read as follows:

"(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that it can conduct a search of the respondent's mental health records and report its findings to the court as required by this subsection. Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

"(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

"(2) Conduct a reasonable search of all available records of the respondent's mental health;

"(3) Perform a national criminal history and firearms eligibility background check on the respondent; and

"(4) Submit its findings under this subsection to the court."

(4) The lead-in language for subsection (e) is amended by striking the phrase "consider all relevant evidence," and inserting the phrase "consider any exhibits, affidavits, supporting documents, and all other relevant evidence," in its place.

(5) Subsection (h)(6) is amended by striking the phrase "connected with a petition filed under this title" and inserting the phrase "connected with this title" in its place.

(g) Section 1004 (D.C. Official Code § 7-2510.04) is amended as follows:

(1) Subsection (c) is amended as follows:

(A) The lead-in language for subsection (c) is amended by striking the phrase "consider all relevant evidence," and inserting the phrase "consider any exhibits, affidavits, supporting documents, and all other relevant evidence," in its place.

((B) Paragraph (4) is amended by striking the phrase "firearm by" and inserting the phrase "firearm or other weapon by" in its place.

(2) Subsection (f) is amended by striking the phrase "to section" and inserting the phrase "to this section" in its place.

(3) Subsection (g) is amended as follows:

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

"(3) The date and time the order will expire;"

(B) Paragraph (7) is amended to read as follows:

ENROLLED ORIGINAL

“(7) The procedures for the surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and”.

(4) Subsection (h) is amended to read as follows:

“(h) An ex parte extreme risk protection order issued pursuant to this section shall remain in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme risk protection order in additional 14-day increments for good cause shown.”.

(h) Section 1005 (D.C. Official Code § 7-2510.05) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “next business day” and inserting the phrase “next day” in its place.

(2) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(3) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(i) Section 1006 (D.C. Official Code § 7-2510.06) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “15 business days” and inserting the phrase “21 days” in its place.

(2) Subsection (d)(4) is amended by striking the phrase “firearm by” and inserting the phrase “firearm or other weapon by” in its place.

(j) Section 1007(a) (D.C. Official Code § 7-2510.07(a)) is repealed.

(k) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

“Sec. 1007a. Nature and issuance of search warrants.

“(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue an accompanying search warrant. The search warrant may authorize a search to be conducted anywhere in the District of Columbia and shall be executed pursuant to its terms.

“(b) A search warrant issued under this section may direct a search of any or all of the following:

“(1) One or more designated or described places or premises;

“(2) One or more designated or described vehicles;

“(3) One or more designated or described physical objects; or

“(4) The respondent.

“(c) The search warrant shall authorize the search for, and seizure of, any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that the respondent is prohibited from having possession or control of, purchasing, or receiving pursuant to the terms of an extreme risk protection order issued or renewed under this title.

“(d) A search warrant issued under section 1007a may be addressed to a specific law enforcement officer or to any classification of officers of the Metropolitan Police Department of the District of Columbia or other agency authorized to make arrests or execute process in the District of Columbia.

ENROLLED ORIGINAL

“(e) A search warrant issued under section 1007a shall contain:

“(1) The name of the issuing court, the name and signature of the issuing judge, and the date of issuance;

“(2) If the search warrant is addressed to a specific officer, the name of that officer, otherwise, the classifications of officers to whom the warrant is addressed;

“(3) A designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;

“(4) A description of the property whose seizure is the object of the search warrant;

“(5) A direction that the search warrant be executed during the hours of daylight or, where the court has found cause therefor, including one of the grounds set forth in section 1007b(c), an authorization for execution at any time of day or night; and

“(6) A direction that the search warrant and an inventory of any property seized pursuant thereto be returned to the court within 72 hours after its execution.

“Sec. 1007b. Time of execution of search warrants.

“(a) A search warrant issued under section 1007a shall not be executed after the expiration of the extreme risk protection order it accompanies, or after 10 days from the date the warrant was issued, whichever is earlier.

“(b) The search warrant shall be returned to the court after its execution or expiration in accordance with section 1007a(e)(6).

“(c) A search warrant issued under section 1007a may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this section, shall be executed only during the hours of daylight.

“(d) If the court finds that there is probable cause to believe that the search warrant cannot be executed during the hours of daylight, the property sought is likely to be removed or destroyed if not seized forthwith, or the property sought is not likely to be found except at certain times or in certain circumstances, the court may include in the search warrant an authorization for execution at any time of day or night.

“Sec. 1007c. Execution of search warrants.

“(a) An officer executing a search warrant issued under section 1007a directing a search of a dwelling house or other building or a vehicle shall execute that search warrant in accordance with 18 U.S.C. § 3109.

“(b) An officer executing a search warrant issued under section 1007a directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405.01), or other applicable provision of law.

“(c)(1) An officer or agent executing a search warrant issued under section 1007a shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

ENROLLED ORIGINAL

“(2) If the search is of a person, a copy of the search warrant and of the return shall be given to that person.

“(3) If the search is of a place, vehicle, or object, a copy of the search warrant and of the return shall be given to the owner thereof or, if the owner is not present, to an occupant, custodian, or other person present. If no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

“(d) A copy of the search warrant shall be filed with the court on the next court day after its execution, together with a copy of the return.

“(e) An officer executing a search warrant issued under section 1007a directing a search of premises or a vehicle may search any person therein to the extent reasonably necessary to:

“(1) Protect himself or others from the use of any weapon which may be concealed upon the person; or

“(2) Find property enumerated in the warrant which may be concealed upon the person.

“Sec. 1007d. Disposition of property.

“(a) A law enforcement officer or a designated civilian employee of the Metropolitan Police Department who seizes property in the execution of a search warrant issued under section 1007a shall cause it to be safely kept until the property is returned to:

“(1) The respondent, upon the expiration of the extreme risk protection order that the search warrant accompanied; or

“(2) A lawful owner, other than the respondent, claiming title to the property pursuant to section 1007(d).

“(b) Nothing in subsection (a) of this section shall be construed to require the Metropolitan Police Department to release property seized pursuant to a warrant to a person who did not legally possess the property at the time it was taken.

“(c) No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States Attorney for the District of Columbia or the Office of the Attorney General.”.

(1) Section 1008 (D.C. Official Code § 7-2510.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “order in in effect” and inserting the phrase “order is in effect” in its place.

(2) Subsection (c)(4) is amended by striking the phrase “firearm by” and inserting “firearm or other weapon by” in its place.

(3) Subsection (f) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase “upon the petitioner” and insert the phrase “upon the petitioner and respondent” in its place.

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

“(1A) If the petitioner or respondent was personally served in court when the motion to terminate an extreme risk protection order was granted, the personal service

ENROLLED ORIGINAL

requirement of paragraph (1) of this subsection shall be waived with respect to the party served in court.”.

(B) Paragraph (2) is amended as follows:

(i) Strike the phrase “next business day” and insert the phrase “next day” in its place.

(ii) Strike the phrase “the respondent” and insert the phrase “the petitioner” in its place.

(C) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(D) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(m) Section 1010(a)(2) (D.C. Official Code § 7-2510.10(a)(2)) is amended by striking the phrase “available to any” and inserting the phrase “available to the Superior Court for the District of Columbia, the Office of the Attorney General, and any” in its place.

Sec. 4. Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 22-4251), is amended as follows:

(a) Subsection (b)(1) is amended by striking the phrase “following entities” and inserting the phrase “following entities, of which one-third shall constitute a quorum” in its place.

(b) Subsection (c) is amended by striking the phrase “June 1, 2019” and inserting the phrase “June 1, 2020” in its place.

Sec. 5. Section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)), is amended to read as follows:

“(a)(1) Except as provided in subsection (b)(1) of this section, a violation of section 2(b) or section 3 shall be punishable by a civil fine of not more than \$50.

“(2) Violations penalized under this subsection shall constitute a pedestrian offense for purposes of section 301 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.01).

“(3) Individuals authorized to issue notices of infractions for the violations penalized under this subsection include any police officer with authority to make arrests within the District, including members of the Metro Transit Police Department.”.

Sec. 6. Section 307(b) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.07(b)), is amended as follows:

(a) The existing text is designated as paragraph (1).

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

ENROLLED ORIGINAL

“(2) This subsection shall not apply to a pedestrian offense penalized under section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)).”.

Sec. 7. Section 2603.1 of Title 18 of the District of Columbia Municipal Regulations is amended by adding new infractions to read as follows:

“Smoke or carry a lighted or smoldering pipe, cigar, or cigarette (D.C. Official Code § 35-251(b)(1)) \$50.00

“Consume food or beverages (D.C. Official Code § 35-251(b)(2)) \$50.00

“Spit (D.C. Official Code § 35-251(b)(3)) \$50.00

“Discard litter (D.C. Official Code § 35-251(b)(4)) \$50.00

“Play any radio, musical instrument, or similar device, unless it is connected to an earphone that limits the sound to the individual user (D.C. Official Code § 35-251(b)(5)) \$50.00

“Carry any animals, except for guide dogs properly harnessed and small animals properly contained (D.C. Official Code § 35-251(b)(7)) \$50.00

“Stand in front of the line marked on the forward end of the floor of any bus or otherwise conduct themselves in such a manner as to obstruct the vision of the operator (D.C. Official Code § 35-251(b)(8)) \$50.00

“Operate or chain to any fence, tree, railing, or other structure not specifically designated for such use, skateboards, rollerblades, roller skates, non-motorized scooters, bicycles, tricycles, or unicycles (D.C. Official Code § 35-251(b)(9)) \$50.00

“Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, mopeds, motorbikes, or any similar vehicle (D.C. Official Code § 35-251(b)(10)) \$50.00

“Board a public or private passenger vehicle for hire, including vehicles owned or operated by the Washington Metropolitan Area Transit Authority, without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252(1)(A)) \$50.00

“Board a rail transit car owned or operated by the Washington Metropolitan Area Transit Authority without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252(1)(B)) \$50.00

“Enter or leave the fare-paid area of a rail transit station owned or operated by the Washington Metropolitan Area Transit Authority without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252(1)(C)) \$50.00

“Board a public or private passenger vehicle for hire, including vehicles owned or operated by the Washington Area Metropolitan Transit Authority, through the rear exit door, unless so directed by an employee or agent of the carrier or in emergency circumstances (D.C. Official Code § 35-252(2)) \$50.00.”.


ENROLLED ORIGINAL


Sec. 8. Fiscal impact statement.

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

Sec. 9. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
May 16, 2019

ENROLLED ORIGINAL

A RESOLUTION

23-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093A with Jerome L. Taylor Trucking, Inc., to provide District-wide recycling hauling services at District of Columbia Public Libraries.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093A Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093A with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 1, to include the District of Columbia Public Libraries District-wide, in the not-to-exceed amount of \$190,885.60 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia.

(c) The 2-year base period of the proposed contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093A Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-73

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093A with Jerome L. Taylor Trucking, Inc., to provide District-wide recycling hauling services at District of Columbia Public Libraries.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093A Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093A with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at properties identified as Aggregate Award Group 1, including District of Columbia Public Libraries, and authorizes payment in the not-to-exceed amount of \$190,885.60 for the 2-year base period from November 7, 2018 through November 6, 2020.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093B with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Rear Load services in Wards 1 through 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093B Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093B with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 2, to include the District of Columbia Municipal Facilities Rear Load services in Wards 1 through 4, in the not-to-exceed amount of \$314,032 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia.

(c) The 2-year base period of the proposed contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093B Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093B with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Rear Load services in Wards 1 through 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093B Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093B with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at properties identified as Aggregate Award Group 2, including the District of Columbia Municipal Facilities Rear Load services in Wards 1 through 4, and authorizes payment in the not-to-exceed amount of \$314,032.00 for the 2-year base period from November 7, 2018 through November 6, 2020.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093C with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Rear Load services in Wards 5 through 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093C Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093C with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 3, to include the District of Columbia Municipal Facilities Rear Load services in Wards 5 through 8, in the not-to-exceed amount of \$598,732 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia. A letter contract that is currently in place will expire on May 31, 2019, and the contract requires execution prior to the expiration of the letter contract. There is an immediate need for the Council to approve the contract and allow for the execution of the contract to avoid a lapse in recycling hauling services.

(c) The 2-year base period of the contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093C Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093C with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Rear Load services in Wards 5 through 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093C Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093C with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Rear Load services in Wards 5 through 8 and authorizes payment in the not-to-exceed amount of \$598,732 for the 2-year base period from November 7, 2018, through November 6, 2020.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093D with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 1 through 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093D Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093D with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 4, to include the District of Columbia Municipal Facilities Front Load services in Wards 1 through 4, in the not-to-exceed amount of \$299,472 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia. A letter contract currently in place will expire on May 31, 2019, and the contract requires execution prior to the expiration of the letter contract. There is an immediate need for the Council’s approval of the contract; thus, allowing for the execution of the contract to avoid a lapse in recycling hauling service.

(c) The 2-year base period of the contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093D Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-79

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093D with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 1 through 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093D Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093D with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 1 through 4, and authorizes payment in the not-to-exceed amount of \$299,472.00 for the 2-year base period from November 7, 2018, through November 6, 2020.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093E with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 5 through 8 and Laurel, Maryland.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093E Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093E with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 5, to include the District of Columbia Municipal Facilities Front Load services in Wards 5 through 8 and Laurel, Maryland, in the not-to-exceed amount of \$330,672 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia. A letter contract is in place that will expire on May 31, 2019, and the contract requires execution prior to the expiration of the letter contract. There is an immediate need for the Council to approve the contract and allow for the execution of the contract to avoid a lapse in recycling hauling service.

(c) The 2-year base period of the contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093E Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093E with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 5 through 8 and Laurel, Maryland.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093E Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2 Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093E with Jerome L. Taylor Trucking, Inc., to provide recycling hauling services at District of Columbia Municipal Facilities Front Load services in Wards 5 through 8 and Laurel, Maryland, and authorizes payment in the not-to-exceed amount of \$330,672 for the 2-year base period from November 7, 2018, through November 6, 2020.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve Modification Nos. 1 and 2 to Human Care Agreement No. CW64136 with Whitman-Walker Clinic, Inc., to provide routine clinical and non-clinical HIV testing and prevention services to the Department of Health, and to authorize payment in the not-to-exceed amount of \$2,500,000 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Human Care Agreement No. CW64136 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification Nos. 1 and 2 to Human Care Agreement No. CW64136 with Whitman-Walker Clinic, Inc., to provide routine clinical and non-clinical HIV testing and prevention services to the Department of Health, and to authorize payment in the not-to-exceed amount of \$2,500,000 for the goods and services received and to be received under the modifications.

(b) By Modification No. 1, dated December 28, 2018, the Office of Contracting and Procurement, on behalf of the Department of Health, exercised Option Year One of Human Care Agreement No. CW64136 with Whitman-Walker Clinic, Inc., to provide routine clinical and non-clinical HIV testing and prevention services for the period from January 1, 2019, through December 31, 2019, in the not-to-exceed amount of \$600,000.

(c) Modification No. 2 is now necessary to increase the not-to-exceed amount of Option Year One of the contract for the period from January 1, 2019, through December 31, 2019, in the amount of \$1,900,000, which will increase the total not-to-exceed amount of Option Year One of the contract from \$600,000 to \$2,500,000.

(d) Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because the modifications increase the contract to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Whitman-Walker Clinic, Inc., cannot be paid for the goods and services provided in excess of \$1 million for the period from January 1, 2019, through December 31, 2019.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Human Care Agreement No. CW64136 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve Modification Nos. 4, 5, and 6 to Contract No. CW56028 with Food & Friends, Inc., to provide food bank and home delivered meals to clients receiving services through the DC Ryan White HIV/AIDS Program, and to authorize payment in the not-to-exceed amount of \$2,500,000 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW56028 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification Nos. 4, 5, and 6 to Contract No. CW56028 with Food & Friends, Inc., to provide food bank and home delivered meals to clients receiving services through the DC Ryan White HIV/AIDS Program, and to authorize payment in the not-to-exceed amount of \$2,500,000 for the goods and services received and to be received under the modifications.

(b) By Modification No. 4, dated March 1, 2019, the Office of Contracting and Procurement, on behalf of the Department of Health, exercised partial Option Year 2 of Contract No. CW56028 with Food and Friends, Inc., for the period from March 1, 2019, through February 2, 2020, in the not-to-exceed amount of \$950,000.

(c) By Modification No. 5, dated March 26, 2019, the Office of Contracting and Procurement exercised the remainder of Option Year 2 of Contract No. CW56028 with Food and Friends, Inc., for the period from February 3, 2020, through February 29, 2020, at no cost to the District.

(d) Modification No. 6 is now necessary to increase the amount of Option Year 2 of Contract No. CW56028 with Food and Friends, Inc., for the period from March 1, 2019, through February 29, 2020, in the amount of \$1,550,000, which will increase the total contract amount for Option Year 2 from \$950,000 to \$2,500,000.

(e) Council approval is necessary because the modifications will increase the total contract amount by more than \$1 million during a 12-month period.

ENROLLED ORIGINAL

(f) Emergency approval is necessary to allow the continuation of these vital services. Without this approval, Food & Friends, Inc., cannot be paid for the goods and services provided in excess of \$1 million for the period March 1, 2019, through February 29, 2020.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW56028 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve Modification No. 2 to Contract No. NFPHC-2018-435-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc., to provide emergency department services, and to authorize payment for the services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 2 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 2 to Contract No. NFPHC-2018-435A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc., to provide emergency department services ,and to authorize payment for the services received and to be received under the modification.

(b) The Council approved the original base year of this contract in March 2018, but the parties subsequently terminated the contract after discovering an error in the pricing.

(c) The Council approved a new contract in July 2018 in the amount of \$4,407,762 for a 6-month base period beginning in Fiscal Year 2018.

(d) Modification No. 1 extended the contract from October 1, 2018, to March 22, 2019, in the amount of \$4,407,762, for a total 12-month contract value of \$8,815,524.

(e) Proposed Modification 2 would extend the contract from March 23, 2019, through September 30, 2019, for a total 12-month contract value of \$4,407,762.

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

(g) Emergency approval of this contract for a total value of \$4,407,762 is necessary to prevent any impact to the Not-for-Profit Hospital Corporation’s provision of emergency department services.

(h) Without this approval, George Washington University Medical Faculty Associates cannot be paid for these critical services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

ENROLLED ORIGINAL

Modification No. 2 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization
Emergency Act of 2019, be adopted after a single reading.

ENROLLED ORIGINAL

A RESOLUTION

23-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve Modification No. 9 and Task Order Nos. 6, 7, and 8 for Contract No. DCRL-2015-C-0100 with Deloitte Consulting LLP, to provide enhancements to the Child and Family Services Agency's web-based Statewide Automated Child Welfare System, and to authorize payment in the amount of \$1,020,502.50 for the services received and to be received under the modification and task orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification and Task Orders for Contract No. DCRL-2015-C-0100 Approval and Payment Authorization Emergency Declaration Resolution of 2019".

Sec. 2. (a) There exists a need to approve Modification No. 9 and Task Order Nos. 6, 7, and 8 for Contract No. DCRL-2015-C-0100 with Deloitte Consulting, LLP, to provide enhancements to FACES.NET, the web-based Statewide Automated Child Welfare System used by the Child and Family Services Agency ("CFSA"), and to authorize payment in the amount of \$1,020,502.50 for the services received and to be received under the modification and task orders.

(b) Pursuant to Council Action No. CA22-0538, on July 1, 2018, CFSA exercised Option Year 2 of the contract in the amount of \$1,059,967.80 for the period from August 16, 2018, through August 15, 2019, for maintenance and operations of FACES.NET.

(c) In accordance with the contract's forward pricing agreement for enhancements to FACES.NET, CFSA issued Modification No. 9 for \$231,237.50, Task Order No. 6 for \$166,365 and Task Order No. 7 for \$312,500, resulting in a total amount of \$710,102.50 for Option Year 2 enhancements.

(d) CFSA now proposes to issue Task Order No. 8 in the amount of \$310,400 for additional enhancements, thereby proposing to increase the total amount for enhancements in Option Year 2 to \$1,020,502.50.

(e) Council approval is necessary because the modifications will increase the total contract amount by more than \$1 million during a 12-month period.

(f) Emergency approval is necessary to allow the continuation of these vital services. Without this approval, Deloitte Consulting, LLP, cannot be paid for the services provided for

ENROLLED ORIGINAL

enhancements in excess of \$1 million for the contract period from August 16, 2018, through August 15, 2019.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification and Task Orders for Contract No. DCRL-2015-C-0100 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to confirm the appointment of Mr. Charles Nottingham to the Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Charles Nottingham Confirmation Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Board of Ethics and Government Accountability (“Board”) is a 5-member independent agency that convenes to consider matters pertaining to open government and government ethics.

(b) Section 203 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, approved April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03), provides that members shall be appointed for 6-year terms with the advice and consent of the Council.

(c) On February 13, 2019, Chairman Mendelson introduced, at the request of the Mayor, PR23-120, the District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019, to confirm Charles Nottingham to the Board for a term to end July 1, 2020. The nomination will be deemed disapproved on May 28, 2019.

(d) The Committee on the Judiciary and Public Safety held a public roundtable on PR23-120 on May 6, 2019.

(e) In order to ensure the Board is able to fulfill its duties and purpose, there is an immediate need to confirm Mr. Nottingham so that the Board has its full complement of members.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Ethics and Government Accountability Charles Nottingham Emergency Confirmation Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To confirm, on an emergency basis, the appointment of Mr. Charles Nottingham to the Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Charles Nottingham Emergency Confirmation Resolution of 2019”.

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

Mr. Charles Nottingham
(Ward 3)

as a member of the Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02), replacing Carol Schwartz, for a term to end July 1, 2020.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to confirm the appointment of Ms. Melissa Tucker to the Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Melissa Tucker Confirmation Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Board of Ethics and Government Accountability (“Board”) is a 5-member independent agency that convenes to consider matters pertaining to open government and government ethics.

(b) Section 203 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, approved April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03), provides that members shall be appointed for 6-year terms with the advice and consent of the Council.

(c) On April 22, 2019, Chairman Mendelson introduced, at the request of the Mayor, PR23-247, the District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019, to confirm Melissa Tucker to the Board for a term to end July 1, 2022. The nomination will be deemed disapproved on October 7, 2019.

(d) The Committee on the Judiciary and Public Safety held a public roundtable on PR23-247 on May 6, 2019.

(e) In order to ensure the Board is able to fulfill its duties and purpose, there is an immediate need to confirm Ms. Tucker so that the Board has its full complement of members.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Ethics and Government Accountability Melissa Tucker Emergency Confirmation Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To confirm, on an emergency basis, the appointment of Ms. Melissa Tucker to the Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Melissa Tucker Emergency Confirmation Resolution of 2019”.

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

Ms. Melissa Tucker
(Ward 3)

as a member of the Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02), replacing Shomari Wade, for a term to end July 1, 2022.

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

23-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 14, 2019

To declare the existence of an emergency with respect to the need to amend the District of Columbia Election Code of 1955 to require the Board of Elections to accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election and received by the Board of Elections no later than the 7th day after the election, to move the primary election date in presidential election years to the first Tuesday in June, and to require the Board of Elections, at each early voting center, to allow persons to vote in person for not more than 12 days before election day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Primary Date Alteration Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to move the District of Columbia’s primary election date in presidential election years from the 3rd Tuesday in June to the 1st Tuesday in June.

(b) The current primary election date set for 2020 – June 16, 2020 – violates the rules of both the Republican and Democratic Parties. Republican National Committee rules require a primary election to occur during a certain timeframe before the Republican National Convention. As the current primary election date falls outside of this timeframe, the District of Columbia Republican Party is effectively prohibited from participating in the Board of Elections-run primary election. The Democratic National Committee has adopted similar rules, with which the current primary election date set for 2020 does not comply.

(c) Bringing the primary election date into compliance with these rules requires either a date change or the Board of Elections (“Board”) to hold 2 elections – one for local races and one for federal races. Holding separate local and presidential elections would be a waste of District resources. Further, based on historic trends, it would likely discourage voter turnout in the local election and cause voter confusion.

ENROLLED ORIGINAL

(d) Moving the primary election date to the 1st Tuesday in June would align the District with state primaries in Montana, New Jersey, New Mexico, and South Dakota. Currently, the District holds the last presidential primary election in the country.

(e) A primary election date earlier than the 1st Tuesday in June would raise concerns because it would require candidates to do the bulk of their campaigning over the December holidays after picking up their petitions earlier in the month. This would not provide the time for new candidates to reach voters or give voters the chance to learn about new candidates.

(f) A primary election date earlier than that proposed in the emergency legislation would also limit the ability of candidates to successfully run under the District's new Fair Elections Program for publicly-financed campaigns.

(g) At the Committee on the Judiciary and Public Safety's April 29, 2019, public hearing on identical permanent legislation, the Board raised 2 concerns that this emergency legislation addresses. First, the Board noted that, for a presidential primary election held on the 1st Tuesday in June, the Memorial Day holiday would almost always take place during the early voting period. This emergency legislation therefore adds 2 days of early voting to the current period. Second, the Board noted that it will experience difficulties in processing and fulfilling requests for absentee ballots that are received on or shortly before the deadline for requesting absentee ballots, which is currently the 7th day before an election. This emergency legislation therefore allows the Board to receive absentee ballots up to 7 days after an election, rather than by 8 p.m. on the day of the election, giving all District residents an opportunity to have their absentee vote counted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Primary Date Alteration Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

B23-300 Antitrust Remedies Amendment Act of 2019

Intro. 5-14-19 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary and Public Safety

PROPOSED RESOLUTIONS

PR23-317 Director of the Department of Behavioral Health Barbara Bazron Confirmation Resolution of 2019

Intro. 5-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-318 Director of the Department of Motor Vehicles Gabriel T. Robinson Confirmation Resolution of 2019

Intro. 5-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0171, "MINOR CONSENT FOR VACCINATIONS AMENDMENT ACT OF 2019"

BILL 23-0187, "COMMUNITY HEALTH INVESTMENT ACT OF 2019"

**BILL 23-0261, "ELECTRONIC MEDICAL ORDER FOR SCOPE OF TREATMENT
REGISTRY AMENDMENT ACT OF 2019"**

BILL 23-0269, "HEALTH CARE REPORTING AMENDMENT ACT OF 2019"

BILL 23-0275, "CLINICS LICENSING AMENDMENT ACT OF 2019"

**WEDNESDAY, JUNE 26, 2019
11:00 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0171, the "Minor Consent for Vaccinations Amendment Act of 2019", Bill 23-0187, the "Community Health Investment Act of 2019", Bill 23-0261, the "Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019", Bill 23-0269, "Health Care Reporting Amendment Act of 2019", and Bill 23-0275, the "Clinics Licensing Amendment Act of 2019". The hearing will be held on Wednesday, June 26, 2019, at 11:00 a.m., in Room 500 of the John A. Wilson Building. **This hearing notice has been revised to reflect the removal of Bill 23-0214 from the hearing agenda.**

Bill 23-0171, the "Minor Consent for Vaccinations Amendment Act of 2019", permits a minor of any age to consent to receive a vaccine where the vaccination is recommended by the United States Advisory Committee on Immunization Practices. It also establishes that if a minor is able to comprehend the need for, the nature of, and any significant risks inherent in the medical care then informed consent is established.

Bill 23-0187, the "Community Health Investment Act of 2019", requires health care facilities to add community benefits as a requirement for obtaining or maintaining a certificate of need. Health care facilities would also be required to direct the community benefits to District residents, as a condition of holding or receiving a certificate of need.

Bill 23-0261, the “Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019”, requires the Department of Health to establish an electronic Medical Order for Scope of Treatment registry.

Bill 23-0269, “Health Care Reporting Amendment Act of 2019” would require a health professional to submit to a board, commission or authority responsible for licensing, registering or certifying the health professional within 10 days, notice of a malpractice judgment, confidential settlement, or that he or she has been convicted of a crime. It also requires a health professional employer to submit notice to a board, commission or authority responsible for licensing, registering, or certifying the health professional information regarding sanctions imposed on an employee, within 10 days after the sanction, as well as authorizes the Mayor to fine a health professional or health professional employer up to \$10,000 for failure to comply with the reporting requirement.

Bill 23-0275, the “Clinics Licensing Amendment Act of 2019”, would amend the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 to incorporate clinics into the Act’s licensure requirements, and require regulations of clinics that will include required qualifications for staff, applicable staffing ratios, responsibilities of the governing body, authority and process for complaint investigations, access to patient records by government officials, and requirements that clinics report certain data to the Department as specified by the Department, including data on patient volume, service delivery and workforce needs.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, June 24, 2019. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES AND COMMITTEE ON HOUSING
AND NEIGHBORHOOD REVITALIZATION
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON HUMAN SERVICES
AND
COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCE A JOINT PUBLIC HEARING ON

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

**Thursday, July 11, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, July 11th, 2019, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, and Councilmember Anita Bonds, Chairperson of the Committee on Housing and Neighborhood Revitalization will hold a joint 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 Committees invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Human Services 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, July 9, 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 on Human Services 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 on Human Services 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 July 25, 2019.**

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

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

ANNOUNCES A PUBLIC HEARING ON

**B23-0210 – THE “MANUFACTURER’S SATELLITE TAVERNS
 AMENDMENT ACT OF 2019”**

**B23-0227 – THE “ALCOHOLIC BEVERAGE ENFORCEMENT AMENDMENT
 ACT OF 2019”**

**B23-0277 – THE “MANUFACTURER AND PUB PERMIT PARITY
 AMENDMENT ACT OF 2019”**

**B23-0254 – THE “ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE
 CATEGORIES, ENDORSEMENTS AND HOURLY PERCENTAGE RATE
 AMENDMENT ACT OF 2019”**

**B23-0255 – THE “ALCOHOLIC BEVERAGE PROCEDURAL AND
 TECHNICAL AMENDMENT ACT OF 2019”**

Wednesday, June 26, 2019, 10 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, June 26, 2019, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 23-0210, the “Manufacturer’s Satellite Taverns Amendment Act of 2019”, B23-0227, the “Alcoholic Beverage Enforcement Amendment Act of 2019”, Bill 23-0277, the “Manufacturer and Pub Permit Parity Amendment Act of 2019”, Bill 23-0254, the “Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019”, and Bill 23-0255, the “Alcoholic Beverage Procedural and Technical Amendment Act of 2019”.

The stated purpose of Bill 23-0210 is to allow breweries, wineries, and distilleries to own and operate satellite tavern locations that primarily sell alcohol produced by the manufacturer. The stated purpose of Bill 23-0227 is to update the enforcement provisions in Title 25 of the D.C. Official Code

to ensure that the Alcoholic Beverage Control Board (“Board”) can effectively preserve and promote peace, order, and quiet in our communities. The stated purpose of Bill 23-0277 is to amend several provisions in Title 25 of the D.C. Official Code that affect both manufacturers and pub permit holders to ensure that both classes of licenses are in parity. The stated purpose of B23-0254 is to amend the District’s alcohol licenses and pub permit requirements, grant the Board authority to administratively manage the Reimbursable Detail Subsidy Percentage, and increase the Board’s hourly rate to be consistent with members of other District boards and commissions’ hourly rate. Lastly, the stated purpose of B23-0255 is to update zoning terminology and laws in the District.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the public hearing should contact the Committee on Business and Economic Development via email at oagwai@dccouncil.us or at (202) 724-8078, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 24th**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **ten single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to oagwai@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at oagwai@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 July 10th**.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES AND COMMITTEE ON HEALTH
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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

AND

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

ANNOUNCE A JOINT PUBLIC HEARING ON

B23-0214, THE “DIRECT SUPPORT PROFESSIONAL PAYMENT RATE ACT OF 2019”

**Thursday, June 13, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, June 13th, 2019, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, and Councilmember Vincent C. Gray, Chairperson of the Committee on Health, will hold a joint public hearing on B23-0214, the “Direct Support Professional Payment Rate 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 B23-0214, the “Direct Support Professional Payment Rate Act of 2019”, is to provide for an annual payment to certain providers of direct services to persons with developmental disabilities. It requires the Director of Health Care Finance and the Director of the Department on Disability Services to consider certain factors in recommending the amount of payment. Eligibility standards for payment are also established.

The Committees invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Human Services 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, June 11, 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 on Human Services 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 on Human Services 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 27, 2019.**

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

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

ANNOUNCES A PUBLIC HEARING ON

**“EXPANDING THE FRANCHISE: STRATEGIES FOR INCREASING VOTER
REGISTRATION AND TURNOUT”**

B23-0031, THE “PAID LEAVE TO VOTE AMENDMENT ACT OF 2019”

**B23-0126, THE “IMPROVING VOTER REGISTRATION FOR NEW TENANTS AND
HOMEOWNERS AMENDMENT ACT OF 2019”**

AND

**B23-0165, THE “INITIATIVE AND REFERENDUM PROCESS IMPROVEMENT
AMENDMENT ACT OF 2019”**

**Thursday, June 13, 2019, 9:30 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, June 13, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on the subject of “Expanding the Franchise: Strategies for Increasing Voter Registration and Turnout” and to consider B23-0031, the “Paid Leave to Vote Amendment Act of 2019”; B23-0126, the “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019”; and B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The District is a year away from the 2020 primary election and 16 months away from the general election, thus the time is ripe for the Committee to explore voter engagement strategies throughout the District. The purpose of B23-0031, the “Paid Leave to Vote Amendment Act of

2019”, is to provide employees with up to two hours of paid leave in order to vote in District elections. B23-0126, the “Improving Voter Registration for New Tenants and Homeowners Amendment Act of 2019”, would require housing providers and title companies to provide voter registration information to new tenants and homeowners at lease-signing and closing, respectively. Finally, B23-0165, the “Initiative and Referendum Process Improvement Amendment Act of 2019”, would require the Board of Elections to solicit an opinion from the Attorney General for the District of Columbia and the General Counsel of the Council of the District of Columbia on the proper subject determination of an initiative or referendum measure and to consult those entities on the legislative drafting of the measure, to clarify the congressional review period for a referendum measure, and to require that initiative measures be placed on a general election ballot.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 10**. 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 should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on June 27.**

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

REVISED

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

ANNOUNCES A PUBLIC HEARING ON

**PR23-0317, “DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH BARBARA
BAZRON CONFIRMATION RESOLUTION OF 2019”**

AND

**BILL 23-0178, “INTERAGENCY COUNCIL ON BEHAVIORAL HEALTH
ESTABLISHMENT AMENDMENT ACT OF 2019”**

**THURSDAY, JUNE 13, 2019
11:00 A.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on PR23-0317, the “Director of the Department of Behavioral Health Barbara Bazron Confirmation Resolution of 2019”, and Bill 23-0178, the “Interagency Council on Behavioral Health Establishment Amendment Act of 2019”. The hearing will be held on Thursday, June 13, 2019, at 11:00 a.m., in Room 412 of the John A. Wilson Building. **This hearing notice is revised to reflect a time change, from 10:00 am to 11:00 am, and the addition of PR23-0317 to the hearing agenda.**

PR23-0317, the “Director of the Department of Behavioral Health Barbara Bazron Confirmation Resolution of 2019”, confirms the appointment of Dr. Barbara Bazron as Director of the Department of Behavioral Health.

Bill 23-0178, the “Interagency Council on Behavioral Health Establishment Amendment Act of 2019”, creates an Interagency Council on Behavioral Health for the purpose of facilitating interagency, cabinet-level leadership in planning, policy making, program development, and budgeting for a culturally competent, outcome-based, behavioral health system of care, and describes its members, powers, and duties.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Tuesday, June 11, 2019. Witnesses should bring 15 copies of

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

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC ROUNDTABLE ON

PR23-0281, the “Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019”

**Wednesday, June 5, 2019, 2:30 p.m.
Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public roundtable on PR23-0281, the “Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019.” The roundtable will be held at 2:30 p.m. on Wednesday, June 5, 2019, in Room 123 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by 5:00 p.m. on Monday, June 3, 2019, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of interpretation, if any, they require. Witnesses who anticipate needing language interpretation, including American Sign Language (ASL) interpretation, are requested to inform this office of the need as soon as possible but no later than Tuesday, May 28, 2019 at 5:00 p.m. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses representing organizations will have five minutes to present testimony, and individuals will have three minutes to present testimony; less time may be allotted if a large number of witnesses attends.

If you are unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at labor@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 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 June 19, 2019.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR23-0282 – THE “PEOPLE’S COUNSEL SANDRA MATTAVOUS-FRYE
CONFIRMATION RESOLUTION OF 2019”**

**Wednesday, May 29, 2019, 1 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, May 29, 2019, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public roundtable on Proposed Resolution 23-0282, the “People’s Counsel Sandra Mattavous-Frye Confirmation Resolution of 2019”. The stated purpose of PR23-0282, is to confirm the appointment of Ms. Sandra Mattavous-Frye as the People’s Counsel for the Office of People’s Counsel.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, May 27th**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **ten single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at cautrey@dccouncil.us 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 12th**.

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

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

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

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

GBM 23-32: FY 2019 Grant Budget Modifications of April 23, 2019

RECEIVED: 14-day review begins May 16, 2019

GBM 23-33: FY 2019 Grant Budget Modifications of April 26, 2019

RECEIVED: 14-day review begins May 17, 2019

GBM 23-34: FY 2019 Grant Budget Modifications of May 2, 2019

RECEIVED: 14-day review begins May 17, 2019

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 24, 2019
Protest Petition Deadline: July 8, 2019
Roll Call Hearing Date: July 22, 2019

License No.: ABRA-113787
Licensee: Yulees Market Inc.
Trade Name: Brightwood Supermarket
License Class: Retailer’s Class “A” Liquor Store
Address: 100 Kennedy Street, N.W.
Contact: Kevin Lee, Esq.: (703) 941-3133

WARD 4 ANC 4B SMD 4B08

Notice is hereby given that this licensee has requested to transfer the license to a new location 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 July 22, 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 OPERATION

Licensee requests to transfer the license from 5501 1st Street, N.W. to a new location at 100 Kennedy Street, N.W. Licensee is a Class A Liquor Store selling beer, wine, and spirits for off-premises consumption.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/24/2019

Notice is hereby given that:

License Number: ABRA-084379

License Class/Type: C Restaurant

Applicant: Big Bear Cafe, LLC

Trade Name: Big Bear Cafe

ANC: 5E06

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

1700 1ST ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/8/2019

A HEARING WILL BE
7/22/2019

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
Sunday:	6 am - 12 am	10 am - 12 am	8 am - 12 am
Monday:	6 am - 12 am	8 am - 12 am	8 am - 12 am
Tuesday:	6 am - 12 am	8 am - 12 am	8 am - 12 am
Wednesday:	6 am - 12 am	8 am - 12 am	8 am - 12 am
Thursday:	6 am - 12 am	8 am - 12 am	8 am - 12 am
Friday:	6 am - 12:30 am	8 am - 12:30 am	8 am - 12:30 am
Saturday:	6 am - 12:30 am	8 am - 12:30 am	8 am - 12:30 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 10:30 pm	10 am - 10:30 pm
Monday	7 am - 10:30 pm	9 am - 10:30 pm
Tuesday	7 am - 10:30 pm	9 am - 10:30 pm
Wednesday	7 am - 10:30 pm	9 am - 10:30 pm
Thursday:	7 am - 11:30 pm	9 am - 11:30 pm
Friday:	7 am - 11:30 pm	9 am - 11:30 pm
Saturday:	7 am - 11:30 pm	9 am - 11:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/24/2019

Notice is hereby given that:

License Number: ABRA-075403

License Class/Type: C Restaurant

Applicant: Nispero, LLC

Trade Name: El Nuevo Migueleno

ANC: 1C06

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

1721 COLUMBIA RD NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/8/2019

A HEARING WILL BE
7/22/2019

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
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 2 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 2 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
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
5/24/2019

Notice is hereby given that:

License Number: ABRA-111216

License Class/Type: C Restaurant

Applicant: Boqueria Penn Quarter LLC

Trade Name: Boqueria

ANC: 2C01

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

799 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/8/2019

A HEARING WILL BE
7/22/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of
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
5/24/2019

Notice is hereby given that:

License Number: ABRA-100161

License Class/Type: D Restaurant

Applicant: Shanghai Tokyo Cafe of DC Corporation

Trade Name: Shanghai Tokyo Cafe

ANC: 1A06

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

1376 PARK RD NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/8/2019

A HEARING WILL BE
7/22/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm	-
Monday:	11 am - 10:30 pm	11 am - 10:30 pm	-
Tuesday:	11 am - 10:30 pm	11 am - 10:30 pm	-
Wednesday:	11 am - 10:30 pm	11 am - 10:30 pm	-
Thursday:	11 am - 10:30 pm	11 am - 10:30 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
5/24/2019

Notice is hereby given that:

License Number: ABRA-101229

License Class/Type: C Restaurant

Applicant: My Little Bistro and Shop, LLC

Trade Name: Taco-Ma Yucatan Chicken

ANC: 4B01

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

353 CEDAR ST NW, WASHINGTON, DC 20012

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

7/8/2019

A HEARING WILL BE

7/22/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of
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	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: May 24, 2019
Protest Petition Deadline: July 8, 2019
Roll Call Hearing Date: July 22, 2019
Protest Hearing Date: September 18, 2019

License No.: ABRA-113768
Licensee: Gatsby Ballpark, LLC
Trade Name: Gatsby/Mahzedahr
License Class: Retailer's Class "C" Restaurant
Address: 1201 Half Street S.E., Space #105/#205
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 6

ANC 6D

SMD 6D02

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 July 22, 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 **September 18, 2019 at 4:30 p.m.**

NATURE OF OPERATION

New Class "C" casual, fine dining restaurant and quick-service bakery providing upscale American fare. Sidewalk Cafe Endorsement with 50 seats. Total Occupancy Load of 300 with seating for 220 patrons inside premises.

HOURS OF OPERATION (INSIDE PREMISES)

Sunday through Saturday 7am – 2am

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

Sunday through Saturday 8am – 2am

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

Sunday through Thursday 8am – 12am

Friday and Saturday 8am – 2am

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

Placard Posting Date: May 24, 2019
Protest Petition Deadline: July 8, 2019
Roll Call Hearing Date: July 22, 2019
Protest Hearing Date: September 18, 2019

License No.: ABRA-113796
Licensee: Iron Age Columbia Heights, LLC
Trade Name: Iron Age
License Class: Retailer's Class "C" Restaurant
Address: 3365 14th Street, N.W.
Contact: Chrissie Chang: (703) 992-3994

WARD 1

ANC 1A

SMD 1A05

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 July 22, 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 **September 18, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new restaurant serving Korean-style BBQ. Seating Capacity of 142 and Total Occupancy Load of 199 inside. The Restaurant will include a Sidewalk Café with 24 seats with a Total Occupancy Load of 33.

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

Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 2am

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

Placard Posting Date: May 24, 2019
Protest Petition Deadline: July 8, 2019
Roll Call Hearing Date: July 22, 2019
Protest Hearing Date: September 18, 2019

License No.: ABRA-113763
Licensee: La Nicchia, LLC
Trade Name: Retrobottega
License Class: Retailer's Class "C" Restaurant
Address: 2435 18th Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 1

ANC 1C

SMD 1C07

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 July 22, 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 **September 18, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new C Restaurant serving modern Italian cuisine. Seating Capacity of 60, Total Occupancy Load of 70 and a Sidewalk Café with 24 seats. The license will include an Entertainment Endorsement, and Dancing inside the premises only.

HOURS OF OPERATION INSIDE OF THE PREMISES

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

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

Sunday through Thursday 11am – 1:30am, Friday and Saturday 11am – 2:30am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES ONLY

Thursday 10pm – 1am, Friday and Saturday 10pm – 2am (No Entertainment Sunday through Wednesday)

HOURS OF OPERATION FOR THE OUTDOOR SIDEWALK CAFÉ

Sunday through Thursday 11am – 1am, Friday and Saturday 11am – 2am

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

Sunday through Thursday 11am – 12:30am, Friday and Saturday 11am – 1:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 24, 2019
 Protest Petition Deadline: July 8, 2019
 Roll Call Hearing Date: July 22, 2019
 Protest Hearing Date: September 18, 2019

License No.: ABRA-113485
 Licensee: 500 K, LLC
 Trade Name: Select Reserves
 License Class: Retailer’s Class “A” Liquor Store
 Address: 500 K Street, N.W.
 Contact: Pankaj Malhotra: (301) 675-4381

WARD 6

ANC 6E

SMD 6E05

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 July 22, 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 **September 18, 2019 at 4:30 p.m.**

NATURE OF OPERATION

Request for a Retailer’s Class “A” license and a tasting permit.

HOURS OF OPERATION/ALCOHOLIC BEVERAGES SALES

Sunday 10am – 8 pm, Monday through Thursday 10am – 10pm, Friday and Saturday 9am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

**5/24/2019

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-072017

License Class/Type: C Restaurant

Applicant: Dunmore, LLC

Trade Name: Sonoma

ANC: 6B01

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

223 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003

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

****7/8/2019**

A HEARING WILL BE HELD ON:

****7/22/2019**

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

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 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	10 am - 2 am	10 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:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

**4/12/2019

****RESCIND**

Notice is hereby given that:

License Number: ABRA-072017

License Class/Type: C Restaurant

Applicant: Dunmore, LLC

Trade Name: Sonoma

ANC: 6B01

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

223 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003

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

****5/28/2019**

A HEARING WILL BE HELD ON:

****6/10/2019**

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

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 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	10 am - 2 am	10 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:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON

**5/24/2019

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-103710

License Class/Type: C Restaurant

Applicant: Orange Sprinkles, LLC

Trade Name: Sugar Shack Donuts and Coffee/Nocturne

ANC: 1B02

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

1932 9TH ST NW, WASHINGTON, DC 20001

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

**7/8/2019

A HEARING WILL BE HELD ON:

**7/22/2019

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

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	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON

**4/12/2019

****RESCIND**

Notice is hereby given that:

License Number: ABRA-103710

License Class/Type: C Restaurant

Applicant: Orange Sprinkles, LLC

Trade Name: Sugar Shack Donuts and Coffee/Nocturne

ANC: 1B02

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

1932 9TH ST NW, WASHINGTON, DC 20001

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

**5/28/2019

A HEARING WILL BE HELD ON:

**6/10/2019

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

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	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 24, 2019
 Protest Petition Deadline: July 8, 2019
 Roll Call Hearing Date: July 22, 2019
 Protest Hearing Date: September 18, 2019

License No.: ABRA-113783
 Licensee: 700 K Street Crab Partners, LLC
 Trade Name: Truluck’s Seafood Steak and Crab House
 License Class: Retailer’s Class “C” Restaurant
 Address: 700 K Street, N.W.
 Contact: Michael Fonseca: (202) 625-7700

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 July 22, 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 **September 18, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 300 and Total Occupancy Load of 375. Requesting a live Entertainment Endorsement.

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

Sunday through Thursday 10am – 12am, Friday and Saturday 10am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 24, 2019
Protest Petition Deadline: July 8, 2019
Roll Call Hearing Date: July 22, 2019
Protest Hearing Date: September 18, 2019

License No.: ABRA-113780
Licensee: Voodoo Brewing Co., Inc.
Trade Name: Voodoo Brewing
License Class: Retailer's Class "C" Tavern
Address: 625 & 631 T Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 1

ANC 1B

SMD 1B01

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 July 22, 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 **September 18, 2019 at 4:30 p.m.**

NATURE OF OPERATION

New Tavern serving brewed products, local wines, ciders, cocktails, and light fare. Summer Garden with 200 seats. Live Entertainment Endorsement for outdoor Summer Garden only. Total Occupancy Load is 230 with seating for 230.

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

Sunday through Saturday 10am – 1am

HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDEN

Sunday through Saturday 10am – 1am

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

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

**Case No. 17-09: National Geographic Society Headquarters
1145 17th Street NW
Square 183, Lot 883
Affected Advisory Neighborhood Commission: 2B**

The hearing will take place at **9:00 a.m. on Thursday, July 25, 2019**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

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

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

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

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

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

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

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

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

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JULY 10, 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 SIX

20030
ANC 6A **Application of Blair Zervos**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(a) and (b), and pursuant to Subtitle X, Chapter 10, for an area variance from the height requirements of Subtitle E § 5102.1 and Subtitle G 1102.2, to construct a roof deck addition and a roof top enclosure in the MU-4 and RF-1 Zones at premises 1323 Linden Court N.E. (Square 1027, Lot 857).

WARD EIGHT

20046
ANC 8C **Application of District Properties.com Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.7, to construct a new detached principal dwelling unit in the R-2 Zone at the premises at 3003 7th Street, S.E. (Square 5952, Lot 31).

WARD FIVE

20053
ANC 5C **Application of Mohammed Sikder**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.2, to construct a new detached, principal dwelling in the R-1-B Zone at premises at 2433 Girard Place St N.E. (Parcel 155/7).

WARD SEVEN

20054
ANC 7C **Application of Rupsha 2011 LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provision of Subtitle U § 421.1, to construct a ten-unit apartment building in the RA-1 Zone at premises 616 50th Street, N.E. (Square 5180, Lot 814).

BZA PUBLIC HEARING NOTICE

JULY 10, 2019

PAGE NO. 2

WARD TWO

20055
ANC 2E

Application of Stephen and Maria Cashin, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201, from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing semi-detached principal dwelling unit in the R-20 Zone at premises 3414 Volta Place, N.W. (Square 1253, Lot 857).

WARD FIVE

20058
ANC 5A

Application of Michael Duncanson, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the side yard requirements of Subtitle F § 306.1, to construct an addition to an existing, semi-detached principal dwelling unit in the RA-1 Zone at premises 4300 Varnum Place N.E. (Square 3810, Lot 73).

WARD SEVEN

20059
ANC 7C

Application of 5804 Field LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201, from the minimum lot dimension requirements of D § 302.1, and from the minimum side yard setback requirements of Subtitle D § 206.2 to construct a new three-story detached principal dwelling in the R-2 Zone at premises 5804 Field Place N.E. (Square 5255, Lot 821).

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**

BZA PUBLIC HEARING NOTICE

JULY 10, 2019

PAGE NO. 3

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

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

Chinese

您需要有人帮助参加活动吗?

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

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?

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BZA PUBLIC HEARING NOTICE

JULY 10, 2019

PAGE NO. 4

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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGRM27-2016-02, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802, 2-505, 34-2002(g), and 34-2002(n) of the District of Columbia Code¹ of approval of amendments to Chapter 27 (Regulation of Telecommunications Service Providers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. On April 15, 2016, the Commission published a First Notice of Proposed Rulemaking (NOPR) seeking to amend Section 2706 and add a new Section 2707.² On May 17, 2016, the Office of Unified Communications (OUC) filed comments.³ On July 25, 2016, three entities, Verizon Washington, DC Inc. (Verizon DC), the Office of the People's Counsel for the District of Columbia (OPC), and the Communications Workers of America (CWA) filed comments regarding the NOPR.⁴ On August 15, 2016, Verizon DC, OPC, the Fiber to the Home Council Americas, Fosterly, and Darell Maxwell filed reply comments.⁵

3. On October 5, 2018, the Commission published a Second NOPR.⁶ On December 10, 2018, CWA filed its comments on the Second NOPR.⁷ Verizon DC and OPC filed

¹ D.C. Official Code §§ 34-802 (2012 Repl.); 2-505 (2016 Repl.), 34-2002(g) and 34-2002(n) (2012 Repl. & 2018 Supp.).

² 63 DCR 5773-5785 (April 15, 2016).

³ *RM27-2016-02, In the Matter of the Commission's Investigation into the Rules Governing Local Exchange Carrier Quality of Service Standards for the District*, (“RM27-2016-02”) Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Karima Holmes, Director, OUC, filed May 17, 2016.

⁴ *RM27-2016-02*, Confidential Comments of Verizon Washington, DC Inc. on Proposed Service Withdrawal and Copper Retirement Rules, filed July 25, 2016; Initial Comments of the Office of the People's Counsel of the District of Columbia, filed July 25, 2016; Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Vincent Trivelli, Counsel for CWA, filed July 25, 2016.

⁵ *RM27-2016-02*, Reply Comments of Verizon Washington, DC Inc., filed August 15, 2016; Reply Comments of the Office of the People's Counsel for the District of Columbia, filed August 15, 2016; Reply Comments of the Fiber to the Home Council Americas, filed August 15, 2016; Reply Comments of Fosterly, filed August 15, 2016; Letter to Brinda Westbrook-Sedgwick, Commission Secretary from Darell Maxwell, filed August 15, 2016.

⁶ 65 DCR 11031-11050 (October 5, 2018).

⁷ *RM27-2016-02*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Vincent Trivelli (“CWA Comments”), filed December 10, 2018.

comments on December 12, 2018.⁸ On January 14, 2019, Verizon DC filed its Reply Comments,⁹ while OPC filed its Reply Comments on January 15, 2019.¹⁰ The Commission approved the amendments as proposed in a vote at the May 15, 2019 open meeting, with the rule becoming effective upon publication in the *D.C. Register*.

4. The proposed amendments to Sections 2704, 2705, 2706, and 2708 update these sections to require that all telecommunications service providers, not just competitive local exchange carriers, that are withdrawing certification and regulated local exchange services comply with the requirements of Sections 2704, 2705, 2706, or 2708. The proposed amendments also add a new Section 2707 to include notice requirements for telecommunications service providers that are abandoning copper facilities in the District of Columbia. Section 2708 is clarified to apply only to relinquishments of certifications where the telecommunications service provider has never offered regulated telecommunications service to customers. The proposed amendments renumber the current Section 2707, Reports, to Section 2710 and makes amendments to the reporting requirements. Finally, definitions are added to Section 2799, the Definitions section. The rules in the October 6, 2018, NOPR differ in some respects from those included in the NOPR published April 15, 2016.

Chapter 27, REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2704, ABANDONMENT OF CERTIFICATION, is amended as follows:

2704 ABANDONMENT OF CERTIFICATION OR CERTIFICATE OF CONVENIENCE AND PUBLIC NECESSITY

2704.1 Any telecommunications service provider (“TSP”) certificated by the Commission that proposes to abandon the CLEC certification or certificate of convenience and public necessity in the District shall file an abandonment of certification application with the Commission no later than ninety (90) days prior to the proposed date of the abandonment of certification or certificate. The application shall contain, in the following order and specifically identify the following information:

- (a) The applicant’s name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the

⁸ *RM27-2016-02*, Comments of Verizon Washington, DC Inc. on Proposed Service Withdrawal and Copper Retirement Rules (“Verizon DC Comments”), filed December 12, 2018; Initial Comments of the Office of the People’s Counsel of the District of Columbia (“OPC Comments”), filed December 12, 2018.

⁹ *RM27-2016-02*, Reply Comments of Verizon Washington, DC Inc. (“Verizon DC Reply Comments”), filed January 14, 2019.

¹⁰ *RM27-2016-02*, Reply Comments of the Office of the People’s Counsel of the District of Columbia (“OPC Reply Comments”), filed January 15, 2019.

applicant to provide telecommunications services in the District of Columbia, if applicable, and the proposed abandonment date;

- (b) A complete explanation of the reasons for the proposed abandonment of certification;
- (c) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
- (d) A statement as to whether the applicant owns facilities in the District of Columbia, and if so, a plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned; and
- (e) An affidavit signed by a company officer verifying that all of the information in the application is true and correct.

2704.2 If, at the time of the filing of the abandonment of certification application, the TSP is providing service to customers, the applicant also shall file an abandonment of service application pursuant to 15 DCMR § 2705 and/or 15 DCMR § 2706, as appropriate.

2704.3 The TSP shall serve a copy of its abandonment of certification or certificate application on the Office of the People's Counsel on the same day that the application is filed with the Commission.

2704.4 The applicant shall return any customer deposits within fifteen (15) days of the abandonment of certification application filing date. Upon full payment of these deposits, the applicant shall notify the Commission that all deposits have been paid by filing an affidavit explaining how and when these payments were made.

2704.5 Within thirty (30) days after receiving the abandonment of certification application, the Commission shall either approve the application, reject the application, or request supplemental information. If the Commission requests supplemental information, the applicant will be afforded fifteen (15) days to provide the Commission with such supplemental information.

2704.6 The Commission shall approve an abandonment of certification or certificate application if:

- (a) The TSP has satisfied outstanding debts owed to the Commission or any agency of the District of Columbia government;
- (b) The TSP has developed and implemented a comprehensive plan for returning customer deposits; and

- (c) The approval of the abandonment of certification application or certificate would serve the public interest.

2704.7 No TSP shall abandon its certification or certificate absent Commission approval. Upon receiving Commission approval, the applicant shall void any existing interconnection agreements by notifying the Commission and any TSP with which the applicant has signed an interconnection agreement of the abandonment of certification or certificate. Upon receiving Commission approval, the applicant shall also withdraw all existing tariffs on file with the Commission.

Section 2705, ABANDONMENT OF SERVICE, is amended as follows:

2705 ABANDONMENT, REDUCTION, OR IMPAIRMENT OF SERVICE

2705.1 Any TSP certificated by the Commission that proposes to abandon, reduce or impair the provisioning of telecommunications services in the District of Columbia shall file an application with the Commission no later than ninety (90) days prior to the proposed date of abandonment, reduction or impairment of service. This Section 2705 shall apply if a TSP proposes to abandon, reduce or impair the provisioning of telecommunications services in the District of Columbia, either in whole or in part (including, but not limited to, for a class of customers, such as residential customers or business customers or for customers located in specified geographic areas). However, this section does not apply where a TSP in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons applicable to that customer (for instance, because the customer has failed to pay charges due to the TSP);
- (b) Withdraw a discretionary custom calling service feature (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the TSP's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

2705.2 The abandonment of service application shall contain, in the following order and specifically identify the following information:

- (a) The applicant's name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, if applicable, and the proposed abandonment of service date;

- (b) Description of the nature of the proposed abandonment, reduction of impairment of service;
- (c) A complete explanation of the reasons for the proposed abandonment, reduction or impairment of service, including, but not limited to, a statement as to whether the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, or only in part, and if only in part, a description of the proposed abandonment, reduction or impairment of service (for instance, for a class of customers, such as residential customers or business customers, or, customers located in specified geographic areas);
- (d) A plan for the refund of any deposits collected from affected customers, with accrued interest less any amounts due to the applicant;
- (e) If the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, a description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
- (f) A statement as to whether the applicant owns facilities in the District of Columbia, and if so, a plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned;
- (g) An identification of the geographic area involved and date on which the applicant desires to make the proposed abandonment, reduction, or impairment of service effective;
- (h) A statement of the number of customers, classified by residential or business customer, affected by the proposed abandonment, reduction or impairment of service;
- (i) A statement of the number of customers affected by the proposed abandonment, reduction or impairment of service for whom the applicant receives universal service support;
- (j) A statement of the date on which notice of the proposed abandonment, reduction or impairment of service will be sent to affected customers;
- (k) A copy of the notice that will be sent to affected customers;
- (l) If the abandonment, reduction or impairment of service application is filed because the applicant is discontinuing TDM-based local exchange service,

a copy of the application filed with the Federal Communications Commission pursuant to 47 CFR Part 63;

- (m) A statement of the factors showing that neither present nor future public interest, convenience and necessity would adversely be affected by the granting of the application; and
- (n) An affidavit signed by a company officer verifying that all of the information in the application is true and correct.

2705.3 The applicant shall serve a copy of its abandonment, reduction or impairment of service application on the Office of the People's Counsel on the same day that the application is filed with the Commission.

2705.4 Any TSP that proposes to abandon, reduce, or impair service in the District of Columbia shall notify each customer affected by the proposed abandonment in accordance with the customer notice provisions of Subsection 2706.5. Notice to customers shall be given in accordance with the customer notice provisions of Subsection 2706.5 even if the proposed abandonment, reduction or impairment of service is not otherwise subject to compliance with Section 2706.

2705.5 The applicant shall return all customer deposits affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant within seventy-five (75) days of the abandonment of service application filing date. Upon full payment of these deposits, the applicant shall notify the Commission that all such deposits have been paid.

2705.6 The applicant shall reimburse its customers affected by the proposed abandonment of service for any carrier charges including, but not limited to, service order charges and service installation charges directly associated with the transfer of those customers to another TSP and otherwise chargeable to the customers, as long as the transfer occurs within thirty (30) days of the notification to the customer of the applicant's abandonment of service. Except where the customer is transferred to an Acquiring Carrier (as defined in Subsection 2706.2) or to an "acquiring carrier" (as such term is used in 47 CFR § 64.1120), the amount of the carrier charges that an applicant shall be required by this subsection to reimburse to a customer shall not exceed:

- (a) Fifty dollars (\$50) per residence service line; and
- (b) One hundred dollars (\$100) per business service line.

2705.7 The Commission may by order annually increase the maximum amount of the carrier charges to be reimbursed by the applicant under Subsection 2705.6 by a percentage amount equal to the percentage increase in the Consumer Price Index – All Urban Consumers applicable to the District of Columbia as determined by

the United States Government. Upon full payment of these amounts, the applicant shall notify the Commission that all such amounts have been paid.

- 2705.8 Within thirty (30) days after receiving the abandonment, reduction or impairment of service application, the Commission shall either approve the application, reject the application, or request supplemental information.
- 2705.9 If, within thirty (30) days after receiving the abandonment, reduction or impairment of service application, the Commission does not either approve the application, reject the application, or request supplemental information, the application shall be deemed approved.
- 2705.10 If the Commission requests supplemental information, the applicant has fifteen (15) days to provide the Commission with such supplemental information.
- 2705.11 If the Commission requests supplemental information and, by the later of thirty (30) days after receiving the supplemental information the Commission does not either approve the application, reject the application, or request additional supplemental information, the application shall be deemed approved.
- 2705.12 Approval of the abandonment, reduction or impairment of service application shall be subject to the applicant's compliance with the applicable provisions of Section 2706.
- 2705.13 The Commission shall approve an abandonment, reduction or impairment of service application if:
- (a) The TSP has satisfied outstanding debts owed the Commission or any agency of the District of Columbia government;
 - (b) The applicant has complied with this Section 2705, the applicable provisions of Section 2706, and all other applicable Commission rules and requirements of applicable law;
 - (c) The applicant has developed and implemented a comprehensive plan for returning customer deposits to customers affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant, and, if the applicant proposes to abandon its provisioning of telecommunication services in the District in whole, satisfying outstanding debts owed the Commission and/or other District agencies;
 - (d) The applicant has satisfied all switchover fees incurred by its customers affected by the proposed abandonment of service as required by Subsection 2705.6; and

- (e) The approval of the abandonment, reduction or impairment of service application would serve the public interest. If the applicant is discontinuing TDM-based service, then the public interest consideration will also consider the factors in 47 C.F.R. § 63.602(b).

2705.14 No TSP shall abandon, reduce, or impair service in the District of Columbia without Commission approval. Upon receiving Commission approval for the abandonment of service, the applicant shall void any existing interconnection agreements by informing the Commission and any TSP with which the applicant has signed an interconnection agreement of the abandonment of service.

Section 2706, ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET, is amended as follows:

2706 ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET

2706.1 Applicability

This section applies when a TSP that has one (1) or more customers proposes to abandon the provisioning of regulated telecommunications services to the local exchange voice services market or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas). However, this section does not apply where a TSP in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons applicable to that customer (for instance, because the customer has failed to pay charges due to the TSP or because the customer is transitioning from regulated to unregulated service);
- (b) Withdraw a discretionary custom calling service feature (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the TSP's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

2706.2 Definitions

For the purposes of this section the following terms and phrases shall have the meanings ascribed:

- (a) **Acquiring Carrier** - a local exchange carrier that has entered into an arrangement with an Exiting TSP to acquire the Exiting TSP's customers.
- (b) **Cut-Off Date** - the date after which an Exiting TSP's customers will have to wait until their migration to the Acquiring Carrier is completed before they can obtain local exchange service from a different carrier.
- (c) **Exiting TSP** - a TSP that proposes to abandon the provisioning of telecommunications services to the local exchange voice services market, or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas).
- (d) **Network Service Provider** - a local exchange carrier that provides interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment or arrangements, that:
 - (1) Are used by the Exiting TSP to provide service to its customers; or
 - (2) Will be used by a carrier (including, but not limited to, an Acquiring Carrier) that is acquiring one (1) or more of the Exiting TSP's customers, to provide service to those customers.
- (e) **Priority/Essential Customers** - any ambulance, police or fire service, hospital, national security agency, or civil defense organization, or any customer who has obtained Telecommunications Service Priority authorization from the Federal Government.

2706.3

Exit Plan

- (a) An Exiting TSP must file an Exit Plan with the Commission, OPC, and the District of Columbia Office of Unified Communications at least ninety (90) days in advance of the Exiting TSP's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative date by which the Exiting TSP must file its Exit Plan.
- (b) The Exit Plan filed by the Exiting TSP with the Commission must include:
 - (1) A statement specifying the Exiting TSP's proposed discontinuance of service date and, if there is an Acquiring Carrier, the proposed Cut-Off Date;
 - (2) A sample of the initial notice letter that will be sent to the Exiting TSP's customers pursuant to Subsection 2706.5;
 - (3) Plans for follow-up customer notification arrangements, such as a

second letter, phone calls or bill inserts;

- (4) A date by which the Exiting TSP's customers must select a new local exchange carrier;
- (5) Contact names and telephone numbers for the Exiting TSP's cutover coordinator, regulatory contact and other pertinent contact personnel (such as customer service record ("CSR") and provisioning contacts);
- (6) Any arrangements made for an Acquiring Carrier;
- (7) Steps to be taken with the number code and/or pooling administrator to transfer NXX and thousand number blocks while preserving number portability for numbers within the code;
- (8) The current customer serving arrangements (for example, UNE-Platform, UNE-Loop, resale or full facilities) and the underlying Network Service Providers;
- (9) To the extent feasible, a statement as to the following:
 - (A) whether there are any customers for whom the Exiting TSP is the only provider of facilities;
 - (B) the number of customers for whom the Exiting TSP is the only provider of facilities; and
 - (C) the number of lines for which the Exiting TSP is the only provider of facilities;
- (10) The number of customers impacted;
- (11) A statement setting out:
 - (A) The format in which the Exiting TSP's CSRs are being kept,
 - (B) What data elements are in these CSRs; and
 - (C) How the CSRs can be obtained by other carriers. Data elements include:
 - (i) Billing telephone number;
 - (ii) Working telephone number;

- (iii) Complete customer billing name and address;
 - (iv) Directory listing information, including name, address, telephone number and listing type;
 - (v) Complete service address;
 - (vi) Current Primary Interexchange Carrier selection (inter/intraLATA toll service), including freeze status;
 - (vii) Local service freeze status;
 - (viii) All vertical features (such as, custom calling, hunting);
 - (ix) Options (such as, Lifeline, 900 blocking, toll blocking, remote call forwarding, off premises extensions);
 - (x) Tracking number or transaction number (for example, purchase order number);
 - (xi) Circuit identification information with associated telephone number;
 - (xii) Service configuration information (such as, UNE-Platform, UNE-Loop, resale or full facilities);
 - (xiii) Identification of the Network Service Provider(s); and
 - (xiv) Identification of any line sharing/line splitting on the migrating customer's line;
- (12) Any transfer of assets or control that requires Commission approval;
- (13) Plans to modify and/or cancel tariff(s);
- (14) Plans for reimbursement of switchover fees;
- (15) Plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;

- (16) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
 - (17) Plans for the transfer, removal or abandonment of any Exiting TSP equipment or facilities on the customers' premises;
 - (18) A statement on whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting TSP prior to or during the migration of customers to the Acquiring Carrier; and
 - (19) Plans for unlocking the E911 database, including the letter detailed in Subsection 2706.8.
 - (20) A copy of any discontinuance of service application filed with the Federal Communications Commission ("FCC") pursuant to 47 USC § 214(a).
- (c) If the Exit Plan contains information that the Exiting TSP claims are confidential or proprietary, the Exiting TSP may seek confidential treatment of the confidential or proprietary information in accordance with 15 DCMR § 150. To the extent provided by 15 DCMR § 150 and other provisions of applicable law, copies of the confidential version of the Exit Plan shall be available to the Office of the People's Counsel, carriers, and other interested persons.
- (d) If the Exiting TSP seeks confidential treatment of information contained in the Exit Plan, the Exiting TSP shall also file with the Commission a version of the Exit Plan that omits the confidential information. The Exiting TSP shall serve the non-confidential version of the Exit Plan upon the Office of the People's Counsel. The non-confidential version of the Exit Plan shall be available from the Commission to carriers and other interested persons.

Within thirty (30) days after receiving the Exit Plan, the Commission shall either approve the Exit Plan, reject the Exit Plan, or request supplemental information. If within thirty (30) days after receiving the Exit Plan the Commission does not either approve the Exit Plan, reject the Exit Plan, or request supplemental information, the Exit Plan shall be deemed approved. If the Commission requests supplemental information, the Exiting TSP has fifteen (15) days to provide the Commission with such supplemental information. If within thirty (30) days after receiving the supplemental information the Commission does not either approve the Exit Plan, reject the Exit Plan, or request additional supplemental information, the Exit Plan shall be deemed approved.

2706.4 Industry Notification

- (a) When the Commission receives notice of the Exiting TSP's proposed discontinuance of service, the Commission Secretary shall post notice of the proposed discontinuance of service on the Commission's website under "Report of Telephone Companies Exiting the Local Exchange Market" at www.dcpsc.org.
- (b) On the same date that the Exiting TSP files its Exit Plan with the Commission:
 - (1) The Exiting TSP shall give notice to its Network Service Providers of its proposed discontinuance of service; and
 - (2) The Acquiring Carrier shall give notice to its Network Service Providers of its proposed acquisition of the Exiting TSP's customers.
- (c) If necessary, a conference call may be established by Commission Staff in order to address potential problem areas and procedures. The persons invited to participate in the conference call shall include all carriers providing service in the District of Columbia, the Exiting TSP's Network Service Providers, the Acquiring Carrier's Network Service Providers, Commission Staff, the Office of the People's Counsel, and such other persons as Commission Staff deems appropriate.

2706.5 Retail Customer Notification

- (a) If there is an Acquiring Carrier, the Exiting TSP and the Acquiring Carrier must give written notice to the Exiting TSP's customers of the Exiting TSP's proposed discontinuance of service and the proposed transfer of the customers to the Acquiring Carrier.
- (b) If there is not an Acquiring Carrier, the Exiting TSP must give written notice to its customers of its proposed discontinuance of service.
- (c) The written notice to be provided pursuant to paragraph (a) or (b) must be given at least sixty (60) days in advance of the Exiting TSP's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative customer notice period; provided that the customer notice must be given at least forty-five (45) days in advance of the Exiting TSP's proposed discontinuance of service date.
- (d) Contents
 - (1) The Commission shall adopt by order model customer notification letters that comply with Commission and FCC regulations. A

customer notice letter issued pursuant to paragraph (a) or (b) must comply with the Commission's applicable model customer notification letter.

- (2) The customer notification letter must include the following information:
 - (A) Statement that the Exiting TSP will no longer be providing the customer's local telephone service;
 - (B) If there is an Acquiring Carrier, the identity of the Acquiring Carrier;
 - (C) The customer's right to choose an alternative carrier;
 - (D) Clear instructions to the customer regarding the choice of an alternative carrier;
 - (E) The customer's need to take prompt action when there is no Acquiring Carrier;
 - (F) Time deadlines for customer action in accordance with the Commission's rules;
 - (G) A statement regarding switchover fees and the Exiting TSP's plans for reimbursement of switchover fees;
 - (H) The customer's responsibility for payment of telephone bills during the migration period;
 - (I) When the customer is being transferred to an Acquiring Carrier, information about the lifting and reestablishment of preferred carrier freezes;
 - (J) Applicable information about long distance service and whether it may be impacted by the change in local exchange carrier;
 - (K) The Exiting TSP's plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;
 - (L) The Exiting TSP's plans for transfer, removal or abandonment of any Exiting TSP equipment or facilities on the customer's premises;

- (M) Information on the Acquiring Carrier's services and rates, terms and conditions, and on the means by which the Acquiring Carrier will notify the customer of any changes to these rates, terms and conditions;
 - (N) Whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting TSP prior to or during the migration of customers to the Acquiring Carrier;
 - (O) Any other information required by applicable law (including, but not limited to, any other information required by the Commission or the FCC);
 - (P) Toll-free telephone numbers for the Exiting TSP and the Acquiring Carrier;
 - (Q) Contact information for the Commission; and
 - (R) Contact information for the Office of the People's Counsel.
- (3) If there is an Acquiring Carrier, the customer notice letter must contain a Cut-Off Date and a statement that customers who have not selected an alternative carrier by the Cut-Off Date will be transferred to the Acquiring Carrier. When notice is given to the customer sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be thirty (30) days before the proposed discontinuance of service date. When notice is given to the customer less than sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be as specified by the Commission. The notification process must allow the customer thirty (30) days to select a new carrier. The Acquiring Carrier may not migrate the Exiting TSP's customers to the Acquiring Carrier until after the Cut-Off Date.
- (4) If there is not an Acquiring Carrier, the Exiting TSP must give at least one (1) additional notice to each customer who, twenty (20) days prior to the proposed discontinuance of service date, has not migrated to a new carrier. This additional notice must be given no later than fifteen (15) days prior to the proposed discontinuance of service date or, upon a showing to the Commission that fifteen (15) days advance notice is not feasible, at the earliest possible date, as approved by the Commission. The form of the additional notice could include a follow-up letter, a telephone call to the customer, a bill insert, or any other means of direct contact with the customer.

2706.6 Mass Migration Process

- (a) As soon as is feasible after the Exiting TSP's Exit Plan is filed with the Commission, the Exiting TSP and the Acquiring Carrier shall establish with their applicable Network Service Providers appropriate arrangements for migration of the Exiting TSP's customers to the Acquiring Carrier. The Exiting TSP and the Acquiring Carrier shall submit to their applicable Network Service Providers any service orders and information needed to carry out the migration. Such service orders and information shall be submitted sufficiently in advance of the Exiting TSP's proposed discontinuance of service date so that the migration will be able to be completed by the proposed discontinuance of service date.
- (b) Carriers other than the Acquiring Carrier who are acquiring the Exiting TSP's customers shall submit to their applicable Network Service Providers any service orders and information needed to carry out the migration. To the extent feasible, such service orders and information shall be submitted sufficiently in advance of the Exiting TSP's proposed discontinuance of service date so that the migration will be able to be completed by the proposed discontinuance of service date.
- (c) The Exiting TSP shall make available to its Network Service Provider, its customers' new carriers and these carriers' Network Service Providers, the CSR information needed to migrate the Exiting TSP's customers, and any other information reasonably needed to migrate the Exiting TSP's customers. Upon request, the Exiting TSP shall also provide to Commission Staff CSR information for customers whose particular serving arrangements may create migration problems.
- (d) The Exiting TSP must track the progress of the migration of its customers and provide the Commission with progress reports. The reports shall contain a count of the customers that remain in service with the Exiting TSP and such other information as shall be specified by the Commission. The reports shall be provided at such intervals as shall be specified by the Commission. Subject to 15 DCMR § 150 and other provisions of applicable law, upon request by the Office of the People's Counsel, the Exiting TSP shall provide copies of the progress reports to the Office of the People's Counsel.
- (e) Except as authorized by the Commission pursuant to Subsection 2706.3(e) or as otherwise authorized by the Commission, the Exiting TSP shall not discontinue provision of service until all of its customers who will be affected by its discontinuance of service have migrated to other carriers.

2706.7 NXX Code Transfers

If the Exiting TSP has any NXX codes or thousand number blocks assigned, it must make transfer arrangements with the code administrator at least sixty-six (66) days prior to the proposed discontinuance of service date or by such earlier date as shall be specified by the code administrator.

2706.8 E- 911

- (a) The Exiting TSP must unlock all of its telephone numbers in the E911 database in accordance with the National Emergency Numbering Association's standards.
- (b) The Exiting TSP must submit a letter to the appropriate E911 service provider authorizing the E911 service provider to unlock any remaining E911 records after the Exiting TSP has discontinued provision of service. This letter must be provided at least thirty (30) days prior to the Exiting TSP's discontinuance of service. A copy of such letter shall be filed with the Commission.
- (c) The Exiting TSP must provide E911 service to any customer who does not select another local exchange carrier prior to the Cut-Off Date if it is technically possible to provide the service itself or the Exiting TSP may obtain such service from its underlying or any other carrier.

2706.9 Freezes

All customers who have preferred carrier freezes on the services affected by a migration to an Acquiring Carrier will be transferred to the Acquiring Carrier, unless they have selected a different carrier by the Cut-Off Date. The Exiting TSP shall lift existing preferred carrier freezes on services involved in a migration to an Acquiring Carrier. An Acquiring Carrier shall advise the customers that it is acquiring from the Exiting TSP that if they want preferred carrier freezes, they must contact the Acquiring Carrier to arrange for such freezes.

2706.10 Reservation of Rights

Nothing in this Section 2706 shall limit, or delay the right to exercise, any right that an incumbent local exchange carrier, TSP, or other person may have under an interconnection or resale agreement, tariff, or otherwise, to require payment for, to decline to provide, or to suspend or terminate, interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment, or arrangements.

Section 2707, REPORTS, is amended as follows:**2707 ABANDONMENT OF COPPER FACILITIES****2707.1 Applicability**

This section applies when a TSP that has one (1) or more customers that are provided local exchange services over copper facilities (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas) proposes to abandon the provisioning of local exchange services over copper facilities. However, this section does not apply where a TSP in the ordinary course of business is proposing only to abandon copper facilities in order to resolve a service quality concern raised and agreed to by the customer with the TSP. Additionally, this section does not apply to an emergency repair situation in which copper facilities are replaced with fiber facilities in order to expedite resolution of out-of-service conditions for multiple customers.

2707.2 Public Notifications

Any TSP that seeks to abandon copper facilities used to provide regulated local exchange service shall file a notification of this abandonment with the Commission, OPC, and with:

- (a) The electric and gas public utilities, competitive electricity suppliers, and competitive natural gas suppliers in the affected service area at least two hundred seventy (270) days before the proposed abandonment of copper facilities;
- (b) Any other TSPs that provides regulated local exchange service to residential or business customers in the affected service area at least one hundred eighty (180) days before the proposed abandonment of copper facilities;
- (c) Business customers in the affected service area at least 180 days before the proposed abandonment of copper facilities; and
- (d) Residential customers in the affected service area at least ninety (90) days before the proposed abandonment of copper facilities.

2707.3 The notice to customers, which the TSP shall file with the Commission and OPC, shall include:

- (a) The TSP's name and address;

- (b) The name, telephone number, and email address of a contact person who can supply additional information about the proposed copper facilities abandonment;
- (c) The implementation date of the copper facilities abandonment;
- (d) The location, by geographic area, of the copper facilities abandonment;
- (e) A statement indicating whether the copper facilities will be abandoned or removed; and
- (f) A description of the reasonably foreseeable impact of the copper facilities abandonment, including changes to rates, and terms and conditions of service.

2707.4 In addition to the information required by Subsection 2707.3, the notice to business and residential customers shall include:

- (a) A statement that the customer will still be able to purchase the existing local exchange service(s) to which he or she subscribes with the same functionalities and features as the service he or she currently purchases from the TSP, except that if this statement would be inaccurate, the TSP must include a statement identifying any changes to the service(s) and the quality, reliability, functionality and features thereof; and
- (b) A toll-free telephone number for a customer help line, a URL for a related Web page on the TSP's Web site with relevant information, contact information for the Commission's Office of Consumer Services, including the URL for the Commission's consumer complaint portal.

2707.5 The notice to each business and retail customer shall be in writing unless the Commission authorizes in advance, for good cause shown, another form of notice. The notice shall:

- (a) Be uniformly translated into another language when such notice is not written in the English language;
- (b) Not include any statement attempting to encourage a customer to purchase a service other than the service to which the customer currently subscribes;
- (c) Not include any marketing materials for unregulated services in the postal mail envelope containing the notice of copper facilities abandonment; and
- (d) Not identify the existing services in the notice by a brand or name used for any unregulated fiber-based services.

2707.6 If the proposed abandonment of copper facilities will result in the discontinuance of regulated local exchange service, then an application for abandonment of service to the local exchange services market required by Section 2706 must be filed ninety (90) days before the abandonment of local exchange service.

2707.7 A TSP shall file with the Commission any notice of abandonment of copper facilities or Section 214(a) application filed with the FCC on the date that it was filed with the FCC.

Section 2708, RELINQUISHMENT OF CERTIFICATE, is amended as follows:

2708 RELINQUISHMENT OF CERTIFICATION

2708.1 A certificated party that has never had customers or facilities in the District of Columbia may, at any time, relinquish its certification to provide telecommunications service in the District of Columbia by filing an affidavit, signed by a party authorized to act on behalf of the certificated party, with the Commission verifying:

- (a) The certificated party's name, address, telephone number, fax number, and any other name(s) under which the certificated party applied for or received the certificate to provide telecommunications service in the District of Columbia that is being relinquished;
- (b) That the certificated party has never provided telecommunications services to any customers and does not have facilities in the District of Columbia;
- (c) That the certificated party owes no outstanding debts to the District of Columbia, or a description of the arrangements made for payment of any outstanding debts including taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia; and
- (d) That the certificated party understands that by relinquishing its certification, it may not provide local exchange service to any customers in the District of Columbia, regardless of the facilities used, and that in order to provide telecommunications services to any customers in the District of Columbia in the future, the certificated party must reapply for a certificate in accordance with Chapter 25 of the Commission's rules.

2708.2 The Commission shall act on any request to relinquish a certification within fifteen (15) days of its filing.

Section 2710, [RESERVED], is amended as follows:

2710 REPORTS

2710.1 All TSPs in the District shall be required to file an annual report with the Commission on the Commission's annual report form by April 1 of each year, including the following information:

- (a) Type of services being provided to customers in the District as of the previous year ending December 31;
- (b) Number of lines and customers, classified by residential category and non-residential category;
- (c) Gross jurisdictional revenue for the previous year ending December 31, in accordance with 47 CFR Part 36;
- (d) Name, address, telephone number, fax number, and e-mail address, if available, of the regulatory and customer service contacts;
- (e) The means by which the TSP is providing service (such as, resale through the incumbent local exchange carrier, resale through another provider, facilities-based including lease of unbundled network elements, resale, and facilities-based, or other); and
- (f) Such other information as the Commission may require.

2710.2 A TSP requesting that its report, or any portion thereof, be treated as confidential shall follow the procedures outlined in 15 DCMR § 150 regarding confidential and proprietary information.

Section 2799, DEFINITIONS, Subsection 2799.1, is amended by adding the following definitions:

Abandonment of Copper Facilities – removal or disabling of copper facilities; the replacement of copper facilities with fiber-to-the-home loops or fiber-to-the-curb loops; or the failure to maintain copper facilities that is the functional equivalent of removal or disabling these facilities.

Copper Facilities – copper loops, subloops, or the feeder portion of such loops and subloops.

Time Division Multiplexing - is a communications process that transmits two or more streaming digital signals over a common channel. In TDM, incoming signals are divided into equal fixed-length time slots. After multiplexing, these signals are transmitted over a shared medium and reassembled into their original format after de-multiplexing. Time slot selection is directly proportional to overall system efficiency.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to authority set forth in Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (Act), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04(a)(1) and 2-1801.05 (2016 Repl.)), Section 4902(a) and (b) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(10) and (b) (2018 Repl.)), and Mayor's Order 2004-46(2) and (3)(v), dated March 22, 2004, hereby gives notice of intent to amend Chapter 36 (Department of Health (DOH) Infractions), of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking does not include fines established in Section 3 of the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-193; D.C. Official Code §§ 47-2809.01(c)(5) and (d)(3) (2015 Repl.)). These proposed rules would establish a new Section 3627 schedule of fines for body art establishments in Title 16 DCMR to correspond with the Notice of Final Rulemaking for Body Art Establishment Regulations in Title 25-G DCMR, which were published in the *D.C. Register* on December 29, 2017 at 64 DCR 13496.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. Further, pursuant to Section 104 of the Act, the proposed rulemaking shall be submitted to the Council of the District of Columbia ("Council") for its approval or disapproval, in whole or in part, by resolution. The proposed rulemaking shall not become effective until approved by the Council, or thirty (30) days after submission if the Council has not disapproved the proposed rulemaking, and a Notice of Final Rulemaking is published in the *D.C. Register*.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

3627 BODY ART ESTABLISHMENT INFRACTIONS

3627.1 [RESERVED]

3627.2 Violations of any of the following provisions shall be a Class 2 Infraction:

- (a) Operating a body art establishment or performing body art procedures in a body art establishment without a valid body art establishment license issued by the Mayor in violation of 25-G DCMR §§ 600.1 and 706.2(a);

- (b) Employing or permitting a body artist to perform body art procedures in a body art establishment without a valid body artist license issued by the Mayor in violation of 25-G DCMR §§ 600.2 and 706.2(b);
- (c) Operating a body art establishment without a valid Certificate of Occupancy in violation of 25-G DCMR §§ 600.5 and 706.2(e);
- (d) Failing to use only single-use disposable sharps, pigments, gloves, and cleansing products in connection with body art procedures in violation of 25-G DCMR § 200.5;
- (e) Performing a body art procedure on a customer who is under 18 years of age in violation of 25-G DCMR §§ 201.1, 706.2(j), and 708.2;
- (f) Using an ear piercing gun to pierce the ear of a minor who is not accompanied by a parent or guardian and without obtaining a signed “Parental/Legal Guardian Authorization Form” from the accompanying parent or guardian as specified in 25-G DCMR § 201.3(b) in violation of 25-G DCMR §§ 201.2, 706.2(j), and 708.3;
- (g) Operating a body art establishment without posting required signage in violation of 25-G DCMR §§ 201.3, 202.3, and 607.4;
- (h) Using inks and pigments that are not specifically manufactured for performing body art procedures in accordance with manufacturer’s instructions in violation of 25-G DCMR § 300.2;
- (i) Failing to calibrate all sterilization equipment by an independent laboratory and maintain records of the calibrations on the premises for inspection by the Department for three (3) years in violation of 25-G DCMR § 311.1;
- (j) Failing to allow access to Department representatives during the facility’s hours of operation and other reasonable times as determined by the Department; or hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of 25-G DCMR §§ 700.2 and 706.2(i); or
- (k) Operating a body art establishment in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, Warnings, or other directives issued by the Department as specified in 25-G DCMR §§ 707, 712.3, 802.1, 805.1, 807.1, 811, and 812.

3627.3 Violations of any of the following provisions shall be a Class 3 Infraction:

- (a) Operating a body art establishment without a manager who is on duty and on the premises during all hours of operation in violation of 25-G DCMR §§ 200.2 and 706.2(g);
- (b) Operating a body art establishment without a body artist who is on duty and on the premises during all hours of operation in violation of 25-G DCMR §§ 200.3 and 706.2(h);
- (c) Performing a body art procedure using jewelry made of inappropriate materials in violation of 25-G DCMR §§ 203.1(a) – (f);
- (d) Performing a body art procedure using jewelry that has nicks, scratches, or irregular surfaces and that is not properly sterilized prior to use in violation of 25-G DCMR § 203.2;
- (e) Failing to open in front of the customer all equipment and supplies, including but not limited to distilled water, inks, pigments, and all packages containing sterile instruments, pre-sterilized, single-use jewelry, and pre-sterilized, single-use disposable items in violation of 25-G DCMR § 203.3;
- (f) Failing to provide a customer with “Aftercare Instructions” after each body art procedure in violation of 25-G DCMR § 204;
- (g) Failing to report a diagnosed infection, allergic reaction, or adverse reaction resulting from a body art procedure within five (5) business days of its occurrence or knowledge thereof to the Department as specified in 25-G DCMR § 204.3(e) in violation of 25-G DCMR § 316.2;
- (h) Failing to use only distilled water to mix and dilute inks or pigments and not tap water in violation of 25-G DCMR § 300.1;
- (i) Operating without following procedures to prevent cross-contamination in violation of 25-G DCMR §§ 302.1 through 302.7;
- (j) Operating without following procedures to prevent cross-contamination from customers in violation of 25-G DCMR §§ 303.1(a) through (e);
- (k) Failing to ensure that contaminated, reusable instruments are placed in a labeled covered container which contains a disinfectant solution such as 2.0% alkaline glutaraldehyde or similar disinfectant until it can be cleaned and sterilized, in violation of 25-G DCMR § 304.5;

- (l) Operating without following procedures in violation of 25-G DCMR §§ 304.10(a) through (d) and 309.1(a) through (c);
- (m) Operating without sterilizing reusable instruments in an FDA validated medical sterilizer in accordance with manufacturer instructions in violation of 25-G DCMR § 304.13;
- (n) Operating without a working sterilizer or appropriate cleansing equipment, such as a working ultrasonic cleaner in violation of 25-G DCMR § 304.15;
- (o) Operating without following procedures to prevent contamination by not using single-use marking instruments and stencils in violation of 25-G DCMR §§ 305.1 through 305.5;
- (p) Operating without following procedures to prevent contamination by not using pre-sterilized, single-use jewelry in violation of 25-G DCMR § 306.1 and 306.2;
- (q) Failing to follow procedures for the proper handling and disposal of biohazard and infectious waste in violation of 25-G DCMR §§ 307.1 and 307.2;
- (r) Operating without a written Infection Prevention and Exposure Control Plan in violation of 25-G DCMR § 308.1;
- (s) Operating without following procedures to ensure reusable instruments are cleaned by gloved personnel prior to sterilization in violation of 25-G DCMR §§ 309.1(a) through (c);
- (t) Failing to load, operate, decontaminate, and maintain sterilizers according to manufacturer's instructions, or using equipment not manufactured for the sterilization of medical instruments in violation of 25-G DCMR § 310.1;
- (u) Operating with sterilization equipment not tested using a commercial biological indicator monitoring system in violation of 25-G DCMR §§ 310.2 and 310.4;
- (v) Failing to maintain a daily written log of each sterilization cycle on the premises for three (3) years for inspection by the Department in violation of 25-G DCMR §§ 310.5 and 310.6(a) through (e);
- (w) Failing to follow procedures when operating without access to a decontamination and sterilization area that is in compliance with these regulations or without sterilization equipment in violation of 25-G DCMR § 312.1;

- (x) Failing to maintain a procedural manual at the establishment that is available at all times to operators and the Department for inspection in violation of 25-G DCMR § 313.1;
- (y) Failing to maintain a Personnel Manual in violation of 25-G DCMR §§ 313.2(a) through (e);
- (z) Failing to maintain documentation on the premises for disclosure to customers upon request in violation of 25-G DCMR §§ 314.1(a) through (c);
- (aa) Failing to maintain all records at the establishment for review by the Department upon request in violation of 25-G DCMR § 315.1;
- (bb) Operating with no water, or insufficient water capacity, or inadequate water pressure to any part of the body art establishment in violation of 25-G DCMR §§ 403.1(a) and 706.1(d);
- (cc) Operating with no hot water, or an unplanned water outage, or the water supply is cut off in its entirety for a period of one (1) or more hours in violation of 25-G DCMR §§ 403.1(b) and 706.1(e);
- (dd) Operating with toilet or handwashing facilities that are not properly designed, constructed, installed, or maintained in violation of 25-G DCMR §§ 403, 404, 405, and 706.1(k);
- (ee) Operating with incorrect hot water temperatures that cannot be corrected during the course of the inspection in violation of 25-G DCMR §§ 404.1 and 706.1(f);
- (ff) Operating without a D.C. licensed exterminator service contract in violation of 25-G DCMR §§ 508.1(a) through (c);
- (gg) Operating without a D.C. licensed solid waste service contract in violation of 25-G DCMR §§ 508.2(a) and (b);
- (hh) Operating without a D.C. licensed environmental biohazard waste disposal service contract in violation of 25-G DCMR §§ 508.3(a) and (b);
- (ii) Operating with animals in the body art procedure areas, decontamination or sterilization areas, or storage areas, except for service animals, in violation of 25-G DCMR §§ 509.1 and 509.2;
- (jj) Operating a body art establishment with an expired or suspended body art establishment license in violation of 25-G DCMR §§ 600.3 and 706.2(c);

- (kk) Employing a body artist who is performing body art procedures with an expired or suspended body artist license in violation of 25-G DCMR §§ 600.4 and 706.2(d);
- (ll) Operating with extensive fire damage that affects the body art establishment's ability to comply with these regulations in violation of 25-G DCMR § 706.1(a);
- (mm) Operating with serious flood damage that affects the body art establishment's ability to comply with these regulations in violation of 25-G DCMR § 706.1(b);
- (nn) Operating with loss of electrical power to critical systems, including but not limited to lighting, heating, cooling, or ventilation controls for a period of two (2) or more hours in violation of 25-G DCMR § 706.1(c);
- (oo) Operating with a plumbing system supplying potable water that may result in contaminated of the potable water in violation of 25-G DCMR § 706.1(g);
- (pp) Operating with a sewage backup or sewage that is not disposed of in an approved and sanitary manner in violation of 25-G DCMR § 706.1(h);
- (qq) Operating with a cross-connection between the potable water and non-potable water distribution systems, including but not limited to landscape irrigation, air conditioning, heating, or fire suppression system in violation of 25-G DCMR § 706.1(i);
- (rr) Operating with a backflow siphonage event in violation of 25-G DCMR § 706.1(j);
- (ss) Operating with work surfaces, including but not limited to workstations, solid surfaces and objects in the procedure and decontamination areas within a body art establishment that are stained with blood or bodily fluids, or soiled; or infested with vermin; or are in an otherwise unsanitary condition violation of 25-G DCMR § 706.1(l);
- (tt) Operating with gross insanitary occurrence or condition that may endanger public health including but not limited to an infestation of vermin violation of 25-G DCMR § 706.1(m); or
- (uu) Failing to eliminate the presence of insects, rodents, or other pests on the premises in violation of 25-G DCMR §§ 507.3 and 706.1(n).

3627.4 Violations of any of the following provisions in 25-G DCMR § 708 shall be a Class 3 Infraction:

- (a) Permitting a person to perform or offer to perform body art procedures, use any words or letters, figures, titles, signs, cards, advertisement, or any other symbols or devices indicating or tending to indicate that the person is authorized to perform such services, or use other letters or titles in connection with that person's name which in any way represents himself or herself as being engaged in the practice of body art, or authorized to do so, unless the person is licensed by and registered with the Mayor to perform body art procedures in the District of Columbia, in violation of 25-G DCMR §§ 706.2(j) and 708.1;
- (b) Allowing a body art procedure to be performed when the customer is unable to exercise reasonable care and safety or is otherwise impaired by reason of illness, under the influence of alcohol, or using any controlled substance or narcotic drug as defined in 21 USC §§ 802(6) or (17), respectively, or other drug in excess of therapeutic amounts or without valid medical indication, or any combination thereof in violation of 25-G DCMR §§ 706.2(j) and 708.4;
- (c) Tattooing or piecing anyone at any location in the establishment other than in a designated work area in violation of 25-G DCMR §§ 706.2(j) and 708.5;
- (d) Allowing any customer to perform their own tattoo, piercing, or insertions anywhere on the premises in violation of 25-G DCMR §§ 706.2(j) and 708.6;
- (e) Allowing any food, drink, tobacco product, or personal effects to contaminate a procedural area in violation of 25-G DCMR §§ 706.2(j) and 708.7;
- (f) Eating or drinking while performing a procedure; failing to stop a procedure and protect the procedure site from contamination if a customer request to eat, drink, or smoke; and/or failing to ensure that a customer leaves the procedure area to smoke in violation of 25-G DCMR §§ 706.2(j) and 708.8;
- (g) Failing to ensure that the body artist and the customer wear appropriate protective face filter masks during a branding procedure in violation of 25-G DCMR §§ 706.2(j) and 708.9; or
- (h) Performing body art procedures on animals in a body art establishment in violation of 25-G DCMR §§ 706.2(j) and 708.10.

3627.5 Violations of any provision of the District's Body Art Establishment Regulations (Subtitle G, Title 25 of the DCMR), which is not cited elsewhere in this section shall be a Class 4 infraction.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 6055, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black (Paralegal Specialist) on (202) 442-5977 or email Angli.Black@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF THIRD PROPOSED RULEMAKING

The Director of the Department of Health (DC Health), pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of a third proposed rulemaking action to adopt the following new Chapters 94 (Dialysis Technicians), 95 (Medication Aides), 96 (Certified Nursing Assistants) and 97 (Patient Care Technicians) to Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

These regulations are required pursuant to the Practice of Nursing Amendment Act of 2009, effective July 7, 2009 (D.C. Law 18-18; D.C. Official Code § 3-1209.07(b) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998.

These regulations were previously published as a Notice of Proposed Rulemaking at 60 DCR 000788 (January 25, 2013) and a Second Proposed Rulemaking at 65 DCR 000185 on January 12, 2018. In response to the last publication, the Board of Nursing (Board) received several comments from DC Appleseed as they pertain to Chapter 95 (Medication Aides). The comments, recommended changes, and Board's responses were as follows:

In §§ 9503.1 and 9503.2, Appleseed commented that these sections do not indicate how much time needs to transpire between criminal background checks (CBCs). Appleseed recommended that the language in § 9503.1 be amended to provide that a Medication Aide (MA-C) undergo a criminal background check prior to issuance of the certification, or submit evidence of a completed CBC within the past twelve (12) months. Appleseed also recommended that § 9503.2 be amended to require an MA-C to undergo an additional CBC at the discretion of DC Health, and it is has been less than twelve (12) months since the last CBC, the cost of an additional CBC be borne by the District.

The Board responded that any additional CBC will be in compliance with amendments to 17 DCMR Chapter 85 (Criminal Background Check) as published in the *D.C. Register* on June 1, 2018 at 65 DCR 006032. The language in § 8501.4 requires a person renewing his or her certification to undergo a fingerprint scan CBC or a CBC based on a name search, which includes the applicant's gender, Social Security number, date of birth, and mailing address at a two (2) year interval coinciding with the applicant's renewal date.

In regard to § 9503.3 (Criminal Background Check), Appleseed commented that the language limits the CBC to locations where a subject has lived or worked. With such a limitation, if a person committed a crime in a jurisdiction where he or she did not live or work, an applicant could challenge the Board's authority to deny certification.

The Board notes that the language in Subsection 9503.3 comports with the current definition of "criminal background check" as provided in 17 DCMR § 8599.1. That language provides that a "criminal background check" is "an investigation into a person's history by the appropriate state

and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.”

In Section 9507 (Medication Aide Certification Renewal), Appleseed recommended that the language in § 9507.1(b) be amended to require an MA-C to submit evidence of performance of drug administration related services for compensation for a minimum of eight (8) hours during the prior twelve (12) months. Appleseed noted that such a requirement would be consistent with the rapidly changing environment related to drugs, including new drugs, new uses or forms of existing drugs, and drugs switching from prescription to over-the-counter.

The Board agreed to require six (6) hours of continuing education credits in pharmacology or administration of drugs per year. But, if the MA-C is functioning as a certified nursing assistant or home health aide, he or she will need continuing education subject matter credits relevant to his or her additional certifications.

In § 9507.2, Appleseed disagreed that continuing education hours in support of a lower credential should count toward the higher credential, especially since the MA-C requirement includes pharmacology and drug administration. Appleseed supports the application of medication aide hours toward certified nursing assistants or home health aide renewal, but not vice versa, except where the requirements are identical.

The Board agreed with the recommended language and incorporated it into § 9507.2.

In Section 9525 (Periodic Review of Approved Programs), Appleseed commented on the Board creating a clear set of sanctions for MA-C training programs that are out of compliance with Board standards, and creating tiers that allow appropriate responses. Appleseed recommended that § 9525.5 (Level 1 non-compliance, Level 2 non-compliance, and Level 3 non-compliance) be amended for clarity and accuracy.

The Board agreed with the recommended language and incorporated it into § 9525.5.

In § 9525.7, Appleseed noted that the language in this subsection seemed to limit the ability of the Board to close non-compliant programs only at the time of the Annual Review. Appleseed recommended that the Board initiate action to close a program that fails to correct deficiencies within the timeframe provided, or one that loses its licensure whenever those events occur.

The Board amended the language in § 9525.7 to allow it to withdraw approval of training programs in non-compliance if it: (a) determines that the program has not implemented a corrective action plan; (b) failed to correct deficiencies within a specified time period; or (c) the program loses its licensure.

In § 9525.8, Appleseed recommended that investigation of complaints be mandatory rather than discretionary. Appleseed recommended that the language in § 9525.8 be amended to require the Board to investigate “all credible and timely” complaints.

The Board adopted Appleseed’s recommendation.

Finally, in § 9528.1, Appleseed noted that the language required a medication aide trainee to be high school graduate or have completed a general education diploma (GED). Appleseed stated that there are alternative programs such as HiSet (High School Equivalency Test), TASC-R (Test Accessing Secondary Completion) as well as the National External Diploma Program (NEDP). Appleseed recommended that language in § 9528.1 be amended to include these alternative programs.

The Board adopted the recommendation by including language that will allow a trainee entrance into a program with a high school diploma or its equivalent, including, but not limited to the GED or NEDP. Thus, other programs such as HiSet and TASC-R will be acceptable.

In addition to the suggested changes submitted by Appleseed, the Board made additional changes based on its own volition to clarify language.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Chapter 94, DIALYSIS TECHNICIANS, is amended to read as follows:

CHAPTER 94	DIALYSIS TECHNICIANS
9400	GENERAL PROVISIONS
9401	REGISTRATION
9402	TERM OF REGISTRATION
9403	CRIMINAL BACKGROUND CHECK
9404	GENERAL REQUIREMENTS FOR DIALYSIS TECHNICIAN REGISTRATION
9405	[RESERVED]
9406	DIALYSIS TECHNICIAN REGISTRATION BY ENDORSEMENT
9407	DIALYSIS TECHNICIAN RENEWAL OF REGISTRATION
9408	DIALYSIS TECHNICIAN INACTIVE STATUS AND REACTIVATION OF REGISTRATION
9409	DIALYSIS TECHNICIAN REINSTATEMENT OF EXPIRED REGISTRATION
9410	[RESERVED]
9411	[RESERVED]
9412	[RESERVED]
9413	ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO DIALYSIS TECHNICIANS
9414	[RESERVED]
9415	DIALYSIS TECHNICIAN TASKS
9416	[RESERVED]
9417	DISCIPLINE
9418	[RESERVED]
9419	[RESERVED]
9420	STANDARDS FOR DIALYSIS TECHNICIAN TRAINING PROGRAMS

9499 DEFINITIONS

9400 GENERAL PROVISIONS

9400.1 This chapter applies to applicants for, and holders of, a registration to practice as a dialysis technician (DT).

9400.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a registration to practice as a DT.

9401 REGISTRATION

9401.1 Pursuant to 42 CFR § 494.180(b)(5), no person shall practice as a DT in the District of Columbia longer than eighteen (18) months without being registered by the Board of Nursing (Board) as a DT.

9401.2 A DT shall be certified pursuant to § 9404.1(d) and registered by the Board within eighteen (18) months of his or her hire date. If a DT who is not certified changes employment from one dialysis facility to another, the time he or she was employed in the first facility shall count towards the eighteen (18) month period for certification unless he or she had a gap in employment as a DT of more than eighteen (18) months.

9402 TERM OF REGISTRATION

9402.1 Subject to § 9401.1, a registration issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each even-numbered year.

9402.2 The Director may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a registration expires.

9403 CRIMINAL BACKGROUND CHECK

9403.1 A person applying for registration (“an applicant”) as a DT shall undergo a criminal background check (CBC) prior to issuance of the registration.

9403.2 After issuance of an initial certification, the applicant shall undergo an additional CBC as determined by Title 17 DCMR Chapter 85.

9403.3 The Board shall review the positive results of an applicant’s CBC.

9404 GENERAL REQUIREMENTS FOR DIALYSIS TECHNICIAN REGISTRATION

9404.1 An applicant for registration as a DT shall:

- (a) Be at least eighteen (18) years of age;
- (b) Have graduated from high school or have a graduate equivalency diploma;
- (c) Submit an application and application fee; and
- (d) Submit evidence of current certification from one of the following:
 - (1) The Certified Clinical Hemodialysis Technician Examination offered by the Nephrology Nursing Certification Commission;
 - (2) The Board of Nephrology Examiners for Nursing and Technology examination;
 - (3) The National Nephrology Certification Organization examination; or
 - (4) Another certification program recognized by the Centers for Medicare & Medicaid Services (CMS) and the Board.

9404.2 An application that remains incomplete for ninety (90) days or more from the date of submission may be considered abandoned and may be closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for registration, and pay the required fees.

9405 [RESERVED]

9406 DIALYSIS TECHNICIAN REGISTRATION BY ENDORSEMENT

9406.1 An applicant currently working in another jurisdiction as a DT shall apply for registration as a DT by endorsement in order to work in the District of Columbia as a DT.

9406.2 An applicant for registration by endorsement as a DT shall provide proof of the following:

- (a) That he or she has a current unencumbered certification as a DT by a certifying body recognized by the Board; and
- (b) That he or she has an unencumbered certification, registration or licensure from another jurisdiction, if applicable.

9407 DIALYSIS TECHNICIAN RENEWAL OF REGISTRATION

9407.1 An applicant for renewal shall:

- (a) Submit evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of in-service or continuing education in the area of dialysis or areas relevant to practice during the renewal period; provided that at least ten percent (10%) of the in-service or continuing education shall be in a public health subject as determined and published every five (5) years or as deemed appropriate by the Director;
- (b) Have completed two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as lesbian, gay, bisexual, transgender and queer, and any additional Board-mandated topics;
- (c) Have practiced for a minimum of one hundred (100) hours during the prior twenty-four (24) months as a dialysis technician under the supervision of a registered nurse (RN);
- (d) Submit a current certification as a dialysis technician from a certification program recognized by the Centers for Medicare & Medicaid Services and the Board; and
- (e) Complete a CBC as required by § 9403.

9407.2 In-service programs or continuing education provided by a nursing organization, or health services organization that is recognized by the Board, shall be:

- (a) Current in subject matter;
- (b) Developed and taught by qualified individuals; and
- (c) Relevant to the role of a DT.

9407.3 Applications shall be subject to audit to assure compliance with §§ 9407.1 and 9407.2.

9408 DIALYSIS TECHNICIAN INACTIVE STATUS AND REACTIVATION OF REGISTRATION

9408.1 A DT with an active certification may request to be placed on inactive status.

9408.2 While on inactive status, the individual shall not be subject to the renewal fee and shall not practice as a DT in the District of Columbia.

9408.3 To reactivate an inactive status, the individual shall submit evidence of current certification from a certification program recognized by the CMS and the Board.

9409 DIALYSIS TECHNICIAN REINSTATEMENT OF EXPIRED REGISTRATION

9409.1 If a DT fails to renew his or her registration, the Board shall reinstate the registration if the applicant:

- (a) Applies to the Board for reinstatement of the registration within five (5) years after the registration expires;
- (b) Provides evidence of current certification;
- (c) Provides evidence of having completed twelve (12) continuing education hours within the year prior to submission of an application; and
- (d) Completes a CBC as required in accordance with Title 17 DCMR Chapter 85.

9409.2 If a DT does not hold a national certification and fails to apply for reinstatement within five (5) years after it expires, the applicant shall meet the requirements pursuant to § 9404.

9410 [RESERVED]

9411 [RESERVED]

9412 [RESERVED]

9413 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO DIALYSIS TECHNICIANS

9413.1 A registered nurse (RN) may delegate nursing care tasks to a DT.

9413.2 A DT shall not practice independently but shall work under the supervision of a RN.

9413.3 Dialysis tasks that may be delegated to a DT shall comply with the standards for delegation listed in 17 DCMR § 5415 and be determined by:

- (a) The knowledge and skills of the DT;
- (b) Verification of the clinical competence of the DT by the employing agency;
- (c) The stability of the patient’s condition that involves predictability, absence of risk of complication, and rate of change;

- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices and channels of communication that lend support to the type of dialysis tasks, functions, or activities being delegated to a DT;
 - (2) The complexity and frequency of care needed by a given client population;
 - (3) The proximity of clients to staff;
 - (4) The number and qualifications of staff; and
 - (5) The accessibility of the registered nurse or other licensed health professionals.

9413.4 Dialysis that inherently involves on-going assessment, interpretation or decision making that cannot be logically separated from the procedure(s) shall not be delegated to a DT.

9414 [RESERVED]

9415 DIALYSIS TECHNICIAN TASKS

9415.1 A DT may perform the following tasks under the supervision of a registered nurse, nurse practitioner, or physician while utilizing effective communication and interpersonal skills:

- (a) Preparing and cannulating peripheral access sites;
- (b) Initiating, delivering or discontinuing dialysis care;
- (c) Measuring and recording temperature, pulse, respiration, and blood pressure when initiating, delivering, or discontinuing dialysis patient care;
- (d) Administering the following drugs only:
 - (1) Anticoagulants either to prime the extracorporeal system in preparation for initiation of treatment, or for administration throughout the treatment, in an amount prescribed by a licensed provider; and
 - (2) Normal saline via the extracorporeal system to correct dialysis induced hypotension based on the facility's medical protocol,

provided that amounts beyond that established in the facility's medical protocol shall not be administered without the direction from a registered nurse, nurse practitioner, physician, or physician assistant.

- (e) Assisting the registered nurse in data collection;
- (f) Obtaining a blood specimen via the extracorporeal system;
- (g) Responding to complications that arise in conjunction with dialysis care;
- (h) Managing vascular access; and
- (i) Maintaining the central venous catheter.

9415.2 The scope of practice of a DT shall not include:

- (a) Dialysis care for a patient whose condition is determined by the registered nurse to be critical, fluctuating, or unpredictable; and
- (b) The administration of blood and blood products.

9415.3 DTs, where appropriate, shall provide care based upon standing treatment protocols.

9416 [RESERVED]

9417 DISCIPLINE

9417.1 The Board may revoke, suspend, or deny the registration of any DT who is convicted of any crime involving moral turpitude pursuant to D.C. Official Code § 3-1205.14(a)(4) (20126 Repl. & 2018 Supp.).

9417.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5)) (2016 Repl. & 2018 Supp.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against the DT.

9417.3 Grounds for denial, suspension, revocation or other discipline of a DT include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl. and 2018 Supp.):

- (a) Substance abuse or other chemical dependency;

- (b) Client abandonment;
- (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement, or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
- (d) Client neglect, abuse, or misappropriation of funds;
- (e) Boundary violations;
- (f) Unsafe client care;
- (g) Performance of acts beyond the DT's range of functions or beyond those tasks delegated;
- (h) Misappropriation or misuse of property;
- (i) Criminal conviction;
- (j) Failure to conform to acceptable standards of practice as a DT;
- (k) Placement of clients at risk of harm; or
- (l) Violation of the privacy or failure to maintain the confidentiality of client information.

9417.4 The Board shall maintain and make available all public Board disciplinary actions.

9417.5 DT's who are unable to perform their duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.)

9417.6 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl. & 2018 Supp.) that it deems appropriate.

9418 [RESERVED]

9419 [RESERVED]

9420 STANDARDS FOR DIALYSIS TECHNICIAN TRAINING PROGRAMS

- 9420.1 A medical director and nurse manager shall be responsible for patient care and outcomes in DT training programs.
- 9420.2 The medical director shall be accountable to the governing body of the dialysis facility for the quality of medical care provided to patients in DT training programs.
- 9420.3 Pursuant to 42 CFR § 494.140(a), the medical director shall be a physician in internal medicine or pediatrics, certified by a professional board, who has completed a board-approved training program in nephrology and has at least twelve (12) months of experience providing care to patients receiving dialysis.
- 9420.4 If a physician, as specified in § 9420.3, is not available to direct a dialysis training program, another physician may direct the program subject to the approval of the Department of Health pursuant to 42 CFR § 494.140(a)(2).
- 9420.5 Pursuant to 42 CFR § 494.140(b), the nurse manager shall meet the following qualifications:
- (a) Be a full-time employee of the training program;
 - (b) Be an RN;
 - (c) Have at least twelve (12) months experience in clinical nursing, and an additional six (6) months of experience in providing nursing care to patients on maintenance dialysis.

9499 DEFINITIONS

- 9499.1 As used in this chapter, the following terms shall have the meanings ascribed:

Abuse - any willful or reckless act or omission by a DT that causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to, physical or emotional injury, death, or financial exploitation of a client.

Administer - the direct application of drugs to the human body only by insertion or via a dialysis tubing device as prescribed by a licensed provider.

Applicant - a person applying for a registration to practice as a DT.

Board - the Board of Nursing as established by § 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the DT.

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

Delegation - the transference from the RN to another individual within the scope of his or her practice, the authority to act on behalf of the RN in the performance of a nursing intervention, while the RN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Endorsement - the process of issuing a certification to a DT applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

In-service - learning experiences provided in the work setting for the purpose of assisting staff members in performing their assigned functions in that particular agency or institution.

Misappropriation - the application of another’s property or money dishonestly to one’s own use.

Neglect - any act or omission by a DT which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Program - the planned series of instructions, didactic and clinical, designed so the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired DT registration.

9499.2

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

Chapter 95 (Medication Aides) is amended to read as follows:

CHAPTER 95 MEDICATION AIDES

9500	GENERAL PROVISIONS
9501	CERTIFICATION
9502	TERM OF CERTIFICATION
9503	CRIMINAL BACKGROUND CHECK
9504	GENERAL REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION
9505	REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION BY EXAMINATION
9506	REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION BY ENDORSEMENT
9507	MEDICATION AIDE CERTIFICATION RENEWAL
9508	MEDICATION AIDE INACTIVE STATUS AND REACTIVATION OF CERTIFICATION
9509	REINSTATEMENT OF EXPIRED CERTIFICATION
9510	[RESERVED]
9511	[RESERVED]
9512	[RESERVED]
9513	ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO MEDICATION AIDES
9514	[RESERVED]
9515	MEDICATION AIDE TASKS
9516	REPORTING REQUIREMENTS
9517	DISCIPLINE
9518	[RESERVED]
9519	[RESERVED]
9520	STANDARDS FOR MEDICATION AIDE TRAINING PROGRAMS
9521	SUPERVISED PRACTICE OF MEDICATION AIDE TRAINEES
9522	[RESERVED]
9523	MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR HEALTHCARE FACILITIES
9524	MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR SCHOOLS
9525	PERIODIC REVIEW OF APPROVED PROGRAMS
9526	[RESERVED]
9527	MEDICATION AIDE TRAINING PROGRAM REQUIREMENT
9528	MINIMUM QUALIFICATIONS FOR MEDICATION AIDE TRAINEES
9529	[RESERVED]
9530	CLOSING OF TRAINING PROGRAMS
9531	RECORDS RETENTION
9532	RESOURCES, FACILITIES, AND SERVICES
9599	DEFINITIONS

9500 GENERAL PROVISIONS

- 9500.1 This chapter applies to applicants for, and holders of, a certification to practice as a medication aide (MA-C).
- 9500.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a certification to practice as an MA-C.

9501 CERTIFICATION

- 9501.1 No person shall practice as an MA-C in the District of Columbia without being certified by the Board of Nursing (Board).

9502 TERM OF CERTIFICATION

- 9502.1 Subject to § 9501.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.
- 9502.2 The Director of the Department of Health (DOH) may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9503 CRIMINAL BACKGROUND CHECK

- 9503.1 A person applying for certification as an MA-C shall undergo a criminal background check (CBC) prior to issuance of the certification.
- 9503.2 After issuance of an initial certification, the applicant shall undergo an additional CBC in accordance with Title 17 DCMR Chapter 85.
- 9503.3 The Board shall review the applicant's positive CBC results.

9504 GENERAL REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION

- 9504.1 An applicant for certification as an MA-C shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Provide evidence of having passed the National Council of Boards of Nursing (NCSBN) Medication Aide Certification Examination (MACE) and of satisfactory performance of nursing related services for a minimum of one (1) year;
 - (c) Meet the requirements of § 9503;

- (d) Submit a completed application and application fee to the Board; and
- (e) Submit any other documents that may be required by the Board.

9504.2 An application that remains incomplete for ninety (90) days or more from the date of submission may be considered abandoned and may be closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9505 REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION BY EXAMINATION

9505.1 To qualify for certification by examination an applicant shall:

- (a) Receive a passing score on the MACE; and
- (b) Meet requirements of this chapter.

9505.2 To apply for authorization to take an MA-C examination, an applicant shall provide proof of one (1) of the following:

- (a) Successful completion of a medication aide course approved by the Board;
- (b) Successful completion of a practical nursing or registered nursing fundamentals course in the United States and a minimum of forty (40) hours of practice in a clinical setting that includes administration of drugs; or
- (c) Completion of a credentials evaluation by an organization recognized by the Board, indicating equivalent education as a registered nurse or licensed practical nurse for nurses educated outside of the United States.

9505.3 To request special accommodations for an examination, an applicant shall submit in writing, the following information:

- (a) A letter from the appropriate health professional that confirms the applicant's disability and provides information describing the accommodations required; and
- (b) A letter from the applicant's education program, indicating what accommodations were granted by the program.

9505.4 If an applicant has not taken or passed the medication aide examination more than twenty-four (24) months after the date the applicant becomes eligible to apply to

take the examination, the applicant shall comply with requirements set forth in § 9505.1(a).

9506 REQUIREMENTS FOR MEDICATION AIDE CERTIFICATION BY ENDORSEMENT

9506.1 An applicant currently working in another jurisdiction as an MA-C shall apply for MA-C by endorsement in order to work in the District of Columbia as an MA-C.

9506.2 An applicant for MA-C by endorsement shall submit proof of:

- (a) Current unencumbered registration or certification as an MA-C in another jurisdiction; or
- (b) Having passed the NCSBN MACE or other medication aide examination accepted by the Board; and
- (c) Documentation from the applicant's supervising nurse or employer attesting to the trainee's satisfactory performance of nursing related services for a period of time not less than one (1) year.

9507 MEDICATION AIDE CERTIFICATION RENEWAL

9507.1 An applicant for renewal shall:

- (a) Provide evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of in-service training or continuing education; provided that at least ten percent (10%) of the in-service or continuing education shall be in a public health subject as determined and published every five (5) years or as deemed appropriate by the Director;
- (b) Have completed six (6) continuing education credits in pharmacology or administration of drugs per year;
- (c) Have completed two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as lesbian, gay, bisexual, transgender or queer, and any additional Board mandated topics;
- (d) Submit evidence of performance of drug administration related services for compensation for a minimum of eight (8) hours during the prior twelve (12) months; and
- (e) Complete a CBC as required in accordance with Title 17 DCMR Chapter 85.

9507.2 In addition to meeting the requirements specified above, MA-Cs who have another active District of Columbia certification, as a nursing assistive personnel, may apply those hours of in-service or continuing education toward their MA-C continuing education requirement.

9507.3 Applicants shall be subject to audit to assure compliance with § 9507.1.

9508 MEDICATION AIDE INACTIVE STATUS AND REACTIVATION OF CERTIFICATION

9508.1 An MA-C with an active certification may request to be placed on inactive status.

9508.2 While on inactive status, an MA-C shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as an MA-C in the District of Columbia.

9508.3 To reactivate an inactive status, an applicant shall meet the requirements of § 9507.

9509 REINSTATEMENT OF EXPIRED CERTIFICATION

9509.1 If an MA-C fails to renew his or her certification, the Board shall reinstate the certification if the applicant:

- (a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires;
- (b) Provides evidence of having completed twenty-four (24) continuing education hours within the two (2) years prior to submission of an application; and
- (c) Completes a CBC as required in accordance with Title 17 DCMR Chapter 85.

9509.2 If an MA-C does not hold a certification in another jurisdiction and fails to apply for reinstatement within five (5) years after his or her certification expires, the MA-C shall meet the requirements for certification pursuant to § 9505, Certification by Examination.

9510 [RESERVED]

9511 [RESERVED]

9512 [RESERVED]

9513 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO MEDICATION AIDES

- 9513.1 An RN or LPN may assign or delegate tasks to an MA-C if the task is appropriate to the level of knowledge and skill of the MA-C and is within the scope of authorized tasks of the MA-C listed in § 9515.1.
- 9513.2 MA-Cs shall not practice independently but shall work under the supervision of an RN or LPN.
- 9513.3 The delegation or assignment of a task shall comply with the standards for delegation and assignment listed in 17 DCMR § 5415 (Registered Nurse) and delegation and assignment listed in 17 DCMR § 5515 (Licensed Practical Nurse). Nursing care tasks that may be delegated or assigned shall be determined by:
- (a) The knowledge and skills of the MA-C;
 - (b) Verification of the clinical competence of the MA-C by the employing agency;
 - (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change; and
 - (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated to the MA-C;
 - (2) The complexity and frequency of care needed by a given client population; and
 - (3) The accessibility of a registered nurse (RN) or licensed practical nurse (LPN).
- 9513.4 The MA-C shall not perform a task involving the administration of drugs if:
- (a) The administration of drugs requires a calculation of the dosage of the drug or the conversion of the dosage;
 - (b) The supervising nurse is unavailable either in person or by telephone to monitor the progress of the client and the effect of the drug on the client;
 - (c) The client is not stable or has changing health care needs; or

- (d) The MA-C has not been prepared by training to perform the delegated or assigned task. Upon such delegation or assignment, the MA-C shall immediately inform the supervising nurse of his or her inability by training to perform the delegated task.

9514 [RESERVED]

9515 MEDICATION AIDE TASKS

9515.1 The MA-C may perform the following under the supervision of an RN or LPN:

- (a) Providing effective communication and interpersonal skills;
- (b) Administering epinephrine via an auto injector to treat severe allergic reactions to insect stings, bites and foods;
- (c) Performing finger stick blood glucose test with a physician's, nurse practitioner's or physician assistant's order which shall indicate:
 - (1) The frequency for finger sticks;
 - (2) The normal blood sugar range;
 - (3) The range outside of the indicated range and when to notify the nurse for readings; and
 - (4) The parameters for when to contact emergency services;
- (d) Reporting of symptoms or side effects;
- (e) Administering insulin or any other subcutaneous injection as specified by the Board, via a prefilled syringe;
- (f) Administering oral drugs;
- (g) Administering drugs via eye, ear, or nose;
- (h) Administering drugs via suppository;
- (i) Administering topical drugs and medicated shampoos;
- (j) Reporting symptoms or side effects; and
- (k) Documenting drug administration or omissions, on medication administration record.

9515.2 In addition to the tasks listed in this section, MA-Cs when working in the role of a certified nursing assistant shall comply with 17 DCMR § 9615 and when working in the role of a home health aide, shall comply with 17 DCMR § 9315.

9516 REPORTING REQUIREMENTS

9516.1 Based on agency or facility policies, the MA-C shall document which drugs have been administered and shall document whether drugs have been taken by the patient as ordered.

9516.2 The MA-C shall:

- (a) Report the following to the supervising nurse:
 - (1) Signs or symptoms that appear life threatening;
 - (2) Events that appear health threatening; and
 - (3) Drugs that produced no results or undesirable effects as reported by the patient;
- (b) Notify a nurse prior to each administration of prescribed PRN (as needed) drugs;
- (c) Be personally responsible and accountable for all actions taken when implementing delegated tasks;
- (d) Comply with laws, policies and procedures applicable to the setting in which the MA-C is administering drugs; and
- (e) Be employed only in situations where a registered nurse or licensed practical nurse supervisor is available.

9517 DISCIPLINE

9517.1 The Board may revoke, suspend, or deny registration of any MA-C who is convicted of any crime involving moral turpitude pursuant to D.C. Official Code § 3-1205.14(a)(4) (2016 Repl. and 2018 Supp.).

9517.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against the MA-C.

- 9517.3 Grounds for denial, suspension, revocation or other discipline of an MA-C include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14:
- (a) Substance abuse or other chemical dependency;
 - (b) Client abandonment;
 - (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
 - (d) Client neglect, abuse or misappropriation of funds;
 - (e) Boundary violations;
 - (f) Unsafe client care;
 - (g) Performing acts beyond the MA-C range of functions or beyond those tasks delegated;
 - (h) Misappropriating or misusing property;
 - (i) A criminal conviction;
 - (j) Failing to conform to acceptable standards of practice as an MA-C;
 - (k) Putting clients at risk of harm; or
 - (l) Violating the privacy or failing to maintain the confidentiality of client information.
- 9517.4 The Board shall maintain and make available all records of disciplinary actions.
- 9517.5 An MA-C who is unable to perform his or her duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse's Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.)

9517.6 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.) that it deems appropriate.

9518 [RESERVED]

9519 [RESERVED]

9520 STANDARDS FOR MEDICATION AIDE TRAINING PROGRAMS

9520.1 No institution shall provide MA-C training in the District of Columbia unless its training program has been approved by the Board.

9520.2 The following types of institutions may apply for approval to provide MA-C training:

- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Higher Education Licensure Commission (HELC) pursuant to the Educational Institution Licensure Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.* (2012 Repl.));
- (b) Private, non-degree post-secondary schools operating in the District of Columbia which are licensed by the Education Licensure Commission; and
- (c) District of Columbia public universities or colleges; and
- (d) Health care facilities licensed and operating in the District of Columbia, that have received no adverse actions during the preceding two (2) years.

9520.3 The Board shall consider any one of the following as an adverse action which would preclude a facility from providing MA-C training:

- (a) A facility's participation in the Medicaid or Medicare Program is terminated, restricted or revoked;
- (b) A facility, other than a new facility, has received a provisional or restricted license; or
- (c) A facility is given a provider agreement of less than one (1) year.

9521 SUPERVISED PRACTICE OF MEDICATION AIDE TRAINEES

9521.1 A medication aide trainee may practice only in accordance with the Act and this chapter.

- 9521.2 A trainee who is fulfilling educational requirements under this chapter may engage in supervised practice without a District of Columbia certification.
- 9521.3 All supervised practice of a trainee shall take place under the general or immediate supervision of a registered nurse or licensed practical nurse.
- 9521.4 A trainee shall identify himself or herself as a trainee before practicing.
- 9521.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 9521.6 The nurse supervising the trainee shall be responsible for practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 ("Act") (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.)), or this chapter.
- 9521.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee.
- 9522 [RESERVED]**
- 9523 MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR HEALTHCARE FACILITIES**
- 9523.1 Each facility applying for approval to provide MA-C training shall submit an application for approval which contains the following information:
- (a) A certificate of exemption or approval from the Higher Education Licensure Commission (HELC);
 - (b) A certificate of exemption or approval by the HELC, if coursework is offered to persons not employed by the facility;
 - (c) A list of qualified instructors with resumes attached; and
 - (d) A description of the trainee population and the tentative training schedule.
- 9523.2 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9523.3 The Board shall withdraw approval of training if the facility loses its licensure status.

9524 MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR SCHOOLS

9524.1 Each institution applying for approval to provide MA-C training shall do the following:

- (a) At least one hundred eighty (180) days in advance of the scheduled starting date, submit an application for approval to the Board which contains the following information:
 - (1) A statement of purpose;
 - (2) A statement of need for the training program in the District of Columbia;
 - (3) A description of the proposed program's potential effect on existing medication aide training programs in the area;
 - (4) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
 - (5) Evidence of financial resources, adequate planning, implementation, and continuation of the program;
 - (6) Licensure status of the proposed training facility;
 - (7) The qualifications of proposed instructors;
 - (8) The number of fulltime equivalent budgeted instructor positions;
 - (9) Evidence of the availability of adequate clinical facilities;
 - (10) A description of the anticipated trainee population, including admission and graduation criteria, a copy of the admissions examination, and health requirements;
 - (11) A tentative time schedule for planning and initiating the program; and
 - (12) A fee schedule;
- (b) Submit the one thousand dollar (\$1000) application fee.

- 9524.2 Schools currently non-compliant with the Board's regulatory requirements for existent programs are not eligible to submit an application to establish an additional program.
- 9524.3 After reviewing the application, based on the applicant's compliance with § 9527, a decision shall be made by the Board to:
- (a) Approve the application;
 - (b) Defer approval if additional information is needed; or
 - (c) Deny approval of the application.
- 9524.4 If an application approval has been granted, a site visit may be conducted.
- 9524.5 After reviewing the site visit report and applicant's compliance with § 9532, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.
- 9524.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9524.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9524.8 If the application is denied, the applicant shall not resubmit an application until one (1) year has passed from the last submission.

9525 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9525.1 Programs approved by the Board to train MA-Cs shall submit to the Board an annual report and the five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9525.2 The Board shall annually re-evaluate the medication aide training programs.
- 9525.3 The Board may make unannounced visits to review and assess each nursing medication aide training program to ensure that the program is in compliance with the training requirements in §§ 9527, 9528, 9531 and 9532.
- 9525.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, and any other information deemed appropriate by the Board.
- 9525.5 Three (3) levels of training for non-compliance include:

- (a) Level 1 non-compliance:
 - (1) Up to five percent (5%) of student records reviewed during site visits are out of compliance with § 9531;
 - (2) Program is in compliance with Sections §§ 9527, 9528, and 9532; or
 - (3) Annual certification pass rates are below seventy-five percent (75%) but no lower than seventy percent (70%);
- (b) Level 2 non-compliance:
 - (1) Between six percent (6%) and twenty percent (20%) of student records reviewed during site visits are out of compliance with § 9531;
 - (2) Program is non-compliant with only one of the sections: §§ 9527, 9528, or 9532; or
 - (3) Annual certification pass rates are below seventy percent (70%) but no lower than sixty-five percent (65%);
- (c) Level 3 non-compliance:
 - (1) Twenty-one percent or more of student records reviewed during site visits are out of compliance with § 9531;
 - (2) Program is non-compliant with more than one of the sections: §§ 9527, 9528, or 9532; or
 - (3) Annual certification pass rates are below sixty-five percent (65%).

9525.6 The Board will issue the sanctions to programs for non-compliance violations listed below including, but not limited to:

- (a) Level 1 non-compliance:
 - (1) Conditional Approval;
 - (2) Corrective action plan is due within thirty (30) days of receipt of the status letter; and
 - (3) Site visit to review and assess implementation of the corrective actions within six (6) months.

- (b) Level 2 non-compliance:
 - (1) Conditional Approval;
 - (2) Restricted Admissions;
 - (3) Board will recommend actions to correct deficiencies; and
 - (4) Corrective action plan is due within thirty (30) days of receipt of the status letter;
 - (5) Site visit to review and assess implementation of the corrective actions within six (6) months;
 - (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to two thousand dollars (\$2000) if not in full compliance by the next annual review.

- (c) Level 3 non-compliance:
 - (1) Warning Status;
 - (2) Restricted Admissions;
 - (3) Hire consultant to assist in developing and implementing actions to correct deficiencies;
 - (4) Consultant's report is due to the Board within sixty (60) days;
 - (5) Site visit to review and assess implementation of corrective actions within six (6) months;
 - (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to three thousand dollars (\$3000) if not in full compliance by the next annual review.

9525.7 The Board shall withdraw approval of a training program in non-compliance if:

- (a) It determines that the program has failed to implement the approved corrective action plan;
- (b) The program has failed to correct deficiencies within time period specified by the Board; or

(c) The education institution loses its licensure.

9525.8 The Board shall investigate all credible and timely complaints made against a program and may conduct hearings in connection with such complaints.

9525.9 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2016 Repl.).

9526 [RESERVED]

9527 MEDICATION AIDE TRAINING PROGRAM REQUIREMENTS

9527.1 Training programs shall use Board approved MA-C model curriculum, that consists of classroom, skills laboratory, and supervised practice hours and may be amended from time to time.

9527.2 All MA-C training programs shall have adequate faculty and clinical facilities to provide supervised clinical experience with early, realistic exposure to job requirements. The clinical experience shall include the full range of skills needed in the workplace.

9527.3 The program must maintain seventy-five percent (75%) pass rate on the District of Columbia's competency evaluation each year.

9527.4 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.

9527.5 The training program shall be coordinated by a registered nurse, who:

(a) Has a current, unencumbered District of Columbia license pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.); and

(b) Has at least two (2) years of full-time or full-time equivalent experience as a registered nurse with clinical experience.

9527.6 The MA-C program coordinator shall be a qualified registered nurse with institutional authority and administrative responsibility for the program.

9527.7 The program coordinator's responsibilities shall include, but are not limited to:

(a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;

(b) Establishing the responsibilities of the instructors;

- (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
- (d) Ensuring that each student is properly supervised during the student's clinical experience; and
- (e) Reporting annually and respond upon request to the Board.

9527.8 Each instructor shall have the following minimum qualifications:

- (a) Be currently licensed or registered in good standing, in the jurisdiction in which he or she is providing the preceptorship;
- (b) Have completed a course in teaching adults or have experience in teaching adults and supervising aides; and
- (c) Have a minimum of two (2) years of experience, as a registered nurse or licensed practical nurse, providing direct patient care during the five (5) years immediately preceding the date of the written agreement.

9527.9 The ratio of instructors to trainees in clinical areas involving direct care and medication administration to clients shall be based upon client acuity level, skill level of the trainee, and the clinical setting.

9527.10 Each training program shall have a record or attestation that trainees received information in writing on the policies governing admission, retention, dismissal, and the course requirements of the training program.

9528 MINIMUM QUALIFICATIONS FOR MEDICATION AIDE TRAINEES

9528.1 Each trainee shall receive a high school diploma or its equivalent, including for example, but not limited to, the General Education Diploma or National External Diploma Program.

9528.2 Each person applying for medication aide training shall provide evidence of:

- (a) Certification as HHA after passing the District of Columbia HHA examination; or
- (b) Certification as a nursing assistant after passing the National Nurse Aide Assessment Program exam or other CNA exam acceptable to the Board.

9528.3 Each trainee shall provide documentation from the trainee's supervising nurse or employer attesting to the trainee's satisfactory performance of nursing related services for a period of time not less than one (1) year.

9528.4 Each trainee shall provide evidence of vaccination or immunity to communicable diseases prior to admission.

9528.5 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program; and
- (b) Certification requirements including CBC and examination requirements.

9529 [RESERVED]

9530 CLOSING OF TRAINING PROGRAMS

9530.1 Each MA-C program that voluntarily discontinues shall:

- (a) Notify the Board, in writing, as early as possible of the intended discontinuance, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and
- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9530.2 Before the Board may withdraw approval of a program the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action;
 - (2) The institution has a right to a hearing; and
- (b) Send notice to the HELC of the Board's intention to withdraw program approval.

9530.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9531 RECORDS RETENTION

- 9531.1 Each MA-C training program shall maintain an accurate and appropriate system of record keeping.
- 9531.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.
- 9531.3 The training program shall maintain a record for each trainee which shall include the following:
- (a) A completed and signed application;
 - (b) Results of entrance assessment;
 - (c) The trainee's record of academic performance;
 - (d) Evidence of vaccinations or immunity to communicable diseases;
 - (e) A board issued clinical evaluation form completed and signed by clinical instructor;
 - (f) A signed statement for receipt of the training program's policies and certification requirements regarding examination and criminal background check; and
 - (g) Additional documents per the training program's policies.
- 9531.4 Each instructor's personnel records shall be maintained by the training program facility and shall include application data, qualifications, and a position description, and shall be available for review by the Board.
- 9531.5 All records shall be maintained by the training program for a minimum of seven (7) years.

9532 RESOURCES, FACILITIES, AND SERVICES

- 9532.1 Each MA-C training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:
- (a) Adequate temperature controls in each training facility;
 - (b) Clean and safe conditions of the facility's premises;

- (c) Adequate space for private faculty-student conferencing;
- (d) Adequate lighting in each facility; and
- (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.

9532.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.

9532.3 Each cooperative agreement between a training program and a healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9599 DEFINITIONS

9599.1 As used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, injury, or death, or financial exploitation of a client.

Administer - the direct application of drugs to the human body whether by ingestion, inhalation, insertion, sublingual, or topical means; or the application of drugs by an epinephrine autoinjector device for emergency purposes only.

Applicant - a person applying for certification as a medication aide employee under this chapter.

Board - the Board of Nursing as established by Section 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Clinical - faculty planned and guided learning activities designed to assist preceptors in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources. Clinical shall not include skills lab activities.

Conditional approval - the approval status that is granted for a time period specified by the Board to an MA-C training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the medication aide.

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Drug –

- (a) Any substance recognized as a drug, medicine, or medicinal chemical in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, or official Veterinary Medicine Compendium or other official drug compendium or any supplement to any of them;
- (b) Any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;
- (c) Any chemical substance (other than food) intended to affect the structure or any function of the body of man or other animal; and
- (d) Any substance intended for use as a component of any items specified in subparagraph (a), (b), or (c) of this paragraph, but does not include medical devices or their components, parts, or accessories.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

Fingerstick - sticking of the finger to get a blood sample to use in a glucometer to measure the amount of glucose in blood.

Health care facility – a facility and agency that provide long-term care such as an assisted living residence, group homes for persons with physical and intellectual disabilities, and skilled home care agencies.

Higher Education Licensure Commission – a Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

In-service - activities provided by the employer intended to assist the medication aide in acquiring, maintaining, or increasing competence in fulfilling the assigned responsibilities specific to the expectations of the employer.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication, either directly or by communication device.

Medication aide certified – an individual who has successfully completed training and a certification examination to administer drugs and has been certified by the Board.

Misappropriation – the application of another’s property or money dishonestly to one’s own use.

Neglect - any act or omission by an MA-C which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a patient.

Nursing assistive personnel - an individual who has received appropriate training or instruction to function in a complementary or assistant role to a RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks.

Pass rate - the percentage of candidates who receive a passing score on the competency evaluation out of the total number of examinations administered for the review period.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired medication aide certification.

Skills laboratory – faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

Chapter 96 (Certified Nursing Assistants) is added to read as follows:

CHAPTER 96: CERTIFIED NURSING ASSISTANTS

9600	GENERAL PROVISIONS
9601	NURSING ASSISTANT CERTIFICATION
9602	TERM OF CERTIFICATION
9603	CRIMINAL BACKGROUND CHECK
9604	GENERAL REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION
9605	REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION BY EXAMINATION
9606	REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION BY ENDORSEMENT
9607	REQUIREMENTS FOR NURSING ASSISTANT RENEWAL OF CERTIFICATION
9608	REQUIREMENTS FOR INACTIVE STATUS AND REACTIVATION OF CERTIFICATION
9609	REQUIREMENTS FOR REINSTATEMENT OF EXPIRED NURSING ASSISTANT CERTIFICATION
9610	[RESERVED]
9611	[RESERVED]
9612	[RESERVED]
9613	ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS
9614	[RESERVED]
9615	CERTIFIED NURSING ASSISTANT TASKS
9616	[RESERVED]
9617	DISCIPLINE
9618	ACTION ON COMPLAINTS OF RESIDENT NEGLECT AND ABUSE, AND MISAPPROPRIATION OF RESIDENT PROPERTY
9619	[RESERVED]
9620	STANDARDS FOR TRAINING PROGRAMS
9621	SUPERVISED PRACTICE OF TRAINEES
9622	[RESERVED]
9623	[RESERVED]
9624	TRAINING PROGRAM APPROVAL PROCEDURES
9625	PERIODIC REVIEW OF APPROVED PROGRAMS
9626	[RESERVED]
9627	NURSING ASSISTANT TRAINING PROGRAM REQUIREMENTS
9628	MINIMUM QUALIFICATIONS FOR NURSING ASSISTANT TRAINEES
9629	[RESERVED]
9630	CLOSING OF EDUCATION AND TRAINING PROGRAMS
9631	RECORDS RETENTION
9632	RESOURCES, FACILITIES, AND SERVICES
9699	DEFINITIONS

9600 GENERAL PROVISIONS

- 9600.1 This chapter applies to applicants for, and holders of, a certification to practice as a certified nursing assistant (CNA).
- 9600.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a certification to practice as a CNA.

9601 NURSING ASSISTANT CERTIFICATION

- 9601.1 No person shall practice as a CNA in the District of Columbia longer than four (4) months without first being registered by the Board of Nursing (Board).
- 9601.2 A nursing assistant shall be certified pursuant to § 9604.1 and registered by the Board within four (4) months of his or her hire date. If a nursing assistant who is not certified changes employment from one (1) long-term care facility to another, the time he or she was employed in the first facility shall count towards the four (4) month period for employment.

9602 TERM OF CERTIFICATION

- 9602.1 Subject to § 9601.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.
- 9602.2 The Director may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9603 CRIMINAL BACKGROUND CHECK

- 9603.1 A person applying for certification as a CNA shall undergo a criminal background check (CBC) prior to issuance of the certification.
- 9603.2 After issuance of an initial certification, the applicant shall undergo an additional CBC as determined by Title 17 DCMR Chapter 85.
- 9603.3 The Board shall review the applicant's positive CBC results.

9604 GENERAL REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION

- 9604.1 An applicant for certification as a CNA shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Meet the requirements of § 9603.1;

- (c) Submit evidence of successfully passing a certification examination offered by one (1) of the following:
 - (1) A Board-approved nurse aide assessment program; or
 - (2) Other certification program recognized by the Centers for Medicare and Medicaid Services (CMS) and the Board.
- (d) Submit a completed application to the Board along with any other documents that may be required by the Board.

9604.2 An application that remains incomplete for ninety (90) days or more from the date of submission may be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9605 REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION BY EXAMINATION

9605.1 To qualify for certification by examination, an applicant shall:

- (a) Receive a passing score on the National Council of State Boards of Nursing, Inc. (NCSBN) National Nurse Aide Assessment Program (NNAAP); and
- (b) Meet requirements of this chapter.

9605.2 To apply for authorization to take the NNAAP, an applicant shall provide proof of one of the following:

- (a) Successful completion of a CNA program or bridge to nursing assistant program, within the past twenty-four (24) months, approved by the Board or by a nursing Board in the United States with standards determined by the Board to be substantially equivalent to the standards in the District of Columbia; or
- (b) Successful completion of a practical nursing or registered nursing “Fundamentals of Nursing” course with a minimum forty (40) hours clinical component which includes skills as specified in § 9615; or
- (c) Completion of a credentials evaluation by an organization recognized by the Board, indicating equivalent education as a registered nurse or licensed practical nurse for nurses educated outside of the United States.

9605.3 To request special accommodations for an examination, an applicant shall submit in writing, the following information:

- (a) A letter from the appropriate health professional which confirms the applicant's disability and provides information describing the accommodations required; and
- (b) A letter from the applicant's education program, indicating what accommodations were granted by the program.

9605.4 If an applicant has not taken or passed the nursing assistant certification examination for more than twenty-four (24) months after the date the applicant becomes eligible to apply to take the examination, the applicant shall comply with requirements set forth in § 9605.1 (a).

9606 REQUIREMENTS FOR NURSING ASSISTANT CERTIFICATION BY ENDORSEMENT

9606.1 An applicant currently working in another jurisdiction as a CNA shall apply for CNA by endorsement in order to work in the District of Columbia as a CNA.

9606.2 An applicant for endorsement as a CNA shall provide proof of the following:

- (a) Current unencumbered registration or certification as a CNA in another jurisdiction; and
- (b) Meeting the requirements of § 9604.

9607 REQUIREMENTS FOR NURSING ASSISTANT RENEWAL OF CERTIFICATION

9607.1 An applicant for renewal shall:

- (a) Provide evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of continuing education or in-service training in the area of health or nursing needs, of an assigned client population during the certification period; provided that at least ten percent (10%) of the in-service or continuing education shall be in a public health subject as determined and published every five (5) years or as deemed appropriate by the Director;
- (b) Have completed two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as lesbian, gay, bisexual, transgender or queer, and any additional Board mandated topics;

(c) Provide evidence of the performance of a minimum of eight (8) hours of nursing related services for compensation during the prior twenty-four (24) months; and

(d) Complete a CBC as required.

9607.2 Applicants who have another active District of Columbia certification as a nursing assistive personnel may apply continuing education hours to NAP renewal requirements.

9607.3 Applications will be subject to audit to assure compliance with § 9607.1.

9608 REQUIREMENTS FOR INACTIVE STATUS AND REACTIVATION OF CERTIFICATION

9608.1 A CNA with an active certification may request to be placed on inactive status.

9608.2 While on inactive status, the individual shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as a CNA in the District of Columbia.

9608.3 To reactivate an inactive status, an individual shall:

(a) Apply to the Board for reactivation of the certification;

(b) Provide evidence of having completed twenty-four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;

(c) Provide evidence of current CNA certification or registration in another jurisdiction; and

(d) Provide evidence of having worked, providing nursing services a minimum of eight (8) hours within the past two (2) years prior to submission of an application.

9609 REQUIREMENTS FOR REINSTATEMENT OF EXPIRED NURSING ASSISTANT CERTIFICATION

9609.1 If a CNA fails to renew his or her certification, the Board shall reinstate the certification if the applicant:

(a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires;

- (b) Provides evidence of having completed twenty-four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;
- (c) Provides evidence of current CNA certification or registration;
- (d) Provides evidence of having worked for a minimum of eight (8) hours within the last twenty-four (24) months as a CNA; and
- (e) Completes a CBC as required in accordance with Title 17 DCMR Chapter 85.

9609.2 If a CNA does meet the requirements specified in § 9609.1 and fails to apply for reinstatement within five (5) years after his or her certification expires, the applicant shall meet the requirements for certification pursuant to § 9605.

9610 [RESERVED]

9611 [RESERVED]

9612 [RESERVED]

9613 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS

9613.1 A registered nurse, licensed practical nurse, nurse practitioner, clinical nurse specialist or physician may assign or delegate tasks to a CNA that are among the authorized tasks listed in § 9615.1.

9613.2 A CNA shall not practice independently but shall work under the supervision of an RN or LPN or other authorized licensed health care professional.

9613.3 The delegation or assignment shall comply with the standards for delegation listed in 17 DCMR § 5415 (Registered Nurse) and assignments listed in 17 DCMR § 5515 (Licensed Practical Nurse). Nursing care tasks that may be delegated or assigned shall be determined by:

- (a) The knowledge and skills of the CNA;
- (b) Verification of the clinical competence of the CNA by the employing agency;
- (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change in health status; and

- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated;
 - (2) The complexity and frequency of care needed by a given client population; and
 - (3) The accessibility of an RN or LPN.

9613.4 Nursing tasks that inherently involve on-going assessment, interpretation, or decision making that cannot be logically separated from one or more procedures shall not be delegated to the CNA.

9614 [RESERVED]

9615 CERTIFIED NURSING ASSISTANT TASKS

9615.1 Under the supervision of an RN or LPN or other authorized licensed health professional, a CNA may perform the following tasks:

- (a) Provide effective communication and interpersonal skills;
- (b) Maintain infection control;
- (c) Provide safety and emergency procedures;
- (d) Promote a patient's independence;
- (e) Recognize and report abuse;
- (f) Basic nursing skills which include:
 - (1) Measuring and recording vital signs;
 - (2) Measuring and recording height and weight;
 - (3) Observing and reporting pain;
 - (4) Recognizing abnormal signs and symptoms of common diseases and conditions;
 - (5) Applying clean bandages;

- (6) Assisting with admitting, transferring, or discharging patients; and
- (7) Applying and removing elastic stockings;
- (g) Personal care skills, including but not limited to:
 - (1) Bathing, skin care, and dressing;
 - (2) Oral and denture care;
 - (3) Shampoo and hair care;
 - (4) Fingernail care;
 - (5) Toileting, perineal and ostomy care; and
 - (6) Feeding and hydration, including proper feeding techniques and use of assistive devices in feeding;
- (h) Mental health and social welfare care such as:
 - (1) Responding appropriately to behavior;
 - (2) Providing care, sensitive to religion, national origin, gender identity, and sexual orientation; and
 - (3) Providing care to dying patients;
- (i) Basic restorative services such as:
 - (1) Transferring, ambulation, eating, and dressing changes;
 - (2) Range of motion exercises;
 - (3) Proper turning and positioning in bed and chair;
 - (4) Bowel and bladder training;
 - (5) Care and use of prosthetic and orthotic devices; and
 - (6) Changing dry dressings;
- (j) Patient's rights such as:
 - (1) Providing privacy and maintaining confidentiality;

- (2) Promoting the patient's rights to make personal choices to accommodate his or her needs;
- (3) Giving assistance in resolving grievances and disputes;
- (4) Providing needed assistance in getting to and participating in patient and family groups and other activities;
- (5) Maintaining care and security of a patient's personal possessions;
- (6) Providing care which ensures that the patient is free from abuse, mistreatment, and neglect and the need to report any such instances to appropriate facility staff; and
- (7) Maintaining the patient's environment and care to avoid the need for restraints.

9616 [RESERVED]

9617 DISCIPLINE

9617.1 The Board may revoke, suspend, or deny registration of any CNA who is convicted of any of crime involving moral turpitude pursuant to D.C. Official Code § 3-1205.14(a)(4) (2016 Repl. & 2018 Supp.).

9617.2 In addition to any other disciplinary action it may take, it may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c) (5) (2016 Repl.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against a CNA.

9617.3 Grounds for denial, suspension, revocation or other discipline of a CNA include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl.):

- (a) Substance abuse or other chemical dependency;
- (b) Client or patient abandonment;
- (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement or renewal; or

- (3) Giving or receiving assistance in taking the competency evaluation;
- (d) Client or patient neglect, abuse or misappropriation of funds;
- (e) Boundary violations;
- (f) Unsafe client care;
- (g) Performing acts beyond the CNA's range of functions or beyond those tasks delegated;
- (h) Misappropriation or misuse of property;
- (i) A criminal conviction;
- (j) Failure to conform to acceptable standards of practice as a CNA;
- (k) Putting clients or patients at risk of harm; or
- (l) Violating the privacy or failing to maintain the confidentiality of client information.

9617.4 A CNA who is unable to perform his or her duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse's Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.).

9617.5 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)) that it deems appropriate.

9618 ACTION ON COMPLAINTS OF RESIDENT NEGLECT AND ABUSE, AND MISAPPROPRIATION OF RESIDENT PROPERTY

9618.1 The Board will review all allegations of resident neglect and abuse, and misappropriation of resident property.

9618.2 The Board shall not make a finding that an individual has neglected a resident if the individual demonstrates that the neglect was caused by factors beyond the control of the individual.

9618.3 If there is reason to believe, either through oral or written evidence that an individual used by a facility to provide services to residents could have abused or

neglected a resident or misappropriated a resident's property, the Board will investigate the allegation.

9618.4 If the Board makes a preliminary determination, based on oral or written evidence and its investigation, that the abuse, neglect or misappropriation of property occurred, within ten (10) working days of the Board's findings, it shall notify:

- (a) The individual(s) implicated in the findings;
- (b) The individual(s) of a right to a hearing;
- (c) The current administrator of the facility in which the incident occurred; and
- (d) The administrator of the facility that currently employs the individual, if different from the facility in which the incident occurred.

9618.5 Pursuant to § 9618.4(b), the hearing notice shall include:

- (a) A description of the allegations made against the CNA;
- (b) The proposed findings from the investigation;
- (c) A statement that the CNA may challenge the charges against him or her, by submitting a written request within twenty (20) days from the date of service of the notice on a prescribed form;
- (d) Notification that his or her name will be listed in the CNA Abuse Registry, as having knowingly abused or neglected a resident or misappropriated a resident's property while providing services in a facility, unless the CNA requests a hearing and the charges against him or her are not proven;
- (e) The consequences to the CNA of being listed in the CNA Abuse Registry;
- (f) The consequences of a finding through the hearing process that the alleged resident abuse or neglect, or misappropriation of resident property did occur; and
- (g) The fact that the individual has a right to be represented by an attorney at the individual's own expense.

9618.6 The Board shall complete the hearing and the hearing record within one hundred twenty (120) days from the day it receives the request for a hearing.

9618.7 If, following a hearing, neglect, abuse, or misappropriation of a resident's property has been substantiated, or if an individual waives the right to a hearing

after a complaint alleging neglect, abuse, or misappropriation has been substantiated, the Board shall report the findings to the CNA Abuse Registry within ten (10) working days.

9618.8 The following information on any substantiated finding by the Board, of abuse, neglect, or misappropriation of property of an individual shall be placed on the nurse aide abuse registry:

- (a) Documentation of the Board's investigation, including the nature of the allegation and the evidence that led the Board to conclude that the allegation was valid;
- (b) The date of the hearing, if the individual chose to have one, and its outcome; and
- (c) A statement by the individual disputing the allegation, if he or she chooses to make one.

9618.9 This information shall remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the District is notified of the individual's death.

9619 [RESERVED]

9620 STANDARDS FOR TRAINING PROGRAMS

9620.1 No institution shall provide CNA training in the District of Columbia unless its training program has been approved by the Board.

9620.2 The following types of institutions may apply for approval to provide CNA training:

- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by Higher Education Licensure Commission (HELC) pursuant to the Institution Licensure Act of 1976 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.* (2016 Repl.));
- (b) Private, non-degree post-secondary schools operating in the District of Columbia which are licensed by the HELC;
- (c) District of Columbia public vocational or trade schools;
- (d) District of Columbia public universities or colleges; and

- (e) Hospitals, and health care facilities licensed as training facilities by the HELC and operating in the District of Columbia that have received no adverse action during the preceding two (2) years.

9620.3 The Board shall consider any one (1) of the following as an adverse action which shall preclude a health care facility from providing CNA training:

- (a) The termination, restriction, or revocation of the facility's participation or enrollment in the Medicaid or Medicare program;
- (b) Provisional or restricted licensure of the facility, provided it is not a new facility; or
- (c) If the facility has a provider agreement of less than one (1) year.

9621 SUPERVISED PRACTICE OF TRAINEES

9621.1 A nursing assistant trainee may practice only in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 (Act) (D.C. Law 6-99; D.C. Official Code §§ 3-1203.01, *et seq.* (2016 Repl.)) and this chapter.

9621.2 A trainee who is fulfilling educational requirements of this chapter may engage in supervised practice without a District of Columbia certification.

9621.3 All supervised practice of a trainee shall take place under the general or immediate supervision of an RN or LPN.

9621.4 A trainee shall identify himself or herself as a trainee before practicing.

9621.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or a client's family member.

9621.6 The nurse supervising the trainee shall be responsible for all practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the Act or this chapter.

9621.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee.

9622 [RESERVED]

9623 [RESERVED]

9624 TRAINING PROGRAM APPROVAL PROCEDURES

9624.1 Each institution applying for a certificate of approval to provide nursing assistant training shall do the following:

- (a) Submit to the Board, at least one hundred eighty (180) days in advance of the scheduled starting date, a statement of intent to establish a CNA training program;
- (b) Submit to the Board an application for a certificate of approval which contains the following information:
 - (1) A statement of purpose;
 - (2) A statement of need for the training program in the District of Columbia;
 - (3) A description of the proposed program's potential effect on existing nursing assistant training programs in the area;
 - (4) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
 - (5) Evidence of financial resources adequate for planning, implementation, and continuation of the program;
 - (6) Licensure status of the proposed training facility;
 - (7) The qualification of proposed instructors;
 - (8) The number of full-time equivalent budgeted instructor positions;
 - (9) Evidence of the availability of adequate clinical facilities for the training program;
 - (10) A description of the anticipated trainee population including admission and graduation criteria, health requirements, and named entrance examination;
 - (11) Tentative time schedule for planning and initiating the program;
 - (12) Fee schedules; and
- (c) Submit to the Board the one thousand dollar (\$1000) application fee.

- 9624.2 Schools currently non-compliant with the Board's regulatory requirements for existent programs are not eligible to submit an application to establish an additional program.
- 9624.3 After reviewing the application, based on the applicant's compliance with § 9627, a decision shall be made to:
- (a) Approve the application;
 - (b) Defer approval if additional information is needed; or
 - (c) Deny approval of the application.
- 9624.4 If an application approval has been granted, a site visit may be conducted.
- 9624.5 After reviewing the site visit report and the applicant's compliance with § 9632, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.
- 9624.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9624.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9624.8 If the application is denied, the applicant may not resubmit an application until one (1) year has passed from the last submission.

9625 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9625.1 Programs approved by the Board to train CNAs shall submit to the Board an annual report and the five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9625.2 The Board shall annually re-evaluate the nursing assistant training programs.
- 9625.3 The Board may make unannounced visits to review and assess each nursing assistant training program to ensure that the program is in compliance with the training requirements in §§ 9627, 9628, 9631 and 9632.
- 9625.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, annual reporting and any other information deemed appropriate by the Board.
- 9625.5 Three (3) levels of non-compliance for training programs include:

- (a) Level 1 non-compliance:
 - (1) Up to five percent (5%) of student records reviewed during site visits are out of compliance with § 9631;
 - (2) Program is in compliance with Sections §§ 9627, 9628, and 9632; or
 - (3) Annual certification pass rates are below seventy-five percent (75%) but no lower than seventy percent (70%);
- (b) Level 2 non-compliance:
 - (1) Between six percent (6%) and twenty percent (20%) of student records reviewed during site visits are out of compliance with § 9631;
 - (2) Program is non-compliant with only one (1) of the sections: §§ 9627, 9628, or 9632; or
 - (3) Annual certification pass rates are below seventy percent (70%) but no lower than sixty-five percent (65%);
- (c) Level 3 non-compliance:
 - (1) Twenty-one percent (21%) or more of student records reviewed during site visits are out of compliance with § 9631;
 - (2) Program is non-compliant with more than one (1) of the sections: §§ 9627, 9628, or 9632; or
 - (3) Annual certification pass rates are below sixty-five percent (65%).

9625.6 The Board will issue the sanctions to programs for non-compliance violations listed below including, but not limited to:

- (a) Level 1 non-compliance:
 - (1) Conditional Approval;
 - (2) Corrective action plan is due within thirty (30) days of receipt of the status letter; and
 - (3) Site visit to review and assess implementation of the corrective actions within six (6) months.

- (b) Level 2 non-compliance:
 - (1) Conditional Approval;
 - (2) Restricted Admissions;
 - (3) Board will recommend actions to correct deficiencies; and
 - (4) Corrective action plan is due within thirty (30) days of receipt of the status letter;
 - (5) Site visit to review and assess implementation of the corrective actions within six (6) months;
 - (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to two thousand dollars (\$2000) if not in full compliance by the next annual review.

- (c) Level 3 non-compliance:
 - (1) Warning Status;
 - (2) Restricted Admissions;
 - (3) Hire consultant to assist in developing and implementing actions to correct deficiencies;
 - (4) Consultant's report is due to the Board within sixty (60) days;
 - (5) Site visit to review and assess implementation of corrective actions within six (6) months;
 - (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to three thousand (\$3000) if not in full compliance by the next annual review.

9625.7 The Board shall withdraw approval of a training program in non-compliance if:

- (a) It determines that the program has failed to implement the approved corrective action plan.
- (b) The program has failed to correct deficiencies within time period specified by the Board; or

(c) The education institution loses its licensure.

9625.8 The Board shall investigate all credible and timely complaints made against a program and may conduct hearings in connection with such complaints.

9625.9 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2016 Repl.).

9626 [RESERVED]

9627 NURSING ASSISTANT TRAINING PROGRAM REQUIREMENTS

9627.1 Training programs shall use Board approved CNA model curriculum, that consists of classroom, skills laboratory, and supervised practice hours and may be amended from time to time.

9627.2 All CNA training programs shall have adequate faculty and clinical facilities to provide supervised clinical experience with early, realistic exposure to job requirements. The clinical experience shall include the full range of skills needed in the workplace.

9627.3 The program must maintain seventy-five percent (75%) pass rate on the District of Columbia's competency evaluation each year.

9627.4 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.

9627.5 The training program shall be coordinated by an RN, who:

(a) Has a current, unencumbered District of Columbia license pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.); and

(b) Has at least two (2) years of full-time or full-time equivalent experience as an RN with clinical experience in the clinical practice setting he or she is coordinating.

9627.6 The CNA program coordinator shall be a qualified registered nurse with institutional authority and administrative responsibility for the program.

9627.7 The program coordinator's responsibilities shall include, but are not limited to:

(a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;

(b) Establishing the responsibilities of the instructors;

- (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
- (d) Ensuring that each student is properly supervised during the student's clinical experience; and
- (e) Reporting annually and respond upon request to the Board.

9627.8 Each instructor shall have the following minimum qualifications:

- (a) Be licensed or certified in his or her profession in the District of Columbia;
- (b) Have completed a course in teaching adults or have experience in teaching adults and supervising nursing assistants; and
- (c) Have a minimum of two (2) years of experience as a registered nurse or licensed practical nurse, providing direct patient care during the five (5) years immediately preceding the date of the written agreement.

9627.9 The ratio of instructor to trainees in a clinical setting shall not exceed one (1) instructor to eight (8) trainees.

9627.10 Each training program shall have a record or attestation that trainees received information in writing on the policies governing admission, retention, dismissal, and the course requirements of the training program.

9628 MINIMUM QUALIFICATIONS FOR NURSING ASSISTANT TRAINEES

9628.1 Each trainee shall be required to take a Board-approved pre-admission examination to assess reading, writing, and math skills prior to enrollment in a training program.

9628.2 English literacy shall be established on the Comprehensive Adult Student Assessment Systems e-test, General Assessment of Instructional Needs - Wonderlic, or Tests for Adult Basic Education at a minimum 5th grade level.

9628.3 Each trainee shall provide evidence of vaccination or immunity to communicable diseases prior to admission.

9628.4 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program; and

- (b) Certification requirements including CBC and examination.

9629 [RESERVED]

9630 CLOSING OF EDUCATION AND TRAINING PROGRAMS

9630.1 Each CNA program that voluntarily discontinues shall:

- (a) Notify the Board, in writing, as early as possible of the intended discontinuance, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and
- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9630.2 Before the Board may withdraw approval of a program the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action;
 - (2) The institution has a right to a hearing; and
- (b) Send notice to the HELC of the Board's intention to withdraw program approval.

9630.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9631 RECORDS RETENTION

9631.1 Each CNA training program shall maintain an accurate and appropriate system of record keeping.

9631.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

- 9631.3 The record of each trainee shall include the following information:
- (a) Completed and signed application;
 - (b) Results of entrance assessment;
 - (c) Trainee's Record of academic performance;
 - (d) Evidence of vaccinations or immunity to communicable diseases;
 - (e) Board issued clinical evaluation form completed and signed by clinical instructor;
 - (f) Signed statement for receipt of school policies and certification requirements regarding examination and criminal background check; and
 - (g) Additional documents per the school's policies.
- 9631.4 Each instructor's personnel records shall be maintained by the facility and shall include application data, qualifications, and a position description, and shall be available for review by the Board.
- 9631.5 All records shall be maintained by the training program for a minimum of seven (7) years.
- 9632 RESOURCES, FACILITIES, AND SERVICES**
- 9632.1 Each CNA training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:
- (a) Adequate temperature controls in each training facility;
 - (b) Clean and safe conditions of the facility's premises;
 - (c) Adequate space for private faculty-student conferencing;
 - (d) Adequate lighting in each facility; and
 - (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.
- 9632.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.

9632.3 Each cooperative agreement between a training program and a healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9699 DEFINITIONS

9699.1 When used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, or injury to, or death or financial exploitation of a client.

Board - the Board of Nursing as established by § 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Certified nursing assistant - nursing assistive personnel who are certified to assist with the delivery of direct nursing care to patients, and work under the supervision of a nurse or other health professional.

Clinical - faculty planned and guided learning activities designed to assist in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources. Clinical shall not include skills lab activities.

Conditional approval - the approval status that is granted for a time period specified by the Board to an CNA training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the CNA.

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

Health care facility - a facility or agency that provide long-term care services such as an assisted living residence, group home for persons with physical and intellectual disabilities, and a skilled home care agency.

Higher Education Licensure Commission - the Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication, either directly or by communication device.

In-service - activities provided by the employer intended to assist the CNA in acquiring, maintaining, or increasing competence in fulfilling the assigned responsibilities specific to the expectations of the employer.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or omission by a CNA which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Nursing assistive personnel - individuals who have received appropriate training or instruction to function in a complementary or assistant role to an RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks. The term includes, but is not limited to, nursing students, graduate nurses, home health aides, personal care aides, medication aides, dialysis technicians, CNAs, patient care technicians, or others as specified by the Board of Nursing.

Pass rate - the percentage of candidates who receive a passing score on the competency evaluation out of the total exams administered for the review period.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired nursing assistant certification.

Skills laboratory - faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

A new Chapter 97 (Patient Care Technician) is added to read as follows:

CHAPTER 97 PATIENT CARE TECHNICIAN

9700	GENERAL PROVISIONS
9701	PATIENT CARE TECHNICIAN CERTIFICATION
9702	TERM OF CERTIFICATION
9703	CRIMINAL BACKGROUND CHECK
9704	GENERAL REQUIREMENTS FOR PATIENT CARE TECHNICIAN CERTIFICATION
9705	REQUIREMENTS FOR PATIENT CARE TECHNICIAN CERTIFICATION BY EXAMINATION
9706	PATIENT CARE TECHNICIAN CERTIFICATION BY ENDORSEMENT
9707	PATIENT CARE TECHNICIAN RENEWAL OF CERTIFICATION
9708	PATIENT CARE TECHNICIAN INACTIVE STATUS AND REACTIVATION OF CERTIFICATION
9709	PATIENT CARE TECHNICIAN REINSTATEMENT OF EXPIRED CERTIFICATION
9710	[RESERVED]
9711	[RESERVED]
9712	[RESERVED]
9713	ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO PATIENT CARE TECHNICIAN
9714	[RESERVED]
9715	PATIENT CARE TECHNICIAN TASKS
9716	[RESERVED]
9717	DISCIPLINE
9718	[RESERVED]
9719	[RESERVED]
9720	STANDARDS FOR TRAINING PROGRAMS
9721	SUPERVISED PRACTICE OF TRAINEES
9722	[RESERVED]
9723	PROGRAM APPROVAL PROCEDURES FOR HEALTH CARE FACILITIES
9724	TRAINING PROGRAM APPROVAL PROCEDURES
9725	PERIODIC REVIEW OF APPROVED PROGRAMS
9726	[RESERVED]
9727	PATIENT CARE TECHNICIAN TRAINING PROGRAM REQUIREMENTS
9728	MINIMUM QUALIFICATIONS FOR PATIENT CARE TECHNICIAN TRAINEES
9729	[RESERVED]
9730	CLOSING OF EDUCATION AND TRAINING PROGRAMS
9731	RECORDS RETENTION
9732	RESOURCES, FACILITIES, AND SERVICES
9799	DEFINITIONS

9700 GENERAL PROVISIONS

- 9700.1 This chapter applies to applicants for, and holders of, a certification to practice as a patient care technician (PCT).
- 9700.2 This chapter shall apply to persons who, regardless of job title, are employed in an acute care service agency or facility for the purpose of providing PCT activities as specified in this chapter.
- 9700.3 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations Administrative Procedures) of this title apply to holders of a certification to practice as a PCT.

9701 PATIENT CARE TECHNICIAN CERTIFICATION

- 9701.1 No person shall practice as a PCT in the District of Columbia without first being certified by the Board of Nursing (Board).

9702 TERM OF CERTIFICATION

- 9702.1 Subject to § 9701.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.
- 9702.2 The Director of the Department of Health may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9703 CRIMINAL BACKGROUND CHECK

- 9703.1 A person applying for certification as a PCT shall undergo a criminal background check (CBC) prior to issuance of the certification.
- 9703.2 After issuance of an initial certification, the applicant shall undergo an additional CBC as determined by Title 17 DCMR Chapter 85.
- 9703.3 The Board of Nursing shall review the results of a person's positive CBC results.

9704 GENERAL REQUIREMENTS FOR PATIENT CARE TECHNICIAN CERTIFICATION

- 9704.1 An applicant for certification as a PCT shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Meet the requirements of § 9703;

- (c) Submit evidence of successfully passing a PCT examination offered by a PCT certification organization recognized by the National Commission for Certifying Agencies; or
- (d) Provide proof of successful completion of a practical nursing (LPN) or registered nursing (RN) “Fundamentals of Nursing” course and acute care clinical which include skills specified in § 9715.1; or
- (e) Submit a Commission on Graduates of Foreign Nursing Schools certificate, indicating equivalent education as a registered nurse or licensed practical nurse for nurses educated outside the United States; or
- (f) Submit proof of practice for at least one thousand (1,000) hours within the last thirty-six (36) months as a:
 - (1) Navy or Air Force basic medical technician corpsman;
 - (2) Air Force independent duty medical technician;
 - (3) Army health care specialist;
 - (4) Emergency medical technician; or
 - (5) Paramedic;
- (g) Submit a completed application to the Board;
- (h) Submit any other documents that may be required by the Board; and
- (i) Pay all required fees.

9704.2 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9705 REQUIREMENTS FOR PATIENT CARE TECHNICIAN CERTIFICATION BY EXAMINATION

9705.1 To qualify for PCT certification by examination, an applicant shall:

- (a) Receive a passing score on the National Patient Care Technician Examination; and
- (b) Meet requirements of this chapter.

- 9705.2 To apply for authorization to take a PCT examination, an applicant shall provide proof of one of the following:
- (a) Successful completion of a PCT program within the past twenty four (24) months, approved by the Board or by a nursing Board in the United States with standards determined by the Board to be equivalent to the standards in the District of Columbia;
 - (b) Successful completion of a practical nursing or registered nursing “Fundamentals of Nursing” course and acute care clinical which include skills specified in § 9715.1; or
 - (c) Completion of a credentials evaluation by an organization recognized by the Board, indicating equivalent education as an RN or LPN for nurses education outside of the United States.
- 9705.3 To request special accommodations for an examination, an applicant shall submit in writing, the following information:
- (a) A letter from the appropriate health professional which confirms the applicant’s disability and provides information describing the accommodations required; and
 - (b) A letter from the applicant’s education program, indicating what accommodations were granted by the program.
- 9705.4 If an applicant has not taken or passed the patient care technician certification examination for more than twenty-four (24) months after the date the applicant becomes eligible to apply to take the examination, the applicant shall comply with requirements set forth in § 9705.1(a).
- 9705.5 The Board shall waive the examination requirements for any person currently practicing as a PCT provided that the applicant:
- (a) Demonstrates, to the satisfaction of the Board, that he or she has been performing the functions of a PCT on a full-time or substantially full-time (a minimum of five hundred (500) hours per year) basis for the past twenty-four (24) months;
 - (b) Submits documentation from a supervising nurse, indicating the applicant’s continued competence to provide care;
 - (c) Submits documentation from an employer certifying the applicant’s ability to perform skills as listed in § 9715; and
 - (d) Submits an application by a date specified by the Board.

9706 PATIENT CARE TECHNICIAN CERTIFICATION BY ENDORSEMENT

9706.1 An applicant currently working in another jurisdiction as a PCT shall apply for PCT by endorsement in order to work in DC as a PCT.

9706.2 An applicant for endorsement as a PCT shall provide proof of the following:

- (a) Current unencumbered registration or certification as a PCT;
- (b) Verification from a supervising registered nurse or licensed practical nurse certifying the applicant's ability to perform skills listed in § 9715; and
- (c) Completion of the requirements as listed in § 9704, Application for Certification.

9707 PATIENT CARE TECHNICIAN RENEWAL OF CERTIFICATION

9707.1 An applicant for renewal shall:

- (a) Provide verification of completion of twelve (12) hours per year (twenty four (24) in total) of in-service training or continuing education; provided that at least ten percent (10%) of the in-service or continuing education shall be in a public health subject as determined and published every five (5) years or as deemed appropriate by the Director;
- (b) Submit evidence of performance of nursing related services for compensation during the prior twenty-four (24) months;
- (c) Complete a CBC as required; and
- (d) Have completed two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as lesbian, gay, bisexual, transgender or queer, and any additional Board mandated topics.

9707.2 PCTs who have another active District of Columbia certification as nursing assistive personnel (NAP) may apply continuing education hours to NAP renewal requirements.

9707.3 Applications will be subject to audit to assure compliance with § 9707.1.

9708 PATIENT CARE TECHNICIAN INACTIVE STATUS AND REACTIVATION OF CERTIFICATION

9708.1 A PCT with an active certification may request to be placed on inactive status.

9708.2 While on inactive status, the PCT shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as a PCT in the District of Columbia.

9708.3 To reactivate an inactive status of § 9704, Renewal of Certification.

9709 PATIENT CARE TECHNICIAN REINSTATEMENT OF EXPIRED CERTIFICATION

9709.1 If a PCT fails to renew his or her PCT certification, the Board shall reinstate the certification if the applicant:

- (a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires;
- (b) Provides evidence of having completed twenty-four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;
- (c) Provides evidence of current PCT certification or registration;
- (d) Provides evidence of having worked for a minimum of eight (8) hours within the last twenty-four (24) months as a PCT; and
- (e) Completes a criminal background check as required in accordance with Title 17 DCMR Chapter 85.

9709.2 If a PCT fails to apply for reinstatement within five (5) years after his or her certification expires, the applicant shall meet the requirements for certification pursuant to § 9704.

9710 [RESERVED]

9711 [RESERVED]

9712 [RESERVED]

9713 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO PATIENT CARE TECHNICIAN

9713.1 An RN, LPN or licensed health care professional may assign or delegate tasks to PCTs that are among the authorized tasks listed in § 9715.

9713.2 PCTs shall not practice independently but shall work under the supervision of an RN, LPN or other licensed health care professional.

- 9713.3 The delegation or assignment of tasks shall comply with the standards for delegation listed in 17 DCMR § 5415 (Registered Nurse) and assignment listed in 17 DCMR § 5515 (Licensed Practical Nurse). Nursing care tasks that may be delegated or assigned shall be determined by:
- (a) The knowledge and skills of the PCT;
 - (b) Verification of the clinical competence of the PCT by the employing agency;
 - (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change in health status; and
 - (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated;
 - (2) The complexity and frequency of care needed by a given client population; and
 - (3) The accessibility of an RN or LPN.
- 9713.4 Nursing tasks that inherently involve on-going assessment, interpretation, or decision making that cannot be logically separated from one (1) or more procedures shall not be delegated to the PCT.
- 9713.5 Each PCT shall be trained to address the specific health care needs of his or her assigned population.
- 9714 [RESERVED]**
- 9715 PATIENT CARE TECHNICIAN TASKS**
- 9715.1 Under the supervision of an RN, LPN or licensed health professional, a PCT may perform the following tasks in addition to the tasks specified in § 9615:
- (a) Monitoring the administration of oxygen equipment by observing settings, tubing and equipment;
 - (b) Inserting a peripheral intravenous catheter;

- (c) Discontinuing a peripheral IV catheter;
- (d) Elimination procedures, including enemas, fleets, and soap suds enemas;
- (e) Administering an electrocardiogram;
- (f) Fingerstick blood glucose testing;
- (g) Specimen collection;
- (h) Incentive spirometry;
- (i) Phlebotomy;
- (j) Pulse oximetry;
- (k) Inserting and discontinuing urinary catheters;
- (l) Applying elastic stockings; and
- (m) Applying and removing sequential compression devices.

9716 [RESERVED]

9717 DISCIPLINE

- 9717.1 The Board may revoke, suspend, or deny the registration of any PCT who is convicted of any crime involving moral turpitude pursuant to D.C. Official Code § 3-1205.14(a)(4) (2016 Repl. & 2018 Supp.)).
- 9717.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5) (2016 Repl.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against a PCT.
- 9717.3 Grounds for denial, suspension, revocation or other discipline of a PCT include inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl.):
- (a) Substance abuse or other chemical dependency;
 - (b) Client or patient abandonment;
 - (c) Fraud or deceit, which may include but is not limited to:

- (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation.
- (d) Client or patient neglect, abuse or misappropriation of funds;
 - (e) Boundary violations;
 - (f) Unsafe client care;
 - (g) Performing acts beyond the PCT range of functions or beyond those tasks delegated;
 - (h) Misappropriation or misuse of property;
 - (i) A criminal conviction;
 - (j) Failing to conform to acceptable standards of practice as a PCT;
 - (k) Putting clients or patients at risk of harm; or
 - (l) Violating the privacy or failing to maintain the confidentiality of client information.

9717.4 PCTs who are unable to perform their duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse's Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.).

9717.5 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act ("Act"), D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.) that it deems appropriate.

9718 [RESERVED]

9719 [RESERVED]

9720 STANDARDS FOR TRAINING PROGRAMS

9720.1 No institution shall provide PCT training in the District of Columbia unless its training program has been approved by the Board.

- 9720.2 The following types of institutions may apply for approval to provide PCT training:
- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Higher Education Licensure Commission (HELC) pursuant to the Educational Institution Licensure Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.* (2016 Repl.));
 - (b) Private, non-degree, post-secondary schools operating in the District of Columbia which are licensed by the HELC;
 - (c) District of Columbia public universities or colleges;
 - (d) Hospitals; and
 - (e) Nursing facilities licensed and operating in the District of Columbia that have received no adverse actions during the preceding two (2) years.

9720.3 The Board shall consider any one of the following as an adverse action which preclude a facility from providing training:

- (a) Termination, restriction, or revocation of a facility's participation in the Medicaid or Medicare program;
- (b) Provisional or restricted licensure of the facility, provided it is not a new facility; or
- (c) A facility is given a provider agreement of less than one (1) year.

9721 SUPERVISED PRACTICE OF TRAINEES

9721.1 A PCT trainee may practice only in accordance with the Act and this chapter.

9721.2 A trainee who is fulfilling educational requirements of this chapter may engage in supervised practice without a District of Columbia certification.

9721.3 All supervised practice of a trainee shall take place under the general or immediate supervision of an RN or LPN.

9721.4 A trainee shall identify himself or herself as a trainee before practicing.

9721.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.

9721.6 The nurse supervising the trainee shall be responsible for all practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the Act or this chapter.

9721.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee in accordance with the hearing provision of D.C. Official Code § 3-1205.14(a) (2016 Repl.).

9722 [RESERVED]

9723 PROGRAM APPROVAL PROCEDURES FOR HEALTH CARE FACILITIES

9723.1 Each facility applying for approval to provide PCT training shall submit an application for approval which contains the following information:

- (a) A statement of intent to establish a training program;
- (b) A certificate of exemption or approval by HELC, if coursework is offered to persons not employed by the facility;
- (c) A list of qualified instructors with resumes attached; and
- (d) A description of the trainee population and tentative curriculum implementation schedule.

9723.2 A training program shall not admit trainees to the program before the program has been approved by the Board.

9723.3 The Board shall withdraw approval of training if the facility loses its licensure status.

9724 TRAINING PROGRAM APPROVAL PROCEDURES

9724.1 Each institution applying for a certificate of approval to provide PCT training shall do the following:

- (a) Submit to the Board of Nursing (Board), at least one hundred eighty (180) days in advance of the scheduled starting date, a statement of intent to establish a PCT training program; and
- (b) Submit to the Board an application for a certificate of approval which contains the following information:

- (1) A statement of need for the training program in the District of Columbia;
 - (2) A description of the proposed program's potential effect on existing PCT training programs in the area;
 - (3) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
 - (4) Evidence of financial resources adequate for planning, implementation, and continuation of the program;
 - (5) Licensure status of the proposed training facility;
 - (6) The qualification of the proposed instructors;
 - (7) The number of fulltime equivalent budgeted instructor positions;
 - (8) Evidence of the availability of adequate clinical facilities for the training program;
 - (9) A description of the anticipated trainee population including admission and graduation criteria, a copy of the entrance exam and health requirements.
 - (10) A tentative time schedule for planning and initiating the program;
 - (11) Fee schedules; and
- (c) Submit to the Board the one thousand dollar (\$1000) application fee.

9724.2 Schools currently non-compliant with the Board's regulatory requirements are not eligible to submit an application to establish an additional program.

9724.3 After reviewing the application, based on the applicant's compliance with § 9727, a decision shall be made to:

- (a) Approve the application;
- (b) Defer approval if additional information is needed; or
- (c) Deny approval of the application.

9724.4 If an application approval has been granted, a site visit may be conducted.

- 9724.5 After reviewing the site visit report and compliance with § 9732, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.
- 9724.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9724.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9724.8 If the application is denied, the applicant may not resubmit an application until one (1) year has passed from the last submission.

9725 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9725.1 Programs approved by the Board to train PCTs shall submit to the Board an annual report and the five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9725.2 The Board shall annually re-evaluate the patient care technician training programs.
- 9725.3 The Board may make unannounced visits to review and assess each nursing patient care technician training program to ensure that the program is in compliance with the training requirements in §§ 9727, 9728, 9731 and 9732.
- 9725.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, and any other information deemed appropriate by the Board.
- 9725.5 Three (3) levels of non-compliance for training programs include:
- (a) Level 1 non-compliance:
 - (1) Up to five percent (5%) of student records reviewed during site visits are out of compliance with § 9731;
 - (2) Program is non-compliant with only one (1) of the sections §§ 9727, 9728, and 9732; or
 - (3) Annual certification pass rates are below seventy-five percent (75%) but no lower than seventy percent (70%).
 - (b) Level 2 non-compliance:

- (1) Between six percent (6%) and twenty percent (20%) of student records reviewed during site visits are out of compliance with §9731;
 - (2) Program is non-compliant with only one of the sections: §§ 9727, 9728, or 9732; or
 - (3) Annual certification pass rates are below seventy percent (70%) but no lower than sixty-five (65%).
- (c) Level 3 non-compliance:
- (1) Twenty-one percent (21%) or more of student records reviewed during site visits are out of compliance with § 9731;
 - (2) Program is non-compliant with more than one (1) of the sections: §§ 9727, 9728, or 9732; or
 - (3) Annual certification pass rates are below sixty-five (65%).

9725.6 The Board will issue the sanctions to programs for non-compliance violations listed below including, but not limited to:

- (a) Level 1 non-compliance:
- (1) Conditional Approval;
 - (2) Corrective action plan is due within thirty (30) days of receipt of the status letter; and
 - (3) Site visit to review and assess implementation of the corrective actions within six (6) months.
- (b) Level 2 non-compliance:
- (1) Conditional Approval;
 - (2) Restricted Admissions;
 - (3) Board will recommend actions to correct deficiencies;
 - (4) Corrective action plan is due within thirty (30) days of receipt of the status letter;
 - (5) Site visit to review and assess implementation of the corrective actions within six (6) months;

- (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to two thousand dollars (\$2000) if not in full compliance by the next annual review.
- (c) Level 3 non-compliance:
- (1) Warning Status;
 - (2) Restricted Admissions;
 - (3) Hire consultant to assist in developing and implementing actions to correct deficiencies;
 - (4) Consultant's report is due to the Board within sixty (60) days;
 - (5) Site visit to review and assess implementation of corrective actions within six (6) months;
 - (6) Pass rates reviewed in six (6) months; and
 - (7) Fine of up to three thousand dollars (\$3000) if not in full compliance by the next annual review.

9725.7 The Board shall withdraw approval of a training program in non-compliance if:

- (a) It determines that the program has failed to implement the approved corrective action plan;
- (b) The program has failed to correct deficiencies within time period specified by the Board; or
- (c) The education institution loses its licensure.

9725.8 The Board shall investigate all credible and timely complaints made against a program and may conduct hearings in connection with such complaints.

9725.9 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2016 Repl.).

9726 [RESERVED]

9727 PATIENT CARE TECHNICIAN TRAINING PROGRAM REQUIREMENTS

- 9727.1 Training programs shall use Board approved PCT model curriculum, that consists of classroom, skills laboratory, and supervised practice hours and may be amended from time to time.
- 9727.2 All PCT training programs shall have adequate faculty and clinical facilities to provide supervised clinical experience with early, realistic exposure to job requirements. The clinical experience shall include the full range of skills needed in the workplace.
- 9727.3 The program must maintain seventy-five percent (75%) pass rate on the District of Columbia's competency evaluation each year.
- 9727.4 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.
- 9727.5 The training program shall be coordinated by an RN, who:
- (a) Has a current, unencumbered District of Columbia license pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.); and
 - (b) Has at least two (2) years of full-time or full-time equivalent experience as a registered nurse with clinical experience in the clinical practice setting he or she is coordinating.
- 9727.6 The PCT program coordinator shall be a qualified registered nurse with institutional authority and administrative responsibility for the program.
- 9727.7 The program coordinator's responsibilities shall include, but are not limited to:
- (a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;
 - (b) Establishing the responsibilities of the instructors;
 - (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
 - (d) Ensuring that each student is properly supervised during the student's clinical experience; and
 - (e) Reporting annually and respond upon request to the Board.
- 9727.8 Each instructor shall have the following minimum qualifications:

- (a) Be currently licensed or registered in good standing, in the jurisdiction in which he or she is providing the preceptorship;
- (b) Have completed a course in teaching adults or have experience in teaching adults and supervising nursing assistants; and.
- (c) Have a minimum of two (2) years of experience, as an RN or LPN, providing direct patient care during the five (5) years immediately preceding the date of the written agreement.

9727.9 The ratio of instructors to trainees in clinical areas involving direct care shall be based upon client acuity level, skill level of the trainee, and the clinical setting.

9727.10 Each training program shall have a record or attestation that trainees received information in writing on the policies governing admission, retention, dismissal, and the course requirements of the training program.

9728 MINIMUM QUALIFICATIONS FOR PATIENT CARE TECHNICIAN TRAINEES

9728.1 Each trainee shall have received a high school diploma or its equivalent, including for example, but not limited to, the General Education Diploma or National External Diploma Program.

9728.2 Each person applying for PCT training shall provide evidence of certification as a nursing assistant after passing the National Nurse Aide Assessment Program exam or other CNA examination acceptable to the Board.

9728.3 Each trainee shall provide documentation from the trainee's supervising nurse or employer attesting to the trainee's satisfactory performance of nursing related services for a period of time not less than one (1) year.

9728.4 Each trainee shall provide evidence of vaccination or immunity to communicable diseases prior to admission.

9728.5 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program; and
- (b) Certification requirements including CBC and examination.

9729 [RESERVED]

9730 CLOSING OF EDUCATION AND TRAINING PROGRAMS

9730.1 Each PCT program that voluntarily discontinues shall:

- (a) Notify the Board, in writing, as early as possible of the intended discontinuance, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and
- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9730.2 Before the Board may withdraw approval of a program the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action;
 - (2) The institution has a right to a hearing; and
 - (3) Send notice to the HELC of the Board's intention to withdraw program approval.

9730.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9731 RECORDS RETENTION

9731.1 Each PCT training program shall maintain an accurate and appropriate system of record keeping.

9731.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

9731.3 A facility shall maintain a record for each trainee which shall include the following information:

- (a) Completed and signed application;
- (b) Results of entrance assessment;
- (c) Trainee's Record of academic performance;
- (d) Evidence of vaccinations or immunity to communicable diseases;
- (e) Board issued clinical evaluation form completed and signed by clinical instructor;
- (f) Signed statement for receipt of school policies and certification requirements regarding examination and criminal background check; and
- (g) Additional documents per the school's policies.

9731.4 Each instructor's personnel records shall be maintained by the facility and shall include application data, qualifications, and a position description, and shall be available for review by the Board.

9731.5 All records shall be maintained by the training program for a minimum of seven (7) years.

9732 RESOURCES, FACILITIES, AND SERVICES

9732.1 Each PCT training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:

- (a) Adequate temperature controls in each training facility;
- (b) Clean and safe conditions of the facility's premises;
- (c) Adequate space for private faculty-student conferencing;
- (d) Adequate lighting in each facility; and
- (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.

9732.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.

9732.3 Each cooperative agreement between a training program and agency healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9799 **DEFINITIONS**

9799.1 When used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, injury, death, or financial exploitation of a client.

Applicant - a person applying for certification as a patient care technician.

Board - the Board of Nursing as established by § 204 of the Act.

Clinical - faculty planned and guided learning activities designed to assist in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources.

Conditional approval - the approval status that is granted for a time period specified by the Board to an home health aide training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the patient care technician.

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, of the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the act.

Director - the Director of the Department of Health, or his or her designee.

District - the District of Columbia.

Emergency medical technician - a person who is trained to give emergency medical care at the scene of an accident or in an ambulance.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the

Board from the date of certification until the date of certification in the District.

Fingerstick - a sticking of the finger to get a blood sample to use in a glucometer to measure the amount of glucose in blood.

Health care facility - an acute care facility or agency that provides long-term care services such as an assisted living residence, group home for persons with physical and intellectual disabilities, and skilled home care agency.

Higher Education Licensure Commission a Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication with the person being supervised, either directly or by communication device.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or omission by a patient care technician which causes or is likely to cause or contribute to, or which has caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Nursing assistive personnel - an individual who has received appropriate training or instruction to function in a complementary or assistant role to an RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks.

Paramedic - A specially trained medical technician licensed to provide a wide range of emergency services before or during transportation to a hospital.

Pass rate - means the percentage of candidates who receive a passing score on the competency evaluation out of the total exams administered for the review period.

Patient care technician - nursing assistive personnel with specialized knowledge and training to provide patient care beyond the role of the certified nursing assistant in the acute care setting.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired patient care technician certification.

Skills laboratory - faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C., 20002. Copies of the proposed rules may be obtained from the Department of Health at the same address during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. In addition, comments may be sent to Van.Brathwaite@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM27-2019-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802, 2-505, 34-2002(g), and 34-2002(n) of the District of Columbia Code¹ of its intent to amend Chapter 27 (Regulation of Telecommunications Service Providers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking (NOPR) in the *D.C. Register*.

2. The proposed amendments change two of the definitions in Section 2799, the "Abandonment of Certification Application" definition and the "Abandonment of Service Application." The changes are meant to harmonize the definitions with the rules regarding these applications.

Chapter 27, REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2799, DEFINITIONS, Subsection 2799.1, is amended as follows:

Abandonment of Certification or Certificate of Convenience and Public Necessity Application – an application to abandon the certification or certificate of convenience and public necessity to operate as a telecommunications service provider ~~CLEC~~ in the District of Columbia.

...

Abandonment, Reduction, or Impairment of Service Application – an application to abandon, reduce, or impair the provisioning of telecommunications services in the District, either in whole or in part (including, but not limited to, for a class of customers {such as residential customers or business customers} or customers located in specified geographic areas).

...

3. Any person interested in commenting on the subject matter of this proposed rule-making action may submit written comments not later than thirty (30) days after publication of

¹ D.C. Official Code §§ 34-802 (2012 Repl.); 2-505 (2016 Repl.); 34-2002(g) and 34-2002(n) (2012 Repl. & 2018 Supp.).

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.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-039
May 20, 2019

SUBJECT: Appointments — Health Information Exchange Policy Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-035, dated March 10, 2016, as amended by Mayor's Order 2016-071, dated April 27, 2016, it is hereby **ORDERED** that:

1. **OLUBUKUNOLA OSINUPEBI-ALAO**, is appointed as the representative of the District of Columbia Nurses Association member of the Health Information Exchange Policy Board ("**Board**"), replacing Mary Jones-Bryant, for a term to end June 25, 2021.
2. The following persons are appointed as members of the Board, to serve at the pleasure of the Mayor:
 - a. **MELISA BYRD**, as an employee of the Department of Health Care Finance who shall serve as an *ex officio* voting member, replacing Claudia Schlosberg.
 - b. **AMELIA WHITMAN**, as an employee of the Office of the Deputy Mayor for Health and Human Services who shall serve as an *ex officio* non-voting member, replacing Christian Barrera.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST:


KIMBERLY A. BASSETT

ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-040
May 20, 2019

SUBJECT: Delegation - Authority to the Director of the Department of General Services to Convey Easements to the Maryland Department of Transportation State Highway Administration

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(6) (2016 Repl.), it is hereby **ORDERED** that:

1. Pursuant to An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, approved February 28, 1923, 42 Stat. 1360, D.C. Official Code § 44-1401 (the "**Act**"), the Mayor of the District of Columbia acquired certain real property located in Anne Arundel County, Maryland, more specifically designated as a portion of Tax Map 0020, Grid 0015, Parcel 0096 in the Maryland land records and known by the address 8400 River Road, Laurel, Maryland (the "**Property**"), in the name of the United States, and under the jurisdiction of the Mayor of the District of Columbia.
2. The Maryland Department of Transportation State Highway Administration has requested easements over the Property for the purpose of installing drainage improvements and providing slope and roadway stabilization ("**Easements**"). The Mayor's authority to execute and convey the Easements is subject to the authority conveyed to the Mayor under the Act and any reversionary rights or interests which the United States may have in, or exercise with respect to, the Property.
3. The Director of the Department of General Services ("**Director**") is delegated the Mayor's authority to convey the Easements over the Property to the Maryland Department of Transportation State Highway Administration, and to execute all documents necessary to effectuate the same.
4. The Director may delegate his or her authority under this Order to subordinates under his or her jurisdiction.

5. EFFECTIVE DATE: This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-041
May 21, 2019

SUBJECT: Establishment – Complete Count Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2016 Repl.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established in the Executive Office of the Mayor, under the direction and control of the Mayor, the Complete Count Committee (hereinafter referred to as the “**Committee**”).

II. PURPOSE

The purpose of the Committee is to create awareness about the importance of, and legal obligation to complete, the 2020 Census throughout the District of Columbia (“**District**”), and to maximize District resident participation in the 2020 Census, in order to improve the accuracy of the 2020 Census count in all eight wards of the District.

III. FUNCTIONS

A. The Committee shall work across agencies and operational clusters to:

1. Develop, advocate, and implement educational programs and events to improve the dissemination of information pertaining to the 2020 Census;
2. Engage residents, businesses, anchor institutions, and other community stakeholders in order to make the public aware of the importance of the 2020 Census; and
3. Develop and coordinate District government and public-private initiatives to maximize participation in the 2020 Census.

IV. MEMBERSHIP

- A. The Committee shall consist of the following twenty-seven (27) members:
1. The Mayor, or the Mayor's designee;
 2. The City Administrator, or the City Administrator's designee;
 3. The Senior Advisor, or the Senior Advisor's designee;
 4. The Executive Director of the Office for East of the River Services, or the Executive Director's designee;
 5. The Deputy Mayor of Operations and Infrastructure, or the Deputy Mayor of Operations and Infrastructure's designee;
 6. The Deputy Mayor for Health and Human Services, or the Deputy Mayor for Health and Human Services's designee;
 7. The Deputy Mayor for Education, or the Deputy Mayor for Education's designee;
 8. The Deputy Mayor for Planning and Economic Development, or the Deputy Mayor for Planning and Economic Development's designee;
 9. The Deputy Mayor for Public Safety and Justice, or the Deputy Mayor for Public Safety and Justice's designee;
 10. An employee of the Metropolitan Police Department;
 11. An employee of the Mayor's Office of Community Affairs;
 12. An employee of the Office of the Chief Technology Officer;
 13. An employee of the Office of Cable Television, Film, Music, and Entertainment;
 14. An employee of the Department of Motor Vehicles;
 15. An employee of the District of Columbia Housing Authority;
 16. An employee of District of Columbia Public Library;
 17. A representative of one of the District's business improvement districts;
 18. A representative of a community organization East of the River;
 19. A representative of a utility provider in the District;
 20. A representative of the housing and community development sector;
 21. An employee of the Washington Convention and Sports Authority;
 22. A representative of an organization representing or advocating for immigrants;
 23. A representative of the health care industry;
 24. A representative of a university located in the District;
 25. A representative of a philanthropic organization;
 26. A representative of a non-profit organization representing District-wide interests; and
 27. A representative of a faith-based organization.

- B. The members of the Committee shall serve without compensation and at the pleasure of the Mayor.
- C. Members appointed to represent District government agencies shall serve only while employed in their official positions.

V. ORGANIZATION

- A. The Mayor or the Mayor's designee shall serve as the Chair of the Committee.
- B. The Chair of the Committee may issue procedures, guidelines, or rules as appropriate to ensure the efficient implementation of this Order.
- C. The Committee shall meet at least quarterly, at the call of the Chair.
- D. The Committee is subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-574 *et seq.*).

VI. SUNSET

The Committee shall sunset on December 31, 2020.

VII. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to April 19, 2019.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Montessori Classroom Materials**

Breakthrough Montessori Public Charter School intends to enter into a Sole Source contract with Heutink International for the purchase of Montessori classroom materials. The contract includes the purchase of replacement materials for our existing classrooms, as well as the purchase of materials for a new classroom opening in August 2019. Breakthrough estimates the cost of these purchases to be \$52,500.00. Heutink was chosen due to their track record of supplying authentic, high-quality Montessori materials that are specific to the Montessori curriculum; their previous experience in providing classroom materials for Breakthrough Montessori; and the resulting need for Breakthrough Montessori to maintain consistency across the materials available in all classrooms.

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE OF INCREASE IN THE TAX YEAR 2020 SURTAX
FOR CIGARETTE PACKAGES IN THE DISTRICT OF COLUMBIA

Pursuant to D.C. Code §47-2402(a)(3)(A), the District of Columbia shall provide notice of the appropriate calculated surtax on a package of cigarettes on or before September 1st of each year for the upcoming tax year that begins on October 1st. The calculated surtax levy shall be equivalent to a levy of the general sales tax rate in effect for the upcoming tax year.

Under D.C. Code Ann. § 47-2402.01(a)(2)(A), on March 31 of each year, OTR is required to re-evaluate the percentage of the sum of the cigarette tax and surtax over the average wholesale price of a package of cigarettes calculated for the March 31 proceeding the September 1 announcement of the change in rates. In March 2014, the Office of Revenue Analysis collected retail sale price data on packages of 20 cigarettes from a cross section of retail outlets in the city. In years since, we used the Bureau of Labor Statistics' Consumer Price Index (CPI) for all urban consumers to compare prices of cigarettes in the current year with those of the previous year. In April 2019, we compared average cigarette prices for 2018 and 2017 and the percentage change in prices. The retail sales tax rate (applicable to the surtax on cigarettes) increased from 5.75% to 6% effective October 1, 2018. Based on our analysis with respect to the aforementioned legislation, the Office of Revenue Analysis has determined that the 2019 average retail sale price of a package of 20 cigarettes in the city is \$9.36, and the calculated surtax for tax year 2020 shall be \$0.48 per pack of cigarettes, an increase of \$0.04 over the surtax for tax year 2018. The surtax will be re-evaluated in the Spring of 2020.

A package of cigarettes is defined as one with 20 or fewer cigarettes. However, if a package of cigarettes sold in tax year 2020 contains more than 20 cigarettes, the surtax per pack must be incrementally increased by \$0.024 per each cigarette above 20.

Calculated Surtax on a Package of 20 Cigarettes (or Fewer)
For Tax Year 2020

2019 Average Retail Sale Price for a Package of 20 Cigarettes	\$9.36
Less Current Surtax & Estimated Costs of Business	-\$1.38
Adjusted Average Retail Sales Price	\$7.98
Calculated Surtax (Sales Tax Equivalent) Effective October 1, 2019	\$0.48

Effective October 1, 2019, the above surtax of \$0.48 per pack of cigarettes is in addition to the cigarette excise tax of \$4.50 per pack. Thus, the total tax levy for cigarettes in the District of Columbia for tax year shall be \$4.98 per pack of 20.

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE OF TAX ON OTHER TOBACCO PRODUCTS
IN THE DISTRICT OF COLUMBIA

Pursuant to D.C. Code §47-2402.01, the District of Columbia shall provide notice of the tax rate on other tobacco products on or before September 1st of each year for the upcoming tax year that begins on October 1st. The tax for other tobacco products shall be equal to the cigarette tax and surcharge on a pack of 20 cigarettes under §47-2402 a.(1)-(2), expressed as a percentage of the average wholesale price of a package of 20 cigarettes for the March 31, preceding the September 1st announcement of the change in rates.

The Office of Revenue Analysis collected wholesale price data from the United States Department of Labor: Bureau of Labor Statistics. Based on the analysis of the data, the Office of Revenue Analysis has determined that the average wholesale price of a package of 20 cigarettes in the District as of April 1, 2019 was \$5.46. The Budget Support Act of 2018, (Bill 22-753) increased the cigarette tax rate to \$4.50 per pack of 20 cigarettes starting October 1, 2018. The retail sales tax rate (applicable to the surtax on cigarettes) increased from 5.75% to 6% effective October 1, 2018. The calculated tax applicable to other tobacco products for tax year 2020 shall be 91 percent.

Calculated Tax on Other Tobacco Products for Tax Year 2020

2018 Average Wholesale Price for a Package of 20 Cigarettes	\$5.46
Tax on a Package of 20 Cigarettes	\$4.50
Surtax on a Package of 20 Cigarettes	\$0.48
Total tax on a Package of 20 Cigarettes	\$4.98
Total Tax on a Package of Cigarettes as a Percent of Wholesale price	91%

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY19.20:

- Landscape and Snow Removal Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Tuesday, June 4, 2019**. Proposals should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in six (6) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B05, 1B07, 3D10, 3F07, 4A05, and 7F07

Petition Circulation Period: **Monday, May 28, 2019 thru Monday, June 17, 2019**

Petition Challenge Period: **Thursday, June 20, 2019 thru Wednesday, June 26, 2019**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
1015 - Half Street, SE, Suite 750
Washington, DC 20003**

For more information, the public may call **727-2525**.

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS
REVISED SCHEDULE OF 2019 REGULAR MEETINGS**

The public is advised that the Board of Elections shall hold its regular monthly meetings on the dates and times indicated below. This notice supersedes the notice of regular meetings published in the *D.C. Register* at 66 DCR 1534 (February 1, 2019). Questions concerning the revised schedule of meetings may be directed to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org.

**All meetings are held at 1015 Half Street, SE, Suite 750, Washington, D.C.
A preliminary agenda for each meeting can be found at www.dcboe.org.**

DATE	TIME
*Wednesday, May 29, 2019 (June Meeting)	10:30 AM
**Tuesday, July 2, 2019	10:30 AM
Wednesday, August 7, 2019	10:30 AM
Wednesday, September 4, 2019	10:30 AM
Wednesday, October 2, 2019	10:30 AM
Wednesday, November 6, 2019	10:30 AM
Wednesday, December 4, 2019	10:30 AM

*This meeting was previously scheduled for Wednesday, June 5, 2019.

**This meeting was previously scheduled for Wednesday, July 3, 2019.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue air quality permit No. 6318-R2 to Potomac Creek Associates, LLC to operate one existing 400 kWe emergency generator set powered by a 635 hp diesel-fired engine at the property located at 490 L'Enfant Plaza East, SW, Suite 3200, Washington, DC 20024. The contact person for facility is Timothy Scanlin, Chief Engineer, at (202) 485-3354 or tscanlin@jbgsmith.com.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after June 24, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue a set of air quality permits (Nos. 6321-R2, 6322-R2, and 6323-R2) to the United States Marine Corps to operate three (3) existing natural gas-fired boilers, each with a heat input rating of 8.37 MMBTU per hour, identified as Boilers 1, 2, and 3 (serial numbers 15578-1, 15578-2 and 15578-3, respectively), located at the Marine Barracks, Bachelor Enlisted Quarters (BEQ), Building #20, 8th and I Streets SE, Washington DC 20390. The contact person for facility is Christopher Baker, Facility Operations Specialist, at (202) 433-2920. The applicant's mailing address is 8th & I Streets SE, Washington DC 20390.

Emissions:

The total annual emissions of criteria pollutants from the three boilers, in aggregate, are estimated to not be greater than those specified in the following table [20 DCMR 201]:

Pollutant	Annual Emissions (ton/yr)
Carbon Monoxide (CO)	8.790
Oxides of Nitrogen (NO _x)	10.470
Total Particulate Matter (PM Total)*	0.795
Volatile Organic Compounds (VOC)	0.567
Sulfur Dioxide (SO ₂)	0.063

* PM Total includes both filterable and condensable particulate matter fractions.

Emission Limitations:

The proposed overall emission limits for the boilers are as follows:

- a. The total hourly emissions of criteria pollutants from each of the three boilers shall not be greater than those specified in the following table [20 DCMR 201]:

Pollutant	Short Term Emissions Limit (lb/hr)
Carbon Monoxide (CO)	0.67
Oxides of Nitrogen (NO _x)	0.80
Total Particulate Matter (PM Total)*	0.06
Volatile Organic Compounds (VOC)	0.04
Sulfur Dioxide (SO ₂)	0.005

* PM Total includes both filterable and condensable particulate matter fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Particulate matter emissions from the boilers shall not exceed 0.060 pound per million BTU.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after June 24, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue air quality permit No. 6749-R1 to Potomac Creek Associates, LLC to operate one existing 450 kWe emergency generator set powered by a 685 hp diesel-fired engine at the property located at 955 L'Enfant Plaza North, SW, Suite 1208, Washington, DC 20024. The contact person for facility is Timothy Scanlin, Chief Engineer, at (202) 485-3354 or tscanlin@jbgsmith.com.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after June 24, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit No. 6841-R1 to Potomac Creek Associates, LLC to operate one existing 160 HP diesel-fired emergency fire pump at the property located at 490 L'Enfant Plaza East, SW, Washington DC 20024. The contact person for facility is Timothy Scanlin, Chief Engineer, at (202) 485-3354 or tscanlin@jbgsmith.com.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after June 24, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit Nos. 6892-R1 through 6900-R1 to the United States Department of State to operate nine 6.0 Million BTU per hour natural gas-fired boilers at 2201 C Street NW. The contact person for the applicant is Nicholas Carros, Sustainability Manager, at (202) 736-4705. The applicant’s mailing address is 2201 C Street NW, B2A61, Washington DC 20520.

Emissions:

Maximum annual emissions from the each of the nine units has been estimated to be as follows:

Potential to Emit from Each Boiler	
Pollutant	Tons per Year
Carbon Monoxide (CO)	2.16
Oxides of Nitrogen (NO _x)	0.946
Total Particulate Matter (PM Total)	0.196
Volatile Organic Compounds (VOC)	0.142
Oxides of Sulfur (SO _x)	0.0155

*PM Total includes both filterable and condensable fractions.

Emissions Limits:

The proposed emission limits for the boilers are as follows:

- a. Emissions of criteria pollutants from each of the nine (9) boilers shall not exceed those specified in the following table [20 DCMR 201]:

Boiler Emission Limits	
Pollutant	Short-Term Limit (lb/hr)
Carbon Monoxide (CO)	0.494
Oxides of Nitrogen (NO _x)	0.216
Total Particulate Matter (PM Total)*	0.0447
Sulfur Dioxide (SO ₂)	0.00353

*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boiler, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Particulate matter (PM) emissions from each of the nine (9) boilers shall not exceed 0.11 pound per million BTU. [20 DCMR 600.1]
- e. NO_x and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.1(a)(4) and 20 DCMR 805.8(a) and (b)]:
 - i. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - ii. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 - iii. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 - iv. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in Condition II of this permit.

The permit applications and supporting documentation, along with the draft permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor

Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after June 24, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Trash Free Rivers

The Department of Energy and Environment (the Department) seeks eligible entities to propose ways to monitor and maintain trash traps, provide environmental work experience, and educate District residents about pollution that impairs the District's waterways. A successful applicant will propose ways to design and implement a trash trap maintenance program for six (6) trash traps in the Anacostia Watershed for two (2) years; to collect data on the amount and types of trash being captured; to recruit, train, and employ District youth to assist in the maintenance of the traps and in generating the data of the trash collected; and to coordinate opportunities for volunteers to assist with maintenance and learn about the need for trash reduction in District waters and watersheds. The successful applicant will be expected to collect data on the amount and types of trash being captured by all six traps. The amount available for the project is approximately \$130,000 for a two year project.

Beginning 5/24/2019, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2019TrashFreeRiversRFA.grants@dc.gov with "Request copy of "RFA 2019-1921-WPD" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Matt Robinson at (202) 442-3204 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Matt Robinson RE:2019-1921-WPD" on the outside of the envelope.

The deadline for application submissions is 6/24/2019, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to.

Eligibility:

-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

For additional information regarding this RFA, write to:
2019TrashFreeRiversRFA.grants@dc.gov.

**DEPARTMENT OF HEALTH (DC HEALTH)
HIV/AIDS, HEPATITIS, STD AND TB ADMINISTRATION (HAHSTA)**

NOTICE OF FUNDING AVAILABILITY (NOFA)

**Innovative Approaches to Pregnancy Prevention
HAHSTA_ IAPP_06.07.19 (RFA)**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified organizations to provide services in the program areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Innovative Approaches to Pregnancy Prevention
Funding Opportunity Number:	FO-HAHSTA-PG-00008-000
Program RFA ID#:	RFA#_HAHSTA_IAPP_06.07.19
Opportunity Category:	Competitive
DC HEALTH Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA)
DC HEALTH Program Bureau	STD and Tuberculosis Division
Program Contact:	Adrienne Barksdale, Program Coordinator Adrienne.barksdale@dc.gov (202) 671-4831
Program Description:	DC Health is soliciting proposals from community based organizations using innovative approaches, to participate in the State Personal Responsibility Education Program (PREP). The purpose of this program is to support projects that replicate evidence-based, effective program models or substantially incorporate elements of effective programs that have been proven, to change behavior for sexually active youth. This funding aims to reduce the pregnancy rates and birth rates for youth populations, especially youth populations that are the most high-risk or vulnerable for pregnancies.
Eligible Applicants	Non-profit, public, private and faith-based organizations located in the District of Columbia who provide services to youth in the District of Columbia.
Anticipated # of Awards:	2

Anticipated Amount Available:	\$120,000.00
Floor Award Amount:	\$30,000.00
Ceiling Award Amount:	\$60,000.00

Funding Authorization

Legislative Authorization	Section 513 of Social Security Act
Associated CFDA#	93.092
Associated Federal Award ID#	1801DCPREP
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, June 7, 2019
Pre-Application Meeting (Date)	Monday, June 17, 2019
Pre-Application Meeting (Time)	11:00am – 1:00pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002 4 th Floor Conference Room 406
Letter of Intent Due date:	Monday, June 24, 2019
Application Deadline Date:	Friday, July 19, 2019
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcDCHealth.force.com/GO_ApplicantLogin2

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, TaxID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

May 20, 2019

1:00 p.m. to 3:00 p.m.

2720 Martin Luther King Junior Ave, SE

Washington, D.C. 20032

Executive Conference Room

On May 20, 2019 at 1:00 p.m., the Homeland Security Commission (HSC) will hold a closed meeting pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of discussing the annual report.

The meeting will be held at 2720 Martin Luther King Junior Ave, SE, Washington, D.C. 20032 in the Executive Conference Room.

For additional information, please contact Sarah Case-Herron, Bureau Chief of Policy and Legislative Affairs, by phone at 202-481-3107 or by email at sarah.case-herron@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION (FSA)**

NOTICE OF FUNDING AVAILABILITY (NOFA): JA-FSA-ERAP-2020-001

EMERGENCY RENTAL ASSISTANCE PROGRAM

The District of Columbia (District) Department of Human Services (DHS) Family Services Administration (FSA), hereinafter referred to as the "DHS/FSA" seeks eligible entities to provide crisis intervention services through the Emergency Rental Assistance Program (ERAP) to families with minor child(ren) under the age of eighteen (18), persons sixty (60) years of older, persons with a disability, and individual (single) head of households who are non-elderly, non-disabled adults without minor children who are at imminent risk of homelessness to remain in or access permanent housing. The amount available for the project is approximately \$7,300,000.

Purpose/Description of the Project: This Notice of Funding Availability seeks to identify potential applicants that can provide 10TERAP services to those who are at imminent risk of homelessness to remain in or access permanent housing. The ERAP provided by the applicant should primarily be focused on meaningfully engaging these individuals through creation of a dignified and safe environment, facilitation of a coordinated entry into the homeless services continuum, connecting people to supportive services through case management, and ensuring accessibility to peer-led, professionally-supported, therapeutic programming.

Eligibility: Non-profit community organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations, faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations, and private enterprises located in the District that have demonstrated experience working with families and individuals are encouraged to apply. Applications are also encouraged from collaborating community-based and faith-based organizations.

Applicants will be judged in this competition based on past experience with administering one time only needs-based assistance payments, the extent of geographic service delivery capacity, and the ability to provide case management, including financial counseling services. These services may be provided directly or by a sub-Grantee. These organizations would be expected to provide case management services to all families for whom case management appears warranted.

This approach facilitates the provision of case management services, ensures accountability and involves a diverse array of community organizations. Provision of emergency assistance is most effective when combined with a strong case management effort. Such efforts minimize recidivism and help connect residents in need of emergency assistance with other services such as financial planning, employment and other supports that facilitate self-reliance.

The strong desire to couple emergency assistance payments with case management argues against a strict income maintenance approach to emergency assistance, such as was administered by the DHS/FSA in the past. As with all grants, DHS/FSA would retain responsibility for monitoring and assuring adherence to program eligibility criteria. A centralized computerized tracking system will be utilized to ensure accountability.

In addition to having the appropriate staff qualifications and experience performing services similar in size and scope to the requirements of this grant, eligible grantees must also demonstrate their intent and ability to:

- The Grantee's facilities used during the performance of this grant agreement shall meet all applicable Federal, state, and local regulations for their intended use throughout the duration of the grant agreement. The Grantee shall maintain current all required permits and licenses. The Grantee's failure to do so shall constitute a failure to perform under the agreement and become a basis for termination of the grant agreement for default.

Length of Grant Award and Available Funding: Grantee(s) will be awarded funding based on the capacity to meet the requirements of the program. The award period for the grant will be from October 1, 2019 through September 30, 2020. The amount available for the project is up to \$7,300,000 for one base year with four option years, subject to funding availability.

RFA Release: The RFA will be released on **May 31, 2019**. A copy of the RFA may be obtained by the following means:

Download from the Office of Partnerships and Grant Services website under the District Grants Clearinghouse (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>).

Email a request to Lucille Hart with "Request copy of RFA #JA-FSA-ERAP-2020-001" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 64 New York Ave., 6th Fl., Washington, DC 20002. To make an appointment, call Lucille Hart at 202-698-4170 and mention this RFA by name.

Write DHS at 64 New York Ave., 6th Fl., Washington, DC 20002, "Attn: Lucille Hart RE: RFA #JA-FSA-ERAP-2020-001" on the outside of the envelope.

Deadline for Applications: The deadline for application submissions is **June 28, 2019 at 4:00pm**. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to lucille.hart@dc.gov. Late or incomplete applications will not be forwarded to the review panel.

For additional information, write to: Lucille Hart at lucille.hart@dc.gov.

IDEA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiple Services**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Professional Development
- Accounting and Finance
- Contractual Consulting Services
- Special Education Services
- Extended Year Program for Special Education Students

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 6/5/2019. Contact: bids@ideapcs.org

INSPIRED TEACHING DEMONSTRATION PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER INTO A SOLE SOURCE CONTRACT
IN LIEU OF RFP**

The Inspired Teaching Demonstration Public Charter School and its partner Shaed LLC, intends to enter into a sole source design/build construction contract with MCN Build for the renovation of the ground floor in our facility at 200 Douglas Street NE. The sole source is necessary because financing was just secured to cover the cost of the work and we need to take occupancy in August, 2019. It is imperative that we commence the work immediately to meet this timeline. In addition, MCN was previously chosen through an RFP process for this project, but the project was put on hold. As a mitigating factor, MCN Build will bid out their subcontractors (which is most of their contract), so we are confident that a competitive price will be obtained. The proposed contract amount is approximately \$3.5MM.

REQUEST FOR PROPOSALS**Project Management Services**

The Inspired Teaching Demonstration Public Charter School and its partner Shaed LLC, are soliciting proposals from qualified firms to provide project management services related to the on time and on budget delivery of the ground floor renovation of its facility at 200 Douglas St. NE. The proposed project for the ground floor renovation is approximately \$3.5MM and will take place in summer/fall 2019. For the full RFP please contact Kate Keplinger at kate.keplinger@inspiredteachingschool.org. Responses will be due on June 5, 2019.

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Company Services**

Paul Public Charter School is advertising the opportunity to bid on the management of breakfast, lunch, snack and/or CACFP supper program to children enrolled at the school for the 2019-2020 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **May 24, 2019** from **Shelby Legel, Operations Manager, at (202) 541-6619** or via email at slegel@paulcharter.org.

Proposals will be accepted at 5800 8th St NW, Washington, DC 20011 on **June 17, 2019** not later than **11:00 am.**

All bids not addressing all areas as outlined in the RFP will not be considered.

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS (RFP)**

Paul Public Charter School seeks bids for:

- Athletic Uniforms: uniforms and equipment options for both HS and MS sports
- Mural: artistic proposals for exterior wall art
- Gym door installation: creation of additional egress in existing gym, to include all permitting and drawing fees
- Gutter replacement/repair: repair and/or replace existing gutters as needed to prevent roof leaks
- Finance and data support: support with all student/school data and financial audit and reporting needs

More information on each project is available by request and building walk throughs are available by appointment. Paul PCS reserves the right to cancel this RFP at any time.

Bids are due Friday, June 7th by 4:00pm to the following location:

Paul Public Charter School
ATTN: Shelby Legel
5800 8th St NW
Washington, DC 20011
slegel@paulcharter.org

PERRY STREET PREPARATORY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Company Services**

Perry Street Preparatory Public Charter School is advertising the opportunity to bid on the management of breakfast, lunch, snack and/or CACFP supper program to children enrolled at the school for the 2019-2020 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **5/24/19** from **Kelly Smith at 202-529-4400** or ksmith@pspdc.org.

Proposals will be accepted at 1800 Perry Street NE, Washington, DC 20018 on **June 27th** not later than **12pm**.

All bids not addressing all areas as outlined in the RFP will not be considered.

**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, June 3, 2019

Time: 6:30 PM – 8:00 PM

Location: DC International School, 1400 Main Drive NW

Contact: Randall Clarke, DMPED
randall.clarke@dc.gov

The draft agenda is as follows:

Walter Reed Council Advisory Committee Meeting Agenda

1. LRA Opening Remarks
 - Welcome & Intro
 - Meeting Facilitation & Order
2. Aspen Street Updates
3. The Parks at Walter Reed Development Team
 - CBE First Source Project Update/Upcoming Opportunities
 - Construction Updates
 - Project Events
 - Other Project Updates
4. Other Items
5. Adjourn – 8 PM

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after July 1, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 24, 2019. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: July 1, 2019
Page 2**

Ambrose	William Todd	Pepper Hamilton, LLP 2000 K Street, NW, Suite 600	20006
Anandh	Ila	Self 6627 Harlan Place, NW	20012
Anderson III	Carleton Jay	Anderson Court Reporting, LLC 1717 K Street, NE, Suite 900	20006
Andrews	Lillian Diane	Self 5305 2nd Street, NW	20011
Ashley	Kelli V.	United States Department of Justice 175 N Street, NE, Suite 2.1322, 3 con	20002
Baker	David	Treasury Department Federal Credit Union 1300 Pennsylvania Avenue, NW	20004
Barney	Caland E.	McDermott Will & Emery 500 North Capitol Street, NW	20001
Benedick	Donald Thomas	Self 1301 20th Street, NW, #617	20036
Berry	Joy	The World Bank 1818 H Street, NW	20433
Bolden	Deidra Doreen	Public Citizen 1600 20th Street NW	20009
Bolduc	Matthew J.	Woodland Estate & Title, LLC 700 Pennsylvania Avenue, SE, 2nd floor	20003
Bonilla	Edwin Alexander	Self 327 4th Street, SE	20003
Bowman	Essie L.	Self 5815 5th Street, NW	20011
Brinkman	Kimberly S.	United States Senate 127 Hart Senate Office Building	20510
Brown	Tiana	Agriculture Federal Credit Union 1400 Independence Avenue, SW	20250

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: July 1, 2019

Page 3

Butler	Karen L.	Kelly Drye & Warren, LLP 3050 K Street, NW	20007
Carver	Antoinette Denise	Self (Dual) 726 Somerset Place, NW	20011
Chittaranjan	Dhanya	Latham and Watkins, LLP 555 11th Street, NW, Suite 1000	20004
Choi	Chang Ho	The UPS Store 2021 L Street, NW, Suite 101	20036
Coile	Bonnie B.	Kaufman, Schwartz & Company, PLLC 1010 Wisconsin Avenue, NW, Suite 540	20007
Cole	Robin A.	Tiber Island Cooperative Home, Inc. 429 N Street, SW	20024
Collazo	Lucas	Thomas, Thomas & Hafer, LLP 1025 Connecticut Avenue, NW, Suite 608	20036
Cruz	Leslie Y.	E Keith Edwards Insurance Agency 7826 Eastern Avenue, NW, Suite 306	20012
De Saussure	KenAndra T.	MedStar Georgetown University Hospital 2115 Wisconsin Avenue, NW	20007
Decker	J. Dianne	United States Senate 127 Hart Senate Office Building	20510
Dozier	Antonette	District of Columbia Department of Aging and Community Living 500 K Street, NE	20002
Fields	Denese Patrick	Pepper Hamilton, LLP 2000 K Street, NW, Suite 600	20006
Gaskins	Gloria A.	Kleinfeld Kaplan Becker, LLC 1850 M Street, NW	20036
Green	Allison	JP Morgan 800 Connecticut Avenue, NW, Floor 9	20006

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: July 1, 2019
Page 4**

Hereford	Carolyn E.	The Greater First Baptist Church, Mount Pleasant Plains 2701 13th Street, NW	20009
Hooks	Lynnette D.	Weiner Brodsky Kider, PC 1300 Nineteenth Street, NW, Fifth Floor	20036
Howard	Ayanna D.	Earl Howard Studios 2528 Pennsylvania Avenue, SE	20020
Howard	Kanessa R.	Mintz Levin 701 Pennsylvania Avenue, NW, Suite 900	20004
Ibarra	Selina	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Ingram	Sharnea	JAMS 1155 F Street, NW, Suite 1150	20004
Jackson	Jean C.	Greenberg Traurig, LLP 2101 L Street, NW, Suite 1000	20037
Jacobs	Elian B.	Potkin, Williamowsky, Pillay, PLLC 4725 Wisconsin Avenue, NW, Suite 250	20016
Johnson	Angelo L.	The UPS Store 611 Pennsylvania Avenue, SE	20003
Johnson	Charisse S.	Arent Fox LLP 1717 K Street, NW	20006
Jordan	Roxann P.	Offit Kurman, PA 1313 F Street, NW, Suite 300	20004
Kaluthanthiri	Bawanthi	M&T Bank 2620 Connecticut Avenue, NW	20008
Knight	Heather L.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005

D.C. Office of the Secretary
 Recommendations for Appointments as DC Notaries Public

Effective: July 1, 2019
 Page 5

Lasser	Jamie	MayRiegler 1010 Wisconsin Avenue, NW, Suite 600	20007
Laws	Shannon R.	Logan Title 631 Pennsylvania Avenue, SE	20003
Lee	Yong Joo	Small Family Office 2700 Calvert Street, NW, #114	20008
Lewis	Warren Rush	Veritas Law Firm 1225 19th Street, NW, Suite 320	20036
Little	Juele	Hughes Hubbard Reed, LLP 1775 I Street, NW	20006
Lumpkin	Matiynia A.	VIRE Consulting 1612 K Street, NW, Suite 802	20006
Marshall	Terrell	Apprio Inc. 425 3rd Street, SW, Suite 600	20024
Martin	Janice V.	Williams & Connolly, LLP 725 12th Street, NW	20005
McLaughlin	Issac	Office of Labor Relations and Collective Bargaining 441 4th Street, NW, Suite 820N	20001
McRae	Detra F.	Pepper Hamilton, LLP 2000 K Street, NW, Suite 600	20006
Meinhardt	Susan M.	PNC Bank 601 Pennsylvania Avenue, NW	20004
Morgart	Candelaria	Cohen & Cohen 1220 19th Street, NW, Suite 500	20036
Myles	Katherine Virginia	Boehringer Ingelheim Pharmaceuticals 1120 G Street, NW, Suite 1050	20005
Nejjar	Samira	Star Trading & Marine, Inc 1133 Connecticut Avenue, NW, Suite 610	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

**Effective: July 1, 2019
Page 6**

Newman	Michael	CDQ Consulting & Insurance, LLC 2031 36th Street, SE	20020
Ogata	Jeffrey Makio	Self 1316 C Street, NE	20002
Omar	Warsan	Lautman Maska Neill & Company 1730 Rhode Island Avenue, NW, Suite 301	20036
Payne	Sherice	PNC Bank 3300 14th Street, NW	20010
Perry	Crystal	Perry Global Management, LLC 1321 28th Street, SE	20020
Perry	Dawn Higgins	Economists Incorporated 2121 K Street, NW, Suite 1100	20037
Prestwood	Troy D.	Self (Dual) 2317 16th Street, SE, Unit 101	20020
Qasmi	Sahar Jawed	Nuveen RE 601 Massachusetts Avenue, NW, Suite 210W	20001
Queen	Renee B.	Economic Consulting Services 2001 L Street, NW, Suite 1000	20002
Recabo	Grace L.	Goodwin Procter, LLP 901 New York Avenue, NW, 9th Floor	20001
Reilly	Alexandra	Nelson Mullins Riley & Scarborough 101 Constitution Avenue, NW, Suite 900	20001
Robertson	Tonya R.	Federal Communications Commission 445 12th Street, SW	20554
Rosborough	Linda J.	United States Department of State 600 19th Street, NW, 5th Floor	20431
Salandro	James C.	Self 220 Allison Street, NW, Suite 103	20011

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

**Effective: July 1, 2019
Page 7**

Shand-Gaines	Itselda	Self (Dual) 1508 Lawrence Street, NE	20017
Shepard	Linda M.	DHR Holdings, LLC 1030 15th Street, NW, B1, #366	20005
Smith	Kimberley D.	Department of the Navy 1250 10th Street, SE, Suite 1600	20374
Smith	Cherish R.	The UPS Store 611 Pennsylvania Avenue, SE	20003
Smith	Jermaine A.	Department of the Interior 1849 C Street, NW	20240
Southerland	Shemekia	Capital Auto & Truck Auction, Inc 1905 Brentwood Road, NE	20018
Spencer	Charlotte E.	Blank Rome, LLP 1825 Eye Street, NW, Suite 1100	20006
Stacy	Brian Scott	Smart Settlements, LLC 2110 Vermont Avenue, NW	20001
Sussman	Ronald	Michael Rinaldi & Co., LLP 5028 Wisconsin Avenue, NW, Suite 300	20016
Thacker	Erick M.	Veritext Legal Solutions 1250 I Street, NW, Suite 350	20005
Troutman	Robin	National Association of Councils on Developmental Disabilities 1825 K Street, NW, Suite 600	20006
Vaught	Neta	Self 1329 Savannah Street, SE, #4	20032
Villamizar	Natalia	Roca Services 1701 Pennsylvania Street, NW	20007
Wismer	Brittany G.	Capitol Title Insurance Agency, Inc. 210 7th Street, SE	20003

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: July 1, 2019****Page 8**

Wooden	Angela L.	Paul, Weiss, Rifkind, Wharton & Garrison, LLP 2001 K Street, NW	20006
Young	Asya	PNC Bank 3300 14th Street, NW	20010
Zartarian	Laura	The Barker Adoption Foundation 1066 30th Street, NW	20007
Zelenty	Maureen	Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW	20036
Zimolong	Jamie	United Union of Roofers, Waterproofers and Allied Workers 1660 L Street, NW, Suite 800	20036

SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****MULTIPLE SERVICES**

Shining Stars Montessori Academy Public Charter School solicits proposals for the following services:

- Construction Management
- School Apparel
- Curriculum Support
- Building & Grounds Management
- Translation & Interpretation Services
- Teacher Training & Support
- Legal Services
- HVAC & Building Maintenance

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 6/5/2019. Contact: procurement@shiningstarspcs.org

ST. COLETTA SPECIAL EDUCATION PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

St. Coletta Special Education Public Charter School is seeking proposals from prospective candidates to install a system of indoor and outdoor video surveillance security cameras at its school building located at 1901 Independence Ave SE, Washington, DC.in accordance with the requirements and specifications detailed in the full RFP.

To request the full RFP, please email chloe.harrell@stcoletta.org. If you do not receive an email reply within 24 hours, please call the phone number below.

The deadline to respond to the RFP is June 4th. Full proposals will be due after a visit to the facility has been completed. Proposals that do not address all areas outlined in the full RFP or proposals received after the deadline for submission may not be considered.

For additional information contact:

Chloe Harrell
Operations Manager
1901 Independence Ave, SE
Washington, DC 20003
chloe.harrell@stcoletta.org
St. Coletta of Greater Washington, Inc.
202-350-8680 ext. 1045

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19862 of Heights Holdings, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703 for relief from the minimum parking requirements of Subtitle C § 701.5, and a special exception pursuant to Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2, to construct a new 26-unit apartment house in the MU-4 Zone at premises 3331 and 3333 11th Street N.W. and 1032 and 1034 Park Road, N.W. (Square 2841, Lots 95, 96, 98, and 99).

HEARING DATES: November 14, December 5 and 19, 2018¹
DECISION DATE: December 19, 2018

DECISION AND ORDER

Heights Holdings, LLC (the “**Applicant**”) filed an application with the Board of Zoning Adjustment (the “**Board**”) on August 20, 2018, for a special exception under Subtitle C § 703 of Title 11 of the DCMR (the “**Zoning Regulations**”, to which all references are made unless otherwise specified) for relief from the minimum parking requirements of Subtitle C § 701.5 and a special exception pursuant to Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2 (the “**Application**”) to construct a new 26-unit apartment house in the MU-4 Zone at premises 3331 and 3333 11th Street, N.W. and 1032 and 1034 Park Road, N.W. (Square 2841, Lots 95, 96, 98, and 99) (the “**Property**”). For the reasons explained below, the Board voted to **APPROVE** the Application.

FINDINGS OF FACT

Notice of Application and Notice of Public Hearing

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the November 14, 2018 hearing by a September 20, 2018 letter to the Applicant; Advisory Neighborhood Commission (“**ANC**”) 1A, the ANC for the area within which the subject property is located, the single-member district ANC 1A07, and the Office of ANCs; the Office of Planning (“**OP**”) and the District Department of Transportation (“**DDOT**”); the Councilmember for Ward 1, the Chairman of the Council, and the At-Large Councilmembers; and the owners of all property within 200 feet of the Property. (Exhibits 12-24.) OZ also published notice of the November 14, 2018 public hearing in the *D.C. Register* on September 21, 2018 (65 DCR 9726) as well as through the calendar on OZ’s website.

¹ The Board granted the Applicant’s request to postpone the original scheduled hearing from November 14 to December 5, 2018.

Party Status

2. The Applicant and ANC 1A were automatically parties in this proceeding per Subtitle Y § 403.5. No request for party status was filed.

The Property

3. The Property contains 5,574 sq. ft. of land area. (Exhibit 46B.)
4. The Property is irregularly-shaped and consists of four lots of record, two with frontage on 11th Street, N.W. and two with frontage on Park Road, N.W., that wrap around a corner lot (Lot 97) that is not part of the Property or Application. (Exhibit 46B.)
5. The Property borders a restaurant use in the corner lot to the northwest (Lot 97) and residential uses to the south (Lot 94) and east (Lot 872). (Exhibits 6 and 46B.)
6. The Property is currently improved with four two-story rowhouses. (Exhibits 4 and 9.)
7. The Property has no curb cut onto a public street and its only access to a public alley is by a 3.75-foot-wide strip that leads behind the adjacent property to the south (Lot 94) to an approximately 15-foot-wide alley. (Exhibits 46B and 48.)
8. None of the four lots which comprise the Property currently provide off-street parking.
9. The Property is located 0.1 miles from the nearest bicycle station, 0.1 miles from two Metrobus routes (63 and H8), less than 0.5 miles from the Georgia Avenue-Petworth Metrorail station, and 0.6 miles from the Columbia Heights Metrorail station. (Exhibits 7 and 47.)
10. The Property is in the MU-4 Zone.
11. Pursuant to Subtitle G § 400.3, the purpose and intent of the MU-4 Zone is to permit moderate-density mixed-use development, including housing, with access to main roadways or rapid transit stops.
12. The surrounding neighborhood is developed with a cluster of a half-dozen retail, service, and restaurant uses at the intersection of 11th Street, N.W. and Park Road, N.W. as well as apartment houses of varying sizes and rowhouses. (Exhibits 6, 9, and 46B.)

The Application

13. The Application proposed to raze the four existing buildings on the Property, subdivide the four lots into a new single record lot, and construct a 26-unit apartment building (the “**Building**”) fronting on 11th Street, N.W. with a side yard on Park Road, N.W. and attached to the abutting buildings on the east (Lot 827), south (Lot 94), and northwest (Lot 97). (Exhibits 6 and 46B.)

14. The Building's proposed 26 units would require a minimum of four parking spaces on the Property, because the Property's location within a half-mile of a Metro Station reduces the seven parking spaces required by 50% under Subtitle C §§ 701.5 and 702.1(a). (Exhibits 46B and 47.)
15. The Application proposed to provide no parking on the Property. (Exhibit 46B.)
16. The Applicant stated that it does not own property that could provide off-site parking within 600 feet of the Subject Property. (Exhibit 7.)
17. A minimum rear yard of 15 feet is required in the MU-4 Zone. (Subtitle G § 405.2.)
18. The Application proposed to provide a variable rear yard along the eastern rear lot line, including a 3.75-foot rear yard along the alley accessway on the southern portion, a 10-foot rear yard for approximately 55 feet, no rear yard where the Building would abut the existing building to the east (1030 Park Road, N.W.) and a compliant rear yard on the frontage with Park Road, N.W. (Exhibits 6, 37A, and 46B.)
19. The Application proposed no windows along the south side of the Building that would abut directly the building to the south at 3329 11th Street, N.W., except for one window on the penthouse that overlooks the rear yard of that adjacent building. (Exhibit 46B.)
20. The Application proposed windows on the south side of the Building facing the rear yard that extends over 40 feet to the south. (Exhibit 46B.)
21. The Application proposed no windows on the northern portion of the east side of the Building that would abut directly the building to the east at 1030 Park Road, N.W. (Exhibit 46B.)
22. The Application proposed windows on the southern portion of the east side of the Building facing the rear yard that extends 10 feet to the east rear lot line. (Exhibit 46B.) Across this 10-foot rear yard, the northern pair of windows on each floor would face the blank wall of the rear extension of the abutting property at 1030 Park Road, N.W. and the other windows would face the rear yards of the adjacent properties on Park Road, N.W. with no building within 40 feet of these windows.
23. The Application proposed no office uses in the Building.

Zoning Relief

24. The Application requested a special exception under Subtitle C § 703 from the four parking spaces required under minimum parking requirements of Subtitle C § 701.5, as reduced by Subtitle C § 702.1(a).

25. The Application also requested a special exception under Subtitle G §§ 409 and 1201 from the required 15-foot rear yard required by Subtitle G § 405.2 to provide a 10-foot rear yard on the southern portion of the rear lot line and no rear yard on the northern portion.

Persons in Support

26. Fourteen neighbors (including RedRocks, the owner of the corner lot 97 surrounded by the Property), signed letters stating their support for the Application. (Exhibits 32- 36, 38-44, 53, and 54.)

Persons in Opposition

27. The Board received no letters nor testimony from persons in opposition to the Application.

OP Report

28. OP submitted a report dated November 26, 2018 (the “**OP Report**,” Exhibit 47) recommending approval of the amended request for special exception relief, subject to the following conditions to mitigate the projected adverse effect of the Building on public parking:

- a) Applicant provide a specific amount of prepaid Capital Bikeshare annual membership or Metro farecard to all new tenants;
- b) Applicant designate a location for the required short-term bicycle parking space in consultation with DDOT; and
- c) Applicant provide an additional long-term bicycle parking space beyond the minimum required.

DDOT Report

29. DDOT submitted a report dated November 26, 2018 (the “**DDOT Report**,” Exhibit 48), stated that DDOT had determined that the Property had no vehicular access because:

- a) the alley access way at the rear of the Property is too narrow for vehicular access;
- b) a curb cut for vehicular access to the Property off Park Road, N.W. would violate the prohibition of the DDOT Design and Engineering Manual (“DEM”) against a curb cut within 60 feet of an intersection;
- c) a curb cut for vehicular access to the Property off of 11th Street, N.W. would violate DDOT’s DEM prohibition on installing curb cuts that would harm existing street trees; and
- d) curb cuts, even if allowed, would increase the adverse effects of the Building on the availability of on-street public parking by reducing the number of curbside parking spaces.

30. The DDOT Report also determined that because the Building had less than 50 units, no on-site loading was required by the Zoning Regulations.

31. The DDOT Report stated that DDOT had determined that the Application would have only minor potential transportation impacts by reducing the availability of on-street public parking and increasing the number of vehicular, transit, pedestrian, and bicycle trips. To mitigate these potential minor negative impacts, DDOT recommended that the Application include the following conditions:
- a) All new tenants and residents of the Building receive transit information;
 - b) An electronic message board in the Building's residential lobby that displays relevant transportation information including estimated arrival times at nearby stations/stops and availability at nearby Capital Bike stations;
 - c) Each new residential unit receive a one-year Capital Bikeshare or pre-paid Metro fare card with a minimum expenditure of \$2,200; and
 - d) Provide additional long-term bicycle parking spaces if available.
32. The DDOT Report stated that as the Applicant had agreed to include these conditions in the Application, DDOT had no objection to the parking relief requested in the Application.

ANC Report

33. The Applicant presented the Application to the surrounding neighborhood at an ANC community meeting on October 2, 2018. (Exhibit 37.)
34. In response to comments from the community at the October 2nd ANC community meeting, the Applicant revised the design of the Building's façade from a modern metal and glass façade to a more traditional brick façade and included a mural on the Building's north and west facades. (Exhibits 37 and 37A.)
35. The Applicant presented the Application at the ANC's October and November 14, 2018 meetings.
36. ANC 1A submitted a written report (the "**ANC Report**," Exhibit 49) stating that at a duly noticed and scheduled public meeting on November 14, 2018, at which a quorum was present, the ANC voted to oppose the Application and to express three concerns based on the three ANC meetings at which the Applicant presented the Application:
- a) that the Building was not compatible with the architectural character and compatibility of the surrounding neighborhood,
 - b) that the Building did not adequately mitigate the increased parking demand from the increased density, and
 - c) that the Building did not provide sufficient affordable housing units nor at sufficiently deep affordability levels

37. The ANC Report appeared to accept the Applicant's revised design as resolving concerns on the architectural character by commending the improved aesthetics of the more traditional façade design than the initial contemporary façade.
38. The ANC Report stated that despite the Applicant's revised design, the impact on public parking posed by the Application's requested relief would be too great despite the Applicant's proposed TDM measures without additional mitigation measures such as increasing the length of alternative transportation incentives and exploring a curb cut. (Exhibit 49.)
39. The ANC Report did not further address the issue of affordable housing units.
40. The ANC Report authorized the Chair of the ANC (single-member district Commissioner for 1A08) to present the report to the Board.
41. The ANC Chair testified at the December 5, 2018 public hearing before the Board that the "core issue [for the ANC] is the parking." (BZA Public Hearing Transcript of December 5, 2018 at 162.) The ANC Chair proposed specific additional mitigation measures to address the ANC Report's expressed concerns that the Applicant's TDM measures were insufficient to discourage residents of the Building from owning cars that would increase the demand on on-street public parking.
42. At the December 5, 2018 hearing, the ANC Chair did not testify about the ANC Report's concern that the Application's proposed affordable housing included too few units with too high an income limit.
43. At the December 5, 2018 hearing, the Board discussed with the Applicant potential additional mitigation measures to address the ANC Report's concern with the Application's impact on public parking. The Board requested the Applicant to prepare a final TDM plan that would incorporate those additional mitigation measures that the Applicant could support and discuss that final TDM plan with the ANC.
44. In response to the Board's request at the December 5, 2018, hearing, the Applicant met with the Chair and three other members of the ANC (1A02, 1A03, and 1A06) on December 12, 2019, and agreed to incorporate additional TDM measures into the Application's final TDM plan (the "**Final TDM Plan**"). (Exhibit 57.) These additional TDM measures included:
 - a) providing each new resident with a reusable shopping bag, with additional ones available near the long term bicycle parking area;
 - b) clarification that the electronic message board displaying nearby transit options will be permanent and will include nearby options for car- and bike-sharing;
 - c) expansion of the one-year Capitol Bikeshare Membership or prepaid Metro card for each residential unit for a minimum of \$2,200 to include a Zipcar or Lyft gift card and to run for four years (for a minimum cost of \$8,840);

- d) providing one long-term bicycle parking space more than required under the Zoning Regulations in a cellar-level storage room; and
- e) promises to work with DDOT to provide additional short-term bicycle parking spaces on the Property and to create a pick-up/drop-off space on either Park Road, N.W. or 11th Street, N.W. provided this space would not remove any existing legal on-street parking spaces.

45. These four members of the ANC, including the Chair, executed an agreement with the Applicant on behalf of the ANC that incorporated the Final TDM Plan as conditions to the Application. (Exhibit 58.)

Revisions to the Application

46. In response to concerns about parking raised at the November 14, 2018 ANC meeting and OP's report, the Applicant submitted a Transportation Demand Management ("TDM") plan that included the conditions referenced in OP's report. (Exhibit 46A.)

47. In response to testimony at the December 5, 2018 public hearing of the Board, the Applicant agreed to further revisions to the TDM plan that resolved the concerns of four members of the ANC, as expressed in a letter. (Exhibits 57 and 58.)

CONCLUSIONS OF LAW

Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception

- (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,
- (ii) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and
- (iii) complies with the special conditions specified in the Zoning Regulations.

For the relief requested by the Application, the "specific conditions" are those of Subtitle C § 703 and Subtitle G § 1201.

Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

As explained more fully below, the Board concludes that the Applicant has demonstrated that the Application met the specific and general conditions for both special exceptions requested.

BZA APPLICATION NO. 19862

PAGE NO. 7

Subtitle C § 703 – Relief from Parking Requirements of Subtitle C § 701.5

To qualify for a special exception from the minimum parking requirements of Subtitle § 701.5 under Subtitle C § 703, the Applicant must demonstrate the Application's compliance with at least one of ten criteria of Subtitle C § 703.2 in addition to satisfying the criteria of Subtitle C §§ 703.3 and 703.4 and the general special exception criteria of Subtitle X § 901.

The Board concludes that the Applicant demonstrated satisfaction of two of the criteria of Subtitle C § 703.2:

C-703.2(b) the use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Board concludes that the Application meets this criterion because the Property is well served by other means of transportation as it is located 0.1 miles from the nearest bicycle station, 0.1 miles from two Metrobus routes (63 and H8), within a half-mile of the Georgia Avenue-Petworth Metrorail station, and 0.6 miles from the Columbia Heights Metrorail station.

C-703.2(h) the property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lots is from an improved public street and either

- 1) A curb cut permit for the property has been denied by the District Department of Transportation; or*
- 2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations or of Chapters 6 or 11 of Title 24 DCMR.*

The Board concludes that the Application meets this criterion because the DDOT Report specified that the Property had no vehicular access, as the rear alley access was too small for vehicles and no curb cut could be installed to give the Property access to either 11th Street, N.W. or Park Road, N.W. that would not violate DDOT's DEM.

Subtitle C § 703.3 requires that “any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant” and Subtitle C § 703.4 requires that “any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.”

The Board concludes that the Applicant satisfied these requirements because the Application only requested the relief from the four parking spaces that the Property could not provide due to the lack of vehicular access to the public street and alley network. The Board concludes that the

Final TDM Plan incorporated into the Application, which was negotiated with the ANC, and which incorporated and exceeded the TDM requirements of the DDOT and OP Reports, demonstrated that the requested four-parking-space reduction was proportionate to these parking-demand reduction incentives included in the Final TDM Plan.

Based on the above, the Board concludes that the Applicant has demonstrated that the Application meets the specific conditions for the requested special exception relief under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5.

Subtitle G §§ 409 and 1201 – Relief from Rear Yard Requirements of Subtitle G § 405.2

To qualify for a special exception from the minimum rear yard requirements of Subtitle G § 405.2 under Subtitle G §§ 409 and 1201, the Applicant must demonstrate that the Application satisfies the following conditions of Subtitle G § 1201:

G-1201.1(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;

The Board concludes that the Application meets this condition because the windows on the south side and east rear facades would overlook the rear yards of adjacent lots with no building within 40 feet of these windows, except for the northern pair of windows on each floor on the rear east façade that would face the blank side wall of the rear extension of the building on the abutting lot to the east at 1030 Park Road, N.W. across the 10-foot rear yard.

b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;

The Board concludes that this condition is not applicable to the Building, which will not include any office uses.

c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;

The Board considered the potential sightlines into habitable rooms on adjacent properties from the windows on the east rear façade of the Building, which is not parallel to the adjacent buildings on Park Road, N.W. The Board concludes that the windows on the east rear façade will not have any sightlines into habitable rooms because these windows face onto adjacent rear yards for at least 40 feet or a blank wall.

d) Provision shall be included for service functions, including parking and loading access and adequate loading area; and

The Board concludes that the Application meets this condition by providing for applicable service functions because the Application has requested relief from the minimum parking requirements of Subtitle C § 701.5 as discussed above, and because the Building has no loading requirements under the Zoning Regulations.

- e) *Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if historic district or historic landmark is involved, the Historic Preservation Office.*

The Board concludes that the Application meets this condition because the Board submitted the Application to the relevant District agencies - OP and DDOT - for their assessment, and both OP and DDOT submitted written responses in support of the Application.

The Board therefore concludes that the Applicant has demonstrated that the Application meets the specific conditions for the requested special exception relief under Subtitle G §§ 409 and 1201.1 from the minimum rear yard requirements of Subtitle G § 405.2.

General Special Exception Relief – Subtitle X § 901

The Board concludes that the Application, in addition to meeting the specific conditions of the special exceptions from the minimum parking and rear yard requirements, also meets the general special exception standards in Subtitle X § 901.2 to be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and to not adversely affect the surrounding properties.

The Board concludes that granting both requested special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the Building meets the intent of the MU-4 Zone to permit moderate density mixed-use development as a four-story apartment building that meets the other development standards of the MU-4 Zone.

The Board concludes that granting both requested special exceptions would not tend to adversely affect the use of neighboring properties because the Final TDM Plan would mitigate any adverse impacts of the requested parking relief, and the Building's siting of windows would mitigate any adverse impacts of the requested rear yard relief.

The Board therefore concludes that the Applicant met its burden of proof to demonstrate that the Application met the general conditions, as well as the specific conditions, for the requested special exceptions from Subtitle C § 701.5 and Subtitle G § 405.2.

Great Weight to the Recommendations of OP

The Board must give “great weight” to the recommendation of OP. (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8.)

The Board concludes that the OP Report, which provided an in-depth analysis of how the Application complied with the conditions of the requested special exceptions, is persuasive and concurs with OP’s recommendation that the Application be approved, subject to the Final TDM Plan that met and exceeded the recommended TDM conditions in the OP Report, as discussed above.

Great Weight to the Issues and Concerns of the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 1A. (§ 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.) and Subtitle Y § 406.2.) To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).

The Board finds the ANC Report unpersuasive on the three issues and concerns raised in the ANC Report: the Building’s proposed design, affordable housing, and lack of parking.

Proposed design. The Board notes that the ANC Report itself appears to have recognized that this concern was resolved by the Applicant’s revisions to the design. Nonetheless, the Board finds that the ANC Report did not clarify how this concern directly related to the two types of relief sought in the Application – parking and rear yard – and therefore how the Board’s authority in considering these requests for relief extended to the design of the Building. The Board credited the analysis in the OP Report, which mirrored the Board’s determination based on the record, that the Application had met the standards for the requested relief as discussed above. The Board therefore concludes that the ANC Report was not persuasive on this concern.

Affordable housing. The Board finds that the ANC Report did not provide any explanation or supporting evidence for the expressed concern that the Application failed to provide a sufficient number of affordable units at a sufficiently low targeted income level. The Board also finds that the ANC Report did not clarify how this concern directly related to the two types of relief sought in the Application – parking and rear yard – and therefore how the Board’s authority in considering these requests for relief extended to the Building’s number of affordable units and income target levels for those units. The Board notes that the Application, like all applications, must comply with the Inclusionary Zoning requirements of the Zoning Regulations that address affordable housing. The Board therefore concludes that the ANC Report was not persuasive on this concern.

Parking. The Board finds the ANC Report's concern about the impact of the requested parking relief on the availability of on-street public parking persuasive, but concludes that the additional TDM measures negotiated by the Applicant with four members of the ANC, which satisfy and exceed the TDM conditions recommended by the OP and DDOT Reports, will address this concern sufficiently provided the Final TDM Plan is incorporated as a condition of the Board's approval. In particular, the Board concludes that expansion of the subsidy for car ownership alternatives to include Uber and Lyft gift cards in addition to SmarTrip and Capital Bikeshare membership and to cover four years instead of the initial proposal of one year, dramatically increases the incentives for residents of the Building to try and adopt car-ownership alternatives as a permanent lifestyle that should mitigate the Building's potential adverse impact on increasing demand for public on-street parking. The Board therefore finds that the ANC Report's recommendations to deny the Application on the basis of this concern unpersuasive because this concern was adequately addressed by the Final TDM Plan.

DECISION

Based on the record and the above Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has met its burden of proof with respect to the request for special exceptions under Subtitle C § 703.2 from the parking requirements of Subtitle C § 701.5 and under Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2 to construct a new 26-unit apartment house in the MU-4 Zone.

Accordingly, it is **ORDERED** that the Application is hereby **GRANTED, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 46B AND TO THE FOLLOWING CONDITIONS:**

1. The owner of the Building shall give every new resident a Residential Welcome Package which will include information about nearby alternative transportation options available, including but not limited to, ride-sharing services, car-sharing services, Metro, bike-sharing services such as Capital Bikeshare, and a reusable shopping bag, with additional shared reusable shopping bags available near the long-term bicycle storage space in the cellar.
2. The owner of the Building shall install a permanent Transportation Information Center Display in the lobby to provide residents and their guests Metro train and bus information as well as current information about the availability and status of local car-sharing and bike-sharing options.

² Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Exhibit 5). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. 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 that would require additional or different zoning relief from that is granted by this order.

3. For the first four years after opening to residents, the owner of the Building shall provide each residential unit the option to select one prepaid transportation incentive on an annual basis (each option will be equal to \$85.00 per unit annually, for a total value of \$340.00 per unit over the four-year period):
 - a. Capital Bikeshare membership;
 - b. Zipcar gift card;
 - c. Lyft gift card; or
 - d. Metrocard (SmarTrip).
4. The owner of the Building shall provide all required short- and long-term bicycle parking spaces, plus one additional long-term bicycle parking space, in the Building. The long-term bicycle parking spaces will be provided in a room in the cellar level. In addition, following the BZA process, the Applicant shall work with DDOT to find a suitable area on the Property to provide more than the minimum short-term bicycle parking spaces.
5. The owner of the Building shall make a good faith effort to coordinate with the ANC and DDOT regarding adding a pick-up/drop-off space on either Park Road, N.W. or 11th Street, N.W., provided that such space will not result in the removal of any current legal parking spaces.

VOTE: 4-0-1 (Frederick L. Hill, Leslylé M. White, Lorna L. John, and Anthony J. Hood (via absentee ballot) to APPROVE; Carlton E. Hart not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 16, 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

BZA APPLICATION NO. 19862

PAGE NO. 13

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19942 of Alula Abera, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle G § 1200 from the lot occupancy requirements of Subtitle G § 404.1, to construct a third story and convert the existing semi-detached principal dwelling unit to a four-unit apartment house in the MU-4 Zone at premises 3321 11th Street N.W. (Square 2841, Lot 48).

HEARING DATES: March 27 and April 24, 2019

DECISION DATES: May 1 and 15, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12 (Corrected).; Exhibit 4 (Original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 13, 2019, at which a quorum was present, the ANC voted 11-0-0 to support the application. (Exhibits 38, 42.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 37.)

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 G § 1200 from the lot occupancy requirements of Subtitle G § 404.1.

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).

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. 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 45.**

VOTE: 4-0-1 (Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Michael G. Turnbull to APPROVE; Frederick L. Hill not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 16, 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

BZA APPLICATION NO. 19942

PAGE NO. 2

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. 19963 of District Properties.com, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.2, to construct a new detached principal dwelling unit in the R-2 Zone at the premises at 5705 Eads Street, N.E. (Square 5228, Lot 19).

HEARING DATES: April 17 and May 8, 2019²
DECISION DATE: May 8, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37 (Revised); Exhibit 4 (Original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 7C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The ANC did not submit a written report to the record.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 27.)

¹ The original application requested area variance relief from Subtitle D § 307.1 for side yard and from Subtitle D § 302.1 for lot width. The Applicant withdrew the relief for lot width, as it was not needed, and revised the citation for side yard relief to reflect the newly-adopted requirements of Subtitle D § 206.2. (Exhibit 37.)

² The hearing on this application was originally scheduled for April 10, 2019 and was postponed to April 17, 2019. On April 17, the Board continued the hearing to May 8, 2019.

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 an area variance from the side yard requirements of Subtitle D § 206.2.

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 a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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. 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 6.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE; Lesylleé M. White not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 14, 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. 19963

PAGE NO. 2

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19972 of David Do, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the penthouse requirements under Subtitle C § 1500.4, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1, to construct a third floor with a roof deck and a penthouse enclosure on an existing two-story flat in the RF-1 Zone at premises 1449-1451 Holbrook Street, N.E. (Square 4075, Lot 182).

HEARING DATE: April 17, 2019
DECISION DATES: May 8 and 15, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 34 (Revised); Exhibit 3 (Original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5D, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 9 2019, at which a quorum was present, the ANC voted 6-0 to support the application. (Exhibit 46.)

The Office of Planning ("OP") submitted a timely report recommending approval of the amended application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 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 from the penthouse requirements under Subtitle C § 1500.4, and

¹ The original application was amended to add a special exception from the penthouse setback requirements of Subtitle C § 1502.1. (Exhibit 34.)

under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof 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 27.**

VOTE: 3-1-1 (Frederick L. Hill, Carlton E. Hart, and Lesylleé M. White to APPROVE; Peter G. May opposed to the motion; Lorna L. John not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 16, 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

BZA APPLICATION NO. 19972

PAGE NO. 2

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. 19998 of Jay M. Eisenberg Trustee c/o Museles, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504, from the penthouse setback requirements of Subtitle C § 1502.1(a)-(c), and pursuant to Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements Subtitle D § 304.1 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)

HEARING DATE: May 8, 2019
DECISION DATE: May 8, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 33 (Revised); Exhibit 5 (Original).)

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") 2D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 18, 2019, at which a quorum was present, the ANC voted 2-0-0 to support the application. (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 36.)

¹ This application was revised to correct the relief requested. The updated memorandum from the Zoning Administrator clarified that the relief needed is an area variance from the lot occupancy requirements of Subtitle D § 304.1, rather than an area variance from the nonconforming structure requirements of Subtitle C § 202.2. (Exhibit 33.)

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variance from the lot occupancy requirements Subtitle D § 304.1.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle C § 1504, from the penthouse setback requirements of Subtitle C § 1502.1(a)-(c).

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).

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. 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 7.**

VOTE: 4-0-1 (Frederick L. Hill, Peter G. May, Lorna L. John, and Carlton E. Hart to APPROVE; Lesylleé M. White not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

BZA APPLICATION NO. 19998

PAGE NO. 2

FINAL DATE OF ORDER: May 14, 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. 19998

PAGE NO. 3

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20003 of Dorothy Morgan, as amended¹, 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).

HEARING DATE: May 8, 2019
DECISION DATE: May 8, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibit 29 (Revised); Exhibit 10 (Original).)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on April 23, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 45.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 40.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 41.)

Two letters were submitted by neighbors in support of the application. (Exhibits 32 and 34.) One letter was submitted by the adjacent neighbor expressing objection only if the height of the new shed/garage exceeded that of the existing one. (Exhibit 33.) The Applicant testified that the proposed height would not be objectionable in this regard.

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 §§ 5007.1 and 5201 from the rear yard

¹ The caption was amended to change the relief from an area variance to a special exception as captioned above. (Exhibit 29 – Revised ZA’s Memorandum.)

requirements of Subtitle E §§ 5004.2(a) and (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.

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).

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. 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 37 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May;
Lesylleé M. White not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 15, 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

BZA APPLICATION NO. 20003

PAGE NO. 2

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20010 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).

HEARING DATE: May 8, 2019

DECISION DATE: May 8, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated May 17, 2018, from the Zoning Administrator, certifying the required relief. (Exhibit 4.)

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") 4A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. The ANC submitted a resolution recommending approval of the application. The ANC's resolution, with a settlement agreement between the ANC and the Applicant, indicated that at a regularly scheduled, properly noticed public meeting on April 2, 2019, at which a quorum was present, the ANC voted 6-0-1 to support the application. (Exhibit 37.)

The Office of Planning ("OP") submitted a timely report, dated April 26, 2019, in support of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a report, dated April 9, 2019, expressing no objection to the approval of the application. (Exhibit 30.)

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 the use provisions of Subtitle U § 513.1(c), to permit a fast food use in the MU-4 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 U § 513.1(c), that the requested relief can be granted as

being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 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 3.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John and Peter G. May to APPROVE; Lesylleé M. White, not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 9, 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

BZA APPLICATION NO. 20010

PAGE NO. 2

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. 20011 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).

HEARING DATE: May 8, 2019

DECISION DATE: May 8, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated January 24, 2019, from the Zoning Administrator, certifying the required relief. (Exhibit 8.)

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") 5D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5D, 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 April 9, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report, dated April 17, 2019, in support of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a report, dated April 26, 2019, expressing no objection to the approval of the application. (Exhibit 40.)

One neighbor, Robyn Lingo, submitted a letter in support of the application. (Exhibit 19.)

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 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. 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, 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 EXHIBITS 6, 11, AND 12.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John and Peter G. May to APPROVE; Lesylleé M. White, not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 10, 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. 20011

PAGE NO. 2

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, JULY 10, 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.

FOR EXPEDITED REVIEW

WARD THREE

20060
ANC 3G **Application of Steven Zeddun and Jessica Gladden**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2, to construct an addition to an existing, detached principal dwelling in the R-1-B Zone at premises at 3615 Military Road N.W. (Square 1993, Lot 4).

PLEASE NOTE:

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting 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. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

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.

BZA PUBLIC MEETING NOTICE

JULY 10, 2019

PAGE NO. 2

The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

Chinese

您需要有人帮助参加活动吗?

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

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.

BZA PUBLIC MEETING NOTICE

JULY 10, 2019

PAGE NO. 3

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 19-10

**(Valor Development, LLC, on behalf of Apex Real Estate Company, American
University, and FW DC-Spring Valley Shopping Center, LLC –
Consolidated PUD @ Square 1499, Lots 802, 803, 806, and 807)**

May 14, 2019

THIS CASE IS OF INTEREST TO ANCs 3E and 3D

On May 6, 2019, the Office of Zoning received an application from Valor Development, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lots 802, 803, 806, and 807 in Square 1499 in northwest Washington, D.C. (Ward 3), on property that is approximately bounded by Yuma Street, N.W. (north), Massachusetts Avenue, N.W. (south), 28th Street, N.W. (east), and the Spring Valley Exxon station (west). The property is zone MU-4.

The Applicant proposes to construct a new mixed-use building containing residential and retail uses and five townhomes. The mixed-use building will have approximately 214 residential units and a 16,500-square-foot full-service grocery store and a maximum height of 43.5 feet (excluding the penthouse). The townhomes, which will be located along 48th Street, will be approximately 36 feet eight inches to 37 feet in height with 10-foot penthouses for roof decks and storage. The mixed-use building will have a three-level, below-grade parking garage with 370 parking spaces and the project will be designed to meet LEED-Gold v.4 certification.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION ORDER NO. 70-28[1]
Z.C. Case No. 70-28
Washington Metropolitan Area Transit Authority
(Extinguishment of PUD @ 600 5th Street, N.W. (Square 487, Lot 17))
March 11, 2019

Pursuant to public notice, the Zoning Commission for the District of Columbia (the “Commission”) held public meetings on February 25, 2019 and March 11, 2019, to consider the request of the Washington Metropolitan Area Transit Authority (“WMATA”) to extinguish, pursuant to Subtitle X § 310.2(b), a planned unit development (“PUD”) for Lot 17 in Square 487 (the “Property”) approved by Z.C. Order No. 22, dated January 21, 1971, as further processed by the Board of Zoning Adjustment (the “BZA”) in Appeal No. 10619, effective March 12, 1971 and revised effective December 1, 1971, (collectively, with Z.C. Order No. 22, the “Approval”). The Commission reviewed the request pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations,” to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the request.

FINDINGS OF FACT

1. The Approval authorized a PUD (the “WMATA PUD”) on the Property, which has a land area of approximately 48,041 square feet, located between G Street, N.W. to the north, 5th Street, N.W. to the east, F Street, N.W. to the south, and 6th Street, N.W. to the west.
2. The WMATA PUD authorized the construction of a WMATA operations control center building (the “WMATA Building”) with a maximum height of 90 feet and eight stories above grade, a floor area ratio not to exceed 6.0, and 189 off-street parking spaces. The WMATA PUD limited the use of the WMATA Building to housing WMATA control equipment and offices for WMATA or associated entities or for other office uses allowed in Special Purpose zones.
3. BZA Appeal No. 10619 required WMATA to execute and record a covenant with the District ensuring the development and use of the Property was consistent with the Approval.
4. In Z.C. Case No. 18-05, effective January 4, 2019, the Commission approved a rezoning of the Property from the D-2 zone to the D-5-R zone and an amendment of Subtitle I § 547.3 of the Zoning Regulations to subject residential density in Square 487 to the applicable Inclusionary Zoning requirements of Subtitle C, Chapter 10.
5. In a letter dated March 4, 2019, WMATA submitted to the record an analysis confirming that the WMATA Building would conform with all applicable development and use requirements of the Zoning Regulations if the Commission were to authorize the extinguishment of the PUD. WMATA noted that if the WMATA PUD were extinguished, the Property would be subject to the applicable minimum residential use

requirements of Subtitle I and the Green Area Ratio requirements of Subtitle C, Chapter 6 upon any redevelopment of the WMATA Building and Property that exceeded the thresholds established in Subtitle I § 102.3 and Subtitle C § 601.3.

CONCLUSIONS OF LAW

1. Subtitle X § 300 establishes that the purpose of the PUD process is to provide for higher quality development through flexibility in building controls provided that a PUD approval does not circumvent the intent and purposes of the Zoning Regulations and is not inconsistent with the Comprehensive Plan.
2. Subtitle X § 310.2 requires that upon the Commission's approval of a PUD, construction of the PUD site must comply with the PUD approval until: (a) its validity expires for failure to file a building permit application, start construction, or obtain required approvals within the time limits defined in the Zoning Regulations and PUD approval; or (b) the Commission approves a request to extinguish the PUD approval.
3. The Commission concludes that the Property was developed pursuant to the WMATA PUD within the time period established by the WMATA PUD.
4. The Commission concludes that the WMATA Building would be fully compliant with all applicable provisions of the Zoning Regulations if the Commission were to grant WMATA's request to extinguish the WMATA PUD.
5. The Commission concludes that extinguishing the WMATA PUD would be consistent with the PUD process, the Zoning Regulations, and the Comprehensive Plan because the WMATA Building no longer requires the flexibility granted by the WMATA PUD due to the changed zoning designation of the Property and changes in the Zoning Regulations since the Commission approved the WMATA PUD.

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, upon the motion of Commissioner May, as seconded by Chairman Hood, the Zoning Commission for the District of Columbia took **FINAL ACTION** to **APPROVE** the request to extinguish the WMATA PUD at its March 11, 2019 public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 24, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION ORDER NO. 85-16A
Z.C. Case No. 85-16A
CLPF-CC Pavilion, L.P.
(Modification of Consequence of PUD @ Square 1661, Lot 2006
[5335 Wisconsin Avenue, N.W.]
April 29, 2019

Pursuant to public notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on April 29, 2019, to consider the request of CLPF-CC Pavilion, L.P. (the “Applicant”) for a Modification of Consequence (the “Application”) of a second-stage planned unit development (“PUD”) for Lot 2006 in Square 1661 (the “Property”) approved by Z.C. Order No. 517, effective March 6, 1987, as modified by Z.C. Orders No. 517-A and 517-B (collectively, the “Order”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations,” to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **DENIES** the Application.

FINDINGS OF FACT

1. The Order approved a second-stage PUD and map amendment for the Property, which has a land area of approximately 95,676 square feet and is located at the northwest corner of Wisconsin Avenue and Military Road, N.W.
2. The PUD approved by the Order is deemed a “vested project” under the Zoning Regulations of 1958 under which the PUD was considered and approved and the Order issued (Subtitle A §§ 102.1 & 102.3). As such, any proposed modification of the PUD must conform with the current Zoning Regulations (Subtitle A § 102.4).
3. Condition 1 of Z.C. Order No. 517 required the construction and use of the Property to comply with specified plans in the record.¹
4. Condition 2 of Z.C. Order No. 517 established that the PUD was to be a mixed-use project with three components: hotel, general office, and retail.
5. Finding of Fact 18 in Z.C. Order No. 517 defined the PUD as including approximately 490,237 square feet, of which 112,070 square feet were to be dedicated to retail use and 217,830 square feet for office use, with the remainder for hotel use.

¹ Although the Interactive Zoning Information System (“IZIS”) digital record in Z.C. Case No. 85-16 states that Exhibit [“Ex.”] 23, the plans as subsequently modified and approved by Z.C. Order No. 85-16, was not uploaded due to the oversized format, a reduced version of the plans that were submitted with the original PUD application was included in the IZIS digital record as part of the preceding exhibit. (Applicant’s Pre-Hearing Submission in that case at Ex. 22A1, pp. 105-132.) Pages 116-123 label most of the square footage on the Metro, first, and second floors as “retail,” with the third through ninth floors labelled “office.” (Ex. 22A1.)

6. The Application requested approval to change Condition 2 of Z.C. Order No. 517 to authorize the reallocation of uses to substitute office uses for retail uses by adding a requirement that all ground floor, street frontage space, excluding entrances, be dedicated to retail use.
7. The Application identified the general area where it proposed to substitute office uses for the original retail uses but did not specify the changes in square footage from the specific figures stated in Finding of Fact 18 of Z.C. Order No. 517 (although the Application did refer to the 112,070 square feet of retail spaces stated in Finding of Fact 18 of Z.C. Order No. 517). (Ex. 1, p. 2.)
8. The Application did not include copies of the plans approved by Z.C. Order No. 517 or plans showing the current location of the three use components of the PUD that reflected the specific square footage allocated to the three use components in Finding of Fact 18 of Z.C. Order No. 517. Nor did the Application include any plans indicating where it proposed to locate the new office uses for which the modification of consequence was requested.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 lists “a change to a condition in the final order” as an example of a modification of consequence.
4. Subtitle Z § 703.5 defines a modification of significance as a modification “of greater significance than a modification of consequence” that therefore requires a separate application and public hearing.
5. Subtitle Z § 703.6 lists “a change in use” as an example of a modification of significance.
6. Subtitle Z § 703.17 authorizes the Commission to deny a request for a modification of consequence and direct the applicant to file an application for a modification of significance as the appropriate category either on the basis of a single Commissioner’s request or by a vote of the Commission as a whole.
7. The Commission concludes that the Application is properly classified as a modification of significance under Subtitle Z § 703, not a modification of consequence, because the requested change is not limited to Condition 2 of Z.C. Order No. 517, which would appear to fall under Subtitle Z § 703.4’s example of a modification of consequence.

Instead, the Commission concludes that the proposed modification is effectively a change of use for the square footage dedicated to retail uses under the PUD, which the Application seeks to convert to office uses. As such, the Commission concludes that the Application represented a change of greater significance than appropriate for a modification of consequence and so is properly classified as a modification of significance pursuant to Subtitle Z §§ 703.5 and 703.6.

8. The Commission therefore directs the Applicant to file an application for a modification of significance per Subtitle Z § 704, if it still desires to seek the relief requested in the Application.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law contained herein, the Zoning Commission for the District of Columbia took **FINAL ACTION** at its April 29, 2019, public meeting, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, to **DENY** the Application by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to deny).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 24, 2019.

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS**

TIME AND PLACE: **Monday, June 10, 2019, @ 6:00 p.m.**
 Monday, June 24, 2019, @ 6:00 p.m.
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

On Mondays, June 10 and 24, 2019, the Zoning Commission, in accordance with § 406 of the District of Columbia Administrative Procedure Act (“Act”)(D.C. Official Code § 2-576), hereby provides notice it will hold closed meetings at the dates, times, and places noted above, regarding cases noted on the agendas for the meetings to be held on those evenings in order to receive legal advice from its counsel, per § 405(b)(4), and to deliberate, but not voting, on the contested cases, per § 405(b)(13) of the Act (D.C. Official Code § 2-575(b)(4) and (13)).

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

District of Columbia REGISTER – May 24, 2019 – Vol. 66 - No. 21 006308 – 006581