

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on “Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearms Violence”
- D.C. Council schedules a public oversight roundtable on the “Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016”
- Department of Behavioral Health announces funding availability for the DC Opioid Response Prevention Grant for Wards 3 and 4
- D.C. Housing Authority adopts regulations for implementing a Rental Assistance Demonstration Program
- Department of Housing and Community Development schedules a public hearing on the “Draft Low Income Housing Tax Credit Qualified Allocation Plan”
- Department of Human Services announces funding availability for the Homelessness Prevention Program
- Office of the Deputy Mayor for Planning and Economic Development Services solicits applications for the FY2019 Eastern Market Strategic Plan, Innovation Accelerator, and Legacy Business grants
- Office of the State Superintendent of Education announces availability of funding for the Fiscal Year 2020 - Quality Improvement Network Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MAYOR

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW56028 Approval and Payment Authorization Emergency Act of 2019".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 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 authorizes payment in the not-to-exceed amount of \$2,500,000 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

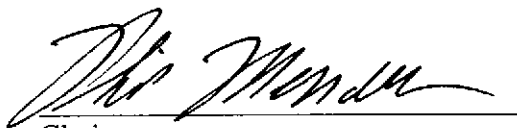
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

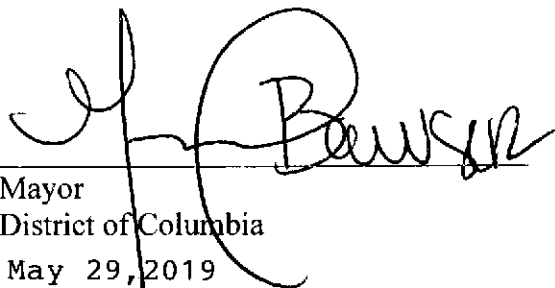
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
May 29, 2019
APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification and Task Orders for Contract No. DCRL-2015-C-0100 Approval and Payment Authorization Emergency Act of 2019".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification 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 Statewide Automated Child Welfare Information System, and authorizes payment in the amount of \$1,020,502.50 for the services received and to be received under the modification and task orders.

Sec. 3. Fiscal impact statement.

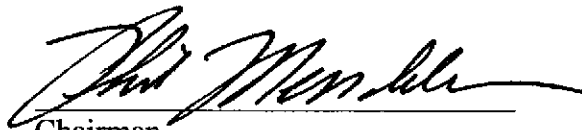
The Council adopts the fiscal impact statement provided of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

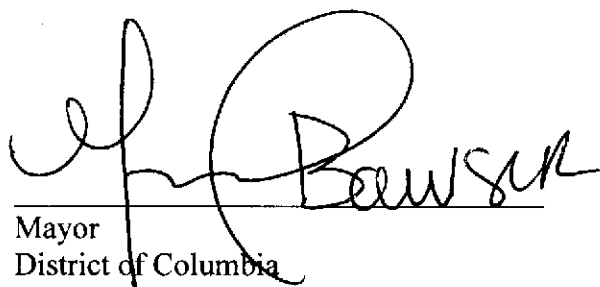
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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 29, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. CW64136 Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 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 authorizes payment in the not-to-exceed amount of \$2,500,000 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

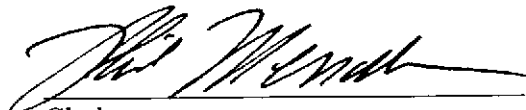
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

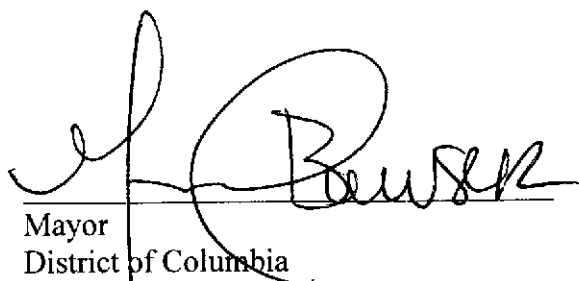
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ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 29, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To approve, on an emergency basis, 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 to the Hospital, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. 2 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 to Contract No. NFPHC-435-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc., to provide emergency department services, and authorizes payment in the amount of \$4,407,762 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

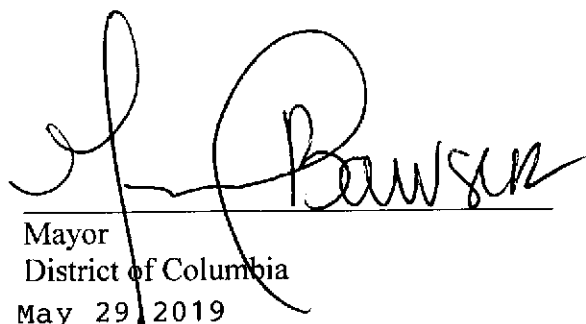
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

May 29, 2019

APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To amend, on an emergency basis, the Business Improvement District Act of 1996 to allow the Board of the Adams Morgan Business Improvement District to set its tax rate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Adams Morgan Business Improvement District Emergency Amendment Act of 2019”.

Sec. 2. Section 206(c) of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56(c)), is amended to read as follows:

“(c) The BID taxes for the taxable properties in the Adams Morgan BID shall not exceed \$.21 for each \$100 in assessed value for all taxable properties and all commercial portions of mixed use properties; provided, that any change in the BID taxes from the current tax year rates shall be made subject to the requirements of section 8.”.

Sec. 3. Fiscal impact statement.

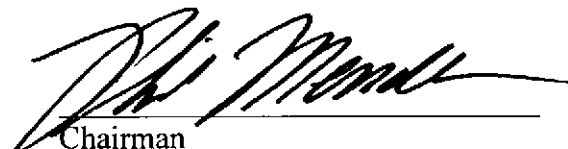
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.


This act shall take effect after 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

ENROLLED ORIGINAL

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
May 29, 2019
APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2019

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Primary Date Alteration Emergency Amendment Act of 2019”.

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

(1) Subsection (a)(10A) is amended by striking the phrase “received by the Board by 8:00 p.m. on the day of the election” and inserting the phrase “postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 7th day after the election” in its place.

(2) Subsection (b)(1) is amended by striking the phrase “3rd Tuesday” and inserting the phrase “1st Tuesday” in its place.

(b) Section 9(b-1)(2) (D.C. Official Code § 1-1001.09(b-1)(2)) is amended by striking the number “10” and inserting the number “12” in its place.

(c) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “3rd Tuesday” and inserting the phrase “1st Tuesday” in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “3rd Tuesday in June of each even-numbered year” and inserting the phrase “1st Tuesday in June in a presidential

ENROLLED ORIGINAL

election year and on the 3rd Tuesday in June of each even-numbered non-presidential election year” in its place.

(B) Subparagraph (B) is amended by striking the phrase “3rd Tuesday in June of each even-numbered year” and inserting the phrase “1st Tuesday in June in a presidential election year and on the 3rd Tuesday in June of each even-numbered non-presidential election year” in its place.

Sec. 3. 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. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

May 29, 2019

APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 1, 2019

To amend, on an emergency basis, section 47-362 of the District of Columbia Official Code to require Council approval of capital reprogrammings made by the District Department of Transportation if certain conditions are not met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Florida Avenue Multimodal Project Completion Emergency Amendment Act of 2019”.

Sec. 2. Section 47-362 of the District of Columbia Official Code is amended by adding a new subsection (h) to read as follows:

“(h)(1) Notwithstanding § 47-363, after September 30, 2019, the District Department of Transportation (“DDOT”) shall not, unless the Council has approved the action by resolution, make a capital reprogramming until the following conditions on Florida Avenue, N.E., between 2nd Street, N.E., and H Street, N.E., have been met:

“(A) The number of vehicle travel lanes are reduced from 6 to a maximum of 4 through lanes;

“(B) Design elements are installed to ensure that all right-of-way width affected by the reduction in travel lanes described in subparagraph (A) of this paragraph are available for use exclusively by modes of transportation other than motor vehicles, as that term is defined in section 8 of An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, effective March 15, 1985 (D.C. Law 5-176; D.C. Official Code § 50-1108); and

“(C) High-visibility crosswalk markings are installed at all locations that meet the standards for high-visibility crosswalk markings in DDOT’s 2019 Design and Engineering Manual.

“(2) On June 4, 2019 and the first Tuesday of each month thereafter, DDOT shall submit to the Council committee with oversight over DDOT and the Councilmembers representing Wards 5 and 6, a letter that:

“(A) Describes the status of the procurements for design and for construction of the Florida Avenue Multimodal Transportation Project (“Project”);

ENROLLED ORIGINAL

“(B) Estimates the percent of final design the Project has reached and the projected date that the project will reach 100% design;

“(C) Describes any outreach made during the previous month, or planned for the following month, to District residents about the design of the Project; and

“(D) Includes the most current publicly available design of the Project.

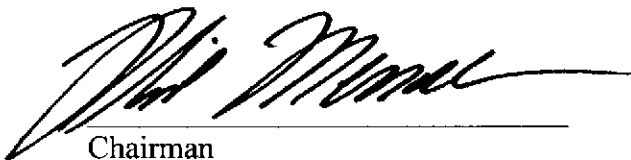
“(3) This subsection shall expire on the date that the Office of Contracting and Procurement publishes on its website a request for proposals for the construction phase of the project.”.

Sec. 3. 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. 4. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 31, 2019

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.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 2 to Contract No. NFPHC-2018-435-A 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

23-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2019

To approve proposed rules of the Alcoholic Beverage Control Board that amend Chapter 5 of Title 23 of the District of Columbia Municipal Regulations to require an applicant for a new off-premises retailer’s license, class B, for a full-service grocery store to submit an architectural drawing of the store floorplan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Full-service Grocery Store Resolution of 2019”.

Sec. 2. Pursuant to D.C. Official Code § 25-211(b), on February 19, 2019, the Mayor transmitted to the Council proposed rules of the Alcoholic Beverage Control Board to require an applicant for an off-premises retailer’s license, class B, that intends to operate as a full-service grocery store to submit an architectural drawing along with the license application. The Council approves the proposed rules, published at 65 DCR 13539, to amend Chapter 5 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2019

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. OAG-FY18-H-0007A, Modification Nos. 1, 3, 4, 5, and 6 to Human Care Agreement No. OAG-FY18-H-0007A, and Human Care Agreement No. DCCB-2019-H-0007 with the National Association for the Advancement of Returning Citizens to provide structured training, community outreach, and related supportive services developed for a violence reduction program by CURE Violence, and to authorize payment for the goods and services received and to be received under the human care agreements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Human Care Agreement No. OAG-FY18-H-0007A, Modifications to Human Care Agreement No. OAG-FY18-H-0007A, and Human Care Agreement No. DCCB-2019-H-0007 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Human Care Agreement No. OAG-FY18-H-0007A, Modification Nos. 1, 3, 4, 5, and 6 to Human Care Agreement No. OAG-FY18-H-0007A, and Human Care Agreement No. DCCB-2019-H-0007 with the National Association for the Advancement of Returning Citizens to provide structured training, community outreach, and related supportive services developed for a violence reduction program by CURE Violence, and to authorize payment for the goods and services received and to be received under the human care agreements.

(b) On July 27, 2018, the Office of the Attorney General (“OAG”), executed Human Care Agreement No. OAG-FY18-H-0007A in the amount not-to-exceed \$337,570.00 for the period from July 27, 2018 through September 30, 2018.

(c) By Modification No. 1, OAG increased the amount of Human Care Agreement No. OAG-FY18-H-0007A to an amount not-to-exceed \$360,000 for the base period and to an amount not-to-exceed \$785,755.02 for the period from October 1, 2018, through January 31, 2019.

(d) By Modification No. 3, OAG further increased the amount of Human Care Agreement No. OAG-FY18-H-0007A to an amount not-to-exceed \$808,611.28 for the period from February 1, 2019, through February 28, 2019.

ENROLLED ORIGINAL

(e) By Modification No. 4, OAG further increased the amount of Human Care Agreement No. OAG-FY18-H-0007A to an amount not-to-exceed \$894,766.44 for the period from March 1, 2019, through March 31, 2019.

(f) By Modification No. 5, OAG further increased the amount of Human Care Agreement No. OAG-FY18-H-0007A to an amount not-to-exceed \$986,448.73 for the period from April 1, 2019, through April 30, 2019.

(g) By Modification No. 6, OAG extended the term of Human Care Agreement No. OAG-FY18-H-0007A for the period from October 1, 2018, through May 31, 2019, at no additional cost.

(h) Human Care Agreement No. DCCB-2019-H-0007 is now necessary to continue similar services for an additional 11 months in the amount of \$1,393,268.59 for the period from the date of award through April 30, 2020, raising the total amount of both human care agreements for services developed for a violence reduction program by CURE Violence to a not-to-exceed amount of \$2,379,717.32.

(i) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), because the human care agreements are in an amount in excess of \$1 million during a 12-month period.

(j) Approval is necessary to allow the continuation of these vital services. Without this approval, the National Association for the Advancement of Returning Citizens cannot be paid for goods and services provided in excess of \$1 million for the contract period from date of award through April 30, 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 Human Care Agreement No. OAG-FY18-H-0007A, Modifications to Human Care Agreement No. OAG-FY18-H-0007A, and Human Care Agreement No. DCCB-2019-H-0007 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

23-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2019

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Space Rental Act to authorize the use of certain public space by a legitimate theater as a sidewalk café; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal Regulations to allow a legitimate theater to operate a sidewalk café and reconcile the general requirements for a sidewalk café permit and the application procedures for a sidewalk café permit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Legitimate Theater Sidewalk Café Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) Bars, restaurants, grocery stores, breweries, wineries, and distilleries are authorized to apply to the District Department of Transportation for a permit to operate a sidewalk café in public space adjacent to their premises, while legitimate theaters, which are venues for live plays and other forms of live dramatic performance, currently are not. This inadvertent oversight leaves legitimate theaters at a disadvantage in competing with establishments that have outdoor cafés.

(b) Legitimate theaters have advocated that they be authorized to operate sidewalk cafes and the Director of the District Department of Transportation has testified that he has no objections to licensing sidewalk cafés for legitimate theaters.

(c) The high season for a legitimate theater to be able to compete for this additional revenue stream and for the District to accrue increased sales tax revenue is now. Emergency legislation is necessary so that a legitimate theater may expeditiously be authorized to apply for a permit to operate a sidewalk café this summer season.

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 Legitimate Theater Sidewalk Café Authorization 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****BILLS**

- | | |
|---------|--|
| B23-308 | Development Expertise for ANCs Amendment Act of 2019

Intro. 5-28-19 by Councilmembers Nadeau, Evans, Silverman, and R. White and referred sequentially to the Committee on Facilities and Procurement, the Committee on Business and Economic Development, and the Committee of the Whole |
| B23-309 | Medical Marijuana Program Patient Employment Protection Amendment Act of 2019

Intro. 5-28-19 by Councilmembers Grosso, R. White, Nadeau, Gray, Bonds, and Cheh and referred to the Committee on Labor and Workforce Development |
| B23-310 | Underground Storage Tank Trust Fund Revival Amendment Act of 2019

Intro. 5-28-19 by Councilmembers Todd and Bonds and referred to the Committee on Transportation and the Environment |
| B23-315 | District Veteran Employment Grant Program Act of 2019

Intro. 5-28-19 by Councilmembers Todd, Bonds, and Cheh and referred to the Committee on Government Operations |
-

PROPOSED RESOLUTIONS

- PR23-342 Public Charter School Board James Sandman Confirmation Resolution of 2019
- Intro. 5-29-19 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-
- PR23-343 District Retirement Benefits Program Proposed Rulemaking Approval Resolution of 2019
- Intro. 5-29-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
-
- PR23-344 Alcoholic Beverage Control Board Rafi Aliya Crocket Confirmation Resolution of 2019
- Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR23-345 Child Fatality Review Committee Marie Cohen Confirmation Resolution of 2019
- Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- PR23-346 Child Fatality Review Committee Claudia Booker Confirmation Resolution of 2019
- Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- PR23-347 Child Fatality Review Committee Jacqueline Francis Confirmation Resolution of 2019
- Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-

PR23-348 Board of Social Work Danielle Nelson Confirmation Resolution of 2019
Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-349 Domestic Violence Fatality Review Board Beverly Jackson Confirmation Resolution of 2019
Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR23-350 Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2019
Intro. 5-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

**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

**B23-0039, THE “SPECIAL EDUCATION RIGHTS FOR YOUTH DEFENDANTS
AMENDMENT ACT OF 2019”**

AND

**B23-0095, THE “PROTECTING CHILDREN THROUGH MANDATORY REPORTING
AMENDMENT ACT OF 2019”**

**Thursday, July 11, 2019, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, July 11, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 23-0039, the “Special Education Rights for Youth Defendants Amendment Act of 2019”, and Bill 23-0095, the “Protecting Children Through Mandatory Reporting Amendment Act of 2019”. The hearing will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The stated purpose of B23-0039, the “Special Education Rights for Youth Defendants Amendment Act of 2019”, is to amend Chapter 7 of Title 16 of the District of Columbia Official Code to establish a panel of special education attorneys to represent students with identified special education needs who are involved in the criminal justice system.

The stated purpose of B23-0095, the “Protecting Children Through Mandatory Reporting Amendment Act of 2019”, is to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, to include clergy as mandated reporters, to expand existing reporting requirements by professionals, to require mandated reporters to notify the board of governors, if any, of any facility or institution of a mandated report, to require the chair of the board of governors, if any, to make a separate report to MPD or CFSA, to require clergy to testify in Family Court proceedings

concerning information for which they must report, to increase the penalty for failure to report, to require OAG to report a guilty verdict to the licensing board for which the mandated reporter may be licensed, to establish training requirements for mandated reporters, to establish a civil penalty for the failure of a mandated reporter to take the required training, to require OAG – in consultation with CFSA – to develop and approve a training curriculum for mandated reporters, and to give OAG rulemaking authority to implement the provisions of the Act; to amend the Office of Administrative Hearings Establishment Act of 2001 to provide a mechanism for a mandated reporter to challenge the civil penalty for failing to take the required training, and to exempt from the limitations on OAG’s authority to issue subpoenas, subpoenas issued concerning the violation of the mandatory reporting requirements.

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 Friday, July 5**. 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 Thursday, July 25.**

**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

**B23-0083, THE “VULNERABLE USER COLLISION RECOVERY
AMENDMENT ACT OF 2019”**

**B23-0134, THE “COMMUNITY HARASSMENT PREVENTION
AMENDMENT ACT OF 2019”**

**B23-0253, THE “ALTERNATIVE SERVICE OF PROCESS ON DISTRICT OF COLUMBIA
RESIDENTS AMENDMENT ACT OF 2019”**

AND

B23-0300, THE “ANTITRUST REMEDIES AMENDMENT ACT OF 2019”

**Monday, June 24, 2019, 10:30 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Monday, June 24, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 23-0083, the “Vulnerable User Collision Recovery Amendment Act of 2019”; Bill 23-0134, the “Community Harassment Prevention Amendment Act of 2019”; Bill 23-0253, the “Alternative Service of Process on District of Columbia Residents Amendment Act of 2019”; and Bill 23-0300, the “Antitrust Remedies Amendment Act of 2019”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:30 a.m.

The stated purpose of B23-0083, the “Vulnerable User Collision Recovery Amendment Act of 2019”, is to amend the Motor Vehicle Collision Recovery Amendment Act of 2016 to limit the application of the doctrine of contributory negligence in cases of a collision between an electronic mobility device user of a public highway and a motor vehicle.

The stated purpose of B23-0134, the “Community Harassment Prevention Amendment Act of 2019”, is to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to make it unlawful to deface or burn a religious or secular symbol on any property of another without permission or to place or display on such property a physical impression that a reasonable person would perceive as a threat to physically damage the property of another; and to amend the Omnibus Public Safety and Justice Amendment Act of 2009 to make it unlawful to harass an entity.

The stated purpose of B23-0253, the “Alternative Service of Process on District of Columbia Residents Amendment Act of 2019”, is to amend the Motor Vehicle Safety Responsibility Amendment Act of the District of Columbia to allow a plaintiff to use an alternative method of service of process when serving defendants in motor vehicle cases who reside in the District of Columbia.

The stated purpose of B23-0300, the “Antitrust Remedies Amendment Act of 2019”, is to identify remedies the Attorney General may seek in an antitrust action, to specify how monetary relief recovered on behalf of individuals in an action under D.C. Official Code § 28-4507(b) shall be distributed, and to apply the notice and exclusion provisions of that section specifically to individuals.

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 Thursday, June 20**. 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 Monday, July 8.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

ANNOUNCES A PUBLIC HEARING ON

**B23-133, the “Supporting Essential Workers
Unemployment Insurance Amendment Act of 2019”**

**Monday, July 1, 2019 at 1:00 p.m.
Hearing Room 120, 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 hearing before the Committee regarding the “Supporting Essential Workers Unemployment Insurance Amendment Act of 2019.” The purpose of B23-133 is to make furlough-excepted employees of the federal government eligible to receive unemployment compensation during a lapse in appropriations, also known as a federal government “shutdown.” Consistent with federal law, this bill requires that unemployment benefits disbursed to workers who subsequently receive back pay must be repaid to the District. The hearing will be held on Monday, July 1, 2019 at 1:00 pm in Room 120 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 Thursday, June 27, 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 Monday, June 24, 2019 at 5:00 pm. 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 hearing, 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 July 15, 2019.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 23-216, Wells Middle School Designation Act of 2019
Bill 23-263, Lorraine H. Whitlock Elementary School Designation Act of 2019

on

Thursday, June 27, 2019
11:30 a.m. (or immediately following the preceding roundtable)
Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 23-216, the “Wells Middle School Designation Act of 2019” and Bill 23-263, the “Lorraine H. Whitlock Elementary School Designation Act of 2019.” The hearing will be held at **11:30 a.m. (or immediately following the preceding roundtable)** on **Thursday, June 27, 2019** in **Hearing Room 412** of the John A. Wilson Building.

The stated purpose of **Bill 23-216** is to officially designate the new middle school in Ward 4 (Square 3269) as Wells Middle School to honor Ida B. Wells, an iconic investigative journalist, civil rights activist, educator, and researcher. There are no proposed changes to the name of Calvin Coolidge High School, which occupies the same square and lot. The stated purpose of **Bill 23-263** is to officially designate the school in Lot 808 in Square 5146 (533 48th Place, NE) as the Lorraine H. Whitlock Elementary School. The school is currently designated as Maude Aiton Elementary.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, June 25, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 25, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on July 8, 2019.

**Council of the District of Columbia
COMMITTEE ON RECREATION AND YOUTH AFFAIRS
REVISED NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER TRAYON WHITE SR., CHAIRPERSON
COMMITTEE ON RECREATION AND YOUTH AFFAIRS**

ANNOUNCES A PUBLIC HEARING ON

**B23-0291, THE “DETAINED YOUTH ACCESS TO THE JUVENILE
SERVICES PROGRAM AMENDMENT ACT OF 2019”**

**Thursday, July 11, 2019, 11:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

On Wednesday, July 11, 2019 Councilmember Trayon White Sr., Chairperson of the Committee on Recreation and Youth Affairs, will hold a public hearing to consider B23-0291, the “Detained Youth Access to the Juvenile Services Program Amendment Act of 2019”. The public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., at 11:00 a.m. This will be a rescheduled hearing from the original hearing date of June 5, 2019. There was a scheduling conflict requiring a new hearing date.

The Committee invites the public to testify or to submit written testimony, which will be made part of the official record. Anyone wishing to testify at the public hearing should contact Veronica Holmes, Legislative Counsel, at (202) 442-4109, or via email at RYA@dccouncil.us, and provide their name, address, 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 (5) minutes for oral testimony, and individuals will be allowed a maximum of three (3) minutes. Witnesses should bring ten copies of their written testimony and, if possible, also submit a copy of their testimony electronically to RYA@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made part of the official record. Copies of written statements should be submitted either to the Committee on Recreation and Youth Affairs or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington D.C. 20004. The record will close at 5:00 p.m. on Monday, July 15, 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

**FIREARMS TRAFFICKING IN THE WASHINGTON METROPOLITAN REGION AND
LEGISLATIVE STRATEGIES TO RESPOND TO FIREARMS VIOLENCE**

AND

BILL 23-0018, THE “GHOST GUNS PROHIBITION AMENDMENT ACT OF 2019”

**Thursday, June 27, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, June 27, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss the topic of Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearms Violence and Bill 23-0018, the “Ghost Guns Prohibition Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

While the District has some of the most comprehensive gun safety laws in the nation, firearms remain ubiquitous. The Metropolitan Police Department seized 2,191 firearms in 2017, and another 1,926 firearms in 2018. Despite efforts to locate and seize illegally possessed guns, firearm-related violence persists. In 2018, 122 homicides and 635 assaults with a dangerous weapon involved firearms. This year, in just over six months, there have been 44 firearm-related homicides in the District, comprising 68% of all homicides.

These figures reveal a troubling nexus between access to firearms and the commission of violent crime. Many of the firearms that enter the District from neighboring states travel through the “Iron Pipeline,” the term used to describe Interstate-95, a popular route for gun traffickers on the East Coast. The purpose of this public hearing is to learn more about the Iron Pipeline, current gun trafficking trends as they affect the District, and possible legislative solutions. The

Committee also will hear testimony from District, state, and federal law enforcement agencies who will comment on interagency efforts to combat gun trafficking.

The stated purpose of B23-0018 is to prohibit the possession of ghost guns, defined as “a firearm that, after removal of all parts other than a receiver, cannot be detected by a metal detector.” The advent of 3D-printing technology has enabled individuals to “print” – or manufacture – firearm components from plastic materials. These plastic firearm components present challenges to traditional methods for detecting the presence of firearms, such as metal detectors or X-ray machines. While firearms that cannot be detected by a metal detector are already prohibited by federal law under 18 U.S.C. § 922(p)(1), the District currently does not have a prohibition on the possession of such firearms. B23-0018 would address that gap in District law.

The Committee will convene a panel of government witnesses and subject-matter experts to testify at this hearing. Another public hearing will be held at a later date to allow members of the public to testify on B23-0018.

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 Thursday, July 11.**

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016

**Thursday, July 11, 2019, 1:00 pm
Hearing Room 500, 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 oversight roundtable before the Committee on implementation of the Universal Paid Leave Amendment Act of 2016 (L21-264). The law establishes a paid leave system to provide partial wage replacement for District residents in need of leave from work due to serious family illness, personal medical needs, or to care for a new child. Previous oversight roundtables were held on November 20, 2017; January 31, 2018; July 11, 2018; October 9, 2018; January 29, 2019; and May 6, 2019. The Committee also heard testimony regarding implementation of the Act during the Department of Employment Services (DOES) FY20 budget and performance oversight hearings.

At this roundtable, the committee will review the quarterly report submitted by DOES for FY2019 Quarter 3, pursuant to D.C. Official Code §32-541.04(h) and (i), in addition to other elements of implementation. Notably, the system to collect employer contributions which will fund paid leave benefits must be operational by July 1, 2019. The roundtable will be held at 1:00 p.m. on Thursday, July 11, 2019, in Room 500 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 Tuesday, July 9 2019, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral 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, July 2, 2019 at 5:00 pm. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

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 Thursday, July 25, 2019.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 23-0333, THE “DISTRICT OF COLUMBIA BOARD OF
ELECTIONS KARYN GREENFIELD CONFIRMATION RESOLUTION OF 2019”**

**Tuesday, July 2, 2019, 1:00 p.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Tuesday, July 2, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable on Proposed Resolution 23-0333, the “District of Columbia Board of Elections Karyn Greenfield Confirmation Resolution of 2019”. The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 1:00 p.m.

PR23-0333 would appoint Karyn Greenfield to the Board of Elections for a term to end July 7, 2022.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable 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 Thursday, June 27**. 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 roundtable, 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 Tuesday, July 9.**

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming 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 reprogramming 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 reprogrammings are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 23-15: Request to reprogram \$11,719,619 of Fiscal Year 2019 Capital funds budget authority and allotment within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on May 28, 2019. This reprogramming is needed to consolidate the existing project funding for the District's new financial system to support planned project spending in FY 2019.

RECEIVED: 14-day review begins May 29, 2019

Reprog. 23-16: Request to reprogram \$1,300,000 of Fiscal Year 2019 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on May 28, 2019. This reprogramming is needed to support the agency's latest spending plan for the Modernization Integrated Tax System (MITS) project, including providing funding for the first year of MITS maintenance and operational support.

RECEIVED: 14-day review begins May 29, 2019

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

Placard Posting Date: June 7, 2019
Protest Petition Deadline: July 22, 2019
Roll Call Hearing Date: August 5, 2019

License No.: ABRA-090240
Licensee: Balkan Concepts, LLC
Trade Name: Ambar
License Class: Retailer's Class "C" Restaurant
Address: 523 8th Street, S.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6B

SMD 6B03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 5, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to expand to the third floor of the licensed premises, adding 56 additional seats and increasing Total Occupancy Load from 140 to 196.

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

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

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

Sunday through Thursday, 10am – 11pm
Friday and Saturday, 10am – 1am

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

Placard Posting Date: June 7, 2019
Protest Petition Deadline: July 22, 2019
Roll Call Hearing Date: August 5, 2019

License No.: ABRA-106695
Licensee: On the Rocks, LLC
Trade Name: On the Rocks
License Class: Retailer's Class "C" Tavern
Address: 1242 H Street, N.E.
Contact: Lance Steglich, Owner: (202) 816-1598

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 5, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation, alcoholic beverage sales and service, and live entertainment inside premises only.

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 12 pm - 2 am, Friday & Saturday 12 pm - 3 am

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

Sunday through Thursday 12 pm - 1 am, Friday & Saturday 12 pm - 2 am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Saturday 7 pm - 12 am

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

Sunday through Thursday 9 am - 2 am, Friday & Saturday 9 am - 3 am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday 11 am - 2 am, Monday through Thursday 12 pm - 2 am, Friday & Saturday 11 am - 3 am

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

Placard Posting Date: June 7, 2019
Protest Petition Deadline: July 22, 2019
Roll Call Hearing Date: August 5, 2019
Protest Hearing Date: October 2, 2019

License No.: ABRA-113948
Licensee: Rice Bar H Street, Inc.
Trade Name: Rice Bar
License Class: Retailer's Class "D" Restaurant
Address: 625 H Street, N.E.
Contact: Chrissie Chang: (703) 992-3994

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 5, 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 **October 2, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new D Restaurant serving Korean-style rice and noodle dishes. Seating Capacity of 22 and Total Occupancy Load of 38.

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

Sunday through Saturday 10am – 10pm

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

Placard Posting Date: June 7, 2019
 Protest Petition Deadline: July 22, 2019
 Roll Call Hearing Date: August 5, 2019
 Protest Hearing Date: October 2, 2019

License No.: ABRA-113601
 Licensee: Sandlot (The), LLC
 Trade Name: Sandlot Southwest
 License Class: Retailer's Class "C" Tavern
 Address: 1800 – 1802 Half Street, S.W.
 Contact: Ian Callender: (202) 554-3960

WARD 6

ANC 6D

SMD 6D05

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 August 5, 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 **October 2, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new C Tavern and outdoor cultural arts facility with a Seating Capacity of 150, Total Occupancy Load of 500 and a Summer Garden with 350 seats. An Entertainment Endorsement will be provided on the inside of the premises and for the Outdoor Summer Garden.

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

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

HOURS OF LIVE ENTERTAINMENT FOR THE INSIDE OF THE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN

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

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

Placard Posting Date: June 7, 2019
Protest Petition Deadline: July 22, 2019
Roll Call Hearing Date: August 5, 2019
Protest Hearing Date: October 2, 2019

License No.: ABRA-113937
Licensee: The Henri, LLC
Trade Name: The Henri
License Class: Retailer's Class "C" Restaurant
Address: 1301 Pennsylvania Avenue, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 5, 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 **October 2, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 221 and Total Occupancy Load of 360.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 7, 2019
 Protest Petition Deadline: July 22, 2019
 Roll Call Hearing Date: August 5, 2019
 Protest Hearing Date: October 2, 2019

License No.: ABRA-113918
 Licensee: Tino's LLC
 Trade Name: Tino's Pizzeria
 License Class: Retailer's Class "C" Restaurant
 Address: 3420 Connecticut Avenue, N.W.
 Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 3

ANC 3C

SMD 3C05

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 August 5, 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 **October 2, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 49 and Total Occupancy Load of 60. Sidewalk Café with 14 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFÉ

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

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT****Air Quality Permits for Strittmatter Metro, L.L.C.**

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, is proposing to issue permit Nos. 7253, 7254, 7255, and 7256 to Strittmatter Metro, L.L.C. to construct and operate two crushers and two screeners (described in the table below) for processing of demolition debris at the Montana Avenue land development area, located at 1933 Montana Avenue NE. The contact person for applicant is Joshua Callan, Safety Officer, at (561) 603-8532. The applicant's mailing address is 5630 Connecticut Avenue NW, #300, Washington DC 20015.

Equipment ID	Equipment Type	Equipment Description	Permit No.
6520	Impact Crusher	Screen Machine Industries Model 4043T impact crusher with serial number AE2904, powered by a Caterpillar Model C9 ACERT 376 hp diesel engine	7253
6525	Jaw Crusher	Powerscreen PremierTrak R400X jaw crusher with serial number AOMH44129, powered by a Scania Model DC09 275 hp diesel engine	7254
6526	Screener	Screen Machine Industries Model Spyder 516T screener with serial number AG3094, powered by a Cummins Model QSB4.5 110 hp diesel engine	7255
6529	Screener	Powerscreen Warrior 1800 screener with serial number LDG62554, powered by a Caterpillar Model C4.4 ATAC 110 hp diesel engine	7256

Emissions Estimate:

The total annual emissions of criteria pollutants from the two crushers and the two screeners, in total, has been estimated to not exceed those specified in the following table [20 DCMR 201]:

Pollutant	Maximum Annual Emissions* (ton/yr)
Carbon Monoxide (CO)	2.67
Oxides of Nitrogen (NO _x)	3.86
Coarse Particulate Matter (PM10)	2.59
Volatile Organic Compounds (VOC)	1.08
Sulfur Dioxide (SO ₂)	1.24

*These emissions estimates are based on maximum allowable operation of the units under the terms of the permits, incorporating limits on operating hours limiting operations to 6 days per week, 8 hours per day, as well as a limit to operate only one crusher and one screener at a time.

Emissions Limits:

The proposed overall emission limits for the equipment are as follows:

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of this permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. Emissions from the engine powering each crusher/screener shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the 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, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- e. In addition to Condition (d), emissions from grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations shall not exceed 7% opacity. Emissions from crushers shall not exceed 12% opacity. [40 CFR 60, Subpart OOO, Table 3]
- f. 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]

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 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.

A public hearing at which interested parties may present comments will also be held as follows:

Public Hearing: Monday, July 8, 2019

HEARING DATE: Monday, July 8, 2019

TIME: 5:30 pm
PLACE: Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002

NoMa-Gallaudet (Red Line) Metro Stop

All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit paper or electronic copies of any written statements.

Written comments on the proposed permit not delivered in person at the 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

All relevant comments will be considered before taking final action on the permit application.

No comments submitted after July 8, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**SOLICITATION OF PUBLIC COMMENT AND
NOTICE OF PUBLIC HEARING**

Draft Low Income Housing Tax Credit Qualified Allocation Plan

The District of Columbia Department of Housing and Community Development (“DHCD”), is seeking public comment on the draft 2019 Qualified Allocation Plan (“QAP”). The QAP is DHCD’s federally mandated state plan for the allocation of credits allotted to the District of Columbia by the Federal Low Income Housing Tax Credit (“LIHTC”) program.

The 2019 draft QAP can be found on DHCD’s website at www.dhcd.dc.gov. A hard copy of the draft QAP will be available beginning on **Friday, June 7, 2019**, for review at DHCD’s headquarters, located at 1800 Martin Luther King Jr. Avenue SE, Washington, DC 20020, in the Housing Resource Center on the first floor.

Comments may be formally submitted to: QAP.input@dc.gov or mailed to the Department of Housing and Community Development, Attn. Danilo Pelletiere, Senior Advisor, Office of the Director, 1800 Martin Luther King Jr. Avenue SE, Washington DC 20020.

A public hearing on the draft QAP will be held on **Tuesday, June 18, 2019**, at 6:30 p.m., Department of Housing and Community Development, 1800 Martin Luther King Jr. Avenue SE, Washington DC 20020, Housing Resource Center. To sign up to provide public comment please call Anna Scallet at (202) 442-[7200](tel:2024427200) or e-mail QAP.input@dc.gov.

All comments must be received no later than **3:30 p.m. on Friday, June 21, 2019**, to be considered.

For additional information, visit www.dhcd.dc.gov.

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

TIME AND PLACE: **Thursday, July 18, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 19-01 (Wesley Hawaii LLC – Consolidated PUD and Related Map Amendment @ Parcel 124/77 [1 Hawaii Avenue, N.E.]

THIS CASE IS OF INTEREST TO ANCS 5A AND 4D

On January 4, 2019, the Office of Zoning received an application from Wesley Hawaii LLC (the “Applicant”), the owner of property located at 1 Hawaii Avenue, N.E. (Parcel 124/77) (the “Property”), for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from the RA-1 zone to the RA-2 zone. The Property consists of approximately 26,400 square feet of land area and is a triangular-shaped lot surrounded by Hawaii Avenue, N.E., Rock Creek Church Road, N.W., and Allison Street, N.W.

The RA-1 and RA-2 zones are intended to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts and to permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments and allows a maximum height of 40 feet (and three stories), a maximum lot occupancy of 40%, and a maximum density of 0.90 floor area ratio (“FAR”).

The RA-2 zone provides for areas developed with predominantly moderate-density residential uses, and allows a maximum height of 50 feet (no limit on number of stories), a maximum lot occupancy of 60%, and a maximum density of 1.8 FAR.

The Office of Planning submitted its report to the Office of Zoning on March 15, 2019 and the application was set down for a public hearing by the Zoning Commission on March 25, 2019. The Applicant filed its prehearing submission with the Zoning Commission on May 21, 2019.

The Applicant proposes to redevelop the Property with 78 residential units (the “Project”). The Project will have a building height of 58’6”, a lot occupancy of 53%, and a gross floor area of approximately 68,238 square feet for a density of 2.58 FAR. The Project will

incorporate a multipurpose amenity room on the ground level as well as an outdoor patio area facing Rock Creek Church Road, N.W. There will be 12 parking spaces within the building. Of the residential units, 34 units will be reserved for households with incomes not exceeding 60% of the median family income (“MFI”). The remaining 44 units are proposed to be reserved at affordability levels in accordance with guidelines from the Department of Housing and Community Development.

This public hearing will be conducted in accordance with the contested case provisions of the Administrative Regulations, 11-Z DCMR, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 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 the adoption of amendments to Chapter 75 (Massage Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for massage therapists to include continuing education in public health priorities as determined and amended from time to time by the Director.

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on March 8, 2019 at 66 DCR 2765. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on April 29, 2019 and will be effective upon publication in the *D.C. Register*.

Chapter 75, MASSAGE THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7506, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7506.3 is amended to read as follows:

- 7506.3 To qualify for the renewal of a license, an applicant shall have completed the following continuing education during the two (2)-year period preceding the date the license expires:
- (a) An applicant seeking to renew a license expiring on or before January 31, 2019 shall have completed twelve (12) hours of approved continuing education, which shall include three (3) hours of professional ethics and nine (9) hours of massage-related course work, six (6) of which shall be hands-on, massage technique course(s) completed in a live classroom setting; or
 - (b) An applicant seeking to renew a license expiring on or after January 31, 2021 shall have completed fourteen (14) hours of approved continuing education, which shall include three (3) hours of professional ethics, nine (9) hours of massage-related course work, six (6) of which shall be hands-on, massage technique course(s) completed in a live classroom setting, and two (2) hours of LGBTQ continuing education; and

- (c) An applicant seeking to renew a license at any time shall have completed ten percent (10%) of the total required continuing education in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7506.4 is amended to read as follows:

7506.4 To qualify for the reactivation of a license, an applicant whose license has been in inactive status in accordance with Section 511 of the Act, D.C. Official Code § 3-1205.11, and who does not possess a current and valid license to practice massage therapy in another jurisdiction in the United States, shall have completed, during the two (2) years before the date of the application, fourteen (14) hours of approved continuing education, which shall include three (3) hours of professional ethics, nine (9) hours of massage-related course work, six (6) of which shall be hands-on, massage technique course(s) completed in a live classroom setting, and two (2) hours of LGBTQ continuing education, provided further that ten percent (10%) of the total required continuing education in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7506.7 is amended to read as follows:

7506.7 To qualify for reinstatement of a license, an applicant shall have completed the following continuing education:

- (a) An applicant whose license has expired two (2) years or less shall have completed fourteen (14) hours of continuing education as enumerated in § 7506.3(b) during the two (2) years' period preceding the date of the application; or
- (b) An applicant whose license has expired more than two (2) years but less than five (5) years shall have completed twenty-six (26) hours of the following continuing education during the two (2) years' period preceding the date of the application:
 - (1) Six (6) hours of professional ethics;
 - (2) Eighteen (18) hours of massage-related course work provided by a Board approved provider of which twelve (12) hours shall be hands-on, massage-technique course(s) completed in a live classroom setting taught by appropriate instructors; and
 - (3) Two (2) hours of LGBTQ continuing education; and
- (c) An applicant seeking to reinstate a license under this subsection shall have completed ten percent (10%) of the total required continuing education in

the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Section 7599, DEFINITIONS, is amended as follows:

Subsection 7599.1 is amended as follows:

The following definition is added after the definition of “Board”:

Director – The Director of the Department of Health, or the Director’s designee.

The definitions of “Full time” and “Substantially full time” are repealed.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in §§ 302(14), 510, 511, and 512 of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1203.02(14), 3-1205.10, 3-1205.11, & 3-1205.12 (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of amendments to Chapter 77 (Marriage and Family Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for marriage and family therapists to include continuing education in public health priorities as determined and amended from time to time by the Director.

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on March 15, 2019 at 66 DCR 3040. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on April 29, 2019 and will be effective upon publication in the *D.C. Register*.

Chapter 77, MARRIAGE AND FAMILY THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7707, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7707.4 is amended to read as follows:

- 7707.4 To qualify for the renewal of a license, an applicant shall have completed thirty (30) hours of approved continuing education during the two (2)-year period preceding the date the license expires, subject to the following requirements:
- (a) A minimum of fifteen (15) of the thirty (30) hours shall be completed in a live, face-to-face setting that provides for direct, real-time interaction between presenter(s) and participants;
 - (b) Six (6) hours of the thirty (30) hours shall be in ethics;
 - (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate;
 - (d) Continuing education may be in current and emerging issues in marriage and family therapy such as the study of:

- (1) Non-traditional families;
 - (2) Domestic violence;
 - (3) HIV;
 - (4) Aging;
 - (5) End-of-life issues;
 - (6) Addiction and psychopharmacology; or
 - (7) Trauma; and
- (e) Applicants seeking the renewal of a license after December 31, 2018, shall also have completed two (2) hours of LGBTQ continuing education.

Subsection 7707.5 is amended to read as follows:

7707.5 To qualify for a license, a person in inactive status within the meaning of Section 511 of the Act (D.C. Official Code § 3-1205.11) who submits an application to reactivate a license shall have completed thirty (30) hours of approved continuing education meeting the requirements of § 7707.4 for each licensing period that the license was in inactive status.

Subsection 7707.6 is amended to read as follows:

7707.6 To qualify for a license, an applicant for reinstatement of a license to practice marriage and family therapy pursuant to Section 512 of the Act (D.C. Official Code § 3-1205.12) shall have completed fifteen (15) hours of approved continuing education for each year that the applicant was not licensed, up to a maximum of seventy-five (75) hours, provided further that the necessary continuing education shall meet the requirements of § 7707.4, as appropriate.

Section 7799, DEFINITIONS, is amended as follows:

Subsection 7799.1 is amended as follows:

The following definition is added before the definition of “Face-to-face direct client contact”:

Director – The Director of the Department of Health, or the Director’s designee.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code §§ 48-853.02 and 48-853.10 (2014 Repl. & 2018 Supp.))(Act), hereby gives notice of the adoption of the following amendment to Chapter 103 (Prescription Drug Monitoring Program) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this proposed rulemaking is to add Gabapentin to the list of covered substances as a drug of concern.

A proposed rulemaking was published in the *D.C. Register* on February 1, 2019 at 66 DCR 001504. No comments were received. No changes have been made. These rules were adopted as final on April 9, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 103, PRESCRIPTION DRUG MONITORING PROGRAM, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 10302, COVERED SUBSTANCES, is amended to read as follows:

10302 COVERED SUBSTANCES

10302.1 Covered substances are controlled substances, as defined in this rulemaking, and the following drugs of concern:

- (a) All drug products containing Cyclobenzaprine;
- (b) All drug products containing Butalbital; and
- (c) All drug products containing Gabapentin.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

Rental Assistance Demonstration

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2018 Repl.)), hereby gives notice of its adoption of the following amendments to Chapter 57 (Rental Assistance Demonstration Administrative Plan), Chapter 61 (Public Housing: Admission and Recertification), Chapter 64 (Low Rent Housing: Public Housing Transfer Policy), and Chapter 89 (Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

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

These rules were previously published as a proposed rulemaking on March 22, 2019, at 66 DCR 3380. No comments were received. No changes have been made to the regulation from the previous publication. The Board of Commissioners of the District of Columbia Housing Authority approved this regulation as final on May 8, 2019. These regulations will become effective upon publication of this notice in the *D.C. Register*.

Title 14 DCMR, HOUSING, is amended as follows:

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

**CHAPTER 57 RENTAL ASSISTANCE DEMONSTRATION
ADMINISTRATIVE PLAN**

- Secs.**
- 5700 RAD-Converted Housing: General Provisions**
- 5701 Amendment of Rules**
- 5702 Implementation of Policies**
- 5703 Waiver of Rules**
- 5704 Rules Governing Administration of Section 8 Program**
- 5705 [RESERVED]**
- 5706 Selection of and Assignment to RAD Properties**
- 5707 Eligibility**
- 5708 Income Limits**
- 5709 Subsidy Standards/Voucher Size**
- 5710 Briefing**
- 5711 Notification and Attendance**
- 5712 Oral Briefing**
- 5713 Briefing Packet**

5714	Approval of Request for Tenancy
5715	Separate Agreements
5716	Housing Assistance Payment Contract Execution
5717	Rent Calculations
5718	Earned Income Disregard
5719	Changes in Rent
5720	Utility Allowance
5721	Excess Utility Charges
5722	Security Deposits
5723	Repayment of Security Deposits and Move-Out Inspections
5724	Rent Collection
5725	Returned Checks
5726	Retroactive Rent
5727	Abatement of Rent
5728	[RESERVED]
5729	[RESERVED]
5730	Grievance Policy
5731	Filing a Complaint
5732	Informal Settlement of Complaints
5733	Request for Hearing
5734	Selection of Hearing Officers
5735	Authority of Hearing Officers
5736	<i>Ex parte</i> Communications
5737	Rights of Complainants
5738	[RESERVED]
5739	Failure to Appear
5740	Hearing Procedures
5741	Transcript of Procedures
5742	Decision of the Hearing Officer
5743	Briefs in Support of or Taking Issue with the Decision of the Hearing Officer
5744	Effect of Decision
5745	Decision of the Executive Director of DCHA
5746	Notice to Vacate Premises
5747	Records
5748	Transfer Policy
5749	Mandatory Transfers
5750	Transfer Request by Tenant
5751	Family Right to Move
5752	Owner Termination of Tenancy
5753	DCHA Termination of Assistance
5754	Voluntary Termination of Tenancy
5755	Dwelling Lease: Lease Provisions
5756	Changes to the Lease
5757	Lessee Rights and Responsibilities
5758	Project Owner Responsibilities
5759	Repair Procedure

5760	Charge to the Tenant for Repairs and Services
5761	Right to Enter Dwelling
5762	Move-In and Move-Out Inspection
5763	Annual Inspection
5764	Reasonable Accommodations: Introduction
5765	Reasonable Accommodations: Application of Reasonable Accommodations Policy
5766	Reasonable Accommodations: Persons with a Disability
5767	Request for Reasonable Accommodations
5768	Request for Reasonable Accommodations by RAD/PBV Participants and Applicants
5769	Occupancy of Accessible Unit
5770	Grievances
5771	Service or Assistance Animals
5772	Recertification/Lease Renewal
5773	Barring Policy
5774	Vehicle Policy
5775	Achieving Your Best Life Program in RAD Covered Projects
5776	Resident Participation
5799	Definitions

5700 RAD-CONVERTED HOUSING: GENERAL PROVISIONS

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

voucher-funded housing is as seamless as possible and that the residents of a project maintain, to the extent practical and possible, those rights that they had as public housing residents.

5701 AMENDMENT OF RULES

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

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

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

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

5702 IMPLEMENTATION OF POLICIES

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

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

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

provisions of Federal law, consistent with the policies in § 5756 or HUD regulations; and

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

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

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

5703 WAIVER OF RULES

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

5704 RULES GOVERNING ADMINISTRATION OF SECTION 8 PROGRAM

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

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

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

5705 [RESERVED]

5706 SELECTION OF AND ASSIGNMENT TO RAD PROPERTIES

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

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

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

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

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

5707 ELIGIBILITY

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

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

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

5708 INCOME LIMITS

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

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

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

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

5709 SUBSIDY STANDARDS / VOUCHER SIZE

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

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

- (a) The subsidy standards shall provide for the lowest number of bedrooms needed to house a Family without overcrowding;

- (b) The subsidy standards shall be consistent with space requirements under the Housing Quality Standards contained in § 5321;
- (c) The subsidy standards shall be applied consistently for all families of like size and composition;
- (d) A child who is temporarily away from the home because of placement in foster care is considered a member of the Family in determining the Voucher size;
- (e) A live-in aide, approved by DCHA, shall be counted in determining the Voucher size;
- (f) Foster children and adult wards shall be included in the determination of the Voucher size; and
- (g) The Voucher size for any Family consisting of a single person shall only be a one (1)-bedroom.

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

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

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

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

- 5709.6 For a single person who is not elderly, disabled, or a remaining Family member as explained in § 5317.8, an exception cannot override the regulatory limit of a one (1) bedroom unit.
- 5709.7 The Family shall request any exceptions to the Voucher sizes in writing to DCHA. The request shall explain the need or justification for a larger Family unit size, and shall include appropriate documentation. Family requests based on health-related reasons shall be verified by a knowledgeable professional source (such as a doctor or health professional).
- 5709.8 DCHA shall notify the Family of its determination within thirty (30) days of receiving the Family's request for an exception. If a participant Family's request is denied, the notice shall inform the Family of their right to an informal hearing under Sections 5730 through 5747 of this chapter.

5710 BRIEFING

- 5710.1 The purpose of the briefing is to fully inform the applicant Family about the RAD Project-Based Program.
- 5710.2 DCHA shall give each Family accepted into the RAD Project-Based Program an oral briefing and provide the Family with a briefing packet containing written information about the RAD Project-Based Program.
- 5710.3 Families may be briefed individually or in groups. At the briefing, DCHA shall ensure effective communication in accordance with the requirements of relevant sections of the following federal and local statutes:
- (a) Section 504 of the Rehabilitation Act (29 USC §§ 701, *et seq.*);
 - (b) The D.C. Language Access Act (D.C. Official Code §§ 2-1931, *et seq.* (2016 Repl.));
 - (c) The Fair Housing Act (42 USC §§ 3601, *et seq.*);
 - (d) The D.C. Human Rights Act (D.C. Official Code §§ 2-1401.01, *et seq.* (2016 Repl.)); and
 - (e) The Americans with Disabilities Act (42 USC §§ 12101, *et seq.*).
- 5710.4 DCHA shall ensure that the briefing site is accessible to individuals with disabilities. Applicants with disabilities may request that DCHA provide other reasonable accommodations when conducting briefings.
- 5710.5 The Head of Household shall be required to attend the briefing. DCHA will encourage other adult Family members to participate in the briefing. All adult

Family members are responsible for complying with RAD Project-Based Program rules even if they do not attend the briefing. The Head of Household is responsible for the conduct of all Family members, guests, and others under his or her control.

5710.6 Families that attend group briefings and still need individual assistance shall be referred to an appropriate DCHA staff person.

5711 NOTIFICATION AND ATTENDANCE

5711.1 The RAD Program shall notify Families in writing, by first class mail or hand delivery, of their eligibility for assistance at the time that they are invited to attend a briefing. The notice shall identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

5712 ORAL BRIEFING

5712.1 Each briefing shall provide information on the following subjects:

- (a) How the RAD Project-Based Program works;
- (b) Family and owner responsibilities;

5713 BRIEFING PACKET

5713.1 Documents and information provided in the briefing packet shall include the following:

- (a) A description of the method used to calculate the Housing Assistance Payment (HAP) for a Family, including:
 - (1) How DCHA determines the payment standard for a Family;
 - (2) How DCHA determines Total Tenant Payment (TTP) for a Family; and
 - (3) Information on the payment standard and utility allowance schedule;
- (b) An explanation of how DCHA determines the maximum allowable rent for an assisted unit;
- (c) The HUD-required Lease Addendum which shall be included in the lease.
- (d) A statement of DCHA policy on providing information about families to RAD Covered Project owners;

- (e) DCHA subsidy standards including when and how exceptions are made;
- (f) The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*;
- (g) Information on federal, state, and local equal opportunity laws and a copy of the housing discrimination complaint form;
- (h) Information on an applicant or participant's rights under VAWA, including the right to confidentiality and the exceptions;
- (i) Notice that if the Family includes a person with disabilities, the Family may request a list of available accessible units available in the RAD Project-Based Program;
- (j) The Family Obligations under the Program;
- (k) The grounds on which DCHA may terminate assistance or a lease for a Family because of Family action or failure to act;
- (l) RAD Project-Based informal hearing procedures including when DCHA and the owner of the RAD Covered Project are required to offer a Family the opportunity for an informal hearing, and how to request a hearing;
- (m) The publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a Family shall avoid and the penalties for program abuse.

5714 APPROVAL OF REQUEST FOR TENANCY

5714.1 Prior to approving the assisted tenancy at a RAD property, DCHA shall ensure that all required actions and determinations have been completed. These actions include ensuring:

- (a) That the unit is eligible;
- (b) That the unit has been inspected by DCHA and meets the HQS;
- (c) That the lease offered by the owner is approvable and contains the following:
 - (1) The initial lease terms and the renewal term;
 - (2) Who is responsible for payment of utilities;

- (3) The names of the occupants; and
- (4) The required Tenancy Addendum;
- (d) That the rent to be charged by the owner for the unit is reasonable in accordance with Section 5717 of this Chapter 57;
- (e) Where the Family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the Family, that the share of rent to be paid by the Family is set in accordance with Subsection 5717.2 of this Chapter 57;
- (f) That the owner is an eligible owner, has been neither disapproved by DCHA nor debarred by HUD, and has no prohibited conflicts of interest; and
- (g) That the unit is accessible when the tenant has a disability.

5714.2 DCHA shall complete its determination within ten (10) business days of receiving all required information listed in § 5212 of this Title 14.

5714.3 If the terms of the Request for Tenancy Approval (RTA) or the proposed lease are changed for any reason, including but not limited to negotiation with DCHA, DCHA shall obtain corrected copies of the RTA and proposed lease.

5714.4 Corrections to the RTA or the proposed lease shall only be accepted as hard copies, in person, by mail, by fax, or electronically to an authorized DCHA email address.

5714.5 If DCHA determines that the tenancy cannot be approved for any reason, the owner and the Family shall be notified in writing and given the opportunity to address any reasons for disapproval. DCHA's notice shall instruct the owner and Family of the steps that are necessary to approve the tenancy.

5714.6 If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), DCHA shall attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy shall be approved.

5715 SEPARATE AGREEMENTS

5715.1 Owners and tenants may execute agreements for services, appliances (other than for range and refrigerator), and other items outside those which are provided under the lease if the agreement is in writing and approved by DCHA.

5715.2 Any appliance, service, or other item which is routinely provided to nonsubsidized tenants as part of the lease (such as air conditioning, dishwasher, or

garage) or are permanently installed in the unit cannot be put under separate agreement and shall be included in the lease. For there to be a separate agreement, the tenant shall have the option of not utilizing the service, appliance, or other item.

5715.3 DCHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

5715.4 If the tenant and owner have come to an agreement on the amount of Charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they shall be allowed. Costs for seasonal items can be spread out over twelve (12) months.

5715.5 Copies of all separate agreements shall be provided to DCHA.

5716 HOUSING ASSISTANCE PAYMENT CONTRACT EXECUTION

5716.1 Owners who have not previously participated in the voucher program shall attend a meeting with DCHA in which the terms of the Tenancy Addendum and the HAP contract shall be explained. DCHA may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCVP.

5716.2 The owner and the assisted Family shall execute the dwelling lease, and the owner shall provide a copy to DCHA with signatures. DCHA shall ensure that both the owner and the assisted Family receive copies of the dwelling lease.

5716.3 The owner and DCHA shall execute the HAP contract with notarized signatures. DCHA shall not execute the HAP contract until the owner has submitted IRS form W-9. DCHA shall ensure that the owner receives a copy of the executed HAP contract.

5717 RENT CALCULATIONS

5717.1 Initial Contract Rent. The amount to Owner must not exceed the lowest of:

- (a) An amount determined by DCHA, not to exceed one hundred ten percent (110%) of the applicable fair market rent for the unit bedroom size minus any utility allowance; or
- (b) The reasonable rent as determined in accordance with 24 CFR § 983.302; or
- (c) The rent requested by the owner.

- 5717.2 Tenant Rent. Notwithstanding provisions which may appear elsewhere in this subtitle, each tenant shall pay, as Tenant Rent, the greater of the following:
- (a) Income-based rent as the greater of one twelfth (1/12) of thirty percent (30%) of adjusted income; or
 - (b) One twelfth (1/12) of ten percent (10%) of the annual income. The value of any assets or imputed income from assets shall not be used in the calculation of income based rent. Actual net income from assets greater than the threshold described above shall be included in the determination of adjusted income;
 - (c) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or
 - (d) The minimum rent, as determined in accordance with Subsection 5717.3.

- 5717.3 Minimum Rent. Based on information provided pursuant to Subsections 5717.1, 5717.2, and this subsection, rent charged shall be the lesser of:
- (a) An amount based on a percentage of household income pursuant to Subsections 5717.2 (a) or (b); or
 - (b) \$0, for families which DCHA has determined do not have any adjusted income, as defined in Section 5799, as determined by DCHA at certification or recertification.

5718 EARNED INCOME DISREGARD

- 5718.1 Definitions. The following definitions apply for purposes of this section.
- (a) Baseline income. The annual income immediately prior to implementation of the disallowance described in Subsection 5718.3 of this section of a person who is a member of a qualified family.
 - (b) Disallowance. Exclusion from annual income.
 - (c) Previously unemployed includes a person who has earned, in the twelve months prior to employment, no more than would be received for ten (10) hours of work per week for fifty (50) weeks at the established minimum wage.
- 5718.2 Qualified family. A family residing in public housing:

- (a) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;
- (b) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- (c) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance -- provided that the total amount over a six-month period is at least five hundred dollars (\$ 500).

5718.3 Disallowance of earned income

- (a) Initial twelve (12)-month exclusion. During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.
- (b) Phase-in of rent increase. Upon the expiration of the 12-month period defined in paragraph (a) of this subsection and for the subsequent 12-month period, the PHA must exclude from the annual income of a qualified family at least fifty percent (50%) of any increase in income of such family member as a result of employment over the family member's baseline income.
- (c) Maximum two (2)-year disallowance. The disallowance of increased income of an individual family member as provided in paragraph (a) or (b) of this subsection is limited to a lifetime twenty-four (24)-month period. It applies for a maximum of twelve (12) months for disallowance under paragraph (a) of this subsection and a maximum of 12 months for disallowance under paragraph (b) of this subsection, during the 24-month period starting from the initial exclusion under paragraph (a) of this subsection.

- (d) No rent phase in. Upon the expiration of the Earned Income Disregard, the rent adjustment shall not be subject to rent phase-in. Instead, rent will automatically rise to the appropriate level.

5718.4 Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

5719 CHANGES IN RENT

5719.1

- (a) Rent Phase-In. If a tenant's monthly rent increases by more than the greater of ten percent (10%) or twenty-five dollars (\$25) purely as a result of RAD conversion, the rent increase will be phased in over a period of five (5) years. The tenants that will be affected by RAD rent calculation at the time of conversion are those that are currently paying flat rent, i.e., rent that is not calculated based on income. If a tenant was previously paying flat rents, the change in rent (now based on 30% of income) may have to be phased in.
- (b) Five Year Phase-in Formula:
 - (1) Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – twenty percent (20%) of difference between most recently paid TTP or flat rent and the Calculated RAD TTP
 - (2) Year 2: Year 2 annual recertification and any interim recertification prior to Year 3 annual recertification – twenty-five percent (25%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (3) Year 3: Year 3 annual recertification and any interim recertification prior to Year 4 annual recertification – thirty-three percent (33%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (4) Year 4: Year 4 annual recertification and any interim recertification prior to Year 5 annual recertification – fifty percent (50%) of difference between most recently paid TTP and the Calculated RAD TTP
 - (5) Year 5 annual recertification and all subsequent recertifications – Full Calculated RAD TTP

- (c) Once the Calculated RAD TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.
- (d) Rent phase-in example:

(1) Example of rent increase that does not require a phase in:

Rent at Last Recertification	\$900
Rent Calculation at RAD Conversion	\$990
Increase in Rental Amount	\$90
Phase In Required?	No

(2a) Example of rent increase that does require a phase in:

Rent at Last Recertification (TTP at last recertification)	\$100
Rent Calculation at RAD Conversion (RAD TTP)	\$300
Increase in Rental Amount	\$200
Phase In Required? (see table below)	Yes

(2b)

Year 1

Prior TTP at last recertification: \$100

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$200

Amount to be phased-in during Year 1: 20% of differential between New TTP as a result of conversion and TTP at last recertification

DCHA-Approved Five Year Phase In Period		
Year	Most Recent TTP + Increase	New Rent
1	Step 1: $\$300 - \$100 =$ \$200 Step 2: $\$100 + (\$200 \times$ $.20) =$ \$140	\$140

Year 2

Prior TTP at last recertification: \$140

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$160

Amount to be phased-in during Year 2: 25% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
2	Step 1: $\$300 - \$140 =$ \$160 Step 2: $\$140 + (\$160 \times .25) =$ \$180	\$180

Year 3

Prior TTP at last conversion: \$180

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$120

Amount to be phased-in during Year 3: 33% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
3	Step 1: $\$300 - \$180 =$ \$120 Step 2: $\$180 + (\$120 \times$ $.33) =$ \$219.6	\$219.6

Year 4

Prior TTP at last conversion: \$219.6

New TTP as a result of conversion: \$300

Differential requiring phase-in: \$80.4

Amount to be phased-in during Year 4: 50% of differential between New TTP as a result of conversion and TTP at last recertification

Year	Most Recent TTP + Increase	New Rent
4	Step 1: \$300 - \$219.6 = \$80.4 Step 2: \$219.6 + (\$80.4 x .50) = \$259.8	\$259.8

Year 5 and all subsequent recertifications: Tenant pays full calculated RAD TTP

- 5719.2 Any changes in Tenant Rent shall be stated in a special supplement to the lease, which shall, upon issuance, become a part of the dwelling lease. The special supplement to the lease shall constitute the tenants thirty (30) days' written notice of an increase in Tenant Rent. The family shall be provided a copy of the special supplement to the lease.
- 5719.3 All changes in Tenant Rent, whether after an interim or regular recertification, shall be implemented in accordance with 14 DCMR §§ 6118, 6119, and this chapter.
- 5719.4 In properties where utilities and other essential services are supplied to the tenant by the Owner Tenant Rent payable to DCHA under the dwelling lease shall be the same as total tenant payment.
- 5719.5 Tenant Rent shall be computed after both annual income and adjusted income have been verified.
- 5719.6 The tenant shall receive retroactive credit to credit an administrative error.
- 5719.7 Tenants occupying property for a portion of a month at the time of move-in shall be charged a pro-rata share of the full monthly rate determined by DCHA.
- 5719.8 Allowances and special deductions:

- (a) In properties where tenants are responsible for paying for their own utility bills, the utility allowance shall be subtracted from the total tenant payment to determine the Tenant Rent payable to DCHA. If the Tenant Rent resulting from the subtraction of the utility allowance from the total payment is negative, DCHA shall send a monthly check in the amount of the difference to the tenant.
- (b) At Redeveloped Properties or Service Rich Properties, as defined in 14 DCMR Section 6113, which an Association Fee is assessed, residents at such properties may be required to pay an amount calculated to equal the Association Fee attributable to the unit and shall be granted an allowance reflecting the Association Fee payment. The allowance shall be subtracted from the Tenant Rent to determine the tenant payment as follows:
 - (1) Any utility allowance shall be deducted from the Tenant Rent first. The allowance for the Association Fee shall be deducted from any remaining positive amount. If the deduction of the utility allowance results in a negative rent there shall be no charge for an Association Fee and no deduction for the Association Fee allowance. If the deduction of the Association Fee allowance results in a negative amount, the required Association Fee payment from the tenant and its associated allowance shall be reduced so that the Tenant Rent is zero.
 - (2) If the tenant fails to pay the Association Fee on time, the fee shall be converted to rent, not to exceed thirty percent (30%) of adjusted income, when added to the monthly rent, for the month in which the fee was paid.
 - (3) If the Association Fee is paid after entry of judgment as part of the payment required to avoid eviction, the fee shall be recorded as the Association Fee, and the ledger shall be updated to reflect the tenant's payments.

5720 UTILITY ALLOWANCE

- 5720.1 DCHA shall establish on a project basis, in accordance with Federal regulations, appropriate utility allowances for tenants with individual utility meters.
- 5720.2 Allowances shall be based on average consumption levels and information provided by the D.C. Public Service Commission regarding rates approved for utility companies supplying electricity or gas to those dwelling units.
- 5720.3 Average consumption level calculations shall take into account major equipment provided by DCHA at the project or property and shall make allowance for minor equipment normally provided by the tenant, except that items provided by the

tenant listed in § 5721.1 of this chapter shall not be considered in development of average consumption calculations.

5720.4 As utility rates in the District of Columbia are revised, DCHA shall revise its utility allowances when there is a rate change that, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent (10%) or more from the rates on which the current allowance was based for a specific utility. When DCHA revises a utility allowance, it shall do the following:

- (a) Provide notice to tenants regarding increases or decreases in Tenant Rent due to revised utility allowances;
- (b) Make Tenant Rent increases effective at the start of the first month following thirty (30) days' notice to the tenant, and make Tenant Rent decreases effective at the start of the first month following the change in utility allowance; and
- (c) Prepare and execute a special supplement to the dwelling lease, with an explanation of the reason(s) for the change.

5720.5 Actual charges billed directly to the tenant shall be his or her responsibility, regardless of whether the charges are above or below the utility allowance approved by DCHA.

5720.6 The DCHA shall also establish appropriate utility allowances, on a project basis, for tenants with checkmeters where DCHA pays the utility supplier but individual units have checkmeters that measure consumption rates for the unit.

5720.7 The DCHA shall be authorized to obtain records of tenants' utility consumption and related charges billed data from utility companies for tenants with individual utility meters who pay for their own electricity or gas.

5721 EXCESS UTILITY CHARGES

5721.1 Tenants who do not pay for their own electricity shall be charged reasonable amounts for electricity consumed as a result of major electrical appliances which are not provided by DCHA. Major electrical appliances include the following:

- (a) Clothes dryer(s);
- (b) Food freezer(s);
- (c) Additional refrigerator/freezer(s);
- (d) Air conditioner(s);

- (e) Washing machine(s); and
 - (f) Dish washers.
- 5721.2 Excess utility charges for air conditioners shall only be applied during the months of May, June, July, August and September, with an opportunity for exceptions based on unseasonably cool weather.
- 5721.3 Excess utility charges and any revisions to these charges, shall be established by DCHA on the basis of the provisions of § 5720 of this chapter, including consumption calculations.
- 5721.4 It is the responsibility of the tenant to obtain the approval of DCHA prior to the installation of any electrical appliance listed in § 5721. 1. Excess utility charges shall be incurred at the start of the month following installation. DCHA shall prepare and execute a special supplement to the lease to reflect excess utility charges.
- 5721.5 Excess utility charges required under §§ 5721.1 and 5721.7 shall not become due and collectible until the first (1st) day of the second month following the month in which the charge is incurred.
- 5721.6 Upon receipt of a report from a tenant indicating an appliance is inoperable in his or her unit, DCHA shall assess the applicable charge until such time as the appliance in question is removed from the dwelling unit.
- 5721.7 Tenants who do not pay for their own utilities, but who occupy a unit with a checkmeter system for individual units, shall be charged reasonable amounts for utility consumption in excess of the appropriate utility allowance established by DCHA for that unit.
- 5721.8 Where DCHA converts a specific property to a checkmeter system, there shall be a transition period of at least six (6) months during which no excess utility charges shall be charged against the tenant. During this transition period, DCHA shall do the following:
- (a) Advise the tenant of the amounts which would be charged, based on checkmeter readings;
 - (b) Advise tenants with high utility consumption rates on methods for reducing their usage; and
 - (c) Give specific thirty (30) day notice to the tenant of the effective date after which utility charges shall be assessed. DCHA shall prepare and execute a special supplement to the lease to implement excess utility charges related to checkmeter systems.

5722 SECURITY DEPOSITS

- 5722.1 Each new tenant household shall be required to make a security deposit to DCHA prior to the execution of the dwelling lease.
- 5722.2 The security deposit shall be a flat fee assessment as follows:
- (a) Fifty dollars (\$50) - elderly family households; or
 - (b) One hundred dollars (\$100) - family households.
- 5722.3 The security deposit shall be due in full at the time of the execution of the dwelling lease.
- 5722.4 The security deposit shall be retained by the Project Owner until the tenant vacates the unit.
- 5722.5 Whenever a tenant is relocated from one (1) RAD Covered Project unit to another, the tenant may choose to have the security deposit transferred to the new unit and dwelling lease agreement.
- 5722.6 If the unit from which the tenant is transferring has tenant-caused damages, or there are other unpaid charges due from the tenant, the Project Owner may deduct those amounts due as provided in § 5723 of this chapter, and require a new security deposit from the tenant prior to execution of a new lease for the unit to which the tenant is moving.

5723 REPAYMENT OF SECURITY DEPOSITS AND MOVE-OUT INSPECTIONS

- 5723.1 The amount of the security deposit to be refunded shall be based on the following:
- (a) Actual unpaid repair costs for damages to the premises beyond normal wear and tear;
 - (b) Total rent delinquency charges;
 - (c) Total unpaid service charges; and
 - (d) Proper notice by the tenant to the Project Owner of intent to vacate in accordance with § 5723.5 of this chapter.
- 5723.2 If the security deposit is insufficient to cover those charges, the tenant shall be billed for the difference.

- 5723.3 If there are no charges, or if the charges are less than the security deposit, the difference shall be refunded to the tenant.
- 5723.4 In order to determine the amount of security deposit to be returned to the tenant, the Project Owner shall conduct a move-out inspection with the departing tenant.
- 5723.5 When tenants have provided thirty (30) days' notice of intent to vacate their unit, the Project Owner shall notify the tenant in writing of the date and time of the move-out inspection at least ten (10) days before the intended inspection.
- 5723.6 If it is discovered that repairs to the unit are needed due to the tenant's abuse or neglect, the Project Owner shall assess the tenant for the cost of the repairs.
- 5723.7 At the time of the move-out inspection, the tenant shall be required to furnish a forwarding address for the purposes of either forwarding the tenant's refund check, or a bill for additional monies due. The Project Owner shall provide a written statement of deficiencies, and the amount of the charge for repair, to the tenant, and shall refund any security deposit due within forty-five (45) days of termination of tenancy.
- 5723.8 A tenant vacating a unit shall be eligible for a refund if that tenant has a credit balance after any charges have been deducted from the tenant's account.
- 5723.9 Tenants who vacate a unit without giving proper notice of intent to vacate shall relinquish any right to possession of the unit or the security deposit.
- 5723.10 The Lessee shall return all keys and other entry devices whenever the unit is vacated. Failure to return keys or other entry devices will result in a charge in accordance with a schedule of charges as posted in the property management office.

5724 RENT COLLECTION

- 5724.1 Rental payments and excess utility or other charges where applicable, for each month shall be due on the first (1st) day of each month. A payment received by the tenth (10th) day of the month shall not be considered delinquent.
- 5724.2 Current rent shall be the amount charged monthly as Tenant Rent to a tenant for the use and occupancy of a specified dwelling unit.
- 5724.3 The Project Owner shall advise the tenant in writing of any other charge(s) being assessed and the amount due as follows:
- (a) Excess utility charges shall be assessed as provided in § 5714 of this chapter;

- (b) Charges for services performed and for maintenance charges as a result of tenant damage (as provided in § 5753 of this subtitle) shall be due and payable the first day of the second month following completion of repairs or performance of service, provided the tenant was provided one (1) month notice of the charge prior to the due date; and
- (c) Court costs shall be due and payable at the time the tenant is required to pay the amount which made the court charge necessary.

5724.4 All payments shall be submitted by the tenant to the location designated by DCHA, and shall be made only by check or money order.

5724.5 Rent payments, or excess utility or other charges where applicable, received after the tenth (10th) day of the month shall be considered delinquent, and a late charge of five percent (5%) of the amount due shall be assessed against the tenant. No more than one (1) late charge shall be assessed each month.

5725 RETURNED CHECKS

5725.1 Tenants whose checks are returned for insufficient funds shall be assessed a fifteen dollar (\$15) returned check fee, and shall be required to make payment within five (5) working days, from the date of the returned check notice, for the amount outstanding. This payment shall be in the form of a “money order” or “cashier’s check.”

5725.2 Each tenant having two (2) checks returned, within a twelve (12) month period, for insufficient funds, shall be required to submit all future payments in the form of a “cashier’s check” or “money order.”

5726 RETROACTIVE RENT

5726.1 Retroactive rent charges, determined in accordance with § 5719 of this subtitle, shall be due in full within thirty (30) days of notification.

5726.2 Partial payments of amounts due may be authorized by the Project Owner if it is determined that the tenant’s failure to promptly report the change(s) in income, which resulted in the retroactive rent, was not willful.

5727 ABATEMENT OF RENT

5727.1 In the event that a unit is rendered uninhabitable and repairs are not made as provided for in § 5758, the Project Owner shall abate the tenant's total tenant payment in proportion to the seriousness of the damage and loss in value as a dwelling.

5727.2 No abatement of rent shall occur if the tenant fails to cooperate with workmen seeking to make the repairs, rejects alternative accommodations, or if the damage was caused by the tenant, the tenant's household, or guests.

5727.3 Evidence that a unit was uninhabitable under § 5758, and that abatement is required, may include a vacate order by a District Housing Inspector, or other substantial documentation.

5728 [RESERVED]

5729 [RESERVED]

5730 GRIEVANCE POLICY

5730.1 The rules of procedure outlined in Sections 5730 through 5747 shall govern conferences and hearings resulting from complaints filed by individual participants and applicants for housing in a RAD Covered Project, including RAD units within any Private Mixed Finance Project except as otherwise specified in a regulatory and operating agreement or RAD control agreement.

5730.2 The procedures shall provide a means for review of grievances through administrative means short of taking action through the appropriate judicial proceeding, but in no way waive the complainant's right to judicial proceedings.

5730.3 The grievance procedure shall not be used to review complaints or grievances related to initiating or negotiating changes to existing policies set forth in this chapter, class grievances, or disputes between residents that do not involve the Project Owner or contract administrator.

5731 FILING A COMPLAINT

5731.1 Any resident of or applicant for a RAD Covered Project may file with DCHA or the Project Owner a complaint requesting an administrative determination of his or her rights for any dispute he or she may have with respect to a Project Owner's action or failure to act in accordance with the individual's lease or the contract administrator's action or failure to act in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

5731.2 The complaint shall be mailed or personally presented either orally or in writing to the DCHA Office of Fair Hearings or to the office of the property in which the complainant resides during normal office hours, but not later than thirty-five (35) calendar days after the DCHA or Project Owner's act or failure to act that constitutes the basis for the grievance. For a complaint concerning termination of assistance by DCHA, a participant must request an informal hearing within thirty-five (35) calendar days of the date of the issuance of the recommendation for termination of assistance by DCHA.

5731.3 The complaint shall state the particular grounds on which it is based and the action or relief requested. Upon request, DCHA or office of the property in which the complainant resides will assist a complainant in putting his or her complaint in writing.

5731.4 Upon receipt of the complaint, the DCHA Office of Fair Hearings or the office of the property in which the complainant resides shall provide the complainant with a receipt indicating a complaint was filed and information explaining the complainant's right to a fair hearing and outlining the RAD Grievance Procedures. If the complaint is filed at the office of the property in which the complainant resides, that office shall provide a copy of the complaint to OFH.

5732 INFORMAL SETTLEMENT OF COMPLAINTS

5732.1 Except for complaints filed by applicants that have already participated in an informal conference pursuant to Section 6107 or for complaints concerning termination of assistance, within three (3) business days of receipt of the complaint, the Project Owner shall schedule a conference with the complainant to informally discuss the complaint with the objective of reaching a settlement without a formal hearing.

5732.2 The Project Owner shall convene the informal settlement conference within ten (10) business days of the date the complaint was filed.

5732.3 If a settlement is reached, within ten (10) business days of the conference, the terms of the settlement shall be put in writing by the Project Owner, signed by each party. A copy of the settlement shall be given to the complainant and DCHA, who shall retain a copy for the complainant's DCHA file.

5732.4 If a settlement cannot be reached, the Project Owner shall prepare and serve on the complainant a written answer to the complaint within ten (10) business days of the conference with the complainant. The answer shall specify the following:

- (a) The Project Owner's proposed disposition of the complaint and the specific reasons therefore;
- (b) The right of the complainant to a hearing, and the procedure for requesting a hearing; and
- (c) The time allowed to request a hearing.

5732.5 The answer shall be served upon the complainant as follows:

- (a) Where the complainant is a resident, by personally serving the answer on the complainant or leaving a copy at the dwelling unit with a person of

suitable age, or posting on the door of complainant's unit if no one is at home; or

- (b) Where the complainant is an applicant, by sending the answer by first class mail, postage prepaid, to complainant's address as it appears in the records of DCHA.

5733**REQUEST FOR HEARING**

5733.1

- (a) If after the informal settlement conference the complainant is not satisfied with the proposed disposition of his or her complaint, he or she may submit in person or by mail a written request for a hearing. Upon request, DCHA or the Project Owner will assist a complainant in putting his or her request for a hearing in writing. The written request shall be provided:
 - (1) To the Office of Fair Hearings (OFH); or
 - (2) To the OFH through the office of the property in which the complainant resides.

A complaint form will also be available to residents at the OFH and at the office of the property in which the complainant resides.

- (b) On determinations of ineligibility for applicants for RAD Covered Projects, applicants may submit a written hearing request in person to the OFH or by mail to the OFH. The notice will include the complaint form by which families can request a hearing and return it to DCHA. The complaint form will also be available to applicants and residents at the OFH.
- (c) For a determination to terminate assistance, DCHA shall provide the resident with written notice of the determination to terminate assistance within thirty days (30) days of the determination. The notice shall include the complaint form by which residents can request a hearing. The written hearing request shall be provided to the OFH.

5733.2

A complainant's request for a hearing shall be in writing and shall be filed as follows:

- (a) If the complainant is a resident, within seven (7) business days from the date the answer is served;
- (b) If the complainant is an applicant, within ten (10) business days from the date the answer is mailed; or

- (c) If the participant's hearing request concerns a determination to terminate assistance, within thirty-five (35) calendar days from the date of the issuance of the recommendation for termination of assistance by DCHA.

5733.3 If a complainant does not request a hearing within the time specified in §§ 5733.2(a)-(b), the Project Owner's disposition of the complaint under § 5732.4 shall become final. If a participant does not request a hearing within the time specified in § 5733.2(c), DCHA's determination to terminate assistance shall become final. This shall not constitute a waiver of the complainant's right to contest DCHA's or Project Owner's actions in an appropriate judicial proceeding.

5733.4 For hearing requests made pursuant to § 5733.1(c), once a participant files a timely request for a hearing, the Housing Assistance Payments (HAP) will continue to the Project Owner in accordance with the current HAP contract in effect at the time of the request for a hearing until a final determination has been made in accordance with this chapter.

5733.5 Upon receipt of a request for a hearing, OFH shall assign a hearing officer to the complaint from the pool of hearing officers selected pursuant to § 5734.1, on a rotating basis to the extent possible.

5733.6 Within fifteen (15) business days, OFH shall schedule a hearing time, date and place, reasonably convenient to both the complainant and DCHA, and shall notify the complainant and DCHA.

5733.7 Within thirty (30) days of the date the hearing is scheduled, OFH shall convene the hearing, unless rescheduled for good cause.

5733.8 Requests to reschedule a Hearing shall be subject to the following conditions:

- (a) Either party may request to reschedule an Informal Hearing any time prior to the first scheduled Informal Hearing date or prior to any subsequent hearing date, only if the requesting party can demonstrate good cause and if delay will not result in harm or prejudice to the other party.
- (b) Notwithstanding the paragraph above, OFH will reschedule a Hearing as a reasonable accommodation if the complainant can demonstrate that a disability prevented them from rescheduling within the prescribed time periods.

5734 SELECTION OF HEARING OFFICERS

5734.1 The DCHA shall select six (6) impartial, disinterested members of any bar in good standing to be available to serve as hearing officers.

- 5734.2 If the complainant objects to the hearing officer, DCHA and the complainant shall attempt to agree upon another member of the pool of hearing officers.
- 5734.3 If DCHA and the complainant cannot agree, DCHA shall select an individual to serve as a member of the hearing panel, the complainant shall select any individual to serve as a member of the panel and these two (2) individuals shall select a third member. The choice of the individuals who comprise the hearing panel shall not be limited to the six (6) member pool of hearing officers.
- 5734.4 If the individuals selected by DCHA and the complainant cannot agree on a third member, such a member shall be selected by an independent arbitration organization as provided in 24 CFR § 966.55(b)(1)(2002).
- 5734.5 Any individual who made or approved the decision under review or a subordinate of that individual may not serve as a hearing officer pursuant to § 5734.1 or as a member of a hearing panel pursuant to § 5734.3 or § 5734.4.

5735 AUTHORITY OF HEARING OFFICERS

- 5735.1 The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including the following:
- (a) To administer or direct the administration of oaths and affirmations;
 - (b) To examine witnesses and direct witnesses to testify;
 - (c) To rule upon offers of proof and receive relevant evidence;
 - (d) To regulate the course of the hearing and the conduct of the parties, other participants, and their counsel;
 - (e) To arrange a conference for settlement or to simplify the issues by agreement of the parties;
 - (f) To consider and rule upon procedural requests; and
 - (g) To take any action authorized by this chapter.
- 5735.2 The hearing officer shall have the power to grant appropriate relief not in conflict with controlling law and regulations, including the following:
- (a) Rental abatements;
 - (b) Monetary damages;
 - (c) Relocation of residents to other DCHA owned or operated housing units;

- (d) The ordering of repairs and/or accessibility features by DCHA;
- (e) Remanding to a program specialist for further review or recalculation;
- (f) Granting a voucher or voucher extension;
- (g) Participant recertification;
- (h) Adjustment to total tenant payment;
- (i) Reversal of termination; and
- (j) Scheduling continuances and rescheduling.

5735.3 Temporary relocation of residents to public housing units available to the agency shall be authorized and may be ordered if the hearing officer finds that the unit is so seriously deficient that it poses a significant threat to the health or safety of the resident.

5735.4 If DCHA does not take immediate action to correct the threat and fails to demonstrate that suitable public housing is available, the hearing officer may order DCHA to relocate the resident temporarily to a suitable private housing unit, providing DCHA fails to demonstrate that suitable housing is available.

5736 EX PARTE COMMUNICATIONS

5736.1 The hearing officer shall not consult any person, or party on any fact at issue except after notice and opportunity for all parties to participate.

5736.2 No employee, or agent, of the District of Columbia government engaged in the investigation and prosecution of a case shall participate or advise in the proposed decision in that case except as a witness or counsel in the hearing or other public proceedings.

5737 RIGHTS OF COMPLAINANTS

5737.1 The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which shall include the following:

- (a) The right to be represented by legal counsel or another person chosen as a representative; at their own expense, provided that if the family has not notified DCHA in writing at least three business days in advance of their intention to be represented, the hearing officer shall grant any request from DCHA for a continuance.;

- (b) The right to a private hearing, unless the complainant requests a public hearing;
- (c) The opportunity to examine, before the hearing, documents, records, and regulations of DCHA that are relevant to the hearing. Any document not so made available after a request for the document has been made by the complainant may not be used as evidence by DCHA at the hearing. For hearings requested pursuant to § 5733.1(c), DCHA shall make such documents available to the complainant, or its representative for review and/or copying either within twenty-one (21) calendar days of the request or seven (7) calendar days prior to the Informal Hearing date, whichever is sooner;
- (d) When requested, DCHA shall provide to the complainant, at no charge, fifty (50) pages of documents, records, and unpublished regulations of DCHA relevant to the hearing. A reasonable charge of not more than twenty five cents (25¢) per page may be assessed for reproducing material in excess of fifty (50) pages requested by the complainant. If the documents are provided electronically or on a CD, DCHA is authorized to charge for the cost of the CD and the total number of pages produced electronically;
- (e) The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by DCHA, and to confront and cross-examine all witnesses on whose testimony or information DCHA relies;
- (f) The right to a decision based solely upon the facts presented at the hearing; and
- (g) The right to request a reasonable accommodation for a disability.

5738**[RESERVED]****5739****FAILURE TO APPEAR**

5739.1

If either party fails to appear at a hearing, the hearing officer may do the following:

- (a) Postpone the hearing for up to five (5) business days;
- (b) With the consent of both parties, reschedule the hearing for a later date;
- (c) Make a determination that the complainant has waived his or her right to a hearing, if the complainant fails to appear. The waiver shall not constitute

a waiver of complainant's right thereafter to contest DCHA's action in an appropriate judicial proceeding;

- (d) Grant an exception if the party is able to document an emergency situation that prevented them from attending or requesting a postponement of the hearing or if requested as a reasonable accommodation for an individual with a disability.

5740 HEARING PROCEDURES

- 5740.1 At the hearing, the complainant shall make a showing of entitlement to the relief sought. If in the opinion of the hearing officer the complainant fails to do so, the hearing officer may render a decision in favor of DCHA without further presentation of evidence.
- 5740.2 The moving party has the burden of proof to justify its position by a preponderance of the evidence.
- 5740.3 Both parties to the hearing may present evidence and arguments in support of their positions, controvert evidence and cross-examine all witnesses for the other side.
- 5740.4 The hearing shall be conducted informally by the hearing officer, and oral or documentary evidence relevant to the facts and issues raised by the complaint and answer may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- 5740.5 The hearing officer shall require DCHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly manner.
- 5740.6 Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the hearing or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought, as appropriate.

5741 TRANSCRIPT OF PROCEDURES

- 5741.1 All hearings at the OFH shall be recorded.
- 5741.2 The complainant may obtain a copy of the recording of the hearing at his or her own expense.
- 5741.3 Transcripts of the recording of the hearings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.

5741.4 If a party files a petition for review in the District of Columbia Court of Appeals, OFH will arrange for the preparation and filing of a transcript without charge to the complainant. In all other cases or upon request, OFH will arrange for preparation of a transcript only after OFH receives payment for the cost of preparing the transcript from the party seeking the transcript.

5742 DECISION OF THE HEARING OFFICER

5742.1 The hearing officer shall prepare a written decision, together with the reasons therefor, within ten (10) business days after the close of the hearing. Copies of the decision shall be mailed to the complainant, DCHA and the OFH.

5742.2 The decision of the hearing officer shall be binding on DCHA, which shall take all actions, or refrain from actions, necessary to carry out the decision, unless the Executive Director or an official delegated by the Executive Director does the following:

- (a) Determines that the complaint does not concern a DCHA act or failure to act as prescribed by the complainant's lease or DCHA rules, policies or regulations, that adversely affect the complainant's rights, duties, welfare or status;
- (b) Determines that the decision of the hearing officer is contrary to applicable federal or District of Columbia law or regulations or requirements of the Annual Contributions Contract between HUD and DCHA; or
- (c) Determines that the decision of the hearing officer exceeds the authority of the hearing officer under the DCHA hearing procedures.

5742.3 The Executive Director or designee of the Executive Director shall make the determination within the time provided in § 5745.1, and promptly notify all parties to the hearing of his or her determination.

5743 BRIEFS IN SUPPORT OF OR TAKING ISSUE WITH THE DECISION OF THE HEARING OFFICER

5743.1 Any party may file a brief with OFH in support of or in opposition to the hearing officer's proposed decision within ten (10) business days after service of the decision;

5744 EFFECT OF DECISION

5744.1 A decision of the hearing officer which is in favor of the Project Owner or DCHA, or denies the complainant his or her requested relief in whole, or in part,

shall not constitute a waiver of, or affect in any manner whatever, rights the complainant may have to a trial de novo in judicial proceedings which may be later brought in the matter.

5744.2 In de novo judicial proceedings, neither party shall be limited to invoking against the other the grounds originally relied on in the administrative proceedings.

5745 DECISION OF THE EXECUTIVE DIRECTOR OF DCHA

5745.1 Within seven (7) business days after expiration of the time for filing briefs as provided in § 5743, the Executive Director of DCHA, upon consideration of the record, together with any briefs, shall make a determination of the enforceability of the hearing officer's decision as provided in §§ 5742.2 (a) and (b) and (c).

5745.2 The Executive Director of DCHA may modify or set aside, in whole or in part, the decision of the hearing officer.

5745.3 In any case in which the Executive Director of DCHA proposes to modify or set aside all or any part of the hearing officer's decision, the Executive Director shall serve on each party a proposed decision, including findings of fact and conclusions of law.

5745.4 The parties shall be given fourteen (14) days from the date of receipt of the Executive Director's proposed decision to file exceptions. Each party may request oral argument when submitting exceptions.

5745.5 A final decision shall be made by the Executive Director of DCHA within fourteen (14) days after exceptions to the proposed decision have been filed, and an oral argument held, if requested. Copies of the final decision shall be served on all parties.

5745.6 A final decision issued by the Executive Director of DCHA may be appealed by filing a Petition for Review with the District of Columbia Court of Appeals.

5746 NOTICE TO VACATE PREMISES

5746.1 If the complaint relates to a notice to correct or vacate, or a notice to vacate, served on the tenant and there has been a determination by the hearing examiner or Executive Director in favor of the Project Owner, the Project Owner shall not be required to serve the tenant with a new notice to correct or vacate, or notice to vacate, and may take any appropriate action against the tenant based on the notice in any appropriate legal forum. Acceptance of rent during the time period of the hearing or thereafter shall not waive DCHA's right to proceed on the notice.

5746.2 If suit is brought against the tenant(s), the tenant may be required to pay court costs or attorney fees as ordered by the Court.

5747 RECORDS

- 5747.1 The Central Grievance Files shall be maintained in a central location by the Office of Fair Hearings and shall be made promptly available to interested members of the public for inspection and copying pursuant to procedures established by the OFH.
- 5747.2 Subject to § 5737.1(d), a reasonable charge of not more than twenty-five cents (25¢) per page may be assessed for copying any document in the Central Grievance Files.

5748 TRANSFER POLICY

- 5748.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer Families from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by Families. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project. Notwithstanding the foregoing, Families residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.
- 5748.2 It is DCHA's policy that transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Families can be transferred to accommodate a disability.
- 5748.3 Transfers will be processed by the Office of the Director of Property Management Operations. Families may apply to their property manager for a transfer, but all paperwork, verifications and unit assignments shall be processed by the Office of the Director of Property Management Operations. Applications for transfer must be made in writing, must state the reason(s) for requesting the transfer, and must provide any supporting documentation. Families may use the "Tenant Request for Transfer" form available in each property management office or at the DCHA central office.
- 5748.4 Mandatory Transfers and Priority Transfer Requests shall take precedence over new admissions. New admissions shall take precedence over Standard Transfer Requests. DCHA shall assign vacant units that it does not need to house Mandatory Transferees or Priority Transfer Requests, using a ratio of five units for initial occupancy by applicants on the Public Housing Waiting Lists, to one unit for a Family from the DCHA Transfer Waiting List.
- 5748.5 Upon acceptance of the new dwelling unit, the Lessee must execute a new lease

agreement. All causes of action of any nature whatsoever available to DCHA or the Project Owner at the previous dwelling unit shall be actionable by DCHA or the Project Owner of the previous dwelling unit after transfer, whether such transfer is a Mandatory Transfer or a Tenant Request for Transfer. This regulation does not waive any statute of limitations otherwise applicable to such claims.

5748.6 Sections 5748 through 5751 govern all transfers initiated by DCHA or requested by participating Families in RAD Covered Projects.

5749 MANDATORY TRANSFERS

5749.1 The DCHA may initiate Mandatory Transfers for households in order to alleviate certain housing conditions. The following represent examples of such conditions:

- (a) To relocate Families that are living in dwelling units with conditions that represent an emergency or a threat to life, health, or safety (*e.g.*, fire, flood, no water) as determined by DCHA, another governmental entity, or as a result of a judicial proceeding;
- (b) To place households in units of the correct size when authorized members of a Family (*i.e.*, household members listed on lease or certified by the DCHA) are under-occupying (assigned dwelling units are too large for the household) or over-occupying (assigned dwelling units are too small for the household) their assigned dwelling units in relation to the occupancy standards as set forth in Section 5709 of this chapter;
- (c) To relocate households to alleviate threat of attack by criminal elements as verified and documented by the DCHA Police Department or any other police department or law enforcement agency authorized to operate in the District of Columbia;
- (d) To permit Property Owner to make significant repairs, modernize, rehabilitate, or demolish dwelling unit(s) or apartment building(s);
- (e) To relocate households to facilitate the future rehabilitation of a dwelling unit;
- (f) To permit occupancy of a unit with accessibility feature by a transferring Family or eligible applicant with a verified need for such a unit;
- (g) To alleviate any other conditions of hardship as determined by DCHA or to effectuate DCHA goals and/or objectives.

5749.2 Families subject to a Mandatory Transfer shall receive a “Notice of Mandatory Transfer.” The Notice shall include the following:

- (a) Statement of the reason for the transfer;
- (b) Location of the new dwelling unit;
- (c) Statement regarding how the move will be financed; and
- (d) The specific date by which the move must occur.

5749.3 Families subject to a Mandatory Transfer will receive one offer of transfer. The offer of transfer shall be for a dwelling unit meeting the needs of the household in accordance with DCHA occupancy standards and, if the household includes a member with a disability, a dwelling unit that has features appropriate for the disability or one that is adaptable.

5749.4 Applications for a transfer must be made to the Property Manager of the Family's RAD Covered Project, but all paperwork verification and unit assignments shall be made by the Office of the Director of Property Management Operations, except in the case of a Family request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Coordinator and the Client Placement Division.

5749.5 DCHA shall, at its sole discretion, elect to either bear the cost of a Mandatory Transfer by providing funds to the affected household or to move the household with its own resources, which may include the use of DCHA staff and/or a moving contractor.

5749.6 A Family that receives a written offer of a new dwelling unit and refuses the offer without good cause, shall be issued a Notice to Quit or Cure. The good cause standard applicable to new admissions shall apply to transfers.

5749.7 DCHA shall relocate to a vacant, non-accessible unit, within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit.

5749.8 The decision to initiate a Mandatory Transfer pursuant to this chapter may be made only after review and approval by a supervisor in the Office of the Director of Property Management Operations.

5750 TRANSFER REQUEST BY TENANT

5750.1 DCHA will approve transfer requests for Families that are in compliance with the terms and conditions of their leases and have resided in their dwelling units for at least one year. Families with a disabled household member that request reasonable accommodation transfers and families requesting a transfer pursuant to VAWA, as described below, are not subject to the one-year limitation.

- 5750.2 A Family is compliant with the terms and conditions of its lease if:
- (a) Current on rent payments and/or on any repayment agreement, consent judgment agreement, or settlement agreement;
 - (b) Current with recertification process;
 - (c) Is not subject to a citation for any lease violation;
 - (d) Has a good housekeeping record as evidenced by a housekeeping inspection; and
 - (e) Is not subject to a Notice to Correct or Vacate or a Notice to Vacate.
- 5750.3 Each member of the Family must be compliant with the terms and conditions of the lease.
- 5750.4 DCHA may deny requests for transfers by Families that are not compliant with the terms of their leases. Exceptions to the requirement that Families requesting transfers be lease compliant may be made for life threatening conditions or for tenants seeking transfers to units with accessible features.
- 5750.5 Transfers processed under this section will not take priority over Mandatory Transfers or new admissions, except as provided under Subsection 5748.4.
- 5750.6 DCHA shall acknowledge receipt of each Tenant Request for Transfer. The date of acknowledgment shall serve as the Tenant Request for Transfer date, which will be used by DCHA to determine the Family's place on the Transfer Waiting List.
- 5750.7 DCHA shall notify the Family, in writing, in no more than thirty (30) days from the date of acknowledgment, what action it has taken with regard to the Tenant Request for Transfer, *e.g.*, approval, disapproval, or further review of the Request is required. If further review is necessary due to a lack of supporting documentation, DCHA shall notify the Family, in writing, of what additional documentation is required. Once such documentation is received, DCHA shall notify the Family, in writing, no more than thirty (30) days from the date of receipt, what action it has taken with regard to the Tenant Request for Transfer.
- 5750.8 Although DCHA approves a Tenant Request for Transfer, a unit may not be immediately available. When a unit is available, DCHA shall issue the Family a "Notice of Transfer Assignment." The Notice will direct the Family when and where to report to inspect the new dwelling unit.
- 5750.9 The Family must be compliant with the terms and conditions of the lease at the

time that its name reaches the top of the Transfer Waiting List. If the Family is not compliant with the terms and conditions of the lease as outlined in Subsection 5750.2, DCHA may withdraw the Family's transfer approval.

- 5750.10 If the Family accepts the new dwelling unit, the Family shall execute a Notice of Lease Termination at the property from which he/she is moving, upon completion of the arrangement for transfer to the new location.
- 5750.11 Upon acceptance of the new dwelling unit, the Family must execute a new lease, which, if applicable, accepts liability for any outstanding conditions related to the prior lease agreement.
- 5750.12 In addition to the requirements specified in § 5748.5, families requesting a transfer shall bear the cost of moving to the new dwelling unit. The new dwelling unit shall not be held for more than fifteen (15) calendar days from the date of the unit availability. If a Family, who has an approved transfer, does not move into the new dwelling unit within fifteen (15) calendar days from the date of the unit's availability, the unit offer shall be withdrawn and the Family's name shall be removed from the Transfer Waiting List.
- 5750.13 If a Family refuses a transfer offer to the property of his/her own choice without good cause, the Family's name shall be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action. If a Family did not identify a property, he/she may be offered up to two locations. If the Family refuses the first, his/her name may be returned to the Transfer Waiting List to await the availability of another unit. If the Family rejects the second assignment, his/her name will be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action.
- 5750.14 All actions or inactions by DCHA under this section are subject to the Family Grievance Procedure that is outlined in §§ 5730 *et seq.*
- 5750.15 The following conditions shall represent Priority Transfer Requests. Families who are approved for a Priority Transfer Requests will be transferred based on the hierarchy set forth in Subsection 5748.4 and on the date that the "Family Request for Transfer" was acknowledged by the DCHA:
- (a) Families that have a verified and approved reasonable accommodation for a fully accessible unit or a unit with accessible features and that do not currently reside in a unit that provides the approved reasonable accommodation;
 - (b) The Family or a member of the Family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been

the victim of a sexual assault that occurred on the premises during the ninety (90)-calendar-day period preceding the family's request to move; or

- (c) DCHA has terminated the HAP contract with the Property Owner.

5750.16 The following conditions shall dictate DCHA's priority for Standard Transfer Requests. Families who are approved for a Voluntary Transfer will be transferred based on the hierarchy set forth below and on the date that the "Family Request for Transfer" was acknowledged by the DCHA:

- (a) First priority will be given to situations of a life threatening medical or public safety nature. These situations may include serious medical conditions, crimes, instances of violence not covered under Subsection 5749.1(c), hate crimes, or other situations which endanger a Family or household member's life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified.
- (b) Second Priority shall be given to Families with an approved reasonable accommodation transfer who do not qualify for a Mandatory Transfer under Subsection 5749.1(c). These transfers would include transferring Families to accessible or adaptable dwelling units or sites where conditions are documented to be more favorable for their disabilities than the unit or site from which they are seeking to transfer.
- (c) Third Priority shall be given to Families that are over or under housed. These transfers would permit Families to reside in dwelling units of the correct size for household members listed on their lease or those recognized by the DCHA as a result of its recertification process. To determine whether a dwelling unit is too small or too large, DCHA shall use the occupancy standards outlined at Section 5709 of this chapter. If DCHA approves a Family's request for transfer, the household must transfer as one unit. The DCHA will not split families.
- (d) Fourth Priority shall be given to issues of convenience as described by Families requesting transfers.

5751 FAMILY RIGHT TO MOVE

5751.1 The Family may terminate its assisted lease at any time after the first year of occupancy, subject to the terms of the lease. The Family must provide thirty (30)-day written notice of intent to vacate to the Property Manager of the RAD Covered Project (with a copy to DCHA), in accordance with the lease.

5751.2 Prior to or at the time of submitting a written notice of intent to vacate in accordance with Subsection 5751.1, the Family may request the opportunity for

continued tenant-based rental assistance in the form of a tenant-based voucher under the Housing Choice Voucher Program. To request a tenant-based voucher, the Family must submit a written request to the Property Manager of the RAD Covered Project. Requests for continued tenant-based assistance will only be accepted from Families that meet the eligibility requirements of Subsection 5751.3.

- 5751.3 Tenants are eligible for continued tenant-based assistance, pursuant to Subsection 5751.2, only if:
- (a) By the date requested for lease termination, the Family will have resided continuously in a RAD unit for at least one calendar year; and
 - (b) On the date of request for continued tenant-based assistance pursuant to Section 5751.2, the Family is compliant with the terms and conditions of its lease, in accordance with Sections 5750.2 – 5750.4.
- 5751.4 If, on the date of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is available, DCHA shall offer the Family a tenant-based voucher. Notwithstanding the foregoing, subject to applicable federal requirements, if DCHA has already issued seventy-five percent (75%) of its total turnover vouchers in any single calendar year to Families of RAD units, DCHA shall place the Family on the RAD tenant-based voucher transfer list governed in accordance with Subsection 5751.6.
- 5751.5 If, at the time of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is not available, DCHA shall place the Family on the transfer list governed in accordance with Subsection 5751.6.
- 5751.6 Families requesting continued tenant-based assistance shall be prioritized based on the date on which the Family submitted its request for continued tenant-based assistance pursuant to § 5751.2. Families on the RAD/PBV tenant-based voucher transfer list shall take priority over all other applicants for tenant-based vouchers. Notwithstanding the foregoing, subject to applicable federal requirements, once DCHA has issued seventy-five percent (75%) of its total turnover vouchers to Families of RAD units in any single calendar year, the priority given to Families placed on the RAD tenant-based voucher transfer list shall be governed by Chapter 76 of this title.
- 5751.7 If, at the time a Family reaches the top of the RAD tenant-based voucher transfer list, (i) a voucher is available and (ii) the Family has priority over all other applicants for tenant-based vouchers, based on the provisions of Subsection 5751.6, DCHA shall offer the Family a tenant-based voucher.

- 5751.8 When DCHA is required to offer a Family a tenant-based voucher pursuant to Sections 5748 through 5752, DCHA shall provide written notice of its offer to the Family. The Family must submit a written acceptance of the tenant-based voucher to DCHA within thirty (30) days of the notice of offer. Failure to submit a written acceptance of the voucher to DCHA within thirty (30) days of the notice of offer shall result in the Family being placed back on the RAD tenant-based voucher transfer list with a priority date set to the date of expiration of the notice of offer.
- 5751.9 If a Family timely accepts an offer to receive a tenant-based voucher, DCHA shall issue the Family a tenant-based voucher. Notwithstanding, if at the time of acceptance, the Family is not compliant with the terms and conditions of its lease, in accordance with Subsections 5750.2 – 5750.4, DCHA may rescind its offer to issue a tenant-based voucher.
- 5751.10 Once issued, a tenant-based voucher shall expire one hundred eighty (180) days from the date of its issuance.
- 5751.11 If a Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:
- (a) Provision of a lease-up packet;
 - (b) Inspection of the new unit for compliance with HQS; and
 - (c) Approval of the lease-up package and the lease terms, including the gross rent and the contract rent, subject to a rent reasonableness determination.
- 5751.12 If the tenant-based voucher expires before the Family initiates the lease-up process, pursuant to Subsection 5751.11:
- (a) The Family may continue its lease where it is currently leasing, provided that:
 - (1) The Family has not yet given notice to terminate its lease to the owner; or
 - (2) The Family has delivered to the owner a notice rescinding the Family's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
 - (3) The HAP Contract has not otherwise been terminated by DCHA.
 - (b) The Family is not required to provide new lease-up or other documents to DCHA, and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the continued tenant-based assistance.

- (c) The Family's prior Total Tenant Payment continues in effect.
- (d) The Family shall not be eligible for another Tenant-Based voucher for twenty-four (24) months from the issuance of the expired voucher.

5752 OWNER TERMINATION OF TENANCY

5752.1 The Project Owner may not terminate a participant's tenancy except on the following grounds:

- (a) Serious or repeated violation of the terms and conditions of the valid, written lease;
- (b) Violation of federal or local law that imposes obligations on the participant in connection with the occupancy or use of the premises, when such obligations are contained in the lease or the D.C. Housing Code;
- (c) Criminal activity or alcohol abuse pursuant to Subsections 5752.4 and 5757.9; or
- (d) Other good cause pursuant to Subsection 5752.5.

5752.2 The Project Owner may only terminate a participant's tenancy and evict the participant from the unit by instituting a court action.

5752.3 Nonpayment by DCHA is not grounds for termination of tenancy.

- (a) The participant is not responsible for payment of the portion of the rent to Project Owner covered by DCHA's payment under the HAP contract between the Project Owner and DCHA.
- (b) DCHA's failure to pay the HAP to the Project Owner is not a violation of the lease between the participant and the Project Owner.

5752.4 Evicting Participants for Criminal Activity

- (a) The Project Owner may terminate tenancy for any of the following types of criminal activity:
 - (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including Project Owner staff residing on the premises);

- (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
 - (3) Any violent criminal activity on or near the premises by a tenant, household member, or guests, or any such activity on the premises by any other person under the participant's control.
 - (4) Any drug-related criminal activity on or near the premises.
- (b) The Project Owner may terminate tenancy if the participant is:
- (1) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees; or
 - (2) Violating a condition of probation of parole imposed under Federal or District of Columbia law.
- (c) The Project Owner may terminate tenancy, and evict by judicial action, a participant for criminal activity by any household member in accordance with this section if the Project Owner determines that the household member has engaged in the criminal activity, regardless of whether the household member has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.
- (d) The Project Owner may terminate tenancy if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

5752.5

“Other Good Cause” for Termination of Tenancy

- (a) The Project Owner may not terminate the tenancy for “other good cause” during the initial lease term unless the Project Owner is terminating the tenancy based on the participant's action or failure to act.
- (b) “Other good cause” for termination of tenancy by the Project Owner may include, but is not limited to, the following:
 - (1) Failure by the participant to accept the offer of a new lease or revision after the initial lease term; or
 - (2) A family history of disturbances of neighbors or destruction or property, or of living or housekeeping habits resulting in damage to the unit or premises.

- (3) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by the Project Owner's staff.
- (c) "Other good cause" for termination of tenancy by the Project Owner does not include:
- (1) The Project Owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
 - (2) A business or economic reason for termination of tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental rate).

5752.6 Notice of Termination of Tenancy

(a) Project Owner Notice of Grounds for Termination

The Project Owner must give the participant written notice that specifies the grounds for termination of tenancy.

- (1) The tenancy does not terminate before the Project Owner has given this notice, and the notice must be given before commencement of the eviction action.
 - (2) The notice of grounds for termination may be included in, or may be combined with, any Project Owner eviction notice to the tenant.
- (b) If the Project Owner determines that a Participant is in violation of the Dwelling Lease, except for lease violations predicated on criminal activity as described in 5752.4(a)-(c), the Participant shall be issued a thirty (30)-day notice to correct or vacate, stating in writing the violation(s) which provides the basis for the termination, the Participant's right to cure the violations, and instructions on how to cure the violations.
- (1) The notice shall inform the Participant of his or her right to file an administrative complaint in accordance with Sections 5730 through 5747 of this title; and
 - (2) If a Participant has filed a complaint, in accordance with Sections 5730 through 5747 of this Title, in response to service of a notice to correct or vacate and has not prevailed, the Participant shall be subject to legal action through the judicial process to gain possession of the unit (eviction).

- (3) The Project Owner shall issue a thirty (30)- day notice to vacate to the Participant, for lease violations, predicated on criminal activity that threatens the resident's health, safety or right to peaceful enjoyment of the Development or drug related criminal activity on or off the Leased Premises or the Development.
 - (4) The Project Owner will not issue a thirty (30)-day notice to correct or vacate, or notice to vacate, where the Project Owner has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.
 - (5) Project Owner shall give DCHA a copy of any eviction notice to the tenant.
 - (6) Project Owner shall promptly notify DCHA when a Project Owner institutes legal action to gain possession of the dwelling unit (eviction).
- (c) DCHA will provide adequate written notice of termination of the lease.

5752.7

Termination of Tenancy Decisions

- (a) If the law and regulation permit the Project Owner to take an action, but do not require action to be taken, the Project Owner may take or not take the action in accordance with the Project Owner's standards for eviction. The Project Owner may consider all of the circumstances relevant to a particular eviction case, such as:
- (1) The seriousness of the offending action;
 - (2) The effect on the community of denial or termination or the failure of the Project Owner to take such action;
 - (3) The extent of participation by the leaseholder in the offending action;
 - (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
 - (5) The demand for assisted housing by families who will adhere to lease responsibilities;
 - (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and

(7) The effect of the Project Owner's action on the integrity of the program.

- (b) The Project Owner may require a participant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants terminations.
- (c) In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the Project Owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. The Project Owner may require the participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
- (d) The Project Owner's termination of tenancy actions must be consistent with fair housing and equal opportunity provisions of 24 CFR § 5.105, and with the provisions of protections of victims of domestic violence, dating violence, or stalking in 25 CFR part 5, subpart L.

5752.8 Participants who refuse to vacate their unit after appropriate notice shall be subject to legal action to gain possession of the dwelling unit (eviction).

5752.9 Participants shall be solely responsible for the protection, care and disposition of the possessions belonging to the Participant, all household members, guests and all others during, and after an eviction. For the purposes of this subsection, "others" shall be defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant.

5753 DCHA TERMINATION OF ASSISTANCE

5753.1 DCHA may terminate program assistance for the Participant for any grounds authorized in accordance with HUD requirements.

5753.2 Upon notification that the Project Owner has instituted a legal action to gain possession of the dwelling unit, DCHA shall determine if the Participant has committed serious or repeated violations of the lease. If DCHA determines that a Participant has committed serious or repeated violations of the lease, DCHA shall issue a determination to terminate assistance. DCHA shall stay enforcement of the determination to terminate assistance until the court eviction process concludes.

- 5753.3 Pursuant to 24 CFR § 983.258, Housing Assistance Payments shall continue until the Tenant Rent of a new admission to a RAD Covered Project equals the rent to the owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within one hundred eighty (180) days following the date of the last housing assistance payment by the PHA. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR § 983.211.
- 5753.4 In any case where DCHA decides to terminate assistance to the Participant, DCHA shall give the Participant a thirty (30) day written termination notice which states:
- (a) The reasons for the termination;
 - (b) The effective date of the termination;
 - (c) The Participant's right to request an informal hearing; and
 - (d) The Family's responsibility to enter into a new unassisted lease and pay the full rent to the Project Owner if they remain in the unit.

5754 VOLUNTARY TERMINATION OF TENANCY

- 5754.1 The Participant may terminate tenancy at any time after the first year of occupancy by giving advance written notice of intent to vacate to the Project Owner (with a copy to DCHA) in accordance with the lease.
- 5754.2 Termination of Tenancy by Participant requires that the Participant, all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant(hereinafter referred to collectively as "others"), vacate the Leased Premises on or before the date specified in Participant's written notice.
- 5754.3 Participant may terminate tenancy by giving:
- (a) At least thirty (30) days' notice;
 - (b) The notice must be in writing;
 - (c) On forms approved by DCHA completed with the assistance of DCHA if necessary; and

(d) Submitted to the Project Owner.

5754.4 The Participant shall leave the Leased Premises in as clean and good condition as Participant received at the start of Lessee's occupancy; wear and tear excepted; and return all keys and all other entry devices to the Project Owner.

5754.5 If the Participant is no longer in occupancy of the unit or is deceased, a remaining household member, or another adult identified in § 5754.5(c) below, must notify the Authority of the Participant's death or departure within fourteen (14) days of the date the Participant vacates the Leased Premises or dies. Within thirty (30) days thereafter, or within fourteen (14) days of the Project Owner's issuance of a Notice to Vacate the premises, whichever is later, in order to sustain continued occupancy for the remaining household members at the Leased Premises, the remaining household member or other adult must submit a written application to become head of household. Details on the application process and exclusions from this rule are as follows:

- (a) This subsection does not apply if the head of household vacates the unit pursuant to the issuance of a notice to correct or vacate or a notice to vacate. In such circumstances, the remaining family members must vacate the unit. If the remaining family members do not vacate the unit, they shall be deemed unauthorized occupants;
- (b) The applicant to be made Participant, and if applicable, the other remaining Household Members must be eligible for continued occupancy and not be in serious violation of the material terms of the Dwelling Lease. DCHA will screen the application in accordance with federal law and regulations as well as DCHA's admissions and occupancy policies and regulations. Applicant(s) will be notified in writing of the disposition of the application:
 - (1) If the application is approved, the new Participant shall enter into a new lease agreement with the Project Owner within seven (7) working days of the date of approval of the application;
 - (2) Any balance on the rental account existing prior to a remaining household member becoming the Participant is the responsibility of the newly designated Participant as head of household. Any obligations for rent, causes of action arising under the original Lease, stipulations of settlement, consent judgments, judgments, or repayment agreements of the prior Participant shall be deemed part of the new Dwelling Lease and tenancy and shall be the responsibility of the new Participant designated as head of household and actionable against such new Participant; or

- (3) If the applicant and other remaining Household Members are not approved to continue to occupy the Leased Premises, and such remaining members do not vacate, they will be deemed unauthorized occupants and thus occupying premises without the consent of DCHA and the Project Owner and shall be subject to eviction by the Project Owner. The applicant may file a grievance regarding the denial of his or her application in accordance with DCHA's grievance procedures; and
- (c) If there are no remaining adult household members, or none who are able to serve as head of household, but the unit continues to be occupied by household members who are minor children and/or adults unable to serve as head of household, then an adult who is not listed on the lease may apply to become Participant and Head of Household. The following shall apply under these circumstances:
 - (1) The applicant to be Participant must produce evidence of a care giving relationship with the remaining minor children or disabled adults. Such documentation may include, but is not limited to, court order; notarized authorization from the children's legal guardian; school or medical records; public benefit records; and sworn statements from medical, legal, or social service professionals;
 - (2) Where the remaining family members are minors, the applicant to be Lessee must either (i) obtain Custodial Power of Attorney; or (ii) commence legal proceedings to obtain legal guardianship or custody of the minor children. So long as such proceeding is pending, and the applicant has produced evidence of a caregiving relationship, and meets DCHA's other screening criteria, DCHA shall consider the applicant to be eligible to be Participant and Head of Household;
 - (3) In the case of (c)(2), above, the applicant's eligibility to be Participant and Head of Household is contingent on legal proceedings pending or being resolved in favor of the applicant. If a court of competent jurisdiction denies the applicant's petition for custody or guardianship, no appeal is pending, and the appeal period has expired, DCHA will determine the applicant ineligible to be Head of Household and DCHA and the Project Owner may issue a Notice to Vacate. In that event, another remaining adult household member may submit an application to be Participant and Head of Household within thirty (30) days of the issuance of the Notice, and the DCHA will process such application in accordance with the requirements of this section; and

- (4) Where more than one adult have competing claims to become Participant and Head of Household as caregivers of the remaining minor children, DCHA shall follow the ruling of a court of competent jurisdiction regarding the custody or guardianship of the children.

5754.6 The Participant shall be liable for rent until the earlier of the time the Project Owner has taken possession of the Unit, or such time as all of the following are completed:

- (a) The proper written notice has been given;
- (b) The required vacate forms are completed with the assistance of DCHA if necessary;
- (c) The keys are turned in; and any other entry devices; and
- (d) Participant and all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant (hereinafter referred to collectively as "others"), have vacated the Leased Premises.

5755 DWELLING LEASE: LEASE PROVISIONS

5755.1 Each Dwelling Lease shall be administered in accordance with the provisions stipulated, and kept current at all times.

5755.2 Required Information. Each family admitted for occupancy in RAD Covered Project shall enter into a written dwelling lease with the Project Owner prior to occupancy of the leased premises. The lease must specify the following:

- (a) The names of the Project Owner and the tenant;
- (b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- (c) The term of the lease (initial term and any provision for renewal);
- (d) The amount of the Tenant Rent to the Project Owner. The rent to the Project Owner is subject to change during the term of the lease in accordance with HUD requirement;
- (e) A statement that the Project Owner may charge the tenant a late fee of up to 5% of the amount due of any amount of unpaid rent due by the tenant;

- (f) A specification of what services, maintenance, equipment, and utilities are to be provided by the Project Owner;
- (g) The composition of the household as approved by the Project Owner (family members and any DCHA-approved live-in aide). The family must promptly inform the Project Owner of the birth, adoption, or court-awarded custody of a child. The family must request Project Owner approval to add any other family member as an occupant of the unit; and
- (h) HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply.

5755.3 Term of Lease and Renewal.

- (a) The initial lease term must be for at least twelve (12) months.
- (b) The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:
 - (1) For automatic renewal for successive definite terms (*e.g.*, month-to-month or year-to-year); or
 - (2) For automatic indefinite extension of the lease term.
- (c) The term of the lease terminates if any of the following occurs:
 - (1) The Project Owner terminates the lease for good cause;
 - (2) The tenant terminates the lease;
 - (3) The Project Owner and the tenant agree to terminate the lease;
 - (4) DCHA terminates assistance for the family.

5756 CHANGES TO THE LEASE

5756.1 DCHA shall add names to the lease after initial occupancy only in accordance with Section 6117 of this title. Any person using or occupying the Leased Premises not in compliance with Section 6117 of this title is an unauthorized occupant without tenancy or other rights under the Dwelling Lease, including any person using or occupying the Leased Premises without approval from DCHA.

5756.2 Changes to the Dwelling Lease shall be made only in writing and shall be signed by the Lessee, and an authorized representative of DCHA, except the following changes, which may be executed unilaterally by DCHA:

- (a) Any change in rent, either an increase or decrease, shall be stated in a special supplement which shall, upon issuance, become part of the lease;
- (b) Changes to implement excess utility charges;
- (c) Any revision to reflect change in family composition other than head of household, consistent with Subsections 5755.2 and 5756.1;
- (d) Changes to implement Subsection 5752;
- (e) Late charges assessed pursuant to Subsection 5724.5;
- (f) Special supplements to a lease executed pursuant to Subsection 5756.6;
- (g) Changes in the amount of security deposit provided in Section 5722;
- (h) Changes in DCHA's policies, rules and regulations, following a thirty (30)-day comment period; and
- (i) Charges assessed pursuant to the Schedule of Charges posted in the Property Manager's Office.

5756.3 The DCHA shall provide the Lessee with a copy of any changes to the Dwelling Lease made in accordance with Subsection 5756.2.

5756.4 Unless a shorter time period is provided, a new Dwelling Lease shall be executed, within thirty (30) days whenever the following conditions occur:

- (a) The status of the head of household is altered pursuant to Subsection 5752 of this title 14; or
- (b) When a family is transferred from one dwelling unit to another.

5756.5 Any Lessee wishing to vacate his or her unit shall do so in accordance with Sections 5748 to 5752 (*See* RAD Transfers) of this title. Lessees wishing to vacate prior to the end of the month shall be liable for the entire month's rent.

5756.6 Lessees who execute a new lease as a result of a transfer from one unit to another, or as a result of any other requirement for a new lease, shall remain liable for any delinquent rent or other charges relating to the prior lease. The DCHA may unilaterally execute a special supplement to the new lease which assesses the amount due under the prior lease.

5757 LESSEE RIGHTS AND RESPONSIBILITIES

5757.1 Lessees shall be responsible for their actions and the actions of household members, guests, and any person under the Lessee's control or on the Leased Premises with Lessee's consent.

5757.2 Lessees are responsible for maintaining their units in accordance with the provisions of the lease, including but not limited to, the following responsibilities:

- (a) To comply with all obligations imposed upon Lessees by applicable provisions of building and other District of Columbia housing codes materially affecting health and safety;
- (b) To keep the premises (and such other areas as may be assigned for his or her exclusive use) in a clean and safe condition;
- (c) To dispose of all ashes, garbage, rubbish, and other waste from the premises in a sanitary and safe manner;
- (d) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appurtenances, including elevators;
- (e) To refrain from, and to cause his or her household, guests and Others, to refrain from, destroying, defacing, and/or damaging/removing any part of the premises or project; including but not limited to storing, hanging or leaving household or other personal property of any type, including clothes, on the exterior of the Leased Premises unless the area is specifically designated for that purpose by the Project Owner. "Others" is defined as any person under the Lessee's control or on the Leased Premises with Lessee's consent, including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Lessee (hereinafter referred to collectively as "Others");
- (f) Not to assign the lease or to sublease the premises;
- (g) Lessee shall have no other primary residence;
- (h) Not to provide accommodations for boarders or lodgers;
 - (1) Each guest shall not stay overnight for more than ten (10) consecutive days without the prior written permission of the Project Owner;

- (2) Each guest shall not stay overnight for more than thirty (30) non-consecutive days within a twelve (12) month period without the prior written permission of the Project Owner; and
- (3) The Project Owner may deny permission for longer stays for the following reasons;
 - (A) Persons who have been barred from the property pursuant to Section 5773;
 - (B) Persons who are on a lifetime sex offender list;
 - (C) Persons fleeing prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees;
 - (D) Persons whose past conduct has disturbed the peaceful enjoyment of RAD Covered Project residents;
 - (E) Persons who have damaged RAD Covered Project property; and
 - (F) Persons with current restraining orders to stay away from the unit or the property;
- (i) To use the premises solely as a private dwelling for the Lessee and the Lessee's household as identified in the lease, and not to use or permit its use for any other purpose;
- (j) To abide by necessary and reasonable rules, regulations and policies, issued by the Project Owner for the benefit and well-being of the housing project and the Lessees, which shall be posted in the Development office and incorporated by reference in the lease;
- (k) To pay reasonable charges (other than normal wear and tear) for the repair of damages to the premises, project building, facilities or common areas caused by the Lessee, household members, guests and any Others under the Lessee's control or on the Leased Premises with Lessee's consent;
- (l) To conduct himself or herself, and cause other persons who are on the premises with his or her consent to conduct themselves, in a manner which will not disturb his or her neighbors peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; including but not limited to:

- (1) By taking precautions to prevent fires and not using portable heating device unless they been provided by the Project Owner;
 - (2) By not disabling any fire alarm device or causing a false fire alarm;
 - (3) By not storing excess amounts of personal property; and
 - (4) By not removing or tampering with any smoke detector, including removing any working batteries, so as to render the smoke detector inoperative;
- (m) To keep no dogs, cats or other animals in or on the premises, unless specifically permitted by the Project Owner in writing;
- (n) Not to place fixtures, or fences in or about the premises without the prior written permission of the Project Owner. No repairs or alterations to the Leased Premises may be made, including, but not limited to, painting, wallpapering, doors, gates, window bars, carpets, storage sheds, and antenna or satellite dishes, without the prior written approval of the Project Owner. Upon completion, any such repairs or alterations, made with or without prior written consent, become part of the Leased Premises. If the Lessee changes locks, installs an alarm or security system, or adds locks to the dwelling unit, he or she shall notify the Project Owner and shall make duplicate keys available to and/or provide the Project Owner with access codes in order for the Project Owner to gain emergency access; and
- (o) Not to permit anyone who is currently barred from the Leased Premises or DCHA Housing Property pursuant to Section 5773 to occupy, stay overnight, or visit the Leased Premises, or to invite them to the Leased Premises or anywhere else on the DCHA Housing Property at any time for any purpose, unless authorized in writing by the Project Owner in advance. Any person not identified in Subsection 5773.2 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice. The Project Owner will post a list of barred individuals in the property management office.

5757.3 The Lessee shall have the right to the exclusive use of the Leased Premises, including the dwelling unit identified in the lease and in the case of a townhouse, row house or single family home, all buildings or additional areas provided for the exclusive use of the Lessee, including the yard and any outbuildings, subject to the restrictions and obligations contained in the lease.

5757.4 At those properties where there is a defined front or rear yard assigned to the Lessee for his or her exclusive use, the Lessee shall be responsible for maintaining the individually defined lawn areas around his or her respective

dwelling unit, cutting the grass, and keeping his or her lawn free of trash and garbage.

- 5757.5 Lessees who do not maintain these areas shall be given forty-eight (48) hour notice by the Project Owner to correct unsightly lawn areas. Lessees who fail to comply within forty-eight (48) hours of being notified by the Project Owner shall be in violation of the lease.
- 5757.6 Lessees shall report immediately to the Project Owner of any need for repairs to the Leased Premises or of any unsafe conditions in the common areas or the grounds surrounding the Leased Premises. Notification of repairs shall be in writing or by a telephone call to the Project Owner's Control Center and the Lessee shall obtain a control number for each repair. The number for the Control Center can be obtained from the Management office or the Central Office. Lessees in Developments managed by companies under contract with the Project Owner will provide notice as reasonably required by the management companies
- 5757.7 Lessees shall take reasonable steps to conserve energy and water and avoid unreasonable use of water, gas and/or electricity including but not limited to non-routine washing of vehicles or any other unreasonable use of utilities.
- 5757.8 Lessees shall not have waterbeds on the Leased Premises without prior written approval of the Project Owner, which approval may be withheld in the Project Owner's sole discretion.
- 5757.9 Lessee is responsible for all actions or inactions of all guests, household members, and all others on the property with the consent of Lessee and/or the consent of household members. The aforementioned parties, including the Lessee, are obligated to the following:
- (a) To not engage in the manufacture, sale, or distribution of any alcoholic beverages or openly consume alcoholic beverages in any common areas in the Development or otherwise consume alcoholic beverages in a manner that impairs the physical environment of the Development or may be a threat to the health, safety or right to peaceful enjoyment of the Development by other residents, service providers, or Project Owner staff;
 - (b) To not engage in:
 - (1) Any criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the Development;
 - (2) Violent criminal activity or possess any unregistered or illegal firearm or ammunition for a firearm;

- (3) Drug-related criminal activity on or near the premises, which is grounds for termination of tenancy.
- (c) The Project Owner may evict a family if the Project Owner determines that a member is illegally using a drug or when the Project Owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- (d) Lessee shall not flee to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees or violate a condition of probation or parole imposed under federal or state law.

5758**PROJECT OWNER RESPONSIBILITIES**

5758.1

DCHA shall be responsible for maintenance and repair of dwelling units in accordance with the provisions of the lease, including the following responsibilities:

- (a) To maintain the premises and the project in decent, safe and sanitary condition;
- (b) To comply with the requirements of the District of Columbia Housing Code, the District of Columbia Property Maintenance Code, lead safety standards, the Air Quality Amendment Act, Housing Quality Standards and appropriate regulations materially affecting health and safety;
- (c) To make necessary repairs to the premises;
- (d) To keep project buildings, facilities and common areas, not otherwise assigned to the tenants for maintenance and upkeep, in a clean and safe condition;
- (e) To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by DCHA;
- (f) To provide and maintain appropriate receptacles and facilities (except containers for the exclusive use of an individual tenant family) for the deposit of ashes, garbage, rubbish and other waste removed from the premises by the tenant; and
- (g) To supply running water, hot water and heat at appropriate times of the year, according to the District of Columbia Housing Code and District of Columbia Property Maintenance Code, except where the building that

includes the dwelling unit is not required by law to be equipped for that purpose or where heat or hot water is operated by an installation within the exclusive control of the tenant and supplied by a direct utility connection.

- (h) Conform with the Rental Housing Act, including regarding Notices to Correct or Vacate;
- (i) Conform with the District of Columbia Human Rights Act;
- (j) Conform with the Fair Housing Act, the Rehabilitation Act, and the Americans with Disabilities Act;
- (k) Conform with the applicable rights of tenants enumerated in The Tenant Bill of Rights Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-147; D.C. Official Code §§ 42-3531.09(8) & 42-3502.22(b)(1))

5759 REPAIR PROCEDURE

5759.1 Upon receipt of a repair request from a tenant, or in the case of a Project Owner initiated repair, the Project Owner shall inspect the unit to determine the repair required. If the repair cannot be completed during the first visit, repairs shall be scheduled for a later time, within a reasonable time period.

5759.2 When repair work is completed, the tenant shall be required to sign a Project Owner form indicating that the work was performed and indicating whether the repair work was satisfactory or unsatisfactory.

5759.3 In the event the premises are rendered uninhabitable, as determined by the Project Owner, as a result of damages to the premises that create a hazard to life, health, or safety of the occupant, the following steps shall be taken:

- (a) The tenant shall immediately notify the Project Owner of the damage;
- (b) The Project Owner shall be responsible for repair of the unit within a reasonable time; provided, that if the damage was caused by the tenant, tenant's household or guests, the reasonable cost of the repairs shall be charged to the tenant; and
- (c) The Project Owner shall offer standard alternative accommodations, if available, in circumstances where necessary repair cannot be made within a reasonable time.

5760 CHARGE TO THE TENANT FOR REPAIRS AND SERVICES

- 5760.1 Charges shall be assessed against the tenant for repairs to the dwelling unit beyond normal wear and tear, for damage caused by the tenant, members of the tenant's household, or guests.
- 5760.2 Where inspection of the unit indicates tenant-caused damage, DCHA shall advise the tenant of such finding, the reason why tenant cause was determined, and that the tenant shall be assessed repair costs.
- 5760.3 Repairs shall be performed in accordance with § 5759 of this chapter. After completion of repairs, DCHA shall determine the reasonable cost of the repair and shall notify the tenant in writing of the charge to be assessed in accordance with § 5724 of this title and of the tenant's right to contest the assessment under the DCHA grievance procedures set forth in §§ 5730 *et seq.*
- 5760.4 The reasonable cost of repair shall be determined based on cost of materials and cost of labor. Cost of labor shall be the actual time spent on repairs, or the maximum time allowed under DCHA maintenance standards, whichever is less.
- 5760.5 Charges to tenants for other DCHA services, such as tenant lockouts, shall be determined on the same basis as § 5760.4.
- 5760.6 In the event of a fire caused intentionally or by the neglect or negligence of the Lessee, household members, guests or Others, Lessee is subject to the following:
- (a) Lessee is responsible for the payment of the lesser of the:
 - (1) Costs for the repair of the fire damage; or
 - (2) The insurance deductible, if any, afforded by any insurance policy held by DCHA and applicable to the damages caused by the fire at the Leased Premises or Development;
 - (b) DCHA may terminate the Lease for any fire on the Leased Premises caused intentionally or negligently by the Lessee or Others that has resulted in a risk to the health or safety of any person or in damage to property.

5761 RIGHT TO ENTER DWELLING

- 5761.1 The Project Owner shall, upon written notice to the Lessee of at least two (2) days, be permitted to enter the dwelling unit during reasonable hours for the purpose of performing routine inspections or maintenance, making improvements or repairs, taking photographs or otherwise recording and documenting the condition of the unit or repairs, or to show the Leased Premises for releasing.

- 5761.2 The Project Owner shall enter the Leased Premises at any time without advance notice when it has reasonable cause to believe that an emergency exists, or when the Lessee has agreed to such entry.
- 5761.3 In the event that the Lessee and all adult household members are absent from the premises at the time of entry, the Project Owner shall leave on the premises a written statement specifying the date, time and purpose of entry prior to leaving the premises.
- 5761.4 If the Lessee changes or adds the following to the dwelling unit, he or she shall notify the Project Owner and shall make duplicate keys, entry codes, or any applicable access to the dwelling available to the Project Owner, within one (1) business day of the change:
- (a) Any locks, and/or;
 - (b) Any entry devices, including but not limited to any and all security devices.

5762 MOVE-IN AND MOVE-OUT INSPECTION

- 5762.1 The Project Owner shall conduct a move-in inspection with the new tenant the same day as the Dwelling Lease is signed for occupancy. DCHA and the tenant shall sign the unit inspection form certifying the condition of the unit, and the equipment provided with the unit, at the end of the inspection.
- 5762.2 The Project Owner shall conduct a move-out inspection within twenty-four (24) hours of becoming aware that a tenant has vacated a unit or with the tenant on the day the tenant is scheduled to vacate.
- 5762.3 Tenants shall be asked to explain the nature and cause of any damage to the premises not documented during prior unit inspections.
- 5762.4 The tenant and Project Owner shall sign the unit inspection form certifying the condition of the unit, equipment in the unit and assigning tenant responsibility for repair as provided in § 5760 of this chapter.
- 5762.5 The Project Owner shall furnish the vacated tenant with a statement of total charges for any damages within ten (10) working days after completion of the repairs.

5763 ANNUAL INSPECTION

- 5763.1 Each occupied unit shall be inspected annually by the Project Owner. A written notice of inspection shall be given to the tenant at least two (2) days in advance.

5763.2 Tenant-caused damage discovered during this inspection shall be assessed to the tenant after completion of the repairs in accordance with § 5760 of this chapter.

5764 REASONABLE ACCOMMODATIONS: INTRODUCTION

5764.1 The District of Columbia Housing Authority (DCHA) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, matriculation and place of residence or business and other classes protected under the D.C. Human Rights Act, DCHA is committed to providing programs in a way that does not discriminate against individuals with disabilities.

5764.2 A Reasonable Accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the equal opportunity to participate in or benefit from, a program (housing or non-housing) or activity.

5765 REASONABLE ACCOMMODATIONS: APPLICATION OF REASONABLE ACCOMMODATIONS POLICY

5765.1 This chapter applies to individuals with disabilities in the following programs provided by the DCHA:

- (a) Applicants of all Rental Assistance Demonstration (RAD) and Project Based Voucher Programs (PBV);
- (b) Participants in the RAD and PBV Programs; and
- (c) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the DCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by the DCHA.

5766 REASONABLE ACCOMMODATIONS: PERSONS WITH A DISABILITY

5766.1 Disability shall be defined as in § 5705 of this chapter and in the Americans with Disability Act, 42 U.S.C. § 12102.

5766.2 The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

5767 REQUEST FOR REASONABLE ACCOMMODATIONS

5767.1 A person with a disability may request a reasonable accommodation at any time during the application process or participation in the RAD/PBV Programs of DCHA. All requests must be reduced to writing by the individual, any person identified by the individual, or by the Project Owner or DCHA staff member to whom the request is made.

5767.2 Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case by case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate. The following provisions apply to Requests for Reasonable Accommodations:

- (a) All applicants will be provided the Request for a Reasonable Accommodation Form with the application, and upon request.
- (b) All participants will be provided the Request Form again at the time of recertification, and upon request.
- (c) DCHA will respond in writing to all requests for reasonable accommodation.
- (d) All decisions to grant or to deny reasonable accommodations will be communicated in writing and in the form requested by the individual.

5767.3 Examples of reasonable accommodations may include, but are not limited to:

- (a) Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability that is on the lease;
- (b) Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
- (c) Allowing a live-in aide to reside in an appropriately sized RAD Covered Project unit;
- (d) Transferring a participant to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a participant to a unit on a lower level or a unit that is completely on one level;

- (f) Making documents available in large type, computer disc or Braille;
- (g) Making interpreters available to meet with staff or at resident meetings;
- (h) Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment; or
- (i) Permitting an outside agency or family member to assist a participant or an applicant in meeting screening criteria or meeting essential lease obligations;

5768 REQUEST FOR REASONABLE ACCOMMODATIONS BY RAD/PBV PARTICIPANTS AND APPLICANTS

5768.1 Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of District of Columbia and/or federal law;
- (b) A fundamental alteration in the nature of the RAD/PBV program;
- (c) An undue financial and administrative burden on owner of the RAD/PBV property;
- (d) A structurally unfeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

5768.2 All requests for reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the participant, applicant, any person identified by the individual, or by the Project Owner or DCHA staff member to whom the request is made. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation. The reasonable accommodation form shall be submitted to DCHA's Office of the 504/ADA Coordinator for processing.

5768.3 The 504/ADA Coordinator shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the participant in the opportunity to fully enjoy the dwelling unit or non-housing program.

5768.4 The following may provide verification of a participant's disability and the need for the requested accommodation:

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

- 5768.5 The participant will be notified in writing of the final reasonable accommodation determination by the ADA/504 Coordinator. If the accommodation is approved, the participant will be notified of the projected date for implementation. If the accommodation is denied, the participant will be notified of the reasons for denial.
- 5768.6 All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the Office of the Deputy Executive Director for Operations, in consultation with the PBV/RAD property owner, for implementation. All requests for reasonable accommodation that are approved by the Office of the Deputy Executive Director for Operations will promptly be implemented or begin the process of implementation.
- 5768.7 If a request for a reasonable accommodation is denied pursuant to the reasons provided in § 5768.1, DCHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by DCHA.
- 5768.8 DCHA shall not require a participant with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a RAD/PBV participant with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS compliant unit in that participant's project or an adjacent project, DCHA may offer to transfer the participant to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that participant rejects the proffered transfer, DCHA shall make modifications to the participant's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden.
- 5768.9 If the participant accepts the transfer, DCHA will work with the participant to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of DCHA's Tenant and Assignment Plan and any participant's rights thereunder.
- 5768.10 Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications

will be made available in accessible formats. Interpreters and readers will be made available upon request.

5769 OCCUPANCY OF ACCESSIBLE UNIT

5769.1 DCHA has RAD/PBV units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

5769.2 DCHA will offer these accessible units to families in the following order:

- (a) First: Current occupant of public housing or RAD/PBV unit who has a disability that requires the special features of that unit;
- (b) Second: An eligible qualified applicant on the public housing waiting list who has a disability that requires the special features of the unit; and
- (c) Third: If there are no eligible qualified applicants on the public housing waiting list, an applicant who does not have a disability will be offered the unit. DCHA will require that the applicant who does not have a disability agree to sign a lease that requires the applicant to move to an available non-accessible unit when either a current participant or applicant needs the special features of the unit.

5769.3 A Reasonable Accommodation Waiting List will be created and maintained by date and time of request pursuant to the order of families created by § 5769.2.

5769.4 The first qualified current participant in sequence on the list of participants seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

5769.5 Upon inspection of the offered unit, the participant or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. DCHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

5769.6 A current participant will receive two (2) offers of accessible units before his/her name is moved to the end of the Reasonable Accommodation Waiting List.

5769.7 An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.

5770 GRIEVANCES

5770.1 The RAD/PBV applicant or participant complainant may file a complaint in accordance with DCHA's grievance procedure (§§ 5730 *et seq.*) following a decision by the ADA/504 Coordinator.

5770.2 Rental Assistance Demonstration participant and applicant complainant may file a complaint in accordance with DCHA's grievance procedure (Sections 5730 through 5747) following a decision by the ADA/504 Coordinator.

5770.3 An applicant or participant may, at any time, exercise their right to appeal a DCHA decision through HUD or the Department of Justice.

5771 SERVICE OR ASSISTANCE ANIMALS

5771.1 Participants in DCHA programs, including RAD/PBV projects, with disabilities are permitted to have service or assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. RAD/PBV participants or applicants, who need a service or assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy set forth in this chapter.

5771.2 Residents who have a service or assistance animal residing with them at any DCHA-owned property prior to May 1, 2005, must file a request for a reasonable accommodation and otherwise comply with the requirements in this Chapter prior to July 1, 2005.

5771.3 Participants at any PBV/RAD property who are approved to have a service or assistance animal as a reasonable accommodation may keep the animal provided they comply with the following requirements:

- (a) Register the animal with the property manager;
- (b) Update the registration for the animal annually;
- (c) Provide proof the animal has been vaccinated in accordance with applicable local law;
- (d) Execute a lease addendum providing for the proper care and maintenance of the animal and the unit occupied by the animal in accordance with the RAD/PBV project rules; and
- (e) Continuously provide the proper maintenance and care for the animal and assure that the animal does not otherwise impair the peaceful enjoyment of the property by other residents.

5772 RECERTIFICATION/LEASE RENEWAL

- 5772.1 Thirty (30) days before the date for recertification/lease renewal for a participant in the RAD/PBV Program, the PBV/RAD property owner or manager will provide a notice along with a package to the family to initiate the recertification/lease renewal process.
- 5772.2 If requested as a reasonable accommodation by an individual with a disability, the PBV/RAD property owner or manager shall provide the notice of recertification/lease renewal in an accessible format.
- 5772.3 The PBV/RAD property owner or manager shall also mail the notice to a third party if requested as a reasonable accommodation for an individual with disabilities. This accommodation will be granted upon verification that it accommodates the participant's disability.
- 5772.4 The recertification/lease renewal package will include a Notice of Rights and Opportunities which will include a description of the following:
- (a) The right of a participant to request a reasonable accommodation for any member of the family who has a disability in order to allow the individual with a disability to better use the residence and DCHA's facilities and programs;
 - (b) The right to file a grievance in accordance with DCHA's Rental Assistance Demonstration Program; and
 - (c) The right of participants to request a grievance or informal hearing, as appropriate, in matters such as reasonable accommodations or any issue in which the participant feels that DCHA or the PBV/RAD property owner or manager has unfairly modified his/her rights, welfare, or status and about which the participant has been unable to resolve with the property manager, the ADA/504 Coordinator or the department involved.
- 5772.5 Where personal interviews are required as part of the recertification/lease renewal process, individuals with disabilities who are unable to come to PBV/RAD property manager's offices, will be granted an accommodation by conducting the recertification/lease renewal interview at the individual's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.
- 5772.6 If the family does not cancel a recertification/lease renewal interview scheduled at the PBV/RAD property manager's offices or is not at home at the time of a scheduled home visit, PBV/RAD Property manager may initiate action to terminate the family's assistance. However, an exception may be granted if the family is able to document an emergency situation that prevented them from

canceling or attending the interview or if requested as a reasonable accommodation for an individual with a disability.

5773 BARRING POLICY

5773.1 The Project Owner has the right to refuse entrance or access to any of its properties to any person not authorized under the meaning of § 5773.3.

5773.2 Definitions. For the purposes of this section, the following definitions shall apply:

- (a) “DCHA property” is defined as RAD Covered Projects and related facilities that are either
 - (1) Owned, operated, or managed by DCHA; or
 - (2) Assisted in development or administration by DCHA.
- (b) “A resident’s guest” is any individual who is an invitee of, and can identify by name and unit number, an individual who is a member of a household under lease with the Project Owner, and such individual is available and willing to accept the guest and responsibility for the actions of the guest.

5773.3 No person may enter upon a DCHA property unless that person is authorized to be on the property. The only persons authorized to be on a DCHA property are:

- (a) Residents of the property;
- (b) Members of the resident's household;
- (c) A resident's guests, except as provided in § 5773.6;
- (d) Persons authorized under § 5773.4;
- (e) Organizations with a license to use a portion of a property for specified purposes, and including the invitees of a licensee;
- (f) Persons employed by or doing business with the property owner at the property;
- (g) Persons engaged in the legal or law enforcement community who are engaging in activities directly related to civil or criminal matters, such as process servers, investigators, attorneys or other individuals legitimately on a property for such purpose; and

- (h) Persons authorized after consultation with the Resident Council as provided under Subsection 5773.4 below.

5773.4 Any person, not otherwise authorized under § 5773.3, seeking access to a DCHA property for legitimate business or social purposes shall be admitted as follows:

- (a) Any such person or organization shall submit a written request to the property management office of the respective DCHA property to which the person is seeking access.
- (b) The property owner, in consultation with the Resident Council of the respective property, shall review the request and respond to the request in writing within ten (10) business days of the request stating approval or disapproval of the request. If the property owner has not responded within ten (10) business days, the request is deemed approved.

5773.5 Any person not identified in § 5773.3 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice, not to exceed five years.

5773.6 Resident's guests may be subject to the issuance of a Temporary or Extended Bar Notice barring them from a specified development pursuant to the following:

- (a) Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or employees of the DCHA property or who violates DCHA policy may be barred for a temporary or extended period of time as specified in paragraphs (b) and (c) below.
- (b) A Temporary Bar Notice shall remain in effect for the first infraction for sixty (60) days, the second infraction for six (6) months, and the third infraction for one (1) year for the following infractions:
 - (1) Entering DCHA property without presenting identification or properly signing the visitor log, unless identified as a guest by the resident they are visiting;
 - (2) Being on DCHA property at a location or unit not specified on the guest pass or visitor log, unless the person is on the most direct route to or from such location, or accompanied personally by the resident being visited;
 - (3) Residing as an unauthorized occupant in a DCHA property dwelling unit; or

- (4) Engaging in excessively loud or disruptive conduct or otherwise disturbing the peace of residents or employees of the DCHA property.
- (c) An Extended Bar Notice shall remain in effect for five (5) years for the following:
- (1) Persons issued more than four (4) bar notices for activities identified in § 5773.6(b);
 - (2) Engaging in conduct that is dangerous to the health or safety of residents or employees of a DCHA property;
 - (3) Engaging in activities involving illegal drugs, violence, weapons, theft, assault, and serious damage to property; and
 - (4) Persons evicted from DCHA property on the basis of such person's criminal or illegal activity.
- (d) Nothing contained in this chapter shall prevent a guest of a DCHA property resident from access or entry to the resident's dwelling unit for legitimate business or social purposes except as they may have been barred as provided in §§ 5773.6(b) or (c).

5773.7 Bar Notices issued to unauthorized persons under § 5773.5 or to guests under § 5773.6 may only be issued to bar such individuals from a particular DCHA property. Bar Notices may not be issued to bar persons from public streets or sidewalks, or from private property adjoining DCHA property.

5773.8 Bar Notices shall be served on persons pursuant to the following:

- (a) Personal delivery or attempted delivery in writing of Bar Notices shall be made to each person barred from a DCHA property.
- (b) The Bar Notice shall identify the basis for the issuance of the Bar Notice and the time period for which the person is barred from DCHA property. The Bar Notice shall reflect the date, method and manner of delivery upon the barred person. The Bar Notice does not have to be delivered to the person on DCHA property.
- (c) A copy of the Bar Notice issued to a guest will be provided to the resident, if the guest has identified the unit number and name of the resident. A resident may file a grievance pursuant to the provisions of Sections 5730 through 5747 of this chapter if a guest of the resident has been barred.

5773.9 Bar Notices shall only be issued by the following persons:

- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;
- (b) Members of the Metropolitan Police Department;
- (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; or
- (d) Private security providers contracted by DCHA or DCHA's agent.

5773.10 Bar Notices and Barring Policy information shall be made available as follows:

- (a) The DCHA Office of Public Safety shall keep copies of all Bar Notices and records of the expiration dates thereof;
- (b) A copy of the Barring Policy, as set forth in this chapter, shall be provided to each applicant upon signing a lease for a unit at a DCHA property;
- (c) A copy of the Barring Policy, as set forth in this chapter, shall be provided to the Resident Council for the property; and
- (d) A copy of the Barring Policy, as set forth in this chapter, shall be available at the management office for each DCHA property.

5773.11 The issuance of a Bar Notice requires the following:

- (a) The barred person must immediately leave the DCHA property from which the person was barred and not return to that DCHA property for the period the Bar Notice remains in effect.
- (b) Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later return to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Official Code § 22-3302 (2012 Repl.) as amended.

5773.12 Any barred person may submit a written request for a temporary lift of an Extended or Temporary Bar Notice to the Chief of the DCHA Office of Public Safety.

- (a) The written request shall state the specific location and time period during which the barred person is seeking access, and the reason for the request of the temporary lift, including any documentation of a request for a reasonable accommodation.

- (b) A temporary lift shall be for a period of not more than eight hours during one calendar day.
- (c) A barred person may only be granted two (2) temporary lifts during any calendar year of the imposition of a Bar Notice.
- (d) Any barred person who commits a subsequent infraction on DCHA property during a period of a temporary lift shall be prohibited from requesting additional requests for temporary lifts during the remaining term of the Bar Notice.
- (e) The Chief of DCHA Office of Public Safety will review the request of temporary lift and respond in writing within ten (10) days of the submission.

5774 VEHICLE POLICY

5774.1 All RAD Covered Projects are private property and parking is prohibited unless approved by the owner. In addition, the owner has the right to tow any unauthorized vehicle on RAD Covered Projects as provided in this chapter.

5774.2 Definitions

- (a) "Abandoned Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that:
 - (1) Is inoperable and left unattended on public property for more than seventy-two (72) hours;
 - (2) Has remained illegally on public property for more than 72 hours;
 - (3) Has remained on public property for more than 72 hours and is:
 - (A) Not displaying current valid registration; or
 - (B) Displaying registration of another vehicle;
 - (4) Has remained on RAD Covered Project for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or
 - (5) Has remained unclaimed on RAD Covered Project for 72 hours after proper notice as provided for in Subsection 5774.6 below.

- (b) "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.
- (c) "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.
- (d) "RAD Covered Project" shall mean all property, including parking lots, sidewalks or internal driveways or streets that is a part of DCHA's RAD Project-Based Program.
- (e) "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

5774.3 Vehicles on Public Property

- (a) If the RAD Covered Project owner observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property, the owner of the RAD Covered Project may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the RAD Covered Project.
- (b) Owners of a RAD Covered Project may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

5774.4 Stolen Vehicles. If the owner of the RAD Covered Project determines that a vehicle is stolen, whether on RAD Project-Based Property or Public Property, the owner may notify the Metropolitan Police Department of the stolen vehicle or may request that DCHA's Office of Public Safety report the vehicle stolen on the requisite Metropolitan Police Department report form.

5774.5 Removal of Vehicles from RAD Covered Projects

- (a) If the owner of a RAD Covered Project determines that a vehicle is a Nuisance Vehicle located on the RAD Covered Project, the owner may immediately remove the vehicle from the RAD Covered Project.
- (b) If the owner determines a vehicle is an Abandoned or Junk Vehicle located on a RAD Covered Project for more than 72 hours, a Notice of

Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.

- (c) The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.
- (d) The owner of the Abandoned or Junk Vehicle will have seventy-two (72) hours to remove the vehicle from the RAD Covered Project.
- (e) Prior to initiating towing procedures, the owner of a RAD Covered Project will attempt to identify and contact the owner of the vehicle via telephone. In the event the RAD property owner is able to contact the vehicle owner, the RAD property owner will advise the owner of the following:
 - (1) The owner's vehicle is parked on a RAD Covered Project;
 - (2) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;
 - (3) The vehicle was issued a Notice of Infraction for being parked on a RAD Covered Project; and
 - (4) The process for recovering the vehicle if towed from the RAD Covered Project.

5774.6 Towing of Vehicles.

- (a) The owner of the RAD Covered Project will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for above. The attempts will be no less than twenty-four (24) hours apart.
- (b) If the owner of the RAD Covered Project is unable to contact the owner of a vehicle after two attempts, the property owner will proceed with the removal of the vehicle from the RAD Covered Project.
- (c) If the vehicle is not removed from the RAD Covered Project within 72 hours of the issuance of the Notice of Infraction and Warning Notice, the owner of the RAD Covered Project will have the vehicle removed by contacting either:
 - (1) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or
 - (2) A tow crane operator licensed with the District of Columbia.

5775 ACHIEVING YOUR BEST LIFE PROGRAM IN RAD COVERED PROJECTS

- 5775.1 Achieving Your Best Life (“AYBL”), governed by rules found at 14 DCMR §§ 9800 *et seq.*, is a program that allows public housing residents in the District to increase earned income and to prepare to purchase a home or rent in the private market without government assistance.
- 5775.2 When a public housing project converts under RAD, those tenants who have already entered into an AYBL contract as required under 14 DCMR § 9817 will remain in the AYBL program until the AYBL contract terminates. The regulations enumerated at 14 DCMR §§ 9800 *et seq.* will continue to govern these residents’ participation in the ABYL program, even though DCHA will no longer be functioning as landlord for the property.
- 5775.3 Until the AYBL contract terminates, monthly tenant rent shall be reduced by the amount paid that month by a household member into an AYBL account.
- 5775.4 Residents of units funded by project-based voucher assistance are not eligible for admission to the ABYL program.

5776 RESIDENT PARTICIPATION

- 5776.1 The RAD Project-Based Property Owner shall recognize a legitimate resident organization and will give reasonable consideration to concerns raised by a legitimate resident organization.
- 5776.2 “Legitimate resident organization” is defined as a resident organization that:
- (a) Has been established by the residents of a RAD Project-Based Property;
 - (b) Meets regularly;
 - (c) Operates democratically;
 - (d) Is representative of all residents in the RAD Project-Based Property; and
 - (e) Is completely independent of the property owner, management, and their representatives.
- 5776.3 Protected activities. Property owners must allow residents and resident organizations to conduct the following activities, and residents will not need prior permission to conduct them.
- (a) Distributing leaflets in lobby areas;

- (b) Placing leaflets at or under residents' doors;
- (c) Distributing leaflets in common areas;
- (d) Initiating contact with residents;
- (e) Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
- (f) Posting information on bulletin boards;
- (g) Assisting resident to participate in resident organization activities;
- (h) Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
- (i) Formulating responses to Project Owner's requests for:
 - (1) Rent increases;
 - (2) Partial payment of claims;
 - (3) The conversion from project-based paid utilities to resident-paid utilities;
 - (4) A reduction in resident utility allowances;
 - (5) Converting residential units to non-residential use, cooperative housing, or condominiums;
 - (6) Major capital additions; and
 - (7) Prepayment of loans;
- (j) Other reasonable activities related to the establishment or operation of a resident organization.

5776.4 Meeting space.

- (a) Property owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
 - (1) Residents or a legitimate resident organization and used for activities related to the operation of the legitimate resident organization; or
 - (2) Residents seeking to establish a legitimate resident organization or collectively address issues related to their living environment.
- (b) Resident and resident organization meetings must be accessible to people with disabilities.
- (c) Property owners may charge a reasonable, customary, and usual fee for the use of such facilities, if approved by HUD.

5776.5 Funding.

- (a) Property owners will provide twenty-five dollars (\$25) per occupied unit annually for resident participation, of which at least fifteen dollars (\$15) per occupied unit shall be provided to the legitimate resident organization.
- (b) These funds must be used for:
 - (1) Resident education;
 - (2) Organizing around tenancy issues; or
 - (3) Training activities.
- (c) In the absence of a legitimate resident organization, property owners must make resident participation funds available to residents for organizing activities. Residents must make requests for these funds in writing to the project owner. These requests will be subject to approval by the property owner.

5776.6 Resident Organizers.

- (a) Property owners will allow resident organizers to assist residents in establishing and operating resident organizations.
- (b) Resident organizers are residents or non-residents who assist residents in establishing and operating a resident organization, and who are not employees or representatives of current or prospective property owners, managers, or their agents.

5776.7 Property Owner Responsibilities.

- (a) When requested by residents, a property owner shall provide appropriate guidance to residents to assist them in establishing and maintaining a resident organization.
- (b) A property owner shall provide the residents or any legitimate resident organization with current information concerning the owner's policies on tenant participation in management.
- (c) In no event shall a property owner recognize a competing resident organization once a legitimate resident council has been established. Any funding of resident activities and resident input into decisions concerning the property shall be made only through the officially recognized resident organization.
- (d) If requested, a property owner shall negotiate with the legitimate resident organization on all uses of community space for meetings, recreation and social services and other resident participation activities pursuant to HUD guidelines. Such agreements shall be put into a written document to be signed by the property owner and the resident organization.
- (e) The property owner and resident organization shall put in writing in the form of a Memorandum of Understanding the elements of their partnership agreement and it shall be updated at least once every three (3) years.

5799 DEFINITIONS

5799.1 When used in this subtitle, the following terms and phrases shall have the meaning ascribed:

Adjusted Income - is annual income less the following amounts:

- (a) Four hundred eighty dollars (\$ 480) for each dependent;
- (b) Four hundred dollars (\$ 400) for any elderly family;
- (c) For any family that is not an elderly family but has a handicapped member other than the head of household or spouse, handicapped assistance expenses in excess of three percent (3%) of annual income, but this allowance shall not exceed the employment income received by family members who are eighteen (18) years of age or older as a result of the assistance to the handicapped or disabled person;

- (d) For any elderly family, one of the following:
- (1) That has no handicapped assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent (3%) of annual income;
 - (2) That has handicapped assistance expenses greater than or equal to three percent (3%) of annual income, an allowance for handicapped assistance expenses computed in accordance with paragraph (c) of this definition, plus an allowance for medical expenses that is equal to the family's medical expenses; or
 - (3) That has handicapped assistance expenses that are less than three percent (3%) of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of annual income; and
 - (4) Child care expense.

Annual Contributions Contract (ACC) - The written grant agreement between HUD and a PHA under which HUD agrees to provide funding for a program (*e.g.*, public housing or Housing Choice Vouchers (HCV)) under the Act, and the PHA agrees to comply with HUD requirements for the program.

Annual Income - For purposes of determining annual income for families who are applicants and participants in the RAD Covered Project, DCHA shall follow HUD requirements as enumerated in 24 CFR § 5.609, as amended.

Applicant/Applicant Family - a person or a family that has applied for housing assistance as a familial unit.

Contract Administrator - HUD or DCHA (under an Annual Contributions Contract with HUD) that executes a HAP Contract with a Project Owner.

Contract Rent - The total amount of rent specified in the HAP Contract as payable to the Project Owner for a unit occupied by an eligible family. In PBV, the contract rent is referred to as "Rent to Owner."

Days - calendar days, unless otherwise specified (where a specified number of days ends on a weekend or a holiday, the prescribed period shall end on the next working day following the weekend or holiday).

DCHA - the District of Columbia Housing Authority.

Dependent - a member of the family household (excluding foster children) other than the family head of household or spouse who is under eighteen (18) years of age or is a disabled person or handicapped person, or is a full time student.

Disability – Disability will be defined according to 42 USC § 12102.

Displaced Person- a person(s) displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Dwelling Lease - a written agreement between a tenant and owner of the RAD Covered project for the use and occupancy of a specific dwelling unit.

Elderly Family - a family whose head or spouse, or whose sole member, is at least sixty-two (62) years of age, or a person with a disability, and may include two (2) or more elderly persons or persons with disabilities or living together, or one (1) or more elderly persons or persons with disabilities living together, or one (1) or more persons living with another person who is determined to be essential to his or her care or wellbeing.

Emergency Category- Applicants in this category are those who are:

- (a) Involuntarily displaced and not living in standard, permanent replacement housing (including applicants that are homeless (no fixed address), living in transitional housing, or living in a licensed shelter for the homeless); or the applicant will be involuntarily displaced within no more than six months from the date of any preference status certification by the family or verification of the family's status (An applicant may not qualify for this preference if he/she: (1) refused to comply with applicable polices for locally or federally assisted housing program(s), including notice of a mandatory transfer issued by DCHA or failure to comply with procedures with respect to the occupancy of under occupied or overcrowded public housing units; or (2) failed to accept a transfer to another housing unit in accordance with a court decree or HUD-approved desegregation plan; or (3) was displaced as a result of a DCHA initiated eviction; or (4) voluntarily left public housing in

an effort to avoid the public or assisted housing waiting lists by claiming he/she is now in an emergency category status.);

- (b) Living in substandard housing as determined by a certified inspector pursuant to the building and/or housing codes of the District of Columbia (or other applicable jurisdiction), at the time of preference verification;
- (c) Paying more than fifty percent (50%) of income for rent for at least ninety (90) days at the time of the preference verification. (Applicant family may not qualify for this preference if it is paying more than fifty percent (50%) of income for rent because the applicant's housing assistance was terminated as a result of the applicant family's failure to comply with local or federal housing program policies and procedures or if the applicant is paying more than 50% as a result of a DCHA initiated eviction);
- (d) Involuntarily displaced as a victim of recent or continuing domestic violence, *i.e.*, actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household;
- (e) Involuntarily displaced by recent or continuing hate crimes, *i.e.*, actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person's race, color, religion, sex, national origin, disability, sexual orientation, or familial status; or
- (f) Involuntarily displaced as a result of inaccessibility of a housing unit or a member of applicant family has mobility or other impairment that makes the member unable to use critical elements of the unit.

Family - the following person or persons:

- (a) Two (2) or more persons who are either related by blood, marriage or operation of law, or give evidence of a stable relationship which has existed over a period of time;
- (b) An elderly family as defined in this chapter (including disabled or handicapped persons);
- (c) A single person who is a displaced person as defined in this chapter.
- (d) The remaining member(s) of a HMA tenant family; or

- (e) A single person who is not an elderly family or a displaced person as defined in this chapter, where approved by HUD pursuant to 24 CFR, Part 912.3.

The term "Family" does not include a non-immigrant student alien (and related family members) as defined by HUD pursuant to § 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 USC § 1101(a)(15)(i)).

Fair Market Rent (FMR) - The cost in a particular housing market area of privately owned, decent, safe and sanitary rental housing. HUD establishes and publishes in the Federal Register FMRs for dwelling units of varying sizes for each metropolitan area. FMRs are gross rent estimates, *i.e.*, they include the cost of tenant-paid utilities. See 24 CFR part 888 subpart A.

First Available Unit - An Applicant with an application date earlier than an Applicant on a Site-Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the "First Available Unit Option" shall be selected from the waiting list before any eligible Applicant on the Site-Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Full Time Student- a person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Assistance Expenses for Participants with Disabilities- reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a family member with a disability and that are necessary to enable a family member (including the family member with a disability) to be employed; provided, that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Head of Household- the family member who is held responsible and accountable for the family (and whose name is identified as responsible on the dwelling lease).

Housing Assistance Payment (HAP) - The payment made by the Contract Administrator to the Project Owner of an assisted unit as provided in the HAP Contract. Where the unit is leased to an eligible household, the

payment is the difference between the contract rent for a particular assisted unit and the tenant rent payable by the family.

Housing Choice Voucher Program (HCVP) – a program that provides tenant-based rental assistance pursuant to Section 8 of the Housing Act of 1937.

Housing Quality Standards (HQS) - Standards set forth in 24 CFR § 982.401 that must be met by all units in the HCV program before assistance can be paid on behalf of a household. The HQS in 24 CFR § 982.401 apply to Project-Based Voucher units, in accordance with 24 CFR § 983.101. Generally, Voucher Agencies must conduct HQS inspections of PBV projects not less than biennially during the term of the HAP Contract.

HAP Contract - The contract entered into by the Project Owner and the contract administrator that sets forth the rights and duties of the parties with respect to the Covered Project and the payments under the contract.

HUD - the U.S. Department of Housing and Urban Development.

Leased Premises - Leased Premises includes the Lessee's dwelling unit as specified in the lease and any other buildings or areas that are provided for the exclusive use of the Lessee.

Lessee - The "Lessee" is the individual(s) that sign(s) the Lease with the owner of the RAD Covered project. Each Lessee is individually, jointly and severally responsible for performance of all obligations under the lease including, but not limited to, the payment of rent and other charges, as defined herein. No individual, other than the signatory to the lease, is deemed to be a Lessee or have any rights of a Lessee.

Low Rent Housing - housing owned by DCHA under the United States Housing Act of 1937.

Lower Income Family- a family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Medical Expenses - those medical expenses, including medical insurance premiums, that are anticipated during the twelve (12) month period for which annual income is computed, and that are not covered by insurance.

Mixed Finance Project – A project developed under 24 CFR § 905.604.

Net Family Assets- the value of equity in real property, savings, stocks, bonds and other forms of capital investments, excluding equity accounts in HUD homeownership programs. The value of necessary items of personal

property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted as part of annual income.) In determining net family assets, HMA shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for admission or reexamination, as applicable, in excess of the consideration received therefore. In the case a disposition as part of a separation or divorce settlement, the disposition shall not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Notice to Correct or Vacate – a written 30-day notice of termination of the tenancy that advises the Tenant that he/she is in violation of the Lease or DC Housing Code, specifies the violation(s) that form the basis of the notice, and specifies how the Tenant can cure the violations within the time period set forth in the notice.

Notice to Vacate – a written 30-day notice of termination of the tenancy that specifies the basis for termination of the tenancy, and specifies the time period by which the Tenant must vacate the premises.

Participant (participant family) - A family that has been admitted to a DCHA program and is currently assisted in the program.

Person with a Disability- a person with a disability as defined by this section.

Prepayment - The satisfaction (*i.e.*, payment in full) of the underlying mortgage prior to its maturity date. Prepayment is one of the eligibility triggering events for RAD conversion under Section III of this Notice.

Private Mixed Finance Project – A Mixed Finance Project whose owner is not substantially controlled by DCHA or a wholly-owned subsidiary of DCHA. For the purposes of this definition, “substantial control” is defined as greater than fifty percent (50%) voting power.

Priority Applicant- an applicant for admission to housing who meets the criteria of § 6105 of this title.

Project - For purposes of determining a RAD transaction, a “project” is a structure or group of structures that in HUD’s determination are appropriately managed as a single asset. In determining whether a combination of structures constitute a project, HUD will take into account

types of buildings, occupancy, location, market influences, management organization, financing structure or other factors as appropriate. For a RAD PBV conversion, the definition of “project” in 24 CFR § 983.3 continues to apply for all references to the term in 24 CFR § 983.

Project-Based Voucher (PBV) - A component of a PHA’s HCV program, where the PHA attaches voucher assistance to specific housing units through a PBV HAP Contract with an owner. Unlike a tenant-based voucher, the PBV assistance remains attached to the unit when the family moves, and assists the next eligible family to move into the PBV unit. The PBV program is administered by HUD’s Office of Public and Indian Housing.

Project Owner - For purposes of Sections 5700 through 5775, the term Project Owner refers to the owner of the Covered Project, including but not limited to any owner pursuant to a HAP Contract. For purposes of HAP Contracts, an Owner is a private person, partnership, or entity (including a cooperative), a non-profit entity, a PHA or other public entity, having the legal right to lease or sublease the dwelling units subject to the HAP Contract.

Public Housing - see Low Rent Housing.

Public Housing Advisory Board (Resident Advisory Board) - District of Columbia Public Housing Advisory Board, established by Mayor's Order 86-1.

Public Housing Agency (PHA) any HUD-approved entity that administers programs under the Housing Act of 1937, which could include public housing and HCVs. In addition to this general definition, the term PHA, as used in this Notice, refers to the owner of a First Component Converting Project (even if the project is a Mixed Finance Project and the PHA does not own ACC units).

Public Housing Project - Per 24 CFR § 905.108 the term “public housing” means low-income housing, and all necessary appurtenances thereto, assisted under the Act, other than assistance under 42 USC § 1437f of the Act (Section 8). The term “public housing” includes dwelling units in a Mixed Finance Project that are assisted by a PHA with public housing Capital Fund assistance or Operating Fund assistance. When used in reference to public housing, the term “project” means housing developed, acquired, or assisted by a PHA under the Act, and the improvement of any such housing. Each public housing project has a project identification number in the Public and Indian Housing Information Center (PIC), though a PHA may propose to convert individual sites within the public housing project.

RAD Covered Project - The post-conversion property, including but not limited to buildings, the common areas of the buildings and grounds associated with all the buildings, with assistance converted from one form of rental assistance to another under the Rental Assistance Demonstration.

Resident - a lessee under the dwelling lease.

Site-Based Waiting Lists - An Applicant who has applied to be placed on the Site-Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Tenant - a lessee under the dwelling lease.

Tenant Rent - the amount payable monthly by a tenant as rent to the owner of the RAD converted project under a dwelling lease as defined in 24 CFR part 5. Where all utilities and other essential housing services are supplied the tenant by the owner, Tenant Rent shall be the same as total tenant payment. Where some or all utilities and other essential housing services are not supplied to the tenant by the owner, and the cost is billed directly to the tenant, Tenant Rent shall be the amount of the total tenant payment less applicable utility allowances. Tenant rent shall be reduced by any amount paid that month by a household member into an Achieving Your Best Life (AYBL) escrow account, until the AYBL contract terminates. *See 14 DCMR § 5775.*

TTP - The total tenant payment as calculated pursuant to 24 CFR part 5.

Uniform Federal Accessibility Standards (UFAS) - Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR part 8 and the addendums thereto.

Utility Allowance - As defined in 24 CFR part 5, the amount that a PHA or Project Owner determines is reasonable for tenant-paid utility costs. In the case where the utility allowance exceeds the Total Tenant Payment (as defined at 24 CFR § 5.613), the tenant is reimbursed in the amount of such excess.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, is amended as follows:

Sections 6101 through 6111, and 6113, are amended to read as follows:

6101 APPLICATION FOR ASSISTANCE

6101.1 DCHA maintains the following waiting lists:

(a) Public Housing Waiting Lists:

(1) First Available Waiting List; and

(2) Site-Based Waiting List;

(b) Housing Choice Voucher Program Wait List – including applicants for tenant-based voucher assistance and project-based voucher assistance under the Partnership Program (operated in accordance with the rules set forth in Chapter 93 of this Title 14); and

(c) Moderate Rehabilitation Program Wait List.

6101.2 Each Applicant seeking public housing assistance owned, operated or administered by DCHA, or rental assistance through the Housing Choice Voucher Program, Moderate Rehabilitation Program, or the Rental Assistance Demonstration must submit a completed application with DCHA.

6101.3 Applications must be returned to DCHA via the methods as determined by DCHA at the time of the opening of the waiting list(s) pursuant to Section 6104.

6101.4 An Applicant may apply for one, some or all of the programs that DCHA owns and operates or administers.

6101.5 If an Applicant applies for public housing, the Applicant shall select to be on either the First Available Waiting List or the Site-Based Waiting list.

6101.6 If an Applicant for public housing chooses to be on the First Available Waiting List then his or her application shall be considered for a vacancy at any public housing or RAD Covered Project.

6101.7 If an Applicant for public housing chooses to be on the Site-Based Waiting List, Applicants shall select up to three (3) individual public housing or RAD Covered Projects where they wish to reside.

6101.8 As part of the Housing Choice Voucher and Moderate Rehabilitation Programs application process, Applicants shall be given the opportunity to select the

Housing Choice Voucher Program and/or the Moderate Rehabilitation Program for housing assistance.

- 6101.9 A review of all applications shall be conducted by DCHA based on the data contained in the application. This review is limited to determining the completeness of the application.
- 6101.10 Only completed applications will be accepted by DCHA for processing.
- 6101.11 If DCHA determines that an application is incomplete, DCHA shall return the incomplete application to the Applicant to the address listed on the application and advise the Applicant that the application is incomplete and what missing information is required to complete the application.
- 6101.12 Once the completed application is submitted to DCHA, the Applicant shall receive a confirmation of receipt either electronically, in person or via first class mail.
- 6101.13 DCHA shall record the date and time that the completed application was received.
- 6101.14 Applicants shall be placed on the DCHA waiting list(s) based on date and time of their completed application and any program preferences selected on the application pursuant to Sections 6102, 6103, 6105, and 6111 of this chapter.
- 6101.15 A person with a disability may request a reasonable accommodation at any time during the application process pursuant to Chapter 74 of Title 14.

6102 APPLICATION PROCESS AND REVIEW

- 6102.1 Upon receipt of a completed application, DCHA shall place the Applicant on the selected waiting list(s) based on the date and time that the application was received, the type and unit size required based on occupancy guidelines and applicable Special Programs and/or allocations, and any preference(s) established by DCHA.
- 6102.2 Each Applicant shall be assigned a unique Client Identification Number (CIN) for identification purposes.
- 6102.3 Placement on DCHA's waiting list(s) does not guarantee the family admission to public housing, RAD, the Housing Choice Voucher Program, or the Moderate Rehabilitation Program.
- 6102.4 Periodically, as vacancies occur or are anticipated at DCHA owned and operated public housing projects or at RAD Covered Projects, or as Housing Choice Vouchers become available or units become available in the Moderate Rehabilitation Program, Applicants near the top of the applicable waiting list(s)

shall be interviewed in order to obtain and verify any and all information necessary to make an eligibility determination in accordance with Sections 6106, 6107, 6108, and 6109.

- 6102.5 Public housing and Moderate Rehabilitation Applicants who have been deemed eligible shall be placed in the selection pool.
- 6102.6 DCHA shall review the application for any current debt owed to any public housing authority, Project Owner, or Housing Choice Voucher programs via the HUD Enterprise Income Verification system “EIV” or any other income or debt verification source.
- 6102.7 If a current debt is found, DCHA shall notify the Applicant of the debt amount, to whom it is owed and the consequences of an unresolved debt at the time of the eligibility determination.
- 6102.8 If the current debt is unresolved at the time of the eligibility determination the Applicant may be deemed ineligible.
- 6102.9 The Applicant shall be allowed to submit mitigating circumstances to demonstrate an Applicant’s suitability to receive housing assistance.
- 6102.10 Applicants in the public housing selection pool shall be offered housing units that meet their occupancy and accessibility needs as the appropriately sized units become available.
- 6102.11 Eligible Applicants for the Housing Choice Voucher Program are offered a voucher as vouchers become available pursuant to Chapter 76.
- 6102.12 Eligible Applicants for the Moderate Rehabilitation Program shall be placed in a selection pool and offered a unit as units become available pursuant to Chapter 76.
- 6102.13 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107 of this chapter.

6103 MAINTENANCE OF THE WAITING LIST(S)

- 6103.1 The waiting list(s) shall be maintained to ensure that Applicants are referred to appropriate developments, unit types (for example for public housing, RAD, Mixed Population, General Population or accessible) and sizes or housing programs.
- 6103.2 Applicants are responsible for updating their application when there are changes in the family composition, income, address, telephone number, and acceptance of

housing assistance. Failure to update the application timely may result in a delay in housing, being deemed eligible for housing or the Applicant being changed to inactive status from the waiting list(s).

6103.3 DCHA shall update its waiting list(s) periodically and to meet the needs of those requiring housing assistance, as needed. When this occurs, DCHA will send update forms to the affected Applicants.

- (a) The request for an update to a housing application shall provide a deadline by which the Applicant must respond and shall state that failure to respond shall result in the Applicant's being withdrawn from the waiting list(s) or changed to inactive status.
- (b) Applicants must complete an update form electronically, by telephone or mail, or by any other means established by DCHA within the time frame specified in the request for update package. Once the update is received the appropriate changes shall be made to the Applicant's file and the Applicant shall maintain their application date and time.

6103.4 Applicants who do not return the completed update form within the specified time frame shall have their waiting list status changed to inactive:

- (a) An Applicant whose status is inactive will not be actively considered for DCHA housing assistance.
- (b) If an inactive Applicant submits a completed update form at any time after the expiration of the specified update time frame, then the Applicant shall be restored to an active status on the waiting list based on the Applicant's original application date and time provided that the Applicant was deemed inactive after October 1, 2003.

6103.5 Changes in an Applicant's circumstances while on any of DCHA's waiting list(s) may affect the family's qualification for a particular development, bedroom size or entitlement to a preference. When an Applicant reports a change that affects their placement on the waiting list(s), the waiting list(s) shall be updated accordingly.

6103.6 When selecting Applicants from the Public Housing Waiting Lists, DCHA shall use the Applicant's family composition and any reasonable accommodations requests to determine the appropriate bedroom size and unit characteristics.

6103.7 Applicants on the wait list(s) who have requested a fully accessible unit, a unit with accessible features or any other reasonable accommodation through the reasonable accommodation process, must meet all requirements of the accommodation prior to being deemed eligible. All reasonable accommodations shall be verified and approved by the Office of the ADA/504 Coordinator prior to

a unit offer.

- 6103.8 Applicant families with members with disabilities who have verified and approved reasonable accommodations for fully accessible units or units with accessible features shall receive priority for those units that are designated as fully accessible units or designed with specific accessibility features.
- 6103.9 The only other system for assigning priority to eligible public housing Applicants is date and time of application, unless otherwise specified in this chapter under, for example, Sections 6111, 6112 or 6113.
- 6103.10 Applicants housed in public housing, RAD, Housing Choice Voucher or Moderate Rehabilitation programs do not qualify for the “homeless” preference category and shall have the preference removed.
- 6103.11 Selection for Public Housing and RAD:
- (a) Applicants seeking housing assistance in the public housing or RAD programs shall choose either the First Available Unit Waiting list or the Site-Based Waiting list.
 - (b) Applicants shall not be placed on the First Available Unit waiting list and the Site-Based Waiting List at the same time. Applicants who select both shall be listed only on the Site-Based Waiting lists that the Applicant selected.
 - (c) Applicants who do not select developments on the Site-Based Waiting List or the First Available Waiting Unit Waiting List shall be placed automatically on the First Available Unit Waiting list.
 - (d) Applicants shall only be listed at developments that have bedroom size and unit characteristics for which the family is authorized to occupy based on family composition and any reasonable accommodation requests.
 - (e) Applicants may select up to three (3) developments on the Site-Based Waiting list. An Applicant who has selected multiple developments on the Site-Based Waiting List, and has the earliest application date and time, shall be offered the first available unit of their site(s) selection.
 - (f) An Applicant who has selected the Site-Based Waiting List may not change his/her development selection after the application is received unless there is a change in their family circumstances that would require a change in bedroom size or unit characteristics. However, if the site selected can accommodate the required change, DCHA shall not approve a change in the site selection. The Applicant shall maintain his/her original application date and time for the newly selected site.

- (g) An Applicant on the Site-Based Waiting List may elect to voluntarily remove their selection from the Site-Based Waiting List to the First Available Waiting List and maintain their original application date and time.
- (h) Any Applicant on the First Available Waiting List may not change their selection from the First Available Waiting List to the Site-Based Waiting List.

6104 TEMPORARY CLOSURE OF THE WAITING LIST

6104.1 If the number of families on the Public Housing Waiting Lists or Housing Choice Voucher Program Waiting List is such that there is no reasonable prospect that additional applicants for specific units types or sizes can be housed within the next twelve (12) months, the Executive Director, DCHA may approve action to do the following:

- (a) Suspend the taking of further applications for certain unit types, unit sizes, or projects developed for special purposes; and
- (b) Limit application taking to certain specified periods of the year.

6104.2 When action is taken to suspend, limit or reopen the taking of applications, DCHA shall make known to the public through publication of notice in the *D.C. Register* and in newspaper(s) of general circulation, minority media, and other suitable means the following:

- (a) The nature of the action; and
- (b) The effective date of the action.

6104.3 Action to suspend, limit or reopen the taking of applications shall not take effect without at least ten (10) calendar days advance notice to the public in accordance with Subsection 6104.2.

6104.4 Notwithstanding the suspension of application taking, DCHA may continue to take applications from priority applicants eligible for priority placement on the waiting list pursuant to Subsection 6105.2 of this chapter.

6105 PREFERENCES FOR PUBLIC HOUSING

6105.1 At the time of application, applicants self-certify their preference. Verification of a preference is not required until an applicant reaches the top of the waiting list. Applicants will be required to provide verification that they meet the preference as part of the eligibility determination process.

6105.2 The granting of a preference does not guarantee admission to public housing. Preferences are used merely to establish the order of placement on the waiting list. Every applicant for public housing or the Housing Choice Voucher Program must also meet DCHA's Applicant Selection Criteria outlined in Section 6109 below.

(a) Preferences

(1) Mixed Population Properties

(A) The following admission preference system will be applied in the selection of otherwise eligible applicants from Public Housing Waiting Lists (based on the time and date of application) for a public housing or RAD unit offered in mixed population properties:

Preference #1: Elderly Families and/or Families with a household member with disability

Preference #2: Near Elderly Families

Preference #3: All Other Families

(B) No individual shall be considered a person with disabilities, for purposes of eligibility for public housing or RAD under this Title, solely on the basis of any current drug or alcohol dependence.

(2) General Population Properties - the following applicant admission categories, including percentages, will be applied to the selection of otherwise eligible applicants from the Public Housing Waiting Lists (based on the time and date of application) for public housing or RAD units offered in general population properties:

Category #1: Working Families (50% Annually)

Category #2: All Other Families (40% Annually)

(3) Emergency Category - Up to ten percent (10%) (not to exceed one hundred (100) units) annually of all applicants housed in the general and/or mixed-population properties will be selected from qualified applicants in the Emergency Category. Emergency Category is defined in 14 DCMR Section 5705.

(b) If there are no applicants on the waiting list that qualify for the Emergency Category, otherwise eligible applicants will be selected for admission.

- (c) The admission systems described above will work in combination with requirements to match the characteristics of applicant families to the type of units available, including units for targeted populations, *e.g.*, elderly, disabled. The ability to provide public housing for qualified applicants will depend on the availability of appropriately sized public housing or RAD units.

6105.3 The DCHA shall select families from the waiting list in the Emergency Category by date and time of application, except when a situation is a federally or locally declared natural disaster or civil disturbance, in which case the Executive Director has the discretion to waive date and time of application in selection. Any determination by the Executive Director to waive the date and time of application must be in writing stating the maximum number of applications that will be selected under these provisions or any limits on time for the waiver, with such waiver being approved for form and legal sufficiency by General Counsel and published in the *D.C. Register*.

6105.4 The preferences for admission to the Housing Choice Voucher Program are found in the DCHA's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs.

6106 ELIGIBILITY

6106.1 DCHA shall consider an applicant eligible for selection for public housing or the Housing Choice Voucher Program if the applicant meets the following criteria:

- (a) Qualifies as a family, as defined in Section 5999 of this chapter;
- (b) Annual income does not exceed the income limits for admission under Section 6108 of this chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this chapter;
- (d) Family size meets the occupancy standards established by DCHA under Section 6110 of this chapter; and
- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.

6106.2 DCHA shall consider an applicant eligible for selection for a RAD unit if the applicant meets the criteria set forth in Section 5707 of this Title 14.

- 6106.3 For applicants near the top of the waiting list, the Client Placement Division will mail written notice to the last address provided in order to obtain information needed for a determination of eligibility. The letter will state:
- (a) The date and time of the eligibility interview;
 - (b) The location where the eligibility interview will be held; and
 - (c) The documents the applicant should bring to the eligibility interview.
- 6106.4 A family or applicant may make one request to reschedule an eligibility interview for the convenience of the applicant up to thirty (30) days after the scheduled eligibility interview date. However, DCHA will reschedule an eligibility interview as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.
- 6106.5 If an applicant does not respond to notice of an eligibility interview and does not request an alternate appointment in advance of the scheduled interview date, then the applicant shall be deemed inactive on the waiting list for the type housing assistance offered. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after the scheduled interview date, then the applicant shall be restored to active status on the waiting list for the relevant type of housing assistance with the applicant's original application date. The applicant shall be scheduled for another eligibility interview based on the restored application date and any updated applicant information.
- 6106.6 The eligibility interview will be held in order to collect eligibility data, determine eligibility and identify any special problems or needs. As part of the eligibility determination, an applicant will be provided the opportunity to complete a reasonable accommodation request. All information shall be verified as a part of the eligibility determination.
- 6106.7 During the eligibility interview, the Client Placement Division shall assist the applicant in completing any forms necessary. The following forms, as applicable, are to be completed or signed by the applicant:
- (a) Privacy Act Notice;
 - (b) Asset Certification Form – only assets with a value greater than fifteen thousand dollars (\$15,000) or which generate a net income of greater than one thousand dollars (\$1,000) per year must be reported and documented. DCHA will rely on applicants certification as to value of assets and whether net income from assets exceeds the threshold established above;
 - (c) Verification of Date of Birth for each Household Member;

- (d) Social Security Number Certifications:
 - (1) Social Security Numbers for each Household Member six (6) years old or older; or
 - (2) Certification of inability to meet the documentation requirement where an applicant has a Social Security Number but no documentation; or
 - (3) Certification that Social Security Numbers have not been issued.
- (e) Picture ID for family members age eighteen (18) or older;
- (f) Declaration of Section 214 Status (Non-citizen Rule);
- (g) Verification of Preference or Admission Category;
- (h) Verification of Full-time Student Status Form;
- (i) Certification of Disability Form;
- (j) Statement of Child Care Expense Form;
- (k) Zero Income Statement;
- (l) Verification of Income from Assets;
- (m) Statement of Child Support;
- (n) Income Verification (Employment, Public Assistance, Social Security); and
- (o) Other forms, as may be required.

6106.8 At the end of the eligibility interview, the Client Placement Division shall provide the applicant with written notification of any missing or incomplete forms, information on how to determine if any debt remains unpaid to DCHA or any HCVP or RAD Project Owner, or any additional information which is to be provided by the applicant.

6106.9 If an applicant cannot complete all the necessary forms at the time of the interview, the interviewer may request that any additional required forms be completed by the applicant within a specified timeframe not to exceed ten (10) days.

- 6106.10 A written receipt shall be provided to the applicant for any additional information provided.
- 6106.11 Applicants who do not provide the additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, may request one (1) extension of time not to exceed ten (10) days.
- 6106.12 Applicants who do not provide additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, or within any additional period allowed under Subsection 6106.11, shall be removed from the waiting list(s).
- 6106.13 If an applicant experiences difficulty in securing verification in the prescribed form, DCHA may accept other documents to expedite the certification process (for example, baptismal or school records could be used as proof of birth).
- 6106.14 Briefings.
- (a) Applicants must attend a full briefing prior to issuance of a Housing Choice Voucher unless this requirement is waived by the Executive Director in emergency cases.
 - (b) DCHA will mail notice of the briefing via U.S. mail to the last address provided by the applicant or existing participant.
 - (c) Families or applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next available briefing and notified by mail of its date and time. If a family or applicant fails to attend a scheduled briefing another notice will be mailed for a second briefing date.
 - (d) If an applicant fails to attend two (2) scheduled briefings, and does not notify DCHA in advance of their inability to attend the second briefing appointment, then the applicant shall be deemed inactive on the waiting list. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after becoming inactive then the applicant shall be restored to active status on the waiting list with the applicant's original application date.
 - (e) If vouchers of the type that would have been issued to the applicant at the missed briefings are still available and the inactive applicant asserts the need for housing assistance less than thirty (30) days after initial eligibility determination then a new briefing appointment shall be made with the applicant.
 - (f) If the inactive applicant requests assistance more than thirty (30) days after the initial eligibility determination by DCHA, and vouchers of the

type that would have been issued to the applicant at the missed briefings are still available; DCHA shall schedule the restored applicant for another eligibility interview. If the applicant is determined to be eligible, the applicant shall be scheduled for a full briefing. If vouchers of the type that would have been issued are not available, the applicant will be restored to the waiting list as an active applicant with the date and time of the original application.

6107 ELIGIBILITY DETERMINATION

6107.1 After reviewing the application, additional supporting documents and obtaining necessary verifications, DCHA shall determine the applicant's eligibility in accordance with Section 6106 of this chapter.

6107.2 Applicants determined to be eligible for housing shall be placed in the selection pool.

6107.3 DCHA must mail a letter to each applicant determined to be ineligible and the notification of ineligibility shall contain:

- (a) The date and time of the informal conference;
- (b) The location where the informal conference will be held;
- (c) The reason for the determination of ineligibility;
- (d) The applicant's right to bring new or additional information to the informal conference;
- (e) The type of additional documentation or information DCHA may need in order to reconsider an applicant's eligibility for the public housing, RAD, and Housing Choice Voucher programs; and
- (f) The applicant's right to bring an attorney or any other representative to the informal conference.

6107.4 The informal conference shall be scheduled and/or rescheduled as follows:

- (a) The date of the informal conference shall be no sooner than fifteen (15) days and no later than thirty (30) days after the postmark date of DCHA's letter to the applicant.
- (b) A family or applicant may request to reschedule an informal conference for the convenience of the applicant any time up to two (2) days after the scheduled informal conference date. If a family or applicant fails to attend the conference rescheduled for their convenience they may make one final

request for rescheduling any time up to two (2) days after the rescheduled informal conference date.

- (c) Notwithstanding Subparagraph (b) above, DCHA will reschedule an informal conference as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.

- 6107.5 If the applicant does not attend the informal conference, a supervisor in the Client Placement Division will conduct a review of the application to determine if the applicant is eligible for public housing or RAD. This supervisory review will take place even where no additional information is provided by the applicant or the applicant's representative.
- 6107.6 Applicants determined to be eligible after the supervisory review or the informal conference will be notified in writing and placed in the selection pool.
- 6107.7 When an applicant is determined ineligible after the informal conference or supervisory review, the Client Placement Division will issue a letter informing the applicant of their right to:
- (a) A review by an independent third party acceptable to DCHA willing to review applicant files pro bono; and
- (b) Bring a grievance pursuant to Chapter 63, Chapter 89, or Sections 5730 through 5747 of this title.
- 6107.8 When an applicant is determined ineligible for public housing, RAD, or the Housing Choice Voucher Program, the applicant will be removed from the waiting list(s) and his or her application will be retained up to three (3) years in an inactive status.
- 6107.9 Applicants who were determined ineligible solely by reason of an unpaid debt may, at any time during their inactive status, provide evidence that the debt has been paid or otherwise resolved. These applicants may be returned to the waiting list(s) with the same date and time of application as the date and time the applicant had when the applicant was placed on inactive status.
- 6107.10 Notwithstanding provisions which may appear elsewhere in this subtitle, a determination of eligibility for public housing, RAD, or HCVP under this chapter shall be valid for a period of one hundred eighty (180) days from the date of said determination.

6108 INCOME LIMITS

- 6108.1 To be eligible for admission to public housing or the Housing Choice Voucher Program an applicant's annual income shall be within the limits of lower income families established by HUD, based on the family size.
- 6108.2 Income limits for lower income families and very low income families shall be as established and revised periodically by HUD. HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.
- 6108.3 Income limits shall be applied at the time of eligibility determinations by the Client Placement Division.
- 6108.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible lower income families from the Public Housing Waiting Lists is as follows: at least forty percent (40%) shall be families with extremely low incomes at the time of commencement of occupancy. Actual admission to RAD Covered Projects from the Public Housing Waiting Lists shall be governed by Section 5708 of this Title 14.

6109 APPLICANT FAMILY SELECTION CRITERIA

- 6109.1 This section applies to applicants for public housing, RAD, and the Housing Choice Voucher Program. All subsections of this section are applicable to applicants for public housing. Only Subsections 6109.3, 6109.4, 6109.6, 6109.7 and 6109.8 apply to applicants for public housing, RAD, and the Housing Choice Voucher Program.
- 6109.2 Information that will be considered in screening an applicant shall be reasonably related to assessing the applicant and other applicant family members listed on the application. The applicant's history (*e.g.*, employment history, personal habits or practices, and/or rental or personal credit history) must demonstrate the capacity to comply with the terms of the DCHA lease. If the applicant requires support (*e.g.*, live-in aide) to enable him/her to meet the standards identified below, the applicant must demonstrate that the necessary support would be available at the time of admission. Additionally, the applicant, including the applicant's family must be willing to:
- (a) Not interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community;
 - (b) Enhance and/or maintain the physical environment or financial stability of the project;

- (c) Help create an environment where young people, especially children, can live, learn, and develop into productive and responsible citizens;
- (d) Attend and complete DCHA's Community Living Training Program, prior to admission; and
- (e) Comply with the terms and conditions of the DCHA lease.

6109.3 DCHA will utilize the following methods in determining an applicant's eligibility for admission: reference checks, including current and/or previous landlords, consultations with current and/or former neighbors, conducting home visits, reviewing police reports and/or criminal background checks of each member of the applicant family, including juveniles, as may be permitted by law.

6109.4 Relevant information respecting personal habits or practices to be considered in the admission process, may include, but is not limited to, the following:

- (a) A reasonable cause to believe, supported by signed documentation, that any family member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of any DCHA programs by other residents, employees or community members; and
- (b) An applicant's past performance in meeting financial obligations, especially rental payment obligations. An applicant who is responsible for any debt to DCHA, any other housing authority, or any landlord participating in any federally assisted housing program (*e.g.*, the Housing Choice Voucher Program) may not be admitted or readmitted until the debt is paid or otherwise satisfied; and
- (c) A record of respecting the rights of others, as defined in the DCHA lease; and
- (d) A determination that the applicant has committed fraud in connection with any Federal housing assistance program or any local housing assistance program; and
- (e) An applicant's misrepresentation of any information related to eligibility, including, but not limited to, the award of a preference for admission, family composition, or income.

6109.5 If an applicant is determined eligible and qualified for admission, the applicant will be referred to a public housing property for housing, consistent with Section 6111 of this title. Notwithstanding, prior to the applicant signing a lease, if the relevant property manager or RAD Project Owner uncovers information regarding

the applicant that would lead a reasonable person to believe that housing the applicant on the relevant property would interfere with the other residents' peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community, the property manager shall so advise the Client Placement Division and refer the application for further consideration. The Client Placement Division will then conduct a further review of the application, taking into consideration the information provided.

6109.6 With respect to criminal conviction(s) or activity:

- (a) The DCHA may deny admission to public housing, RAD, or the Housing Choice Voucher Program to any applicant if any adult member of the applicant's family (or any non-adult member who has been convicted of a crime as an adult) has been convicted of a felony involving destruction of property or acts of violence against another person or other felony criminal convictions within the last seven (7) years that may adversely affect the health, safety, or welfare of other DCHA residents, staff, or other members of the community, *e.g.*, distribution or manufacture of illegal drugs or controlled substances, possession of an unlicensed firearm and/or ammunition, or child molestation; or
- (b) DCHA shall deny admission to any applicant who has been evicted from housing assisted under the United States Housing Act, for drug-related criminal activity for a three year period beginning from the date of the eviction.
- (c) DCHA shall prohibit admission of any family that includes any individual who is subject to a lifetime registration requirement under any sex offender registration program (*e.g.*, state, local or international). DCHA shall, upon request, provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.
- (d) DCHA shall prohibit admission for any individual that has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine or production of methamphetamine on the premises of federally assisted housing.

6109.7 If unfavorable information is received as a result of the investigation conducted pursuant to Subsections 6109.2, 6109.4, or 6109(a) or (b) above, consideration shall be given to the time, nature, and extent of the applicant family's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Verifying information may be provided or requested from various sources, including but not limited to, the applicant (by interview and/or home visit), landlords, clergy, employers, family members, social workers, parole officers, court records, drug treatment counselors,

neighbors, and/or police department records. Mitigating circumstances might include, but are not limited to:

- (a) Evidence of favorable changes in the applicant's pattern of behavior including the length of time since an offense or behavior was committed; or
- (b) Evidence of successful rehabilitation, *e.g.*, acknowledgment of culpability, evidence that the responsible member of the applicant family is not likely to repeat the prior criminal behavior, evidence that neither the applicant nor any member of the applicant family is likely to cause harm to the other public housing or Housing Choice Voucher Program residents, DCHA or Project Owner staff, or other members of the community; or
- (c) Evidence of the applicant's participation in or willingness to participate in relevant social service activities or other appropriate counseling services including but not limited to: participation in a generally recognized training program, substance abuse treatment, and/or successful completion of therapy directed at correcting the behavior that lead to the activity; or
- (d) Evidence of the applicant's modification of previous disqualifying behavior, with indications of continuing support intended to assist the applicant in modifying the disqualifying behaviors;
- (e) Context or details of previous disqualifying behavior, including the nature and severity of the offense, the age of the applicant at the time of the occurrence of the offense, whether the offense occurred on or was connected to property that was rented or leased by the applicant; or
- (f) Evidence of adequate and suitable employment.

6109.8 Care and consideration shall be used in soliciting personal information concerning the applicant and his/her family members, and appropriate authorizations shall be obtained for the release of information, as necessary, from each applicant family. Any information received regarding an individual applicant will be used solely for the purpose of determining eligibility and will not be released for any other use, unless such release is required by law. Failure to sign the required release forms or the failure to submit information determined necessary to establish eligibility, shall result in the applicant's removal from the waiting list(s). If the applicant is removed from the waiting list(s) because of such a failure, the informal conference procedures set forth in Section 6107 shall not apply.

6109.9 The DCHA Applicant Family Selection Criteria will not be used to determine eligibility of residents for continuing occupancy in the same public housing or RAD unit. Eligibility for continuing occupancy in the same unit will be made in accordance with the terms and conditions of the DCHA lease.

6109.10 Resident requests for transfers will be subject to this Section - Applicant Family Selection Criteria- and shall be a requirement for transfer of residents and the execution of new leases. This section will not be applicable to DCHA-initiated transfers, approved emergency medical transfers, reasonable accommodation transfers, or Property Transfers conducted pursuant to § 5750.16. Transfers that result in the family being offered a spot in a different DCHA program than the one they are currently in may be subject to screening for program qualifications.

6110 OCCUPANCY STANDARDS

6110.1 Standards for admission and continued occupancy shall be established to avoid overcrowding and wasted space, and each dwelling unit shall be leased in accordance with the standards of this Subtitle and Subtitle A of this title. Applicants assigned to public housing shall be governed by the occupancy standards set forth in this Section 6110. Applicants assigned to RAD Covered Projects shall be governed by the occupancy standards set forth in Section 5709 of this Title 14.

6110.2 Tenants shall be assigned to dwelling units which consist of the number of rooms necessary to provide decent, safe and sanitary accommodations without overcrowding or wasting space. The following standards for unit size at admission, and for continued occupancy, shall apply:

Unit Size (Number of Bedrooms)	Minimum Number of Persons in Unit	Maximum Number of Persons in Unit
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

6110.3 Dwelling units shall be assigned in a manner that will eliminate the need for persons of the opposite sex, other than husband and wife, to occupy the same bedroom.

6110.4 Every member of the family, regardless of age, shall be considered a person when applying the standards for admission and continued occupancy. In accordance with Chapter 74, DCHA will consider unit assignment to a larger size to provide a separate bedroom for a disabled person, if verified as medically necessary.

6110.5 Each dwelling unit shall be used solely as a residence for the tenant and the tenant's family as represented in the application for housing, and the dwelling lease.

6110.6 When possible, occupancy shall be restricted at admission to minimum requirements to allow for family growth.

6110.7 Application of occupancy requirements for continued occupancy shall be consistent with Subsection 6114.7 and Subsection 6205.2 of this subtitle.

6111 TENANT ASSIGNMENT

6111.1 When an Applicant has been deemed eligible and a unit has become available for offer, DCHA shall review the Applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no more than one hundred eighty (180) days prior to tenant assignment.

6111.2 If updated information is required, the Applicant shall be required to submit information in accordance with Section 6106 of this chapter before a unit is offered.

6111.3 Eligible Applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this title.

6111.4 Unit offers shall be made to Applicants with the earlier application date and time regardless of whether the Applicant selected the First Available Waiting List or a Site-Based Waiting List for the particular site selected.

6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected Applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:

- (a) For Applicants with a preference or in the Emergency Category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
- (b) For low income families, pursuant to Section 6105;
- (c) For disabled families, pursuant to Section 6112; and
- (d) For comprehensive modernization properties and new developments, pursuant to Section 6113.

6111.6 Each Applicant shall be assigned an appropriate unit in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.

6111.7 Selection from the First Available Waiting List.

- (a) Eligible applicants with the earliest application date and time selecting a First Available Unit shall be offered the next available unit that matches the family bedroom size and required needs regardless of the development pursuant to this section.
- (b) When an Applicant is offered a unit from the First Available Unit waiting list, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection. If the Applicant refuses the second unit offer, the Applicant shall be removed from the public housing waiting list(s) but shall remain on the Housing Choice Voucher Program and Moderate Rehabilitation Program waiting lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next Applicant on the Public Housing Waiting Lists in accordance with this section.
- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.8 Selection from the Site-Based Waiting List.

- (a) Eligible Applicants on the Site-Based Waiting List with the earliest date and time shall be offered the next available unit that matches the family bedroom size and unit characteristics pursuant to this section.
- (b) When an Applicant is offered a unit from the Site-Based Waiting List, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection at any of their selected sites when their name reaches the top of the waiting list(s). If the Applicant refuses the second unit offer, the Applicant shall be removed from all DCHA Public Housing Waiting Lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next eligible Applicant on the Public

Housing Waiting Lists in accordance with this section.

- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.9 If the Applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the Applicant before removing the Applicant from the Public Housing Waiting Lists.

6111.10 If the Applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the Applicant from the Public Housing Waiting Lists.

6111.11 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.

6111.12 The following requirements shall be applicable to any offered vacancies:

- (a) The unit offer shall be in writing and shall include the following:
 - (1) Identification of the property;
 - (2) Address and phone number of the property management office;
 - (3) The bedroom size and unit characteristics; and
 - (4) The time to contact the property and to view the unit.
- (b) The Applicant must contact the property in accordance with this section; and
- (c) After the Applicant has viewed the offered unit, the Applicant shall accept or reject the unit at that time.

6111.13 Applicants with preferences who reject two units for reasons other than those allowed in this section shall be removed from the public housing waiting list(s). If they are on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.14 Applicants with preferences who reject two units for reasons other than those allowed in section shall lose their preference provided in Subsection 6105.2 and shall be withdrawn from the Public Housing Waiting Lists. If the Applicant is on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.15 Selection from the Housing Choice Voucher Program Waiting List.

(a) Applicants seeking a Housing Choice Voucher shall be placed on the Housing Choice Voucher Program waiting list according to the date and time of the application and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.

(b) When selecting Applicants from the waiting list for a Housing Choice Voucher, Applicants who have been deemed eligible shall be issued a voucher pursuant to Chapter 76 of this title.

6111.16 Selection from the Moderate Rehabilitation Program Waiting List.

(a) Applicants seeking admission to the Moderate Rehabilitation Program shall be placed on the Moderate Rehabilitation Program waiting list according to the date and time of the application, and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.

(b) When selecting Applicants from the waiting list for the Moderate Rehabilitation Program, Applicants who have been deemed eligible shall be referred to the next available unit based on the family composition, pursuant Chapter 76 of this title.

6113 TENANT ADMISSION AND OCCUPANCY: REDEVELOPED AND SERVICE RICH PROPERTIES

6113.1 Scope.

Redeveloped Properties are mixed-finance communities owned by private entities which communities are created through HOPE VI or other public funding combined with private financing, which have some or all of their units assisted by operating funds or project-based rent subsidy payments provided by DCHA. Service Rich Properties may be DCHA-owned, conventional public housing or privately owned units assisted with operating funds provided by DCHA and managed by DCHA or third parties, which provide and/or oversee the delivery of services for residents.

6113.2 Overview.

- (a) Pursuant to the MTW Agreement between DCHA and the U.S. Department of Housing and Urban Development, dated July 25, 2004, as amended by an Agreement dated September 29, 2010, and as such agreement may be further amended, DCHA may, notwithstanding certain provisions of the Housing Act of 1937 and regulations issued pursuant thereto, adopt local rules for the governance of its public housing and housing choice voucher programs.
- (b) Accordingly, Section 6113 sets forth the regulatory framework for the property based rules and ongoing oversight or approvals governing: occupancy and re-occupancy; selection criteria; screening criteria; application processing; waiting lists; lease provisions; income determinations; and grievance procedures for properties officially designated as Redeveloped or Service Rich Properties by the DCHA Board of Commissioners.
- (c) Service Rich Properties operated as District of Columbia-licensed assisted living residences also shall operate subject to, and in accordance with the requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), and regulations promulgated thereunder, Title 22 (Health), The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and any other applicable local or federal regulatory requirements.

6113.3 Selection Criteria.

- (a) The selection criteria, including all priorities and preferences for applicants for initial occupancy following construction and re-occupancy upon vacancy of units at Redeveloped or Service Rich Properties that are receiving operating subsidies or project-based rent subsidy payments from DCHA, are those incorporated in a regulatory and operating agreement or RAD control agreement by and between the owner and DCHA after consultation with representatives of the community and former and/or prospective residents. These selection criteria are hereinafter referred to herein as the “General Selection Criteria”.
- (b) While the General Selection Criteria may vary by property, selection and screening criteria for all properties shall include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute.
- (c) For UFAS-Accessible Units, besides the General Selection Criteria, occupancy of the Units shall be to a household qualified for the available bedroom size of the Unit and a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of

application or transfer request where there are multiple applicants within any one priority:

- (1) First, to a qualified returning resident who previously resided in one of the developments being redeveloped.
- (2) Second, to a qualified applicant referred by DCHA from its list of households designated in 2006 for interim assistance in accordance with the provisions of the Amended VCA.
- (3) Third, to a qualified applicant referred by DCHA from its list of households designated in 2007 for interim assistance in accordance with the provisions of the Amended VCA.
- (4) Fourth, to a qualified DCHA resident on DCHA's Transfer List;
- (5) Fifth, to a qualified public housing applicant on DCHA's Waiting List;
- (6) Sixth, to a qualified Housing Choice Voucher.

6113.4 Application Process.

Each property shall develop its own process for taking applications, subject to review and approval by DCHA.

- (a) Application forms for transferring or returning residents and applicants are developed by the owner for the Redeveloped Property and shall be subject to review and approval by DCHA.
- (b) Completed applications for returning residents, transferring residents or applicants shall be accepted at the property and shall be reviewed and approved in accordance with the criteria approved in accordance with Subsection 6113.2.
- (c) The occupancy and re-occupancy application and selection process shall be monitored by DCHA's Office of Asset Management.

6113.5 Waiting Lists.

- (a) Where the number of returning residents, transferring residents or new applicants exceeds the number of available units, applicants seeking to be housed at the property shall be placed on a waiting list.
 - (1) Waiting lists shall be maintained by the manager of the property based on the date and time of application and in accordance with

the selection criteria developed for the property and approved by DCHA in accordance with Subsection 6113.2; or

- (2) At certain properties, a basic eligibility determination for public housing shall be made by DCHA's Client Placement Division and eligible tenants shall be referred to the property where the property's selection criteria shall be applied.
- (b) A list of all properties, along with the status of each site based waiting list as either open or closed, shall be available from the DCHA's Client Placement Division. When a property makes a determination to open its waiting list, notice shall be provided to the DCHA resident advisory board and published in the *District of Columbia Register*.

6113.6 Lease Terms.

- (a) Leases for Redeveloped Properties or Service Rich Properties may be developed by the owner or manager, subject to the approval of DCHA for compliance with applicable local and federal provisions as well as DCHA's regulations, including the requirements regarding Special Supplements to Lease governed by the provisions of Subsection 6112.4 of Title 14.
- (b) Provisions relating to rent, rent collection, security deposits, excess utility charges, and such other provisions as DCHA may approve, may vary from the DCHA standard form of lease.

6113.7 Income Determinations.

Certification and recertification of income shall be performed by the manager of the property and monitored periodically by DCHA for compliance with applicable DCHA and federal regulations. At certain Service Rich Properties designated by DCHA, income for certification and recertification purposes may be disregarded for up to two (2) years of occupancy.

6113.8 Service Rich Properties – Assisted Living Residences.

- (a) Authority. HUD has authorized DCHA to operate certain of its Service Rich Properties as assisted living residences, as defined in the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (b) Eligibility; Continuing Occupancy.
 - (1) Families selected to live in a DCHA assisted living residence must meet assisted living-specific selection criteria, as outlined in site-

based, site-managed community-specific eligibility criteria that are set forth in the Management Plan for the property, which DCHA will make available.

- (2) Continued occupancy for families residing at DCHA assisted living residences will be based on adherence to the programmatic and occupancy requirements for the specific property, as set forth in the Dwelling Lease, Residential Agreement, and any Individual Service Plan, or any addenda thereto.
- (c) Grievance Rights.
- (1) DCHA assisted living residences shall establish grievance procedures, which include informal and formal settlement procedures, (1) for all grievances arising public housing landlord tenant matters, that are consistent with the requirements of 24 CFR §§ 966.50 *et seq.*, and (2) for all grievances arising from assisted living matters, including transfer, discharge and relocation, the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)). The procedures shall be incorporated into the Dwelling Lease, as set forth in 24 CFR § 966.4(n), and shall be set forth in the Residential Agreement, pursuant to D.C. Official Code § 44-106.02.
 - (2) The grievance procedures shall provide:
 - (A) Informal Settlement of Grievance, as follows:
 - (i) If a Tenant wishes to grieve a decision of the administrator of the assisted living residence, he or she or his or her representative/surrogate must request an informal conference in writing within four (4) days of receiving the decision of the administrator in writing or within four (4) days of any alleged failure to act on the part of the administrator.
 - (ii) The request for an informal hearing must include a description of the nature of the complaint and issue to be grieved. Upon request, a facility employee shall help the resident complete the written request.
 - (iii) The administrator will provide the Tenant with a dated receipt when the request for an informal conference is filed. The informal conference will be

scheduled at a mutually agreeable time and will be held within two (2) days of the receipt of the request by the administrator.

- (iv) The Tenant may bring his or her representative/surrogate and an advocate if he or she wishes. A Supervisor of the Administrator will preside and render the decision resulting from the informal conference. A copy of the written decision will become a part of the Resident's clinical record.
 - (v) The Supervisor shall provide the decision in writing to the Resident within twenty four (24) hours of the completion of the informal conference. The decision shall include a summary of the discussion, the decision regarding the disposition of the complaint and the specific reasons for the decision. The decision summary will list the names of the participants, and the date of the meeting. When the written results of the decision are delivered to the Resident, they will include a description of the options remaining to the Resident, including instructions on how to request a Formal Hearing.
 - (vi) If the original decision is concerning a discharge, transfer or relocation and it is upheld, and if the Resident decides not to pursue a Formal Grievance Hearing, the Resident must comply with the decision within thirty (30) days of having received the Notice of Relocation, Transfer or Discharge prepared and delivered according to the provisions of D.C. Official Code § 44-1003.02(a).
- (B) Formal Grievance Hearing Regarding Involuntary Discharge, Transfer or Relocation, as follows:
- (i) If the Resident wishes to proceed with a formal hearing in order to contest the decision to involuntarily discharge, transfer or relocate the Resident, the Resident, his or her representative/surrogate or the Long-Term Care Ombudsman shall mail a written request to the Department of Health and deliver it to the Administrator within seven (7) calendar days after receiving a notice of discharge or transfer to another facility, or within five (5)

calendar days after receiving a notice as described above, of relocation within the facility.

- (ii) If the Resident elects to request a Formal Hearing, the Administrator will remind the Resident that if the original decision is upheld, then the Resident will be required to leave the facility by the fifth (5th) calendar day following his or her notification of the hearing decision or before the 31st calendar day following his or her receipt of notice of discharge required by D.C. Official Code § 44-1003.02(a), whichever is later. If the Resident is being required to relocate within the facility, he or she will be reminded by the Administrator that this must occur by the eighth (8th) calendar day following his or her receipt of the notice to relocate or the third (3rd) calendar day following his or her notification of the hearing decision, whichever is later. The Administrator shall provide all notices required under this paragraph in written and oral form.
- (iii) The Department of Health will designate an appointee of the Office of Administrative Hearings as the Hearing Officer.
- (iv) The Office of Administrative Hearings will schedule the formal hearing to occur within five (5) days of the request from the Resident.
- (v) The Resident may bring his/her representative/surrogate, and advocate or the Long-Term Care advocate to participate in the hearing. The facility shall have the burden of proof unless the ground for the proposed discharge, transfer, or relocation is a prescribed change in the resident's level of care, in which case the person(s) responsible for prescribing that change shall have the burden of proof and the resident shall have the right to challenge the level of care determination at the hearing. The Resident may not litigate Medicaid eligibility at the hearing.
- (vi) The Office of Administrative Hearings will provide the decision within seven (7) days of the completion of the hearing. The decision will become a part of the Resident's clinical record.

- (vii) If the original decision is upheld, the resident must leave the facility by the fifth (5th) calendar day after the receipt of the Hearing Officer's decision or the thirty-first (31st) day after receiving the discharge notification, whichever is later. If the original decision required relocation within the facility and it is upheld, this must occur before the third (3rd) calendar day after receiving the Hearing Officer's decision or by the eighth (8th) calendar day after having received the relocation notification, whichever is later. Notice shall be provided orally and in writing.
 - (viii) If the resident prevails in contesting the notice then the discharge is rescinded unless administrator appeals the decision.
 - (ix) Failure to request a formal grievance hearing shall not constitute a waiver by the Resident of his or her right thereafter to contest the Administrator's action in disposing of the complaint in an appropriate judicial proceeding.
 - (x) A decision by the Office of Administrative Hearings in favor of the Administrator or which denies the relief requested by the Resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the Resident may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.
 - (xi) If the Resident chooses to take the matter to court, he or she must make the filing within the thirty (30)-day notice period.
 - (xii) A Resident may seek judicial review of any decision of the Office of Administrative Hearings by filing a petition with the Court of Appeals of the District of Columbia; or any decision of DCHA by filing an action in District of Columbia Superior Court.
- (d) Rent Calculation and Rent Collection at DCHA Assisted Living Residences.

- (1) Tenant rent at DCHA assisted living residences shall be established as set forth at 14 DCMR § 6200, except as provided in subparagraphs (ii) and (iii) of this subsection.
 - (2) So long as a Family pays any applicable assisted living program fees timely, as provided in the Dwelling Lease, then for purposes of calculating adjusted income, as defined in 14 DCMR § 6099, to establish tenant rent for DCHA assisted living residences, such assisted living program fees shall be considered medical expenses and shall be deducted, in full, from the Family's annual income, as set forth in DCHA's approved 2014 Moving To Work Plan. In the event that adjusted income is zero dollars (\$0.00) or less, then rent shall equal zero dollars (\$0.00). Minimum rent, as defined by 14 DCMR § 6210, for assisted living residences, if any, shall be established by DCHA.
 - (3) Payments or allowances to residents of DCHA assisted living residences, for incidental living expenses under the provisions of any applicable assisted living program may be excluded from annual income for the purpose of calculating tenant rent.
 - (4) The Dwelling Lease for DCHA assisted living residences will include an itemized list of all fees, how they are calculated and allowances or payments for incidental living expenses.
- (e) Assisted Living Residences - Resident Agreements.
- (1) For purposes of this Section 6113, the term "Residential Agreement" shall have the meaning and components according to the requirements of Section 44-106.2 of the D.C. Official Code. In addition, the Resident Agreement shall set forth the terms and conditions governing participation in the assisted living programming
 - (2) At DCHA assisted living residences, the Resident Agreement may include or incorporate Individual Service Plans, as defined by D.C. Official Code § 44-106.04, to be completed by the participating household members.
 - (3) Upon execution, the Resident Agreement and related documents will become part of the Dwelling Lease. Participating Families must comply with the terms and conditions of the Dwelling Unit Lease Agreement, Addenda, the Resident Agreement and any related documents.
 - (4) Failure to abide by the terms of the Resident Agreement and

related documents shall be considered a violation of the Dwelling Lease Agreement.

- (f) Assisted Living Residences - Transfers.
- (1) A request by a Family to transfer to a DCHA assisted living residence, in accordance with 14 DCMR § 6400, will be deemed “a tenant initiated transfer” request if the Family accepts the offer of a unit at a DCHA assisted living residence.
 - (2) If a Family, which resides in a DCHA assisted living residence, no longer wishes to participate in the programing available at the assisted living residence, but remains compliant with the Dwelling Lease, then the Family will receive up to two (2) transfer offers of Conventional Public Housing units, in writing.
 - (3) A Family residing in a DCHA assisted living residence unit that receives a written offer to transfer into a new dwelling unit may refuse the offer on the basis of evidence, satisfactory to DCHA, that acceptance of the offered unit would cause undue hardship, as set forth in Subsection 6111.9, and such refusal shall not count against one of tenant’s allowable offers under paragraph ii of this subsection.
 - (4) If a Family and refuses a second offered unit without good cause, then the Family may elect to stay at the assisted living residence, and shall comply with all applicable requirements, as set forth in the Dwelling Lease, or DCHA shall initiate discharge and termination processes, in accordance with Subsection 6113.8(h).
 - (5) Unless otherwise specified in the applicable Regulatory and Operating Agreement or Management Plan, or otherwise determined by DCHA, in the event of any family-initiated transfer to or from a DCHA assisted living residence to or from a conventional public housing unit as set forth in paragraph (f)(2) of this subsection, then the Family will be responsible for relocation costs.
 - (6) In addition to the foregoing requirements of this paragraph (g), any transfer of any resident from a DCHA assisted living residence shall be subject to, and in accordance with the applicable discharge and transfer requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (g) DCHA Assisted Living Residences – Discharge/Termination.

- (1) Any termination of any tenancy at DCHA assisted living facility shall be subject to the applicable termination and discharge provisions (including tenants' rights and protections) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), in addition to any other DCHA, District or federal requirements
- (2) If DCHA determines that a Family residing in an assisted living residence is in violation of the Dwelling Lease, except for lease violations predicated on criminal activity that threatens the residents health, safety or right to peaceful enjoyment of the assisted living residence, drug related criminal activity on or off the Leased Premises or at the assisted living residence or violent criminal activity, DCHA shall issue to the Lessee a notice to cure or vacate, stating in writing the violation(s) which provides the basis for the termination the lessee's right to cure the violations and instructions on how to cure the violations, provided that such notice and any requirement that tenant vacate the assisted living residence shall be subject to requirements of any applicable District or federal statute or regulation including those governing the assisted living residence or its services or programs. Administrator shall deliver notice orally and in writing.
- (3) The notice shall inform the Family of its right to file an administrative complaint in accordance with Subsection 6113.8 (c), and any other administrative rights to which Tenant may be entitled by virtue of any District or federal regulation or statute governing the assisted living residence or its services.
- (4) If a Lessee has filed a complaint requesting an administrative determination of his or her rights, in accordance with Subsection 6113.8(d), in response to service of a notice to cure or vacate or a notice of lease termination, and or such other notice required by District or federal regulation or statute including the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), to which the assisted living facility, may be subject, and has not prevailed, the Lessee shall be issued a notice to vacate, as the time to cure has past and the Lessee shall be subject to legal action to gain possession of the unit (eviction).
- (5) If DCHA determines that a Family's violation of the Lease results from a change in circumstance which renders the Family ineligible for the services offered at the assisted living facility, which change

is not at the fault or initiative of the Resident, then DCHA may, subject to availability and applicable requirements, transfer the Family to a unit in conventional public housing, in accordance with Subsection 6113.8(f).

- (6) In the event of any lease violations, predicated on criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the assisted living residence, violent or drug related criminal activity on or off the Leased Premises or the assisted living residence, DCHA shall issue a notice to vacate, together with such other notice required by District or federal regulation or statute to which the assisted living facility or its programs or services may be subject.
- (7) DCHA will not issue a notice to cure or vacate, or notice to vacate, where DCHA has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.

Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, is amended as follows:

Section 6400, TRANSFER POLICY, is amended as follows:

Subsection 6400.1 is amended to read as follows:

6400.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer tenants from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by its tenants. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project (as defined under Title 14, Chapter 57, Subsection 5705.1). Notwithstanding the foregoing, tenants residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.

Chapter 89, INFORMAL HEARING PROCEDURES FOR APPLICANTS AND PARTICIPANTS OF THE HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAM, is amended as follows:

Section 8907, ADDITIONAL HEARING RIGHTS FOR RAD RESIDENTS, is amended to read as follows:

8907 ADDITIONAL HEARING RIGHTS FOR RAD RESIDENTS

- 8907.1 In addition to DCHA determinations that require an opportunity for an informal hearing, as proscribed in 14 DCMR § 8903, residents of RAD Project-based properties may request a hearing for any dispute that a resident may have with respect to:
- (a) A Project Owner action in accordance with the individual's lease; or
 - (b) The contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
- 8907.2 The RAD Project Owner will conduct any hearings authorized only under this subsection.
- 8907.3 There is no right to an informal hearing for class grievances or for disputes between residents not involving the RAD Project Owner or DCHA.
- 8907.4 When making a determination that creates a hearing right, the Rad Project Owner shall notify the family that the family may ask for an explanation of the basis of the determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
- 8907.5 The RAD Project Owner shall provide an opportunity for an informal hearing before an eviction.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY**NOTICE OF FINAL RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2018 Repl.)), hereby gives notice of the adoption of the following amendments to Section 6125 (Preferences for Placement Eligibility for Housing Choice Voucher Program Applicants) of Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to allow DCHA to offer, in limited instances, housing choice vouchers to public housing residents when DCHA determines they cannot remain in their current homes due to emergency conditions in the unit or another threat to life, safety, or health. Making these vouchers available will allow DCHA to re-house these families in suitable housing as quickly as possible, when DCHA determines no other appropriate public housing units are available.

These rules were previously published as an emergency and proposed rulemaking on September 21, 2018, at 65 DCR 9835. No comments were received. No changes have been made to the regulations from the previous publication. The Board of Commissioners of the District of Columbia Housing Authority approved these rules as final on May 8, 2019. These regulations will become effective upon publication of this notice in the *D.C. Register*.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING, is amended as follows:

Section 6125, PREFERENCES FOR PLACEMENT ELIGIBILITY FOR HOUSING CHOICE VOUCHER PROGRAM APPLICANTS, is amended as follows:

Subsections 6125.10-6125.12 are amended to read as follows:

6125.10 Permanent Supportive Housing - HCVP Applicants are included under this preference if an applicant is referred to DCHA by an agency of the District of Columbia government as an individual or family in need of permanent supportive housing for chronically homeless individuals and families with histories of homelessness. Up to three hundred sixty-two (362) vouchers are authorized for this purpose; provided however, to the extent any voucher issued under this provision is attrited, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

6125.11 Long Term Care Housing Limited Local Preference - HCVP Applicants are included under this preference if an applicant is referred to DCHA by an agency of the District of Columbia government as a person in need of housing with added wrap-around health care and in-home and community based services. The

applicants are either people with disabilities or the elderly who desire to maintain their independent living. Up to sixty-five (65) vouchers are authorized for this purpose; provided however, to the extent any voucher issued under this provision is attrited, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

- 6125.12 Shelter System Relief- Limited Local Preference - Applicants are included under this preference if an applicant is referred to DCHA by District of Columbia Department of Human Services ("DHS") or some other District agency as designated by the Office of the Mayor as a homeless individual or family temporarily housed in a shelter and such applicant meets the DHS eligibility requirements in addition to the DCHA HCVP program requirements. Up to one hundred thirteen (113) vouchers are authorized for this purpose; provided however, to the extent any voucher issued under this provision is attrited, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

New Subsections 6125.13 and 6125.14 are added to read as follows:

- 6125.13 Limited Local Preference for Condemnation Vouchers. Applicants are included under this preference if the Family is an occupant in a designated property the District of Columbia government has identified to DCHA as targeted for condemnation due to an inability to meet District of Columbia housing codes. The aggregate number of outstanding vouchers authorized for use is set by the Board of Commissioners from time to time; provided however, to the extent any voucher issued under this provision is attrited, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.
- 6125.14 Limited Local Preference for DCHA Mandatory Transfers Based on Emergency Conditions or other Threat to Life, Health or Safety. Applicants are included under this preference if the applicant is a current public housing head of household living in a public housing unit where DCHA has determined such resident needs to be relocated pursuant to a mandatory transfer based on emergency conditions in the current unit, or other threat to life, safety or health of the current unit in accordance with 14 DCMR § 6401.1(a), and no other suitable public housing unit or DCHA-controlled Rental Assistance Demonstration unit is available as determined by DCHA.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY**NOTICE OF FINAL RULEMAKING****Limited Local Preferences Regarding Project-Based Units**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the authority set forth in Sections 3 and 12 of the District of Columbia Housing Act of 1999 (the “Act”), effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code §§ 6-202, 6-211 (2018 Repl.)), hereby gives notices of the adoption of the following amendments to Section 6125 (Preferences for Placement Eligibility for Housing Choice Voucher Program Applicants), Chapter 61 (Public Housing: Admission and Recertification), of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendment is to allow DCHA to respond to the urgent need to provide public housing options for public housing families who need to be transferred in accordance with the DCHA mandatory provisions, including those related redevelopment or comprehensive modernization of public housing sites and those related to transfers necessary due to conditions which would threaten the health, safety, and welfare of the resident.

The regulation creates a new Housing Choice Voucher Program (HCVP) limited local preference which authorizes DCHA to offer a project-based unit to a public housing resident whose unit qualifies for a mandatory transfer based on the condition of the unit, a public safety issue, or based on relocation for comprehensive modernization or redevelopment. Such preference would apply when DCHA determines there are no other appropriate public housing units, or DCHA-controlled Rental Assistance Demonstration (RAD) units.

This rule was previously published as an emergency and proposed rulemaking on March 1, 2019, at 66 DCR 2517. No comments were received. No changes have been made to the regulation from the previous publication. The Board of Commissioners of the District of Columbia Housing Authority approved this regulation as final on May 8, 2019. These regulations will become effective upon publication of this notice in the *D.C. Register*.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING is amended as follows:

Section 6125, PREFERENCES FOR PLACEMENT ELIGIBILITY FOR HOUSING CHOICE VOUCHER PROGRAM APPLICANTS, is amended as follows:

A new Subsection 6125.16 is created to read as follows:

- 6125.16 Limited Local Preferences Regarding Project-Based Units.
- (a) Section 6125 of Title 14 of the District of Columbia Municipal Regulations in order to establish a limited local preference to authorize DCHA to offer a project-based unit to a current public housing resident in need of a mandatory transfer based on the condition of the unit in

accordance with 14 DCMR Section 6401.1(a), a public safety concern under 14 DCMR 6401.1(c), or relocation required under 14 DCMR Section 6401.1 (d) or (e) based on a substantial rehabilitation or modernization of a public housing unit or redevelopment of a public housing site. Such limited local preference is applicable in the event there are no other appropriate public housing units, or DCHA-controlled Rental Assistance Demonstration (RAD) units.

- (b) This limited local preference will prioritize these offers of project-based units after transfers among project-based units, but prior to applicants pulled from the Housing Choice Voucher waiting list. The residents must otherwise meet the income requirements and eligibility requirements of the Housing Choice Voucher Program and the tenant selection plan.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in §§ 202(b) and 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202.02(b) and 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to adopt the following amendments to Chapter 45 (Nutrition) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend and update the regulation governing the practice of nutrition in the District. Except for the recent amendment of the regulation to include the LGBTQ continuing education requirement, the regulation has remained largely unchanged since 2008. Specifically, some of the current provisions concerning educational and examination requirements may be confusing and unclear. Accordingly, this rulemaking attempts to clarify the requirements as well as updating them to reflect current trends in the profession. Additionally, this rulemaking also addresses scope of practice, professional standards, and tele-practice of nutrition. Further, the rulemaking will also update the continuing education requirements to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 45, NUTRITION, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4502, EDUCATIONAL AND TRAINING REQUIREMENTS, is amended by changing the section title to “QUALIFICATIONS FOR LICENSURE” and the section is amended to read as follows:

4502 QUALIFICATION FOR LICENSURE

4502.1 Except as otherwise provided in this chapter, an applicant seeking to qualify for a license to practice nutrition shall possess the following:

- (a) A baccalaureate or higher degree from a regionally accredited U.S. college or university with a major in human nutrition, foods and nutrition, dietetics, or food systems management; or
- (b) A baccalaureate or higher degree from a regionally accredited U.S. college or university with a major in a course of study found by the Board to be equivalent to one of the courses of study listed in paragraph (a) of this subsection; and
- (c) At least nine hundred (900) hours of supervised practice experience meeting the requirements of § 4502.3; and

- (d) Passage of one of the following examinations:
- (1) Certification Examination for Nutrition Specialists offered by the Board for Certification of Nutrition Specialists (BCNS);
 - (2) Registration Examination for Dietitians offered by the Commission on Dietetic Registration (CDR); or
 - (3) Certification Examination for a Diplomate of the American Clinical Board of Nutrition (DACBN).

4502.2 A degree required in §§ 4502.1(a) or (b) shall have been obtained from an academic institution that was approved by the appropriate accrediting body recognized by the Council for Higher Education Accreditation or the United States Department of Education at the time the degree was conferred.

4502.3 Except as provided in §§ 4502.4 and 4502.5 the supervised practice experience required in § 4502.1(c) shall meet the following requirements:

- (a) The applicant practiced dietetics or nutrition for at least nine hundred (900) hours under the supervision of a supervisor approved in accordance with § 4504;
- (b) At least one (1) hour per every forty (40) hours of this experience was under the immediate supervision of the approved supervisor and the remaining experience was under the general or immediate supervision of the supervisor; and
- (c) The applicant's performance was rated as at least satisfactory.

4502.4 An applicant who possesses a current certification in any one of the following qualifications shall be deemed to have met the requirements of § 4502.1:

- (a) Certification as a Certified Nutrition Specialist (CNS) from the Board for Certification of Nutrition Specialists (BCNS);
- (b) Certification as a Registered Dietitian (RD) from the Commission on Dietetic Registration (CDR); or
- (c) Certification as a Diplomate of the American Clinical Board of Nutrition (DACBN) from the American Clinical Board of Nutrition (ACBN).

4502.5 The Board may approve supervised practice not meeting the requirements of §§ 4502.3 or 4502.4, or totaling less than nine hundred (900) hours, if:

- (a) The Board has determined that the applicant has engaged in qualified internship(s) during his or her nutrition degree program that may be counted toward meeting the supervised practice requirement;
- (b) The Board has approved the number of hours of supervised practice proposed by the intending supervisor; and
- (c) The supervised practice does not begin until after the Board has approved both the supervisor and the proposed supervised practice.

Section 4503, APPLICANTS EDUCATED IN FOREIGN COUNTRIES, is amended to read as follows:

4503 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

4503.1 Notwithstanding the requirements of § 4502.1, the Board may grant a license to practice nutrition to an applicant who has completed an educational program in a foreign country if:

- (a) The applicant holds at least a bachelor's degree in science that is determined by the Board to be equivalent to one obtained from a regionally accredited U.S. institution; and
- (b) The applicant has completed at least nine hundred (900) hours of supervised practice experience that the Board deems to be equivalent to the requirements § 4502.3 under the supervision of a supervisor that the Board determines to meet the requirements of or comparable to § 4504.2.

Section 4504, SUPERVISED PRACTICE BY STUDENTS AND GRADUATES, is amended by changing the title of the section to "APPROVED SUPERVISOR'S QUALIFICATIONS" and the section is amended to read as follows:

4504 APPROVED SUPERVISOR'S QUALIFICATIONS

4504.1 Except as provided in § 4504.2, a supervisor who may be approved to supervise an applicant's supervised practice experience shall possess at least one of the following certifications:

- (a) Certified Nutrition Specialist (CNS) from the Board for Certification of Nutrition Specialists (BCNS);
- (b) Registered Dietitian (RD) from the Commission for Dietetic Registration (CDR); or
- (c) Diplomate of the American Clinical Board for Nutrition (DACBN) from the American Clinical Board for Nutrition (ACBN).

- 4504.2 A supervisor not meeting the requirement of § 4504.1 may supervise an applicant's supervised practice experience if:
- (a) The supervisor holds at last a bachelor's degree in science, dietetics, nutrition, or a related field;
 - (b) The Board has reviewed and determined:
 - (1) That the supervisor has practiced dietetics or nutrition for at least one (1) year; and
 - (2) That the supervisor understands and accepts the responsibility to provide the applicant with a supervised practice experience equivalent to the CNS standards.
- 4504.3 The supervisor seeking to provide supervision in accordance with § 4504.2 to a supervisee accruing practice experience in the District shall not begin such supervision or allow the supervisee to practice until the Board has approved that supervisor.

Section 4505, CDR EXAM, is amended by changing the title of the section to "AUTHORIZED PRACTICE WITHOUT A LICENSE" and the section is amended to read as follows:

4505 AUTHORIZED PRACTICE WITHOUT A LICENSE

- 4505.1 The following unlicensed persons may practice nutrition under supervision:
- (a) A student enrolled and fulfilling educational requirements in a program meeting the requirements of § 4502.1(a);
 - (b) A graduate from a program meeting the requirements of § 4502.1(a) who is enrolled in a postgraduate training program recognized by the Board;
 - (c) A graduate from a program meeting the requirements of § 4502.1(a) who is accruing the supervised practice experience required in § 4502.1(c); or
 - (d) A graduate from a program meeting the requirements of § 4502.1(b) who has received an approval from the Board to engage and accrue the supervised practice experience required in § 4502.1(c).
- 4505.2 A supervisor authorized to supervise the practice of persons enumerated in § 4505.1 shall meet the requirements of § 4504.

- 4505.3 A person authorized to practice under this section shall comply with all applicable provisions of this chapter and the Act.
- 4505.4 A person authorized to practice under this section shall not assume administrative or technical responsibility for the operation of a program of dietetics, clinical service, or unit.
- 4505.5 A person authorized to practice under this section shall identify himself or herself as a person practicing under supervision.
- 4505.6 A supervisor shall be fully responsible for all practice by the supervisee during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this subtitle by the supervisee.
- 4505.7 A graduate eligible to practice under § 4505.1(b) may practice for no more than twelve (12) months or for the duration of the graduate's postgraduate training program.
- 4505.8 A person authorized to practice under this section shall be subject to all of the applicable provisions of the Act and this chapter and may be subject to disciplinary action including the denial of a license if the person is found to have violated the Act or this chapter.

Section 4506, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

4506 CONTINUING EDUCATION REQUIREMENTS

- 4506.1 This section applies to applicants for the renewal, reactivation, or reinstatement of a license but does not apply to applicants for an initial license or for the first renewal of a license.
- 4506.2 A continuing education credit shall be valid only if it meets the requirements of § 4507 and is approved by the Board.
- 4506.3 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, thirty (30) hours of approved continuing education, which shall include the following:
- (a) Two (2) hours of LGBTQ continuing education; and
 - (b) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

4506.4 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)) who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year that the applicant was in inactive status, up to a maximum of five (5) years (seventy-five (75) hours of education credit); provided further that, for applicants who have been on inactive status for more than one (1) license year, at least thirty (30) of those hours shall have been completed in the two (2) years immediately preceding the date of submission of the reactivation application; and provided further that ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director to be public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

4506.5 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year that the applicant was not licensed, up to a maximum of five (5) years (seventy-five (75) hours of education credit), with at least thirty (30) of those hours having been completed in the two (2) years immediately preceding the date of submission of the reinstatement application; provided further that ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director to be public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

4506.6 A person requesting continuing education credits may prove completion of the required continuing education by establishing to the Board’s satisfaction that the requestor did complete the continuing education program or activity and that the program or activity meets the relevant requirements of § 4507.

4506.7 In lieu of requiring proof of completion of the required continuing education with a renewal application, the Board may rely on a renewal applicant’s attestation to his or her compliance and may periodically conduct a random audit of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit. Failure to timely respond to the audit notice may subject the licensee to disciplinary action by the Board.

Section 4507, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

4507 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

4507.1 The Board may, in its discretion, approve a continuing education program or activity that meets the following requirements:

- (a) The subject matter is current and relevant to the practice of dietetics or nutrition; and
- (b) The Board determines that the program or activity meets the following requirements:
 - (1) It is developed and administered or taught by individuals with appropriate qualifications and credentials;
 - (2) It contributes to the growth of professional competence in the practice of nutrition; and
 - (3) It meets all other applicable requirements of this section.

4507.2 The Board may, in its discretion, approve the following types of continuing education programs or activities:

- (a) Participating as a learner in a professional and structured education activity such as, but not limited to:
 - (1) An undergraduate or graduate course related to the discipline of human nutrition offered at an accredited college or university;
 - (2) A class, workshop, seminar, or teaching activity offered by one or more of the providers enumerated in § 4507.3;
- (b) Teaching a nutrition course at an accredited college or university;
- (c) Serving as an instructor or presenter at a professional education program at a professional conference, workshop, or in-service training;
- (d) Authoring or co-authoring an original published professional or peer-reviewed book or article or review article in the field of nutrition;
- (e) Serving as an editor or co-editor of a professional nutrition journal, advanced professional book or textbook in the field of nutrition; or
- (f) Participating as a researcher in a published research project.

4507.3 Programs or activities sponsored, offered, or approved by the following organizations shall be approved for continuing education credits:

- (a) Board for Certification of Nutrition Specialists (BCNS);
- (b) Commission on Dietetic Registration (CDR);

- (c) A health care facility accredited by the Joint Commission for the Accreditation of hospitals; or
- (d) A national, state, or local dietetic, nutrition, public health, medical, or educational organization approved or recognized by the Board;

4507.4 A person seeking continuing education credits shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program. The person shall also have the burden of verifying the number of continuing education credits the Board will accept for a program under this section.

Section 4508, CONTINUING EDUCATION CREDITS, is amended to read as follows:

4508 CONTINUING EDUCATION CREDITS

- 4508.1 One (1) continuing education credit hour (“CEU”) consists of at least fifty (50) minutes of learning time.
- 4508.2 For an approved undergraduate or graduate course, each semester hour of credit shall afford fifteen (15) hours of continuing education credits, and each quarter hour of credit shall afford ten (10) hours of continuing education credit.
- 4508.3 The Board may grant continuing education credit to a requestor who serves as an instructor or speaker at an approved program for both preparation and presentation time, subject to the restrictions under §§ 4508.4 through 4508.7.
- 4508.4 The maximum amount of credit which may be granted for preparation time shall be twice the amount of the associated presentation time.
- 4508.5 The maximum amount of credit which may be granted pursuant to § 4508.3 shall be fifty percent (50%) of a requestor’s continuing education requirement.
- 4508.6 If a requestor has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject.
- 4508.7 The presentation shall be completed during the period for which credit is claimed.
- 4508.8 The Board may grant a requestor who is an author or editor of a published book up to fifteen (15) hours of continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed, and the applicant submits proof of this fact with the application.

- 4508.9 The Board may grant a requestor who is an author of a published original paper up to six (6) hours of continuing education credits, subject to the same restrictions set forth for book authorship set forth in § 4508.8.
- 4508.10 The Board may grant a requestor who is the sole author of a published book review, article, or abstract, up to six (6) hours of continuing education credits, subject to the same restrictions set forth for book authorship set forth in § 4508.8.
- 4508.11 The Board may grant a requestor who is able to demonstrate participation in research, either as a principal investigator or as a research assistant, up to six (6) hours of continuing education credits.
- 4508.12 The Board may grant a requestor who is a co-author of a published book review, article, abstract, or original paper up to two (2) hours of continuing education credits, subject to the same restrictions set forth for book authorship in § 4508.9. A maximum of four (4) continuing education credits per year may be granted under this paragraph.

Section 4509, LICENSURE BY ENDORSEMENT, is amended by changing the title of the section to “PROFESSIONAL STANDARDS” and the section is amended to read as follows:

4509 PROFESSIONAL STANDARDS

- 4509.1 A nutritionist shall conduct him- or herself with honesty, integrity and fairness.
- 4509.2 A nutritionist shall support and promote high standards of professional practice, embody high ethical standards and adhere to all applicable local, state, and federal laws and regulations in the choices he or she makes.
- 4509.3 A nutritionist shall not misrepresent or fail to prevent misrepresentation of his or her professional qualifications or credentials.
- 4509.4 A nutritionist shall not permit the use of his or her name for the purpose of certifying that nutrition services have been rendered unless the nutritionist has provided or supervised the provision of those services.
- 4509.5 A nutritionist shall maintain knowledge and skills required for professional competence and shall provide services or care within their own scope of practice and competence.
- 4509.6 A nutritionist shall respect the rights of patients or clients to self-determination and make his or her best good faith efforts to provide unbiased information and facilitate understanding to enable the patient or client to make informed choices in regard to all recommended plans of care or assessment.

4509.7 A nutritionist shall not promote or endorse products in a manner that is false or misleading.

4509.8 A nutritionist shall not aid or abet the practice or misrepresentation of an unlicensed person.

Section 4510, USE OF TITLE REGISTERED DIETITIAN, is amended by changing the section title to “SCOPE OF PRACTICE” and the section is amended to read as follows:

4510 SCOPE OF PRACTICE

4510.1 A nutritionist licensed or authorized to practice under this chapter may provide general nutrition services or medical nutrition therapy.

4510.2 Medical nutrition therapy includes any of the following activities:

- (a) Completion of individualized nutritional assessment, evaluation, or diagnosis for a patient or client, using anthropometric, biochemical, nutrition physical or clinical examination, genomics, nutritional genomics, or demographic data;
- (b) Creation of patient or client-specific treatment plan or protocol;
- (c) Creation of therapeutic diet orders or therapeutic menus; or
- (d) Monitoring and evaluating a patient’s or client’s progress based on the treatment plan or therapeutic diet orders.

4510.3 A nutritionist may order and assess laboratory tests related to dietetics or nutrition care including, but not limited to, standard lab testing, in-office testing, functional testing, or nutrigenomics.

4510.4 In order to engage in the tele-practice of dietetics or nutrition for a client or patient located within the District of Columbia, a license to practice dietetics or nutrition in the District is required, except as specified in D.C. Official Code § 3-1205.02. A nutritionist engaging in tele-practice for a client or patient outside the District shall meet any licensure or practice requirements of the jurisdiction in which the client or patient is physically located.

4510.5 A nutritionist may utilize health information and communication technology to supervise the practice of a student or person accruing authorized supervised practice experience provided that the existing standards of care and conduct are maintained and the nutritionist complies with the licensure and practice requirements of the jurisdiction in which the supervised practice occurs.

- 4510.6 A nutritionist may delegate the following tasks to an aide who has been adequately trained for and performs such tasks under the nutritionist's supervision:
- (a) Collects physical and clinical data pertaining to individuals or groups for the purpose of diagnosis or assessment; or
 - (b) Reviews and provides basic nutritional guidance to individuals or groups in accordance with the established procedures and guidelines developed or approved by the supervising nutritionist.
- 4510.7 It shall not constitute the practice of dietetics or nutrition for a person to provide general nutrition services through the following activities, provided that such activities do not constitute medical nutrition:
- (a) Educating individuals or groups in the selection of food to meet normal nutrition needs;
 - (b) Planning, organizing, coordinating, or evaluating the nutritional components of community health services; or
 - (c) Providing food or nutrition information to promote general wellness.

Section 4599, DEFINITIONS, is amended as follows:

Section 4599.1 is amended to read as follows:

- 4599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:
- Act** – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).
- Board** – the Board of Dietetics and Nutrition, established by § 202 of the Act, D.C. Official Code § 3-1202.02 (2016 Repl.).
- Director** - The Director of the Department of Health, or the Director's designee.
- General Supervision** – supervision in which the supervisor is available to supervise or give guidance or feedback to the supervisee by any telecommunication means or device.
- Immediate Supervision** – supervision in which the supervisor meets with the supervisee in person or via telecommunication technology in order to

provide reviews or guidance on practice, or discuss or observe the supervisee's practice.

Nutritionist – a person licensed or authorized to practice nutrition under the Act and this chapter.

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Medical nutrition therapy - the use of specific nutrition services to prevent, treat, or rehabilitate an illness, injury, or condition. Medical nutrition therapy includes nutrition assessment, intervention, education, and counseling.

Requestor – A person seeking continuing education credits.

Tele-practice of dietetics or nutrition - the practice of dietetics or nutrition by a nutritionist to provide client or patient care, treatment, or services while the nutritionist is physically in one location and the client or patient in another location with or without an intervening healthcare provider, through the use of health information and communication technology, subject to the existing standards of care and conduct.

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, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 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 the intent to amend Chapter 73 (Occupational Therapy Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to require occupational therapy assistants seeking to renew, reactivate, or reinstate the license to complete continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 73, OCCUPATIONAL THERAPY ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7304, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7304.1 is amended to read as follows:

7304.1 This section applies to all renewal applicants but shall not apply to applicants for the first renewal of a license granted by examination. This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement.

Subsection 7304.2 is amended to read as follows:

7304.2 To qualify for the renewal of a licensee, an applicant shall have completed a minimum of twelve (12) contact hours of approved continuing education in accordance with §§ 7305 and 7306 during the two (2)-year period preceding the date the license expires; ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Beginning with the licensure term starting on October 1, 2017, the continuing education required in this section shall include two (2) hours of LGBTQ continuing education.

Section 7309, REACTIVATION, is amended as follows:

Subsection 7309.3 is amended to read as follows:

7309.3 A reactivation applicant whose license has been inactive five (5) years or less who does not hold a license in any other jurisdiction shall submit proof in accordance with § 7304.5, of having completed six (6) contact hours of approved continuing

education for each year that the applicant was in inactive status. Two (2) of the total contact hours of continuing education required under this section shall be LGBTQ continuing education Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7309.4 is amended to read as follows:

- 7309.4 A reactivation applicant whose license has been inactive for more than five (5) years who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed the following:
- (a) Thirty (30) contact hours of approved continuing education in accordance with §§ 7305 and 7306, three of the thirty (30) hours shall be in public health priorities and at least twelve (12) of the thirty (30) hours shall be completed within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education; and
 - (b) One hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

Section 7310, REINSTATEMENT, is amended as follows:

Subsection 7310.3 is amended to read as follows:

- 7310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed six (6) contact hours of approved continuing education for each year that the applicant was not licensed in the District up to a maximum of thirty (30) hours. Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Twelve (12) contact hours shall have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education.

Subsection 7310.4 is amended to read as follows:

- 7310.4 A reinstatement applicant who does not hold an active license in any other jurisdiction shall submit proof:
- (a) Pursuant to § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the reinstatement applicant was not licensed. Ten percent (10%) of the total required

continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Twelve (12) contact hours shall have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education; and

- (b) Of having completed one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

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, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF THIRD PROPOSED RULEMAKING****RM16-2019-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING POLE ATTACHMENTS IN THE DISTRICT**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802 (2012 Repl.), 2-505 (2016 Repl.), 34-1102 (2012 Repl.), and 34-1253.03 (2012 Repl.) of the District of Columbia Code of its intent to repeal and replace Chapter 16 (Pole Attachment Regulation for Cable Television) 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 Commission proposes to repeal Chapter 16, governing pole attachment disputes between public utilities and cable operators to make the procedures in Chapter 16 consistent with both D.C. Official Code §§ 34-1102 and 34-1253.03, which apply to cable operators and other entities. The replacement rules govern disputes between public utilities and other entities over the use of public utility facilities and disputes between public utilities and cable operators for the use of public utility facilities and rights of way. This Notice of Third Proposed Rulemaking differs from the NOPR published on February 1, 2019,¹ and the Second NOPR published on April 26, 2019,² in that entities other than public utilities are expressly permitted to file applications regarding the use of public utility facilities and cable operators are expressly permitted to file applications regarding the use of public utility rights of way. The rules also govern disputes regarding public utilities' removal of entities' equipment from and changes in rates for the use of public utility facilities.

Chapter 16, POLE ATTACHMENT PROVISIONS FOR CABLE TELEVISION, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

The title of Chapter 16 is renamed to read as follows:

CHAPTER 16 USE OF PUBLIC UTILITY FACILITIES

Sections 1601-1608, 1613, and 1699 are repealed in their entirety.

¹ 66 DCR 1505-1507 (February 1, 2019).

² 66 DCR 5437-5439 (April 26, 2019).

A new Chapter 16 is proposed to read as follows:

CHAPTER 16 USE OF PUBLIC UTILITY FACILITIES

1600	PURPOSE
1601	APPLICATIONS
1602	NOTICE OF REMOVAL AND PETITION FOR TEMPORARY STAY
1603	RULES GOVERNING DISPUTES BETWEEN PUBLIC UTILITIES AND CABLE OPERATORS
1604	WAIVER OF RULES
1699	DEFINITIONS

1600 PURPOSE

1600.1 This chapter shall implement the Commission's regulatory authority over access to a public utility's Facilities by another public utility or by any person, firm, copartnership, association, or corporation interested in the use of a public utility's Facilities. This chapter shall implement the Commission's regulatory authority over access to a public utility's rights of way by cable operators. This chapter also provides procedures for the processing of Applications regarding the use of such Facilities or rights of way or petitions for temporary stay pertaining to removal of equipment or changes in rates.

1601 APPLICATIONS

1601.1 Private negotiation of agreements regarding the use of a public utility's Facilities by another public utility or by any person, firm, copartnership, association, or corporation interested in the use of a public utility's Facilities is encouraged by the Commission. In case of failure to agree upon the use of a public utility's Facilities by another public utility or by any person, firm, copartnership, association, or corporation interested in the use of a public utility's Facilities, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation may file an Application with the Commission.

1601.2 Applications filed under this chapter shall be filed in accordance with and shall be governed by the procedures set forth in Chapter 1 of this title, except as otherwise provided by this chapter.

1601.3 The Application shall specify the cause of the dispute. The Application shall be accompanied by a copy of the agreement for the use of the Facilities, if any, between the Applicant and the public utility.

1601.4 The Applicant shall have the burden of proof.

1601.5 The Commission shall investigate the Application. If the Commission determines that public convenience and necessity require such use of the Facilities and that it would not result in irreparable injury to the owners or other user of the Facilities nor in any substantial detriment to the service to be rendered by the owners or other users of the Facilities, the Commission shall direct that use of the Facilities be permitted and prescribe the conditions and compensation for such joint use.

1601.6 With respect to any Application, the Commission shall take final action within three hundred and sixty (360) days after the filing of the Application.

1602 NOTICE OF REMOVAL AND PETITION FOR TEMPORARY STAY

1602.1 Unless an agreement between a public utility and any person, firm, copartnership, association, or corporation using utility Facilities provides otherwise, a public utility shall provide any person, firm, copartnership, association, or corporation using a public utility's Facilities no less than sixty (60) days written notice prior to the following:

(a) Removal of any person, firm, copartnership, association, or corporation's equipment or termination of services to any person, firm, copartnership, association, or corporation's equipment located on the public utility Facilities; or

(b) Changes in rates for the use of public utility Facilities.

1602.2 Any person, firm, copartnership, association, or corporation affected by the notice in Subsection 1602.1 may file a petition for temporary stay of the action in the notice within fifteen (15) days of the notice.

1602.3 An answer to a petition for temporary stay shall be filed within ten (10) days of the filing of the petition for temporary stay.

1602.4 A petition for temporary stay shall be governed by the procedures set forth in Chapter 1 of this title, except as otherwise provided by this chapter.

1603 RULES GOVERNING DISPUTES BETWEEN PUBLIC UTILITIES AND CABLE OPERATORS

1603.1 Cable operators may also file Applications or petitions for temporary stay regarding the use of existing utility rights of way located in the District of Columbia. These Applications and petitions for temporary stay shall be governed by the provisions of D.C. Official Code § 34-1253.03 and Subsections 1601 and 1602.

1604 WAIVER OF RULES

1604.1 The Commission may grant exceptions to this chapter, for good cause shown, to promote justice or to prevent hardship.

1699 DEFINITIONS

1699.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Applicant – a public utility or any person, firm, copartnership, association, or corporation who files an Application.

Application – a filing by either a public utility or any person, firm, copartnership, association, or corporation interested in the use of a public utility's Facilities.

Cable operator – a person or group of persons: (A) who provides cable service over a cable system or over an open video system and directly or through one or more affiliates owns a significant interest in such cable system or open video system; or (B) who controls or is responsible for, through any arrangement, the management and operation of a cable system or open video system.

Commission – the Public Service Commission of the District of Columbia.

Facilities – tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment.

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 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.dcpssc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpssc.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.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(D) (allocating and regulating on-street parking) and 6(b) (transferring to the Department the parking management function previously delegated to the Department of Public Works under Section III (H) of Reorganization Plan No. 4 of 1983) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(a)(3)(Q) (2014 Repl. & 2018 Supp.)) and 50-921.05(b) (2014 Repl.), hereby gives notice of the intent to adopt amendments to Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) and Chapter 27 (Special Parking Privileges for Persons with Disabilities) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed regulations will expand the On-Street Metered Parking for Persons with Disabilities (Red Top Meter program) beyond the Central Business District by adding the Ballpark Performance Parking Pilot Zone as defined in D.C. Official Code § 50-2532.

Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows:

Section 2406, PARKING PROHIBITED BY POSTED SIGN, is amended as follows:

Paragraph (a) of Subsection 2406.9 is amended to read as follows:

- (a) The Director is authorized to establish on-street metered parking spaces, within the Central Business District, as defined in Title 18, and the Ballpark Performance Parking Pilot Zone, as defined in D.C. Official Code § 50-2532, for the exclusive use of persons with disabilities using vehicles displaying valid disability license tags or valid disability permits issued by the District pursuant to Chapter 27 or issued by another jurisdiction meeting the requirements of § 2717.1.

Chapter 27, SPECIAL PARKING PRIVILEGES FOR PERSONS WITH DISABILITIES, is amended as follows:

Section 2704, ISSUANCE OF SPECIAL LICENSE TAGS OR PARKING PERMIT, is amended as follows:

2704.10 Until such time as the Director has established a program for reserved on-street metered parking spaces outside the Central Business District and the Ballpark Performance Parking Pilot Zone in accordance with § 2406.10, a vehicle displaying a disability license tag or disability parking permit for a person with a disability, whether issued by the Director or any other jurisdiction, shall be permitted to park at a metered space outside of the Central Business District or Ballpark Performance Parking Pilot Zone, without depositing payment established for the on-street metered parking space, for twice the period of time, but not to exceed four (4) hours.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Cameron Stokes, Policy and Legislative Affairs Division, DDOT, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF EMERGENCY RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to the authority established in Mayor's Orders 2008-92, dated June 26, 2008 and 2019-033, dated May 7, 2019; Chapter 36 of Title 47 of the District of Columbia Official Code; and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-601.01 *et seq.* (2016 Repl. & 2018 Supp.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 26 (Defined Contribution Pension Plan) of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends Sections 2601 through 2607 of, and adds new Sections 2608 and 2609 to, Title 6-B DCMR Chapter 26, to align the language of the existing regulations governing the defined contribution program (401(a) Plan) with current statutory requirements. Amendments include: an alignment of the percentage of the District's minimum contribution to 401(a) Plan participants' accounts to five percent (5%) of an employee's basic annual salary for regular participants, and not less than five and a half percent (5.5%) of an employee's basic annual salary for detention officers; providing clarification that participants in the plan become partially vested after two (2) years of creditable service instead of five (5) years; the addition of new graded vesting schedule requirements; and revisions of outdated language in the existing provisions to be consistent with the defined contribution plan and existing law.

This rulemaking also adds Sections 2610 through 2619 of Title 6-B DCMR Chapter 26, to implement the District's deferred compensation plan (457(b) Plan). These new sections include automatic enrollment provisions that will require newly hired employees and rehired employees who are eligible to participate in the 457(b) Plan to be automatically enrolled as participants effective the date of their employment. All participants will be enrolled at five percent (5%) of their annual base salary as pre-tax contributions, until the participant elects to increase, reduce, or cease their contribution amount under the plan.

Finally, this rulemaking updates Section 2699 (Definitions) of Title 6-B DCMR Chapter 26 to revise existing definitions related to the 401(a) Plan and add new terms related to the 457(b) Plan.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District employees. The retirement benefits program includes financial instruments designed to help District employees after they stop working. These rules will provide guidance to District employees, providers, beneficiaries, and other stakeholders as the District expands and clarify provisions on the existing retirement program and implements the new 457(b) Plan automatic enrollment program that will assist in preserving the health, safety, and welfare of employees covered under this program.

The emergency rules were adopted on May 24, 2019 and will become effective on May 24, 2019. The emergency rules will remain in effect for one hundred and twenty (120) days or until

September 21, 2019, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 26, DEFINED CONTRIBUTION PENSION PLAN, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:

The chapter heading is amended to read as follows:

CHAPTER 26 RETIREMENT BENEFITS

Sections 2601 through 2607 are amended to read as follows:

2601 DISTRICT RETIREMENT BENEFITS PROGRAM

2601.1 The District retirement benefits program (“Program”) consists of:

- (a) A defined contribution plan pursuant to § 401(a) of the Internal Revenue Code (“IRC”);
- (b) A deferred compensation plan benefit, as provided in § 457(b) of the IRC; and
- (c) Social Security, as provided in Chapter 7 of Title 42 of the U.S. Code.

2601.2 Except for positions excluded by § 2603.10, the following employees who were first employed in the District government (“District”) after September 30, 1987, are eligible to participate in the Program:

- (a) All full-time permanent employees;
- (b) Part-time permanent employees who work at least thirty (30) hours per week; and
- (c) Term appointees of more than twelve (12) months.

2601.3 This chapter and the Program shall be implemented consistent with controlling provisions in the IRC and regulations issued to implement the IRC (federal regulations”). If any provision in this chapter conflicts with the IRC and federal regulations, the IRC and federal regulations shall control.

2602 DISTRICT OF COLUMBIA DEFINED CONTRIBUTION PLAN

2602.1 The District of Columbia Defined Contribution Plan (“401(a) Plan”) is designed to comply with the requirements §§ 401(a) and 501(a) of the IRC and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-626.01 *et seq.*) (the “Act”).

- 2602.2 There shall be established an irrevocable trust called the § 401(a) Trust (“Trust”), that shall be managed so as to be exempt from income tax under § 501(a) of the IRC. The funds contributed by the District under the 401(a) Plan shall be placed in the Trust. The assets of the Trust shall be administered by the Mayor.
- 2602.3 Contributions made to the Trust by the District are for the purpose of distributing the Trust’s principal and income to employees in accordance with the 401(a) Plan.
- 2602.4 The 401(a) Plan shall be maintained for the exclusive benefit of employees or their beneficiaries covered under the Trust. There shall be no part of the principal or income of the Trust used for any other purpose before the satisfaction of 401(a) Plan liabilities.
- 2602.5 With the consent of the Administrator, the Trustee, or the Trustee’s designee may accept rollover contributions to be held for the benefit of any participant in accordance with the 401(a) Plan Document.

2603 PARTICIPATION IN THE PLAN

- 2603.1 Eligible employees (employees who are first employed in the District after September 30, 1987, in a benefit-eligible position in a covered employment as defined in § 2699 and who are not excluded from participation by law or regulation) are covered under the 401(a) Plan.
- 2603.2 The personnel authority shall enroll each eligible employee into the 401(a) Plan as a participant at the beginning of the first pay period immediately following the employee’s completion of one (1) year of creditable service, provided the employee first completes the 401(a) Plan enrollment forms.
- 2603.3 A participant shall have a vested interest in his or her benefits in the 401(a) Plan as outlined in § 2605.1.
- 2603.4 A participant who ceases to be an eligible employee but remains employed with the District, shall resume participation in the 401(a) Plan on the first day of the first pay period that commences after he or she resumes service as an eligible employee.
- 2603.5 The Administrator shall suspend the participation in the 401(a) Plan of any participant who separates from service for more than three (3) workdays in accordance with the 401(a) Plan Document. The participant shall resume participation in the 401(a) Plan if reinstated, restored to duty or reemployed by the District in accordance with §§ 2603.7, 2603.8, or 2603.9. If a participant is not reemployed with the District within one (1) year of separation, except as provided in 2603.8 and 2603.9, he or she shall be terminated from participation in the 401(a) Plan pursuant to § 2603.6 and his or her inactive account shall be forfeited and disposed of pursuant to § 2606.8.
- 2603.6 The Administrator shall terminate the participation in the 401(a) Plan for:

- (a) Each participant who does not have a vested interest in his or her benefits in accordance with § 2605.1 and who is separated from service for more than one (1) year, unless the participant is reemployed by the District in accordance with §§ 2603.8 or 2603.9; and
- (b) Each participant or former participant who has a vested interest in his or her benefits in accordance with § 2605.1, or his or her beneficiary, upon receipt of all benefits in his or her active or inactive account.

2603.7 A participant in the Plan who is removed or suspended without pay and later reinstated or restored to duty on the grounds that the removal or suspension was unwarranted or unjustified, shall be entitled to immediately resume accruing creditable service for purposes of vesting in the 401(a) Plan, or to resume participation in the 401(a) Plan, whichever is applicable, and to receive any creditable service which otherwise would have been credited pursuant to §§ 2604.1, 2604.2, and 2604.3. Appropriate increases shall be made in the Trust to reflect the District contributions that would have been made had the employee not been removed or suspended.

2603.8 A former employee who is reemployed by the District within one (1) year of the date of separation shall resume participation in the 401(a) Plan immediately, without a loss of prior creditable service or forfeiture of any contributions and income allocated to his or her basic contribution account, during that period of separation from service. If a vested participant receives any or all his or her benefits during the separation from service, then he or she shall be vested only for the following amounts upon reemployment:

- (a) Any remaining benefits in his or her basic contribution account;
- (b) Any income allocated to his or her basic contribution account during the period of separation; and
- (c) Any contributions and income allocated to his or her basic contribution account after the reemployment.

2603.9 Except as provided in § 2603.7, a participant, whether or not his or her interest in benefits has vested, who is reemployed by the District after a separation from service for more than one (1) year, must satisfy the requirements of §§ 2603.1 and 2603.2 to become eligible to participate in the 401(a) Plan, and must also satisfy the requirements of § 2605.1 to become vested in the 401(a) Plan with respect to any contributions and income allocated to his or her basic contribution account after such reemployment. If an employee has met the vesting schedule requirements in accordance with § 2605.1 prior to the separation from service, then he or she shall remain vested as to any remaining benefits, and income thereon, in his or her basic contribution account at the time of such reemployment.

- 2603.10 The following types of employment are “non-covered employment” for purposes of the 401(a) Plan:
- (a) Any position when the employee serves under an appointment of one (1) year or less, except when the appointment follows service in a covered position by a break in service of three (3) days or less;
 - (b) Any position when the employee serves without an assigned tour of duty;
 - (c) Any position held by a summer youth employee;
 - (d) Any position that is not paid according to a District pay schedule and that is held by a patient or a resident in a hospital, home, or penal or mental institution of the District;
 - (e) Any position when the employee is paid on a contract or fee basis;
 - (f) Any student-employee who receives a stipend and is assigned or attached primarily for training purposes to a hospital, clinic, or laboratory operated by the District;
 - (g) A police officer or firefighter who is covered under the D.C. Police and Firefighters’ Retirement Plan pursuant to D.C. Official Code § 5-701(1)(A) (2012 Repl.);
 - (h) An employee who is covered under the D.C. Teachers’ Retirement Plan as specified in D.C. Official Code § 38-2021.13 (2012 Repl.);
 - (i) An employee at the University of the District of Columbia (University) who is covered under the University’s IRC § 403(b) savings plan;
 - (j) A substitute or evening school teacher, pursuant to D.C. Official Code § 38-2021.13 (2016 Repl.);
 - (k) A judge or Executive Officer employed at the District of Columbia Court of Appeals or the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, Police Court, Municipal Court, Municipal Court of Appeals, or District of Columbia Court of General Sessions; and
 - (l) Any other service performed in a position deemed to be non-covered employment pursuant to the Act, this chapter, or the 401(a) Plan Document.
- 2603.11 Each participant’s account shall be charged with its proportionate share of any expenses paid from the 401(a) Plan and shall also include any functional subaccounts as may be established by the Administrator from time to time. To the

extent that the Administrator determines that a functional subaccount no longer needs to be maintained, such functional subaccount may be combined with another functional subaccount. The functional subaccounts are as follows: (1) Basic Contribution Account or (2) Rollover Contribution Account.

2604 CREDITABLE SERVICE

- 2604.1 Creditable service shall be measured for an eligible employee from the date the employee's eligible service under § 2601.2 begins until the date of the employee's separation from that eligible service.
- 2604.2 Eligibility and vesting in the 401(a) Plan shall be based on a participant's total number of years and months of creditable service, including any fractional parts of a calendar month. With respect to any fractional parts of a calendar month, thirty (30) calendar days shall equal one (1) calendar month.
- 2604.3 Service in any covered employment for less than twelve (12) months shall be counted as creditable service towards satisfying the one (1) year of creditable service for participation in the 401(a) Plan if the employee is placed in another position that qualifies as eligible service under § 2601.2 within three (3) workdays of terminating service in the previous covered position.
- 2604.4 An employee shall accrue creditable service for all the following purposes:
- (a) To qualify for 401(a) Plan participation, in accordance with §§ 2603.1 and 2603.2;
 - (b) To determine when the interest of an employee in his or her account shall vest in accordance with § 2605.1; and
 - (c) To determine when contributions are to be paid to the Trust on behalf of an employee in accordance with §§ 2603.1 and 2606.1.
- 2604.5 Creditable service shall not include any of the following:
- (a) When an employee is removed or suspended from service or is in an unauthorized leave without pay status for a period that exceeds thirty (30) workdays in a calendar year, except as specified in § 2603.7;
 - (b) Any portion of an authorized leave of absence without pay that exceeds two (2) years, except for military leave or furlough as authorized under applicable law or regulations;
 - (c) Any service performed in non-covered employment, as defined by § 2603.10;

- (d) Any prior service of an employee who was employed less than one (1) year if the employee was separated from service for more than three (3) workdays, except as provided in §§ 2603.7 and 2603.8;
- (e) Any prior service of an employee participant reemployed by the District after a separation from service of more than one (1) year, except as provided for in § 2603.9;
- (f) Any annual or sick leave accrued by an employee prior to his or her separation from service; and
- (g) Any service otherwise excluded from creditable service by law, regulations, or the 401(a) Plan Document.

2605 VESTING REQUIREMENTS

2605.1 A participant shall become fully vested in his or her benefits in the 401(a) Plan when the employee:

- (a) Attains age sixty-five (65) and separates prior to meeting the vesting requirement;
- (b) Becomes entitled to disability benefits under the Social Security Act;
- (c) Dies while employed with the District; or
- (d) Prior to December 8, 2009, completes five (5) years of creditable service in covered employment.

2605.2 Effective December 8, 2009, a participant who is not vested in the 401(a) Plan under the terms set out in § 2605.1, shall become partially and fully vested in his or her benefits in the Plan according to the following schedule:

Years of Creditable Service	Vested Percentage
Less than 2	0%
2	20%
3	40%
4	60%
5 or more	100%

2606 DISTRICT CONTRIBUTIONS TO THE TRUST

- 2606.1 The District shall make contributions on no less than a quarterly basis to the Trust in an amount equal to the sum of the amounts calculated in accordance with §§ 2606.2 and 2606.3, which shall be allocated to the active account of each participant subject to the limitations on contributions as established by 26 USC § 415.
- 2606.2 The District shall contribute to the Trust an amount equal to five percent (5%) of the base salary of each employee participating in the 401(a) Plan, except in the case of detention officers, the District shall contribute no less than five and a half percent (5.5%) of the base salary of each participant.
- 2606.3 The District shall only make contributions that are consistent with the Act, this chapter, and the 401(a) Plan Document. The District shall not make contributions for any of the following:
- (a) Employees who have not attained one (1) year of creditable service;
 - (b) Any period when the participant performs service in non-covered employment, as defined by § 2603.10;
 - (c) Any period when a participant is in a non-pay status;
 - (d) Any period when a participant has been removed or suspended from service without pay, except as provided for in § 2603.7;
 - (e) Any period when the participant is separated from service in excess of three (3) workdays, except as provided in §§ 2603.7 and 2603.8; and
 - (f) Any participant whose is not eligible to participate in the 401(a) Plan pursuant to the Act, this chapter, or 401(a) Plan Document.
- 2606.4 A participant is neither required nor permitted to make payments to the Trust.
- 2606.5 A participant shall have no right to any contributions or income allocated to his or her active account, until the participant becomes vested in accordance with § 2605.
- 2606.6 If a participant separates from the District prior to attaining the vesting requirements of § 2605, no contributions shall be allocated to his or her active account during the period of separation, and all contributions and income previously allocated to his or her active account shall be transferred to an inactive account during the period of separation.
- 2606.7 If the former participant is reemployed with the District in accordance with § 2603.7 or § 2603.8, all contributions and income transferred to an inactive

account shall be reinstated to the participant and transferred back to an active account.

2606.8 If a participant separates from the District prior to attaining the vesting requirements of § 2605 and is not reemployed in the District in accordance with §§ 2603.7 or § 2603.8, then his or her contributions and income that were transferred to an inactive account shall be forfeited.

2606.9 The Trustee shall return to the District contributions that were made to the Trust, and any income thereon, if:

- (a) The 401(a) Plan does not qualify under IRC §§ 401(a) and 501(a);
- (b) The contributions or income have been allocated to any active or inactive account under a mistake of fact; or
- (c) Any funds remain in the Trust after the 401(a) Plan has terminated and all liabilities of the Trust have been satisfied.

2606.10 No contributions to the Trust, nor any income earned thereon, shall be used for or diverted for purposes other than the exclusive benefit of the participants, former participants, and their beneficiaries, prior to the satisfaction of all liabilities to the participants, former participants, and beneficiaries.

2607 DISTRIBUTION AND FORFEITURE OF BENEFITS UNDER THE 401(a) PLAN

2607.1 Except as provided in Subsection 2607.2, a participant who has separated from the District and who has not met the two (2) years of creditable service required for vesting in a 401(a) Plan account under § 2605, shall have those contributions forfeited and shall not receive a distribution of benefits. The contributions shall be restored if the participant is rehired within one (1) year after the date of separation, as provided in § 2603.8.

2607.2 A participant who has separated from the District and who has not met the two (2) years of creditable service required for vesting in a 401(a) Plan account under § 2605, but who has attained age sixty-five (65) prior to separating from the District, separated from the District due to disability, or has separated from the District due to the participant's death, shall become fully vested as a participant.

2607.3 Upon written request, a vested participant or former participant, or beneficiary, who separates from service, becomes disabled, or dies shall receive vested 401(a) Plan benefits distributed in a lump sum payment unless a different distribution option is elected pursuant to § 2607.5. The lump sum payment shall be made as soon as administratively feasible after satisfactory proof has been submitted, but in no more than sixty (60) days after the end of the quarter during which the separation from service, disability, or death occurs.

- 2607.4 If a participant dies prior to the commencement of a distribution of benefits, the benefits shall be distributed to the beneficiary in accordance with the 401(a) Plan Document.
- 2607.5 A vested participant, former participant, or beneficiary, may elect to have vested 401(a) Plan benefits distributed, as provided by the 401(a) Plan, pursuant to the limitations set forth in IRC § 401(a)(9), in one or a combination of the following:
- (a) Single life annuity;
 - (b) Joint and survivor annuity made over the joint lives of the participant and a beneficiary;
 - (c) Periodic annuity for a certain number of years without a life contingency;
 - (d) Installments of substantially equal amounts for a specific period, not to exceed the life expectancy of the employee or beneficiary; or
 - (e) A lump sum.
- 2607.6 Notwithstanding any other provisions of the 401(a) Plan Document, distributions under § 2607.5 shall be in accordance with § 2607.3 and IRC § 401(a)(9).
- 2607.7 A vested participant, former participant, or beneficiary of a 401(a) Plan account (excluding rollover contribution) of one thousand dollars (\$1,000) or more, must submit a written request for distribution of benefits. A 401(a) Plan account of less than one thousand dollars (\$1,000) (excluding rollover contributions) may be paid out without the participant's or beneficiary's consent.
- 2607.8 In no event shall the distribution of benefits to a participant or former participant, commence later than April 1 of the calendar year following the year in which he or she retires or terminates employment, or attains the age of seventy and one-half (70½), or by such other age, if any, that the Internal Revenue Service (IRS) may establish which is applicable to qualified plans under IRC § 401(a).
- 2607.9 Prior to any distribution of benefits from the 401(a) Plan to a former employee, the former participant must attest to his or her employment status with the District government and his or her marital or domestic partnership status and, if married or in a domestic partnership, submit written consent, witnessed by a notary public, from his or her spouse or domestic partner, to any distribution of benefits, unless it is established to the satisfaction of the Administrator that this consent cannot be obtained due to incompetence, incapacitation, or unavailability of the spouse or domestic partner.
- 2607.10 If a participant, former participant, or beneficiary elects to have benefits distributed in accordance with § 2607.5, his or her active account shall be

transferred to an inactive account during the period for which benefits are to be distributed.

- 2607.11 If a former participant dies after the commencement of a distribution of benefits, distribution of any remaining benefits shall be to the beneficiary of the former participant in accordance with the 401(a) Plan Document.
- 2607.12 If a participant becomes disabled prior to a separation from service, benefits shall be distributed to the employee in accordance with the 401(a) Plan Document.
- 2607.13 If a participant or former participant dies without designating a beneficiary, distribution of any remaining benefits shall be in accordance with the 401(a) Plan Document.
- 2607.14 A participant or former participant who is married or in a domestic partnership may only designate a beneficiary other than his or her spouse or domestic partner upon the written attested consent of the spouse or domestic partner, unless it is established to the satisfaction of the Administrator that this consent cannot be obtained due to incompetence, incapacitation, or unavailability of the spouse or domestic partner.
- 2607.15 A participant who dies while performing qualified military service (as defined in 26 U.S.C. § 414(u)(5)) on or after January 1, 2007, shall be treated as if the participant resumed employment the day before death and terminated employment on the actual date of death. The account shall be payable to designated beneficiary.
- 2607.16 An employee of the Fire and Emergency Medical Services Department holding a valid certificate as a paramedic, serving as an emergency medical technician, or serving as a hazards or emergency medical services specialist, who is appointed to serve as a uniformed firefighter position may elect to transfer his or her 401(a) Plan account to the D.C. Police Officers' and Firefighters' Retirement Fund.
- 2607.17 A participant who is at least age seventy and a half (70½) years may request a non-hardship withdrawal from his or her 401(a) Plan account as follows:
- (a) The withdrawal request may be made at any time;
 - (b) A minimum amount of one hundred dollars (\$100.00) may be withdrawn; unless the amount available is less than \$100.00; and
 - (c) The amount withdrawn shall be distributed from the participant's investment funds designated by the participant, provided that the designated investment funds hold a balance as of the withdrawal date sufficient to pay the full amount of the withdrawal request.

New Sections 2608 through 2619 are added to read as follows:

2608 DEFINED CONTRIBUTION PLAN ADMINISTRATION

2608.1 The 401(a) Plan is administered by the Chief Financial Officer for the District of Columbia (CFO). The Plan Document is available online at <https://www.icmarc.org/dc/forms-and-publications/publications.html> and contains the official summary description of the plan, its terms, and conditions.

2609 MISCELLANEOUS PROVISIONS

2609.1 Any payment of, or right to, benefits shall be non-assignable and non-alienable, except as provided in the 401(a) Plan Document or in § 2609.2.

2609.2 The payment of, or right to, benefits under the 401(a) Plan may be assigned to a non-participant pursuant to a legally enforceable qualified domestic relations order.

2609.3 The liability of the 401(a) Plan to any employee, former employee, or beneficiary with respect to the distribution of benefits shall be limited to his or her active or inactive account balance on the date of separation from service, disability, or death, and including any interest earned on the account balance.

2609.4 The District may amend or terminate the 401(a) Plan, provided that any amendment or termination shall not impair the rights of a vested employee or former employee, or his or her beneficiary, to receive any contributions, or interest earned on the account balance, allocated to his or her active or inactive account prior to the date of the termination or amendment of the 401(a) Plan.

2609.5 No vested benefits of participants, former participants, or beneficiaries shall be forfeited upon the termination of the 401(a) Plan.

2609.6 Direct transfer of eligible rollover distributions shall be made in accordance with 26 USC § 401(a)(31).

2610 DISTRICT OF COLUMBIA DEFERRED COMPENSATION PLAN

2610.1 The District established the District of Columbia Deferred Compensation Plan (“457(b) Plan”), which is an eligible deferred compensation plan under § 457(b) of the IRC.

2610.2 The 457(b) Plan is a tax-advantage retirement savings account that allows eligible employees to set aside a portion of their salary through payroll deductions on a pre-tax or after-tax basis into an account that is invested at the discretion of the employee in a manner approved by the District.

2611 DEFERRED COMPENSATION – ELIGIBILITY

2611.1 Except for positions excluded in § 2611.2, the following employees are eligible to participate in the 457(b) Plan:

- (a) All full-time permanent employees;
- (b) Part-time permanent employees who work at least thirty (30) hours per week; and
- (c) Term appointments of more than twelve (12) months.

2611.2 The following types of employees are in “non-covered employment” for purposes of the 457(b) Plan:

- (a) Employees serving in a temporary appointment of one (1) year or less;
- (b) Members of a board or commission whose pay is set under D.C. Official Code § 1-611.08;
- (c) Judges and Executive Officers employed by the District of Columbia Court of Appeals or the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, Police Court, Municipal Court, Municipal Court of Appeals, or District of Columbia Court of General Sessions;
- (d) Summer youth employees;
- (e) Student employees who receive a stipend and are assigned or attached primarily for training purposes to a hospital, clinic, or laboratory operated by the District government; and
- (f) Employees and other individuals who are paid on a contract or fee basis.

2612 AUTOMATIC ENROLLMENT

2612.1 All eligible employees newly hired or rehired (those employees who have had a break in service of three (3) consecutive workdays or more) on or after June 10, 2019, shall be automatically enrolled in the 457(b) Plan. All eligible employees hired or rehired before June 10, 2019, may elect to enroll in the 457(b) Plan as provided in § 2613.2.

2612.2 All participants who are automatically enrolled shall be deemed to have elected to defer five percent (5%) of their annual base salary, as pre-tax deferrals (“Default Deferrals”).

2612.3 Participants who are automatically enrolled may increase, reduce, or cease the amount of their deferrals to the 457(b) Plan at any time. An automatically

enrolled participant who elects to cease deferrals during the first thirty (30) days of employment shall be entitled to a distribution under § 2612.6.

- 2612.4 Automatically enrolled participants shall be provided with written notification of the 457(b) Plan Automatic Enrollment policy by the effective date of their appointment. The notice shall explain:
- (a) The employee's rights under the 457(b) Plan to designate how deferrals and earnings will be invested;
 - (b) How, in the absence of an investment election by the employee, such deferrals and earnings will be invested;
 - (c) The percentage of the employee's base salary that will be deferred to the program;
 - (d) The employee's right to increase, reduce, or cease his or her deferrals to the program;
 - (e) How an employee may elect investments and change or cease deferral amounts under the 457(b) Plan; and
 - (f) The employee's right to make a permissive withdrawal from the Default Deferrals, and the procedures governing such withdrawals.
- 2612.5 Each automatically enrolled participant shall sign an acknowledgement that he or she received the written policy as specified in § 2612.4 of this section. A legal guardian's signature is needed if the eligible participant is under eighteen (18) years of age.
- 2612.6 Automatically enrolled participants may elect, within thirty (30) calendar days after the first day of employment, to withdraw the Default Deferrals (as adjusted for gains and losses to the date of distribution) made on his or her behalf to the 457(b) Plan. The withdrawal shall be processed, and any amounts owed shall be distributed to the participant, within sixty (60) calendar days after receipt of a request to withdraw the Default Deferrals. Any such withdrawal request will be treated as an affirmative election by the automatically enrolled participant to cease having Default Deferrals made on his or her behalf as of the date of the withdrawal request.
- 2612.7 Any deferrals, as adjusted for gains and losses, made by the District pursuant to § 2612.1 with respect to any Default Deferrals being withdrawn pursuant to § 2612.6 shall be forfeited.
- 2612.8 Default Deferrals made on behalf of automatically enrolled participants shall begin no later than the first pay period after the effective date of appointment.

2613 ELECTIVE ENROLLMENT; MODIFICATIONS TO ENROLLMENT

- 2613.1 An employee who opts out of automatic enrollment under § 2612 may elect to participate in the 457(b) Plan after the end of the thirty (30) calendar days after the first day of employment. An employee who was not automatically enrolled in the 457(b) Plan may elect to participate in the 457(b) Plan at any time after the employee's date of hire.
- 2613.2 To participant, complete the Salary Deferral Agreement through the Employee Self-Service (ESS) in the PeopleSoft System. The agreement shall include:
- (a) The option of selecting pre-tax deferrals or after-tax (Roth) deferrals;
 - (b) Amount of compensation to be deferred; and
 - (c) Investment elections.
- 2613.3 An employee enrolled in the 457(b) Plan may change his or her deferral amounts by completing the Salary Deferral Agreement. The change to the deferral amounts shall take effect not earlier than the first day of the first pay period following the date when the Salary Deferral Agreement is executed.
- 2613.4 Participants shall have the option of electing through payroll deduction to make either pre-tax deferrals that will reduce their taxable income for the year, or after-tax deferrals (Roth deferrals) that will not reduce their taxable income for the year.
- 2613.5 Participants may elect to defer a minimum of twenty dollars (\$20) per pay period or forty-three dollars (\$43) per month.
- 2613.6 The maximum amount of compensation that a participant may defer through pre-tax and Roth deferrals under the 457(b) Plan in any taxable year shall not exceed the lesser of:
- (a) The applicable dollar amount under § 457(b)(2)(A) of the IRC, or
 - (b) One hundred percent (100%) of the participant's base salary, as provided for in § 457(b)(2)(B) of the IRC.
- 2613.7 The 457(b) Plan special catch-up limitation allows a participant, for the last three (3) taxable years ending before a participant attains normal retirement age, to make contributions in excess of the limits set forth in § 2613.6. The maximum catch-up deferral amount shall be the lesser of:
- (a) Twice the maximum deferral dollar amount in effect under § 2613.6, or
 - (b) An amount equal to:

- (1) The aggregate § 2613.6 limitation for the current year, plus, and
- (2) The portion of the primary limitation amount not utilized in prior taxable years in which the participant was eligible to participate in the 457(b) Plan. A participant may use a prior year only if the deferrals under the 457(b) Plan in existence during that year were subject to a maximum deferral amount.

2613.8 All participants who have attained age fifty (50) or over before the close of the 457(b) Plan year shall be eligible to make additional deferrals that exceed the maximum limitation for the 457(b) Plan year, in accordance with, and subject to the limitation of, 26 CFR § 1.414(v).

2613.9 Any deferrals to the 457(b) Plan account that exceed the amounts authorized by § 2613.6 shall be refunded to the participant in accordance with 26 CFR § 1.457-4(e).

2614 VOLUNTARY TERMINATION OF ENROLLMENT

2614.1 A participant may cancel his or her participation in the 457(b) Plan at any time. This participant shall provide notification of his or her cancellation through the Employee Self Service function in the PeopleSoft system. A participant's cancellation shall take effect on the date of the request. An employee who previously cancelled his or her participation in the 457(b) Plan may subsequently recommence participation by completing the Salary Deferral Agreement through the Employee Self Service function in the PeopleSoft system.

2615 DISTRICT MATCHING CONTRIBUTION

2615.1 For participants employed by the Council of the District of Columbia, Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions, the District shall contribute an amount equal to an employee's deferrals to the 401(a) Plan each pay period not to exceed three percent (3%) of his or her base salary. The District does not make matching contributions to the 401(a) Plan accounts of other employees.

2615.2 Within forty-five (45) days after the end of each pay period, the District shall contribute deferrals to the Trust.

2616 INVESTMENTS

2616.1 Participants shall be given an opportunity to direct investment of their respective 457(b) Plan accounts in one (1) or more of the investment funds offered by the 457(b) Plan.

2616.2 When a participant makes deferrals to the 457(b) Plan and has not directed that those deferrals be invested in any specific fund(s), his or her deferrals shall be

invested in the default fund selected by the 457(b) Plan provider until additional instructions are provided by the participant.

2617 TRANSFERRING INVESTMENTS FROM OTHER ACCOUNTS

2617.1 Participants in the 457(b) Plan may transfer amounts from other eligible 457(b) plans or 401(k) plans into their 457(b) Plan account.

2618 DISTRIBUTION OF BENEFITS

2618.1 Participants may not withdraw funds from their account, except in the case of:

- (a) Separation from the District;
- (b) Death;
- (c) Attainment of age seventy and one-half (70½); or
- (d) A severe financial hardship, pursuant to § 2618.3.

2618.2 Roth deferrals and associated earnings can be withdrawn tax free if:

- (a) Five (5) years have passed since January 1 of the year of the participant's first Roth deferrals; and
- (b) The participant is at least fifty-nine and one-half (59½) years old (or disabled or deceased).

2618.3 Participants may request a distribution due to a severe financial hardship by applying for an emergency withdrawal using the "District of Columbia 457(b) Deferred Compensation Plan, Application for Unforeseeable Emergency Withdrawal Form," available at <http://www.dcretire.com>.

2618.4 Participants may elect the time when distributions under the 457(b) Plan will begin by designating the month and year the first distribution is to be made. The first distribution date that may be elected by the participant shall be the earlier of:

- (a) Thirty-one (31) days after separation from the District, or
- (b) The date the participant attains age seventy and a half (70½).

2618.5 Notwithstanding § 2618.4, a distribution of a participant's account must be made no later than the first (1st) day of April following the calendar year in which the participant separates from the District or attains age seventy and a half (70½).

2618.6 Participants eligible to receive a distribution may choose from the following payment options:

- (a) Lump sum payment;
- (b) Installment payments for a designated period, including monthly, quarterly, semi-annual, and annual installment payments;
- (c) Annuity payments; or
- (d) Direct rollover to another employer-sponsored, eligible retirement plan or to a traditional IRA.

2618.7 If a participant dies before distribution of his or her account, then the beneficiary must submit a death certificate proving the death of the participant before distribution of the participant's account pursuant to § 2618.6.

2619 TERMINATING ENROLLMENT

2619.1 A person's enrollment in the 457(b) Plan shall terminate when one (1) of the following occurs:

- (a) The participant terminates employment with the District, or
- (b) The participant ceases to be eligible to participate in the 457(b) Plan.

2619.2 A participant who ceases to be eligible to participate in the 457(b) Plan, but who remains an employee of the District, shall be entitled to withdraw all of the funds from his or her account upon termination of employment.

Section 2620, POLICE AND FIRE RETIREMENT SYSTEM PURCHASE OF MILITARY SERVICE PERFORMED AFTER DECEMBER 31, 1956, is amended to read as follows:

2620 DISTRICT OF COLUMBIA DEFERRED COMPENSATION PLAN ADMINISTRATION

2620.1 The 457(b) Plan is jointly administered by the D.C. Department of Human Resources (DCHR) and the D.C. Office of the Chief Financial Officer, Office of Finance and Treasury (CFO).

2620.2 The 457(b) Plan Administrator provides for the administration of the plan, which includes but is not limited to:

- (a) Enrollment of eligible employees as participants;
- (b) The maintenance of accounts and other records;
- (c) Periodic reports to participants; and
- (d) The distribution of benefits to Participants.

- 2620.3 The 457(b) Plan Administrator shall serve as an agent of the District for purposes of providing direction to the custodian of any custodial account from time to time as to the investment of the funds held in the custodial account, and the transfer of assets to or from the custodial account.
- 2620.4 Each Participant's account shall be charged with its proportionate share of any expenses paid from the 457(b) Plan and shall also include any functional subaccounts as may be established by the Administrator from time to time. To the extent that the Administrator determines that a functional subaccount no longer needs to be maintained, such functional subaccount may be combined with another functional subaccount. The functional subaccounts are as follows: (1) Basic Contribution Account or (2) Rollover Contribution Account.

Section 2699, DEFINITIONS, is amended to read as follows:

2699 DEFINITIONS

As used in this chapter the following meanings apply –

Active account – the bookkeeping account maintained for each participant to record his or her allocable share of contributions and deferrals, and related income earned, and administrative expenses, which has not been designated as an inactive account.

Act – the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139, D.C. Official Code §§ 1-601.01 *et seq.* (2016 Repl.)).

Administrative expenses – the costs of administering the 401(a) and 457(b) Plans, including but not limited to any Trust expenses.

Administrator –the Chief Financial Officer (CFO) or the employees of the CFO who have the power to act for the CFO with respect to the administration of the 401(a) or the 457 Plan, as the context requires.

Automatically Enrolled Participant – a participant in the 457(b) Plan who is first hired or rehired on or after June 10, 2019.

Base salary – the base rate of pay paid to a participant, as established by a District of Columbia salary schedule, by statute or by the Mayor, excluding overtime, holiday, Sunday, compensatory time, hazard pay, environmental, or night-shift differential pay, upon which contributions to the Plan shall be determined.

Beneficiary – the person(s) or legal entity or entities designated by the participant or former participant to receive any undistributed benefits that become payable in the event of the death of the participant or former participant.

Benefits – the amount in the active or inactive account of a vested participant or former participant, or his or her beneficiary, which is available for distribution upon separation from service, disability, or death.

Benefit commencement date – the date selected by the participant or beneficiary by designating the month and year during which the first distribution is to be made.

Contribution – the amount the District deposits into the Trust in accordance with § 2606.1 of this chapter.

Covered employment – service by any employee in any position, not specifically excluded as “non-covered employment,” pursuant to § 2603.10, which is:

- (a) Under the personnel authority of the Mayor;
- (b) Under the independent personnel authority of an executive agency that reports to the Mayor;
- (c) Under the personnel authority of the District of Columbia Courts when such courts participate in the 401(a) and 457(b) Plans with the approval of the Mayor; or
- (d) Under the personnel authority of an independent agency as defined in D.C. Official Code § 1-603.01 (2016 Repl.) when the independent agency participates in the 401(a) and 457(b) Plans with the approval of the Mayor.

Covered position – a permanent or term appointment of more than twelve (12) months position in the District government that includes benefits (*i.e.* health, life, retirement).

Creditable service – the period of employment to be recognized for purposes of eligibility for retirement benefits, as defined by § 2604.

Detention officer – an employee who is not covered by the Police and Fire Retirement System, whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against, or violation of, the laws of the United States or the District of Columbia, and whose duties may require frequent contact, supervision, inspection, training, employment, care, transportation, or rehabilitation of individuals in detention. The term includes:

- (a) Employees engaged in the activities listed above whom are transferred to a supervisory or administrative position;
- (b) Employees of the Department of Corrections, its industries, and utilities who are engaged in the activities listed above;
- (c) Employees of the Department of Youth Rehabilitation Services who are engaged in the activities listed above; and
- (d) Members of the Board of Parole, parole officers, and probation officers who are engaged in the activities listed above.

Deferral – the annual amount of compensation designated as a pre-tax deferral or after-tax (Roth) deferral that a participant elects to defer in the 457(b) Plan pursuant to a properly executed Salary Deferral Agreement.

Disabled – a condition which results in a participant being entitled to disability benefits within the meaning of the Social Security Act (42 USC §§ 416(i) and 423(d)).

District – the District government, including (a) subordinate agencies under the Mayor; (b) the District of Columbia Courts, and (c) any independent agency, if the courts or any independent agency duly accept 401(a) and/or 457(b) Plan(s), with the approval of the Mayor.

District of Columbia Deferred Compensation Plan – 457(b) Plan as provided pursuant to D.C. Official Code § 1-626.05(2) (2016 Repl.).

District of Columbia Defined Contribution Plan – 401(a) Plan as provided pursuant to D.C. Official Code § 1-626.05(3) (2016 Repl.).

Domestic partner – a person with whom an individual maintains a committed relationship as defined in D.C. Official Code § 32-702(a) (2012 Repl.).

Employee – an individual who performs a function of the District government and who receives compensation for the performance of such services.

Former employee – an employee who has separated from District government service.

Inactive account – the bookkeeping account maintained for each former participant for whom contributions and deferrals are no longer being made, and for each former participant or beneficiary who receives distributions, that records his or her allocable share of income and administrative expenses.

Income – the net increase or decrease of the Trust, as of each valuation date, resulting from realized and unrealized gains or losses, interest, dividends, and other investment earnings.

Internal Revenue Code or IRC - the Tax Reform Act of 1986, approved October 22, 1986 (100 Stat. 2085; 26 USC §§ 1 *et seq.*), as amended.

Plan account – a 401(a) or 457(b) account established and maintained for each participant to reflect the contributions and deferrals made by or for the benefit of the participant and the allocated or attributable income, gains and losses (whether or not realized).

Plan document – the 401(a) or 457(b) Plan document, as applicable, that outlines the process of how the District of Columbia Defined Contribution Plan or District of Columbia Deferred Compensation Plan is managed and maintained by the Administrator.

Section 401(a) Trust – a trust that qualifies under §§ 401(a) and 501(a) of the IRC, into which the District government’s contributions are deposited.

Separation from service – lawful termination of the employment relationship between an employee and the District government.

Trustee – the Chief Financial Officer (CFO), or any entity designated by the CFO to serve as trustee under the Trust. The term “Trustee” shall include custodian designated by the CFO under any custodial account.

Comments on these emergency regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 1015 Half Street, Southeast, 9th Floor, Washington, D.C. 20003, or by e-mail to dchr.policy@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

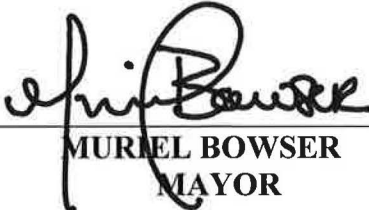
Mayor's Order 2019-049
May 31, 2019

SUBJECT: Delegation —Authority to the Director of the Department of Housing and Community Development under the Rental Housing Conversion and Sale Act of 1980 to implement and administer the District's Opportunity to Purchase.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198; D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and Title IV-A of the Rental Housing Conversion and Sale Act of 1980 ("Act"), effective December 24, 2008, D.C. Law 17-286; D.C. Official Code §§ 42-3404.31 *et seq.*, it is hereby **ORDERED** that:

1. The Director of the Department of Housing and Community Development ("**Director**") is delegated the authority vested in the Mayor under Title IV-A of the Act to implement and administer the District's Opportunity to Purchase.
2. The Director may further delegate all or part of this authority to subordinates under his or her jurisdiction.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.
4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 16, 2018.


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 2019-050
May 31, 2019

SUBJECT: Designation of Special Event Areas – Beat the Streets

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. Beat the Streets is a program directed by the Metropolitan Police Department to build strong relationships with the community and prevent and deter crime, which may include activities such as a moon bounce, a rock climbing wall, food pantry distribution, and music. The following public space areas shall be designated as Special Event Areas to accommodate Beat the Streets activities:
 - a. On Wednesday, June 19, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 200 block of N Street, SW, shall be closed to vehicular traffic;
 - b. On Wednesday, June 26, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 1300 block of Congress Street, SE, shall be closed to vehicular traffic;
 - c. On Wednesday, July 10, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 1800 block of 16th Street, SE, and the 1600 block of S Street, SE shall be closed to vehicular traffic;
 - d. On Wednesday, July 17, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 900 block of 21st Street, NE, shall be closed to vehicular traffic;
 - e. On Wednesday, July 24, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 4100 block of 9th Street, NW, shall be closed to vehicular traffic;
 - f. On Wednesday, July 31, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 4500 block of Quarles Street, NE, shall be closed to vehicular traffic;
 - g. On Wednesday, August 7, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 100 block of N Street NW, shall be closed to vehicular traffic; and

- h. On Wednesday, August 14, 2019, commencing at 2:30 p.m. and continuing until 8:30 p.m., the 100 block of Atlantic Street, S.W., shall be closed to vehicular traffic.
- 2. The designated areas shall be operated and overseen by the Metropolitan Police Department.
- 3. This Order is authorization for the use of the designated streets and curb lanes only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Areas designated by this Order.
- 4. **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 2019-051
June 3, 2019

SUBJECT: Establishment — Mayor's Commission on Healthcare Systems Transformation

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2016 Repl.), it is hereby **ORDERED** that:

- I. **Establishment:** There is established in the Office of the Deputy Mayor for Health and Human Services, under the direction and control of the Deputy Mayor for Health and Human Services, the Mayor's Commission on Healthcare Systems Transformation ("**Commission**").
- II. **Purpose:** The purpose of the Commission is to make recommendations to the Mayor on the strategies and investments necessary to transform health care delivery in the District of Columbia. The Commission's work shall focus on developing recommendations that address the current stresses in the District's health care system, while specifically targeting the following issues: improving access to primary, acute, and specialty care services, including behavioral health care; addressing health system capacity issues for inpatient, outpatient, pre-hospital and emergency room services; and promoting an equitable geographic distribution of acute care and specialty services in communities east of the Anacostia river.
- III. **Functions:** In carrying out its purpose, the Commission shall examine and provide recommendations regarding:
 - A. The District's health care system capacity, with emphasis on the equitable geographic distribution of acute, urgent, and specialty care throughout the city. Recommendations should include long term solutions to the capacity issues faced, including access to services by residents who live in Wards 7 and 8.
 - B. Access to critical and urgent care services, specifically maternal, behavioral, and emergency services. The Commission should examine and report on factors that contribute to problems related to behavioral health care delivery and what policy changes are required to relieve the current strain on the system. The Commission should offer an array of recommendations and should consider all options, including technology-based solutions.

- C. Overcrowding in emergency rooms and the general heavy reliance on inpatient hospital care. The Commission's recommendations should address the existing barriers to decreasing non-emergency 911 emergency medical service call volume, emergency department wait times, and unnecessary demands on the system.
 - D. Obstacles to allied health care professions serving communities throughout the District. The Commission should identify barriers to meeting the demands of communities throughout the District for locally-based allied health care professions and provide insight and recommendations to reduce the obstacles certain provider types face in trying to serve a community.
 - E. Discharge planning and transitions of care. The Commission should provide recommendations on how to improve inpatient discharge processes and respite care capacity, particularly for those in need of intermediate care and nursing home care. This includes identifying strategies to address transitions of care for the homeless population. The Commission should also recommend innovative programs that the city could employ through private partnerships to address the issues.
 - F. Value-based purchasing and how the current financing system (public and private) serves as a barrier or facilitator to transformation. The Commission should offer recommendations that outline how innovative models in health care financing would contribute to better patient outcomes or system efficiencies and explore investments and realignments that can further transformation.
- IV. **Membership:** The Commission shall be comprised of the following healthcare, organizational, and governmental members, appointed by and serving at the pleasure of the Mayor:
- A. The following voting members:
 - 1. Two (2) co-chairs;
 - 2. Five (5) representatives of acute care hospitals located in the District;
 - 3. Three (3) representatives of specialty hospitals located in the District; and
 - 4. Six (6) community representatives with hospital and/or healthcare experience.
 - B. The following *ex officio*, non-voting members:

1. The City Administrator, or his or her designee;
 2. The Deputy Mayor for Health and Human Services, or his or her designee;
 3. The Director of the Department of Health, or his or her designee;
 4. The Director of the Department of Behavioral Health, or his or her designee;
 5. The Director of the Department of Health Care Finance, or his or her designee;
 6. The Chief of the Fire and Emergency Medical Services Department, or his or her designee;
 7. The Executive Director of the Thrive By Five Coordinating Council, or his or her designee;
 8. The Chair of the Council of the District of Columbia Committee on Health, or his or her designee;
 9. The President of the District of Columbia Primary Care Association, or his or her designee; and
 10. The Executive Director of the District of Columbia Hospital Association.
- C. The Mayor may appoint other community, business and industry subject matter experts as *ex-officio*, non-voting members.

V. **Appointments and Terms**

- A. A governmental member shall be appointed by the Mayor and shall serve, at the pleasure of the Mayor, for the duration of his or her position held in District government.
- B. If the seat of a member appointed by the Mayor becomes vacant, the Mayor shall appoint an individual to fill the seat for the remainder of the term.
- C. The Mayor may remove any member for cause.

VI. **Meetings; Organization and Administration**

- A. The Commission shall meet at least monthly, at such times and locations as shall be determined by the Co-Chairs.
- B. The Commission shall hold all meetings consistent with the Open Meetings Act (D.C. Code § 2-571 *et seq.*).
- D. The Commission may adopt by-laws and rules of procedure to govern its proceedings.
- E. The Co-Chairs of the Commission may issue such procedures, policies, and guidelines as may be appropriate to ensure the efficient operation and administration of the Commission.
- F. Voting members may send designees on their behalf if a conflict arises with a scheduled meeting. Those designees may participate in the meeting and vote on matters presented before the Commission.
- G. The Office of the Deputy Mayor for Health and Human Services shall provide administrative support to the Commission.

VII. **Conflict of Interest:** Non-governmental members bring an expertise to the Commission that arises from their positions relating to health care, and their participation is sought in all discussions, even ones where they may have a conflict of interest, within the following parameters. The following pertains to non-governmental, voting members:

- A. Commission members understand that public service is a public trust and they will affirm that in all their activities on the Commission, including discussions and making recommendations, they will be acting for the good of the public, not for the benefit of their private financial interests or the interests of their clients, prospective clients, employers, prospective employers, or other organizations on which they serve as board members or organizations to which they owe a fiduciary duty. They will also affirm that they will not be acting to harm competitors of entities where they hold a financial interest, their employers or prospective employers, their clients or prospective future clients, or seek to harm competitors of organizations where they serve as board members or otherwise owe a fiduciary duty.
- B. On any vote, policy recommendation, or other action affecting their personal financial interests or the interests of their employer or any organization to which they owe a fiduciary duty, Commission members must recuse themselves on the record. If a vote will be taken on a report or set of recommendations, and the conflict only relates to a part of the report or recommendations, their concurrence or objection should be noted as pertaining only to the section or sections where there is no conflict.

- C. Commission members shall further affirm that they will not use their service on the Commission for marketing to future clients, though their service may appear on a resume or a biography.
- D. Confidentiality
 - 1. Commission members are bound to hold confidential data provided to them in the course of their service confidential, and to the extent they participate in any deliberations outside the scope of the Open Meetings Act, they will hold those deliberations confidential. Such confidentiality obligations extend beyond the term of their service.
 - 2. On any matters where the confidential information is directly relevant to their disclosed holdings, employment, clients or positions, staff shall endeavor to screen the board member from those materials or that part of the discussion, whether it be at a subcommittee meeting or in a session that has been closed pursuant to the Open Meetings Act. If the Commission member recognizes that a matter directly relates to his or her interests, whereby his or her fiduciary duties to the Commission and his or her outside activity would be in conflict, the Commission member shall exit the room or call and only be called back when that part of the discussion is over.
- E. Staff from the Office of the Deputy Mayor for Health and Human Services shall gather and retain the disclosure forms and affirmations made pursuant to this section. Such disclosure forms shall be available through a Freedom of Information Act upon request.
- F. Staff shall record in the minutes, if minutes are recorded, when any Commissioner recuses himself or herself from a decision or steps out of the room or off a call because of an actual or potential conflict of interest.

VIII. SUNSET

The Committee shall sunset after submitting a final report of its recommendations to the Mayor in December of 2019.

IX. 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 2019-052

June 3, 2019

SUBJECT: Appointments — Mayor's Commission on Healthcare Systems Transformation**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 2019-051, dated June 3, 2019, it is hereby **ORDERED** that:

1. The following persons are appointed as voting members and Co-Chairs of the Mayor's Commission on Healthcare Systems Transformation ("**Commission**"), to serve at the pleasure of the Mayor:
 - a. **HONORABLE DAVID CATANIA**
 - b. **SISTER CAROL KEEHAN**

2. The following persons are appointed as representatives of acute care hospitals located in the District voting members:
 - a. **MALIKA FAIR**
 - b. **OLIVER JOHNSON**
 - c. **HUGH MIGHTY**
 - d. **KIMBERLY RUSSO**
 - e. **KEVIN SOWERS**

3. The following persons are appointed as representatives of specialty hospitals located in the District voting members:
 - a. **DENISE CORA-BRAMBLE**
 - b. **MARC FERRELL**
 - c. **COREY ODOL**

4. The following persons are appointed as community representatives with hospital and/or healthcare experience voting members:
 - a. **DON BLANCHON**

- b. **MARIA GOMEZ**
- c. **KIM HORN**
- d. **KELLY MCSHANE**
- e. **DAVID STEWART**
- f. **MARIA HARRIS TILDON**

5. The following persons are appointed as *ex-officio*, non-voting members:

- a. **GREGORY ARGYROS**, as a community, business, and industry subject matter expert;
- b. **RASHAD YOUNG**, as City Administrator;
- c. **WAYNE TURNAGE**, as Deputy Mayor for Health and Human Services;
- d. **LAQUANDRA NESBITT**, as Director of the Department of Health;
- e. **BARBARA BAZRON**, as Director of the Department of Behavioral Health;
- f. **MELISA BYRD**, as designee of the Director of the Department of Health Care Finance;
- g. **FAITH GIBSON HUBBARD**, as Executive Director of the Thrive by Five Coordinating Council;
- h. **GREGORY DEAN**, as Chief of the Fire and Emergency Medical Services Department;
- i. **VINCENT GRAY**, as Chair of the Committee on Health of the Council of the District of Columbia;
- j. **TAMARA SMITH**, as President of the District of Columbia Primary Care Association; and
- k. **JACQUELINE BOWENS**, as Executive Director of the District of Columbia Hospital Association.

6. **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 2019-053
June 4, 2019

SUBJECT: Appointment — Executive Director, Mayor's Thrive by Five Coordinating Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2019-011, dated February 28, 2019, it is hereby **ORDERED** that:

1. **FAITH GIBSON HUBBARD** is appointed Executive Director of the Mayor's Thrive by Five Coordinating Council, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be *nunc pro tunc* to April 17, 2019.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet on June 5, 2019, at 2:00 p.m. at the Board of Ethics and Government Accountability Hearing Room, 441 Fourth Street NW, Suite 540 South Washington, DC 20001 in order to consider the reappointments of two Administrative Law Judges. The members will vote to close a portion of the meeting pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to “discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.” The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Executive Session (non-public). Vote to enter closed session to discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10).**
 - a) Vote on Reappointments of Eligible Administrative Law Judges**
 - a. Deborah Carroll**
 - b. Alexis Taylor**
- V. Resumption of Public Meeting**
- VI. Discussion of Next Meeting**
- VII. Adjournment (Board Chair)**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JUNE 12, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009**

**Donovan W. Anderson, Chairperson
Members: Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah**

Protest Hearing (Status) Case # 19-PRO-00022; 1514 Q, LLC, t/a Etto, 1541 14th Street NW, License #88504, Retailer CR, ANC 2F Application to Renew the License	9:30 AM
Fact Finding Hearing* Kin, LLC, t/a Sei Yaki; 444 7th Street NW, License #113742, Retailer CR, ANC 2C Review of License Application	9:30 AM
Fact Finding Hearing* Case # 19-251-00070; 2461, Corporation, t/a Madam's Organ, 2461 18th Street NW, License #25273, Retailer CT, ANC 1C Assault Inside of the Establishment	10:00 AM
Fact Finding Hearing* Case # 19-251-00069; Kelemewa Corporation, t/a Pure Nightclub & Lounge 1326 U Street NW, License #24613, Retailer CN, ANC 1B Patron and Security Guard Stabbed Inside of the Establishment, Failed to Follow Security Plan	10:30 AM
Show Cause Hearing* Case # 18-251-00234; Solloso, Inc., t/a El Rincon, 1826 Columbia Road NW License #60003, Retailer CR, ANC 1C Allowed Establishment to be Used for Unlawful or Disorderly Purposes	11:00 AM

Board's Calendar
June 12, 2019

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing*

1:30 PM

Case # 18-CMP-00179; District Still, LLC, t/a District Still, 175 R Street NE
License #102521, Retailer A, ANC 2E

Substantial Change in Operation Without Board Approval, Failed to Obtain Board Approval to keep Alcohol for Sale upon Premises, Failed to Frame and Post the License in a Conspicuous Place, Failed to Post Name, Class and License Number on the Front Window or Front Door, Failed to Have Warning Signs Posted, Failed to Maintain on Premises Three Years of Adequate Books and Records Showing All Sales

Show Cause Hearing*

2:30 PM

Case # 18-CMP-00078; Mythology, LLC, t/a Mythology & Lore/Dirty Water
816 H Street NE, License #95033, Retailer CT, ANC 6A

Sub-Leasing the ABC License and Transferred 50% of Ownership without Board Approval, Trade Name Change Without Board Approval

Show Cause Hearing*

3:30 PM

Case # 18-CMP-00251; Red & Black, LLC t/a 12 Twelve DC/Kyss Kyss, 1210
H Street NE, License #72734, Retailer CT, ANC 6A

Failed to Obtain a One-Day Substantial Change Permit, Violation of Settlement Agreement

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JUNE 12, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Change of Hours. *Approved Hours of Operation:* Sunday -Saturday 11:30am to 2am. *Approved Hours of Alcoholic Beverage Sales and Consumption:* Sunday - Saturday 11:30am to 2am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday -Saturday 11am to 2am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Zaytinya*, 701 9th Street NW, Retailer CR, License No. 060438.

2. Review Application for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday 11:30am to 1:30am, Monday-Friday 10:30am to 11:30pm, Saturday 11:30am to 11:30pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 10am to 11:30pm, Friday-Saturday 10am to 1:30am. ANC 2C. SMD 2C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Jaleo*, 480 7th Street NW, Retailer CR, License No. 019105.

3. Review Application for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 11:30am to 2am, Friday-Saturday 11:30am to 3am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ANC 2C. SMD 2C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Oyamel*, 401 7th Street NW, Retailer CR, License No. 075944.

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DEPARTMENT OF BEHAVIORAL HEALTH
NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA# RM0 DCOR060719

DC Opioid Response (DCOR) Prevention Grant for Wards 3 and 4

Purpose/Description of Project

The Department of Behavioral Health (DBH) is soliciting applications for a DC Opioid Response (DCOR) Prevention Grant. Eligible applicants are expected to implement evidence-based prevention strategies including, but not limited to: opioid awareness programs, group-level interventions, environmental strategies, policy change advocacy, etc., targeting one or more high need communities to prevent opioid misuse among youth and young adults in the District of Columbia.

In identifying and selecting communities of high need to be funded with DCOR funds, applicants must be able to describe:

- A specific geographically defined area in Wards three (3) or four (4)
- A defined population based on the application target outcomes within a specific age, culture, or other specifically described identity, within geographic area mentioned above

In addition, the selected communities of high need must be:

- where the population described has or is at risk of having a higher than average prevalence rate of health risks related to opioid misuse or a higher than average prevalence rate of the additional, data driven prevention priority in the District

AND

- where the population or area has limited resources or has had fewer opportunities or less success in identifying and bringing to bear resources to address the identified priority(ies).

For the purposes of this grant funding, prevention efforts shall target youth and young adults 12 to 25 years of age living in Wards Three (3) and Four (4). All eight (8) Wards have been defined as “high need communities” for prevention.

The premise of this DCOR Prevention grant is that implementing prevention strategies at the community level where residents live and work, will, over time, lead to measurable and sustained changes in the District. Through community level partnerships, the District can more effectively overcome the opioid crisis and achieve the goal of the DCOR grant. Grantees are expected to implement a combination of an evidence-based intervention and environmental prevention strategies geared toward achieving the targeted outcomes of the DCOR grant.

Substance use disorder (SUD) prevention research suggests that youth and young adults do not engage in substance use solely because of personal characteristics, but rather due to a complex set of risk and protective factors in their environment. These risk and protective factors include the rules and regulations of the social institutions to which individuals belong (e.g., trust, social ties, relationships and exchanges among people); the norms of the communities in which they

live; the messages to which they are exposed; and the availability of alcohol and other drugs to minors.¹

Eligibility

- Ability to enter into an agreement with DBH requires compliance with all District of Columbia laws and regulations governing Substance Use Disorders and Mental Health Grants (22A DCMR Chapter 44).
- 501(c)(3) non-profit status, or the ability to enlist the services of a fiscal agent that meets this criteria to apply for the funding on behalf of the applicant organization.

Grant Period

Grant awards will be made for a period of three (3) months from the award date with one option year based on documented project success, availability of funding, and DBH Director's approval of a Notice of Grant Award (NOGA) via a *Continuation Modification*. Grant recipients will be expected to begin project implementation on July 15, 2019.

Available Funding

A total of \$100,000 will be available to fund two (2) DCOR prevention grantees located in Wards Three (3) and Four (4), with individual awards not to exceed \$50,000. Grants will be awarded by DBH using grant funds from United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) State Opioid Response (SOR) Grant.

Anticipated Number of Awards

DBH will award two grants in Wards Three (3) and Four (4) within the District of Columbia not to exceed \$50,000.

Request for Application (RFA) Release

The RFA will be released Friday, June 7, 2019. The RFA will be posted on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. A copy of the RFA may be obtained from the DBH Community Services Administration, located at 64 New York Avenue, NE, Washington, DC 20002, 3rd Floor, from Prevention Specialist, Arielle Brock during the hours of 8:00 a.m. – 4:30 p.m. beginning June 7, 2019.

Pre-Application Conference

A pre-application conference will be held at DBH, 64 New York Avenue, NE, Washington, DC, 20002, 2nd Floor, Conference Room 242 on Wednesday, June 12, 2019 from 10:00 a.m. – 12:00 p.m. ET. For more information, please contact Arielle Brock at Arielle.Brock@dc.gov or (202) 671-3175.

Note: Please use the West Entrance (closer to P Street NE) at security guard station and bring government issued ID.

Deadline for Applications

The deadline for submission is Friday, June 28, 2019 at 4:30 p.m. ET.

¹ SAMHSA: Risk and Protective Factors. <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/risk-protective-factors>

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Interim Head of School**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Growth MindED Consulting for contracted school leadership and management of principals in school year 2019-20. DCSPCS anticipates that the consulting agreement will exceed \$100,000 during its fiscal year 2020.

In school year 2018-19, Growth MindEd consultant Nicole Bryan oversaw school-wide culture strategies, academic curriculum and vertical alignment between Elementary and Middle School instruction and culture. The decision to sole source is due to the fact that DC Scholars Public Charter School previously partnered with Growth MindEd Consulting and Nicole Bryan for school leadership development services in school year 2017-18, and Nicole Bryan was the Interim Head of School in SY18-19. The Board of DC Scholars PCS believes it would be most effective to continue a partnership with Growth MindEd consultant Nicole Bryan in SY 2019-20. Nicole Bryan has a proven history in supervising, coaching, and empowering school leaders to appropriately plan for school priorities as well as action plan using student and staff data.

The Sole Source Contract will be awarded at the close of business on June 17, 2019. If you have questions or concerns regarding this notice, contact **Emily Stone** at **CommunitySchools@dcscholars.org** no later than **5:00 pm on June 17, 2019**.

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECAPCS)**REQUEST FOR PROPOSALS****Vended Meals**

ECAPCS 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 **6/7/2019** from **Yesenia Menjivar at 202.373.0035** or [**businessoffice@ecapcs.org**](mailto:businessoffice@ecapcs.org).

Proposals will be accepted at 4025 9th Street, SE, Washington, DC 20032 on **July 1, 2019**, not later than **3:00 pm**

All bids not addressing all areas as outlined in the RFP will not be considered.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION
NOTICE OF PUBLIC MEETING
COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH
OUTCOMES

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting Washington, DC – The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, June 13, 2019 from 6:30 pm to 8:00 pm at One Judiciary Square, 441 4th Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and present the OST Strategic Plan that will be voted on at the next Commission meeting. Finally, the Commission will hear updates from the OST Commission’s standing committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, June 11th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Approval of Minutes
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Strategic Plan Discussion
- VIII. Standing Committee Updates
- IX. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission’s purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: June 13, 2019
Time: 6:30 p.m. – 8:00 p.m.
Location: One Judiciary Square
Room 1107 South
441 4th Street, NW
Washington, DC 20001

Contact: Debra Eichenbaum
Grants Management Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 478-5913
Debra.eichenbaum@dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR 2020****Quality Improvement Network (QIN) Grant****Request for Application (RFA) Release Date: June 26, 2019 12 p.m.**

As authorized by the Early Head Start-Child Care Partnerships Grant, 42 USC 9801 et seq. and Early Learning Quality Improvement Network Amendment Act of 2015, D.C. Act 21-231, D.C. Official Code § 4-415, the Office of the State Superintendent of Education (OSSE) – Division of Early Learning, is soliciting grant applications for the Quality Improvement Network (QIN) Grant. The goal of the QIN Grant is to provide services, to include Eligibility, Recruitment, Selection, Enrollment and Attendance (ERSEA), continuous, comprehensive high quality services, job-embedded professional development and technical assistance to licensed child development facilities to ensure low income infants and toddlers and their families have access to programs that meet Head Start Program Performance Standards (HSPPS) using a hub-based model. This grant is supported through local funds and federal funds.

Eligibility and Selection Criteria: OSSE will make these grants available through a competitive process. Eligible applications include: non-profit, for-profit and faith-based community based organizations. Eligible organizations to serve as the hub(s) must:

- Have the capacity and experience to serve providers in one or more of the following Wards: 1, 4, 5, 6, 7 and 8.
- Have a proven track record and experience providing technical assistance and training to child development centers and/or child development homes.
- Commit to fully support OSSE's long term strategy to improve the quality of infant and toddler care in the District, including sharing of data and necessary information and participating in evaluation efforts, as needed.
- Have the capacity to serve as a federal recipient of funds, including current or former status as a recipient or sub-recipient of EHS or Head Start funds or other federal grants currently and be able to provide the date of most recent independent financial audit.
- Demonstrate significant previous experience with and knowledge of federal EHS/HSPPS.
- Be in full compliance with OSSE child care licensing regulations with no enforcement actions within the past two years if the applicant provides child care and early learning services.

Applications will be scored on the following selection criteria: (1) information about the organization; (2) applicant organizational knowledge, including but not limited to experience in providing technical assistance and monitoring of child development facilities and organizational expertise in early childhood development and HSPPS; (3) the process to provide and monitor adherence to HSPPS; and (4) detailed planned expenditures: financial management procedures and proposed budget.

Interested applicants are encouraged to attend an EGMS training on **June 26** as well as a Pre-Application meeting (in-person meeting **July 2** or online session **July 25**).

Technical training on OSSE's grant management system (June 26, 2019, 9:00 a.m. – 12:00 p.m.): Applicants are encouraged to attend the EGMS to prepare applicants to submit grant applications. Attendees will gain understanding on how to access and log into EGMS and who should have access at their organization. This event is available as a webinar and in-person meeting. RSVP here: <https://www.eventbrite.com/e/egms-training-tickets-62353228184>.

Pre-application meeting (in-person: July 2, 9:30 a.m. – 12:30 p.m. or online: July 25, 10:30 a.m. – 1:30 p.m.): Applicants are encouraged to attend an in-person (RSVP here: <https://www.eventbrite.com/e/quality-improvement-network-qin-grant-pre-application-in-person-meeting-tickets-62353366598>) or online (RSVP here: <https://www.eventbrite.com/e/quality-improvement-network-qin-grant-pre-application-online-webinar-tickets-62353473919>) session to:

1. Understand the major components of the RFA and gain proficiency in EGMS to apply for the grant; and
2. Network with other applicants and potentially develop partnerships.

Length of Award: The period for this grant will be five years, ending on Sept. 30, 2024, contingent upon availability of funds. Each budget period will be one year, with the first period ending Sept. 30, 2020.

Available Funding for Award: The total funding available for implementing the QIN is at least \$2,300,000 in local funds. Potential range of awards includes \$500,000 - \$2,300,000 in local funds.

OSSE is anticipating supplementing the awards with federal funds from the U.S. Department of Health and Human Services (HHS). OSSE anticipates, but does not guarantee, approximately \$750,000 - \$900,000 in federal funds to be awarded to the hub, based on similar amount of funding received for this grant in previous fiscal years.

Application Process: An external review panel or panels will be convened to review, score and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and each application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. Applications must be submitted by August 8, 2019. OSSE estimates that it will award grants by September 1, 2019; however this date may change.

For additional information regarding this grant competition, please contact:

The RFA will be available on the District of Columbia Office of Partnerships and Grant Services website. Applications will be submitted through the [Enterprise Grants Management System](#).

Tara Dewan-Czarnecki
Program Manager
Division of Early Learning
Office of the State Superintendent of Education
Phone: (202) 741-7637
Tara.Dewan-czarnecki@dc.gov

Rebecca Shaw
Director of Operations and Management
Division of Early Learning
Office of the State Superintendent of Education
Phone: (202) 741-7637
Rebecca.Shaw@dc.gov

**ELSIE WHITLOW STOKES COMMUNITY FREEDOM PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Multiple Services

Elsie Whitlow Stokes PCS invites all interested and qualified vendors to submit proposals for the below services. Proposals are due no later than 12 PM, June 17, 2019. The RFP with bidding requirements and supporting documentation can be obtained by contacting procurement@ewstokes.org.

Information Technology Services and Equipment, Assessment and Instructional Data Support and Services, Classroom Furniture Fixtures and Equipment, Professional Development, Computer Hardware and Software, Curriculum Materials, Legal, General Contracting Services, Education Services, Temporary Staffing, Education Consultants, School Supplies, Consulting Services, Special Education and Therapeutic Services, Special Education Assessment and Textbooks

Please no calls. All questions should be directed to procurement@ewstokes.org

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 Permit Nos. 6790-R1 and 6791-R1 to The George Washington University to operate two 7.0 million BTU per hour Cleaver Brooks dual fuel fired (natural gas and No. 2 fuel oil) boilers, located at The George Washington University’s Lisner Hall in Washington, DC. The contact person for the facility is Janine Helwig, Interim Director, Utilities & Engineering, phone number: (202) 994-5141.

Boilers to be Permitted

Equipment Location	Address	Equipment Size (MMBTU/hr heat input)	Model/Serial Number	Emission Unit No.	Permit No.
Lisner Hall	2023 G Street NW Washington, DC	7.0	FLX-200-700-15ST/08860-1-1	EUN-321	6790-R1
Lisner Hall	2023 G Street, NW Washington DC	7.0	FLX-200-700-15ST/08860-1-2	EUN-322	6791-R1

Emissions:

The estimated maximum annual emissions from each of the two (2) 7.0 MMBtu/hr dual fuel-fired (natural gas and No. 2 fuel-oil) boilers are expected to be as follows:

Pollutant	Maximum Annual Emissions for Each Boiler (tons/yr)
Total Particulate Matter (PM Total)	0.691
Sulfur Dioxide (SO ₂)	0.045
Oxides of Nitrogen (NO _x)	4.19
Volatile Organic Compounds (VOC)	0.165
Carbon Monoxide (CO)	2.52

The proposed boiler emission limits are as follows:

- a. Each of the two (2) identical 7.0 million BTU per hour Cleaver Brooks dual-fueled boilers (identified as EUN 321 and EUN 322) shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel oil) (lb/hr)
Carbon Monoxide (CO)	0.576	0.239

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel oil) (lb/hr)
Oxides of Nitrogen (NO _x)	0.686	0.956
Total Particulate Matter (PM Total) ¹	0.052	0.158
Sulfur Dioxide (SO ₂)	0.004	0.010
Volatile Organic Compounds (VOC)	0.038	0.017

¹PM Total includes both filterable and condensable fractions.

- b. Total suspended particulate matter (TSP) emissions from the each of the boilers shall not be greater than 0.11 pounds per million BTU. [20 DCMR 600.1].
- c. 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]

Violation of this standard, as a result of unavoidable malfunction, despite the conscientious employment of control practices, shall constitute an affirmative defense on which the Permittee shall bear the burden of proof. Periods of malfunction shall cease to be unavoidable malfunctions if reasonable steps are not taken to eliminate the malfunction within a reasonable time. [20 DCMR 606.5]

- d. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Condition (c), the latter shall not be applicable. [20 DCMR 606.7]
- e. 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]
- f. 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)]: *Note that this condition does not establish a specific numeric standard with which the Permittee must continuously apply, but rather establishes a work practice that must be properly performed each year and tuned operational baseline where the unit must be operated.*
 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;

3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in 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 set of permits.

Comments on the draft set of permits 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 July 8, 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 Permit No. 7257 to The U.S. Naval Research Laboratory to construct and operate a Downflo Evolution dust collector, identified as B57-DstCol-3, to be located in the West side of Building 57, U.S. Naval Research Laboratory, 4555 Overlook Avenue SW, Washington, DC. The contact person for the facility is Keith Hull, Director, Research & Development Services Division, phone number: (202) 767-2232.

Emissions:

The estimated maximum annual emissions from the dust collector are expected to be as follows:

	Dust Collector Maximum Annual Emissions
Pollutant	(tons/yr)
Total Suspended Particulate Matter (TSP)	4.72

The proposed dust collector emission limits are as follows:

- a. Total suspended particulate matter (TSP) emissions from the dust collector shall not exceed 0.03 gr/dscf or 1.62 lb/hr. [20 DCMR 603]
- b. Adding diluent air to the gas stream to comply with Condition II(a) is prohibited. [20 DCMR 603.3]
- 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. Visible emissions shall not be emitted into the outdoor atmosphere from this equipment. [20 DCMR 201 and 20 DCMR 606.1].

The permit application and supporting documentation, along with the draft permit is 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 draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after July 8, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES**

**NOTICE OF PUBLIC SURPLUS MEETING
PURSUANT TO D.C. OFFICIAL CODE §10-801
FOR 3999 8th STREET SE,
KNOWN AS FEREBEE-HOPE SCHOOL**

The District will hold a public meeting to receive comments on the finding that certain District property identified below is no longer required for public purposes and the proposed surplus of such District property. The meeting will also involve a discussion of the proposed redevelopment plan for such District property.

The District property, date, time and location for the meeting are as follows:

Property: Ferebee-Hope School
3999 8th Street SE
Washington, DC 20032
Lot 0045 in Square 6124

Date: Tuesday, July 9, 2019

Time: 6:00 pm – 7:30 pm

Location: Ferebee-Hope Recreation Center
3999 8th Street SE
Washington, DC 20032

Should you have any questions regarding the foregoing, please contact Ikeogu Imo, Associate Director of DGS' Portfolio Management Division, at (202) 741-7742 or at Ikeogu.Imo@dc.gov.

**DEPARTMENT OF HEALTH (DC HEALTH)
HIV/AIDS, HEPATITIS, STD AND TB ADMINISTRATION (HAHSTA)**

REVISED 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION (FSA)**

NOTICE OF FUNDING AVAILABILITY (NOFA): JA-FSA-HPP-001-20

HOMELESSNESS PREVENTION 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 Homelessness Prevention Program (HPP) to families with minor child(ren) under the age of eighteen (18), who are at imminent risk of homelessness, by stabilizing them in the community and reducing the number of families in need of shelter placement. The amount available for the project is approximately \$3,898,000.00 for up to four (4) providers.

Purpose/Description of the Project: This Notice of Funding Availability seeks to identify potential applicants that can provide HPP services to those who are at imminent risk of homelessness. The HPP provided by the applicant should primarily be focused on meaningfully engaging families through creation of a dignified and safe environment, facilitation of a coordinated entry into the homeless services continuum, connection to supportive services through case management, and ensuring accessibility to peer-led, professionally-supported, therapeutic programming.

Eligibility: Non-profit and for profit community based 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 experiencing homelessness or at imminent risk of becoming homeless 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 \$3,898,000 for one base year with four option years, subject to funding availability.

RFA Release: The RFA will be released on **June 14, 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-HPP-001-20" 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-HPP-001-20" on the outside of the envelope.

Deadline for Applications: The deadline for application submissions is **July 12, 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.

MAYA ANGELOU PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Gift Cards

MAPCS is seeking proposals to purchase activated gift cards to be used as incentives.

All bid proposals will be accepted until **12:00 PM on June 20, 2019**. Interested vendors will respond to the advertised Notice of RFP via upload to <https://app.smartsheet.com/b/form/ead26bbf3f73425d9ab343a887961abb>

Complete RFP details can be found at www.see forever.org/request-for-proposals. Any proposal received after **12:01 PM on June 20, 2019** is deemed non-responsive and will not be considered. Proposals will not be accepted by oral communications, telephone, electronic mail, telegraphic transmission, or fax.

MAYA ANGELOU PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****SPED Assessments Related to IEPs**

MAPCS is seeking proposals for a consultant to serve as a partner to assist MAPCS in providing special education services to students that is in compliance with IDEA.

All bid proposals will be accepted until **12:00 PM on June 20, 2019**. Interested vendors will respond to the advertised Notice of RFP via upload to

<https://app.smartsheet.com/b/form/67f94cd1cf344e98b47cf27a2b3b48df>

Complete RFP details can be found at www.seeforever.org/request-for-proposals/.

Any proposal received after **12:01 PM on June 20, 2019** is deemed non-responsive and will not be considered. Proposals will not be accepted by oral communications, telephone, electronic mail, telegraphic transmission, or fax.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2019 Eastern Market Strategic Plan Grant

Grant Identification No.:	DMPED –BD019 - 2319
Background Information:	The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Eastern Market Competitive Grant. Funding for this grant is authorized from the Eastern Market Competitive Grant Act of 2019, passed as part of the 2019 Budget Support Act (D.C. Law 22-168, Sec. 2161).
Purpose of Grant Program:	The purpose of the Eastern Market Competitive Grant is to provide funds to conduct a comprehensive study of and strategic plan for the development of Eastern Market, which shall include an assessment of the challenges and opportunities in public market management and marketing, and recommendations of best practices for the management and marketing of Eastern Market.
Length of Award:	One year from date of grant execution.
Anticipated Number of Awards:	DMPED will award one grant of up to a maximum of \$300,000. Grant funds will be used to pay for firm hours and other expenses involved in conducting the study and creating the strategic plan.
Eligibility Criteria	Economic development and urban planning firms which are: <ul style="list-style-type: none">• 501(c) (3) non-profit corporations.• For profit corporations, joint ventures, partnerships, and limited liability arrangements• A registered business in Good Standing with the DC Department of Consumer and Regulatory Affairs (DCRA), the DC Office of Tax and Revenue (OTR), the DC Department of Employment Services (DOES), and the federal Internal Revenue Service (IRS).
Availability of RFA:	The grant application will be released on June 21, 2019. The RFA will be posted on DMPED's website
www.dmped.dc.gov),	

Grant Information Sessions:

DMPED's

DMPED will host one information session. Once confirmed, details about the information session will be posted on website.

Contact Name:

LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.8111

Deadline for Electronic Submission:

Applicants must submit a completed online application to DMPED via the Blackbaud Giftsonline system by **Monday, July 22, 2019 at 12:00 PM**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2019 Innovation Accelerator Grant

Grant Identification No.: DMPED – BD019 - 2320

Background Information: The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Innovation Accelerator Grant. Funding for this program is authorized from the Economic Development Special Account, per D.C. Official Code §2-1225.21(d).

Purpose of Grant Program: The purpose of the Innovation Accelerator Grant is to enable entities to develop and manage a program to provide business development and financial support for early stage, DC-based businesses led by underrepresented entrepreneurs, such as people of color, women, LGBTQ individuals, and persons with disabilities. These businesses may be technology, technology-enabled or non-technology businesses.

Length of Award: **Date of grant execution through September 30, 2020.**

Anticipated Number of Awards: DMPED will award 2 or more grants for an aggregate total of \$400,000.00 to manage accelerator programs. Joint ventures (i.e. teams with members from more than one organization) are eligible to apply, but the grants will be disbursed to one organization.

Eligibility Criteria

The successful applicants will have experience with mentoring, training and investing in early stage companies led by underrepresented entrepreneurs. Applicants should be familiar with the local entrepreneurship ecosystem and have a demonstrated commitment to supporting underrepresented entrepreneurs in the Washington, DC region. For-profit corporations and non-profit/tax-exempt corporations (designated by the Internal Revenue Service) will be eligible to apply. Applicants must be authorized to do business in the District of Columbia as required by the Department of Consumer and Regulatory Affairs, and comply with District Certified Business Entity and First Source requirements.

Availability of RFA: The grant application will be released on June 21, 2019. The RFA will be posted on DMPED's website (www.dmped.dc.gov),

Grant Information Sessions: DMPED will host at least one informational session. Once confirmed, details about the informational session(s) will be posted on DMPED's website.

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.8111

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the GiftsOnline system by **Monday, July 22, 2019, at 12:00 PM.**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2019 Legacy Business Grant

Grant Identification No.: DMPED – BD019 - 2321

Background Information: The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for Legacy Business Grant. Pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04); and from the Economic Development Special Account pursuant to D.C. Official Code §2-1225.21.

Purpose of Grant Program: The purpose of the Legacy Business Grant is to support the retention and expansion of businesses that have been established in the District of Columbia for more than 25 years that are located or are looking to locate in retail priority areas.

Length of Award: **Date of grant execution through September 30, 2019.**

Anticipated Number of Awards: DMPED will award 1 or more grants for an aggregate total of \$1,500,000.00

Eligibility Criteria

An existing business with 25 or more years in the District whose business location(s) is/are either within, and/or plans to move to a Great Street Corridor are eligible (see map at: <http://ht.ly/m90F30cM0bz>).

Applicant examples include, but are not limited to:

- Retail Store – clothing, jewelry, toys, electronics, hardware
- Cafes
- Grocery Stores
- Drugstores/Pharmacies
- Sit Down Restaurants (including fast-casuals)
- Coffee Shops

- Medical Offices (doctor, dentist, chiropractor, urgent care)
- Professional office space

Ineligible businesses: Adult Entertainment, Auto Body Shops, Financial Institutions, Construction/General Contracting, Home-Based Businesses, Non-Profit Child Development Centers, Hotels, Phone Stores, and Real Estate Development/Property Management Realtor

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted on Friday, June 21, 2019.

Availability of RFA: The grant application will be released on **June 21, 2019**. The RFA will be posted on DMPED's website (www.dmped.dc.gov),

Grant Information Sessions: DMPED will host at least one informational session. Once confirmed, details about the informational session(s) will be posted on DMPED's website.

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.8111

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the GiftsOnline system by **Monday, July 22, 2019, at 12:00 PM**.

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

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

The DC Public Charter School Board (DC PCSB) gives notice of conditional approval of five new charter school applications: Capital Village, Girls Global Academy, I Dream Academy, Social Justice School, and Sojourner Truth School. Public hearings regarding these applications were held on April 22, 2019 and April 23, 2019, and the votes occurred on May 20, 2019. These schools plan to open at the beginning of the 2020-2021 school year. If you have questions or comments, please contact 202-328-2660 or applications@dcpcsb.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFFGAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to D.C. Code § 34-802 and in accordance with D.C. Code § 2-505,¹ of its final action taken in the above-captioned proceeding.²

2. On March 21, 2019, pursuant to D.C. Code § 10-1141.06,³ Washington Gas Light Company (WGL) filed a Surcharge Update to revise the Rights-of-Way (ROW) Fee Surcharge.⁴ The ROW Fee Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****3rd Revised Page 56**

3. According to its tariff, WGL's ROW Surcharge Update indicates the ROW Current Factor is 0.0326 with the ROW Reconciliation Factor of 0.0007 for the period of June 2018 through May 2019, which yields a Net Factor of 0.0333.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the April 2019 billing cycle.⁶

¹ D.C. Code §§ 2-505 and 34-802 (2001 Ed.).

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, (GT00-2) Rights-of-Way Fee Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed March 21, 2019.*

³ D.C. Code § 10-1141.06 (2001 Ed.) states that "[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2, Surcharge Update at 1.*

⁵ *GT00-2, Surcharge Update at 1.*

⁶ *GT00-2, Surcharge Update at 1.*

4. A Notice of Proposed Tariff (NOPT) regarding this ROW Surcharge Update was published in the *D.C. Register* on April 12, 2019.⁷ In the NOPT, the Commission stated that WGL has a statutory right to implement its filed surcharges, but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge, WGL would be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT. Based on the Commission's review of the tariff filing, the Commission finds that WGL's calculations for the ROW Current Factor, the ROW Reconciliation Factor, and the ROW Surcharge Update comply with the General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56 and with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on May 29, 2019, took final action approving WGL's ROW Surcharge Update tariff filing. WGL's ROW Surcharge Update tariff shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁷ 66 *D.C. Reg.* 004874-004875 (April 12, 2019).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFFPEPRADR 2019-01, THE POTOMAC ELECTRIC POWER COMPANY'S RESIDENTIAL AID DISCOUNT COMPLIANCE REPORTS AND FILINGS;

AND

FORMAL CASE NO. 1120, IN THE MATTER OF THE INVESTIGATION INTO THE STRUCTURE AND APPLICATION OF LOW-INCOME ASSISTANCE FOR ELECTRICITY CUSTOMERS IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the Potomac Electric Power Company's (Pepco) Rider "RADS" — Residential Aid Discount Surcharge (Rider Update)² in not less than 30 days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. In *Formal Case No. 1053*, the Commission established the Residential Aid Discount (RAD) Surcharge, the means by which Pepco recovers the costs of the subsidy for the RAD Program for low-income electricity customers in the District of Columbia.³ Subsequently, pursuant to the Residential Aid Discount Subsidy Stabilization Amendment Act of 2010 (the Act of 2010),⁴ the Commission, in Order No. 15986, directed Pepco to seek a true-up for the surcharge on an annual basis, commencing January 2011, in the event of an over or under collection of the RAD Surcharge and to address any changes in income eligibility criteria.⁵

3. In *Formal Case No. 1120*, Order No. 18059, the Commission adopted a new methodology for computing the RAD subsidy, and implemented a Residential Aid Credit (RAC),

¹ D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.).

² *PEPRAD 2019-01, In the Matter of Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings* ("PEPRAD Year") and *Formal Case No. 1120, In the Matter of the Investigation into the Structure and Application of Low Income Assistance for Electricity Customers in the District of Columbia* ("Formal Case No. 1120"), Update to Potomac Electric Power Company's ("Pepco") Rider "RADS" — Residential Aid Discount Surcharge ("Rider Update"), filed March 26, 2019.

³ *Formal Case No. 1053, In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service*, Order No. 14712, rel. January 30, 2008.

⁴ D.C. Law 18-195, Residential Aid Discount Subsidy Stabilization Amendment Act of 2010; D.C. Code § 8-1774.14 (2016).

⁵ *Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices*, and *Formal Case No. 813, In the Matter of Application of Potomac Electric Power Company for an Increase in its Retail Rates for the Sale of Electric Energy*, Order No. 15986, ¶¶ 6, 13, rel. September 20, 2010.

which is equal to the full Distribution Charge plus certain applicable surcharges.⁶ The new methodology for calculating the RAD subsidy became effective June 1, 2016.⁷

4. On March 26, 2019, in compliance with the Act of 2010 and Order Nos. 15986 and 18059, Pepco filed its annual update to the Rider “RADS.” Based on our preliminary review of the Rider Update, Pepco’s filing is consistent with the approved methodology for computing the RAC. In the Rider Update, Pepco proposes to amend the following tariff pages:

Rate Schedules for Electric Service in the District of Columbia,

**P.S.C. of D.C. No. 1
Ninety-Ninth Revised Page No. R-1
Superseding Ninety-Eighth Revised Page No. R-1**

**P.S.C. of D.C. No. 1
Ninety-Ninth Revised Page No. 2
Superseding Ninety-Eighth Revised Page No. 2**

**P.S.C. of D.C. No. 1
Ninety-Second Revised Page No. R-2.1
Superseding Ninety-First Revised Page No. R-2.1**

**P.S.C. of D.C. No. 1
Sixty-Seventh Revised Page No. R-2.2
Superseding Sixty-Sixth Revised Page No. R-2.2**

**P.S.C. of D.C. No. 1
Tenth Revised Page No. R-46
Superseding Ninth Revised Page No. R-46**

5. According to Pepco, the estimated funding level for the RAD program from June 2019 through May 2020 is \$5,849,032, up from \$5,558,684 in the previous true-up filing.⁸ This is an increase of \$290,348 over the previous true-up period. Additionally, Pepco reports that the difference in the subsidy for the RAD Program and the RAD Surcharge revenues for the period March 2018 to February 2019 resulted in an over-collection of \$1,095,986, which is included in the true-up calculation.⁹ Finally, Pepco forecasts a RAD Surcharge over-collection of \$610,339 for the period March 2019 to May 2019 that is also included in the true-up calculation.¹⁰ To

⁶ *Formal Case No. 1120*, Order No. 18059, ¶¶ 31, 34, rel. December 15, 2015 (“Order No. 18059”).

⁷ *Formal Case No. 1120*, Order No. 18059, ¶ 35.

⁸ *See PEPRADR 2019-01*, Rider Update, Attachment B and *PEPRADR 2018-01*, Update to Potomac Electric Power Company’s (“Pepco”) Rider “RADS” — Residential Aid Discount Surcharge, Attachment B, filed April 4, 2018.

⁹ *See PEPRADR 2019-01*, Rider Update, at 1 and Attachment B.

¹⁰ *See PEPRADR 2019-01*, Rider Update, at 1 and Attachment B.

recover the estimated cost for the RAD program from June 2019 through May 2020, net the over-collection for the period from June 2019 to May 2019, Pepco proposes to decrease the RAD Surcharge from \$0.000765 to \$0.000642.¹¹

6. Additionally, in the Rider Update, Pepco notes that the estimated RAD program costs of \$5,849,032 is above the level of \$5,750,000 established in Order Nos. 15986 and 17545, and “requests that, to the extent necessary, the level be increased as shown in Attachment B.”¹² The revised Rider “RADS” tariff pages are provided in the Rider Update.

7. This Rider Update may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission’s website at www.dcpsc.org. Once at the website, open the “eDocket System” tab, click on “Search Current Dockets” and input “PEPRADR2019-01” in the “Select Case Number” field. Copies of the tariff pages and attachments are available, upon request, at a per page reproduction fee.

8. Comments on this Rider Update must be made in writing to Brinda Westbrook-Sedgwick, at the above address, or by email at psc-commissionsecretary@dc.gov, or by clicking the following link: <http://edocket.dcpsc.org/comments/submitpubliccomments.asp>. Comments must be received within 30 of the date of publication of this NOPT in the *D.C. Register*. Once the comment period has expired, the Commission will take final action on Pepco’s Rider Update.

¹¹ See *PEPRADR 2019-01*, Rider Update, Attachment B.

¹² *PEPRADR 2019-01*, Rider Update at 1-2.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Computer Hardware**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter school located in Southeast Washington, DC—seeks one or more vendors to furnish computer hardware.

Needs include:

- Chromebooks
- Carts for Chromebooks
- Laptops
- Laptop monitor docks

Details appear in the full RFP available at <https://thurgoodmarshallacademy.org/about/employment-opportunities/> or by emailing dschlossman@tmapchs.org.

By bidding, vendors agree to Thurgood Marshall Academy's General Conditions Statement (also found at the link above).

Amendments/changes (if any) to the RFP—including but not limited to deadline extensions—will be posted on the webpage linked above.

For further information about the bid contact David Schlossman, dschlossman@tmapchs.org, 202-276-4722. Further information about Thurgood Marshall Academy—including the school's nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submissions must respond to the full RFP. All submissions shall be sent by email to dschlossman@tmapchs.org, with a 10-page and a 5 MB file-size limit by **June 18, 2019**.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, June 20, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|-----|--|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates
1. BPAWTP Performance | Vice-President,
Wastewater Ops |
| 3. | Status Updates | Senior VP Chief Engineer,
Engineering |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items
- Joint Use
- Non-Joint Use | Senior VP Chief Engineer,
Engineering |
| 6. | Water Quality Monitoring | Senior Director, Water Ops |
| 7. | Action Items | Senior VP Chief Engineer
Senior Director, Water Ops
Director, Customer Care |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19929 of 614 Otis LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2,¹ to construct a rear addition and convert an existing, attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 614 Otis Place N.W. (Square 3035, Lot 63).

HEARING DATES: March 20, and May 22, 2019

DECISION DATE: May 22, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 7.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 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 January 9, 2019, at which a quorum was present, the ANC voted 12-0-0 to support the application, having concluded that the proposal will not have a significant negative impact on area parking or the architectural character of the surrounding neighborhood. (Exhibit 21.)

The Office of Planning ("OP") submitted a timely report recommending approval of the residential conversion (Subtitle U § 320.2) and the waiver required for extension past 10 feet (Subtitle U § 320.2(e)). However, OP recommended denial of the waiver to remove the rooftop architectural element (Subtitle U § 320.2(h)). (Exhibit 38.) In the OP Supplemental Report and through testimony at the hearing, OP recommended that no rooftop deck be located on the rear portion of the addition to maintain the privacy of use and enjoyment of neighboring properties. Also OP continued to not support the incorporation of a taller mansard roof with a horizontal window element, noting that the subject property is located among a small group of intact row dwellings along Otis Place and that the proposed design would be inconsistent with the existing

¹ The application also includes a request for waiver of the requirements under Subtitle U §§ 320.2(e) and (h). The Board granted the requested waivers, as permitted by Subtitle U § 320.2(l).

pattern of dwellings along the south side of the street. (Exhibit 50.) OP did not recommend conditions.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001)). Great weight means acknowledgement of the issues and concerns of the Office of Planning. The Board disagrees with the OP’s assessment of the negative impacts on the nearby and adjacent properties in terms of visual intrusion. The Board finds that there are already windows overlooking nearby properties and that adding the rooftop deck is not significantly different than having windows. The Board finds that the proposal has overwhelming support in the community. The adjacent neighbor to the west at 616 Otis Place expressed support by submitting a letter and testifying at the hearing, and the Applicant has contacted many neighbors and received 19 signatures in support of the proposal. (Exhibit 46.) Regarding the rooftop deck, the Board finds that the visual impacts are lessened because the rooftop deck element is set back, and the proposal, as designed, will not create negative impacts in terms of architectural compatibility with other structures in the area.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 39.)

One petition containing 19 signatures was filed in support of the application, and one letter in support was filed by the adjacent neighbor at 616 Otis Place. (Exhibits 46 and 19 respectively.) Three neighbors filed comments in opposition to the application. (Exhibits 18 and 41.)

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 residential conversion requirements of Subtitle U § 320.2, to construct a rear addition and convert an existing, attached principal dwelling unit into a three-unit apartment house 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 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 44 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Carlton E. Hart, Peter A. Shapiro, Lesylleé M. White, and Lorna L. John to APPROVE; Frederick L. Hill abstaining).

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 29, 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

BZA APPLICATION NO. 19929

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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. 20017 of 1128 6th Street LLC, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201.1(a) from the lot occupancy requirements of Subtitle F § 304.1 to construct a three-story addition, and to convert a principal dwelling into a six-unit apartment building in the RA-2 Zone at premises 1128 Sixth Street, N.W. (Square 449, Lot 40).

HEARING DATE: May 22, 2019

DECISION DATE: May 22, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 35 (Revised); Exhibits 7 and 14 (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") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 22, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 30.) At the hearing, the Applicant stated that it would comply with the ANC's request that the third floor metal façade be painted a color that blends with the neighboring building.

The Office of Planning ("OP") submitted a timely report, dated May 10, 2019, in support of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a report, dated May 10, 2019, expressing no objection to the approval of the application. (Exhibit 38.)

¹ The original application included a proposal for the penthouse setback requirements of Subtitle C § 1504.1. (Exhibit 14.) The Applicant amended the application by removing the relief pursuant to Historic Preservation Review Board guidance. (Exhibit 35.)

A letter in support from Sharon R. Goods, a neighbor, was submitted to the record. (Exhibit 39.)

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 F § 5201.1(a) from the lot occupancy requirements of Subtitle F § 304.1 to construct a three-story addition, and to convert a principal dwelling into a six-unit apartment building in the RA-2 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 F §§ 5201.1(a) and 304.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 33.**

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Peter A. Shapiro to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 23, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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