

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 23-0266, Prohibition of Marijuana Testing Act of 2019
- D.C. Council schedules a public oversight roundtable on the “District of Columbia Government Leasing and Agency Location Decision-Making at the Department of General Services”
- Office of the State Superintendent of Education announces availability of the Fiscal Year 2020 - Building and Sustaining Quality Early Care and Education Grant
- Department of Employment Services establishes tax collection procedures for administering a paid-leave program in the District
- Department of Housing and Community Development schedules a public hearing on the District’s FY2020 Annual Action Plan
- Department of Human Services announces funding availability for the FY2020 Grants to Community-Based Organizations for SNAP Employment and Training Program
- Office of the Deputy Mayor for Planning and Economic Development announces availability of the FY2019 Investor Engagement Grant
- D.C. Water and Sewer Authority schedules a public hearing on the amendments to the Customer Assistance Program II and Sewer Rates for Groundwater Discharge

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-58**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 17, 2019**

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Legitimate Theater Sidewalk Café Authorization Emergency Amendment Act of 2019”.

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section 201b to read as follows:

“Sec. 201b. Legitimate theater sidewalk café authorization.

“(a) The Mayor shall allow the use by a legitimate theater of public space abutting the legitimate theater as a sidewalk café; provided, that the applicant:

“(1) Meets the administrative procedures for a sidewalk café as set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Code; and

“(2) Obtains the necessary licenses and license endorsements required by the Alcoholic Beverage Control Board to sell, serve, or permit the consumption of alcoholic beverages in a sidewalk café pursuant to D.C. Official Code § 25-113a(c).

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

“(1) “Legitimate theater” shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).

“(2) “Sidewalk café” shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).”.

Sec. 3. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 300), is amended as follows:

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(a) Section 301.3 is amended by striking the phrase "restaurant, grocery store, brewery, winery, or distillery" both times it appears and inserting the phrase "legitimate theater, restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop" in its place.

(b) Section 303.13(h) is amended by striking the phrase "abutting restaurant" and inserting the phrase "abutting legitimate theater, restaurant," in its place.

(c) Section 399.1 is amended by adding a new definition to read as follows:

"Legitimate theater - a building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance."

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia

APPROVED  
June 17, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-59**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 17, 2019**

To amend, on a temporary 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 Temporary 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 election year and on the 3rd Tuesday in June of each even-numbered non-presidential election year” in its place.

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(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.

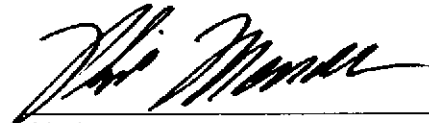
Sec. 3. Fiscal impact statement.

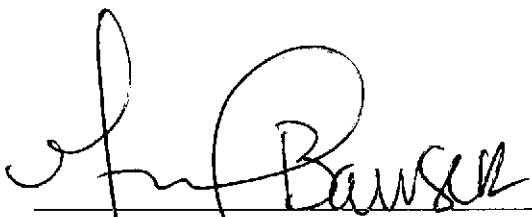
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
June 17, 2019

ENROLLED ORIGINAL

## A RESOLUTION

23-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2019-C-0008 with May Firm/EKM Association on PCBs to provide outside legal counsel in support of the Office of the Attorney General's investigations and potential litigation against Monsanto, Solutia Inc., Pharmacia LLC, and/or any other subsidiary, affiliate, or successor-in-interest responsible for the former manufacture and sale of polychlorinated biphenyls, for recoupment of costs and damages under common law or statutory theories of cost recovery associated with the investigation and remediation of polychlorinated biphenyls in or on lands or waters owned, controlled, or held in trust by the District, or for which the District is or may be held responsible by an agency of the federal government, any other governmental entity, including a state or municipality, or third parties, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCCB-2019-C-0008 Approval and Payment Authorization Emergency Declaration Resolution of 2019".

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2019-C-0008 with May Firm/EKM Association on PCBs to obtain outside legal counsel in support of the Office of the Attorney General's ("OAG's") investigations and potential litigation against Monsanto, Solutia Inc., Pharmacia LLC, and any other subsidiary, affiliate, or successor-in-interest responsible for the former manufacture and sale of polychlorinated biphenyls ("PCBs") ("Monsanto"). Litigation would be for the recoupment of costs and damages under common law or statutory theories of cost recovery associated with the investigation and remediation of PCBs in or on lands or waters owned, controlled, or held in trust by the District, or for which the District is or may be held responsible by an agency of the federal government, any other governmental entity, including a state or municipality, or third parties, and to authorize payment for the goods and services received and to be received under the contract.

(b) Council approval is necessary to allow OAG to obtain the services of outside legal counsel to assist in its investigation and potential litigation against Monsanto. Contract No. DCCB-2019-C-0008 is a multiyear contract, which has a 5-year base period calculated from the date of the



**ENROLLED ORIGINAL**

contract's award.

(c) Council approval is also necessary because the contract could require the payment of more than \$1 million during a 12-month period. The contract is a contingency fee contract with costs and fees calculated as a percentage of any monetary recovery obtained by the May Firm/EKM Association on PCBs on behalf of the District, payable only upon the District's receipt of such a recovery. The maximum amount payable to the May Firm/EKM Association on PCBs is \$26 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2019-C-0008 Approval and Payment Authorization Emergency 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](http://www.dccouncil.us).

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

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|---------|--|
| B23-331 | Closing of a Public Alley in Square 369, S.O. 18003, Act of 2019<br><br>Intro. 6-7-19 by Councilmember Evans and referred to the Committee of the Whole  |
| <hr/>   |  |
| B23-332 | Abandonment of the Highway Plan for Anacostia Avenue, N.E., S.O. 19-04866, Act of 2019<br><br>Intro. 6-7-19 by Councilmember Gray and referred to the Committee of the Whole   |
| <hr/>   |  |
| B23-333 | Illegal Construction Repair and Mitigation Amendment Act of 2019<br><br>Intro. 6-11-19 by Chairman Mendelson and Councilmembers Nadeau, Bonds, Evans, Silverman, Todd, and R. White and referred to the Committee of the Whole |
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- B23-334 FERPA Exception Amendment Act of 2019  
Intro. 6-11-19 by Chairman Mendelson at the request of the Attorney General and referred sequentially to the Committee on Education and the Committee of the Whole with comments from the Committee on Judiciary and Public Safety and the Committee on Human Services
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- B23-338 Eviction Record Sealing Authority Amendment Act of 2019  
Intro. 6-18-19 by Councilmembers Cheh, Allen, Nadeau, Grosso, Bonds, Todd, and Silverman and referred sequentially to the Committee on Government Operations and the Committee on Housing and Neighborhood Revitalization
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- B23-339 Female Genital Mutilation Prohibition Act of 2019  
Intro. 6-18-19 by Councilmembers Cheh, Allen, Nadeau, Grosso, Bonds, Silverman, and Gray and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Health
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- B23-340 Alleys for Affordable Housing Clarification Amendment Act of 2019  
Intro. 6-18-19 by Councilmembers Bonds, Silverman, and Grosso and referred sequentially to the Committee on Business and Economic Development and the Committee of the Whole with comments from the Committee on Housing and Neighborhood Revitalization
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- B23-341 Perinatal Health Worker Training Access Act of 2019  
Intro. 6-18-19 by Councilmembers R. White, Cheh, Bonds, Silverman, Allen, Gray, T. White, Evans, McDuffie, Grosso, Nadeau, Todd, and Chairman Mendelson and referred to the Committee on Health
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### **PROPOSED RESOLUTIONS**

- PR23-357 Closed Circuit Television Modernization Rulemaking Approval Resolution of 2019  
Intro. 6-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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PR23-358 Board of Industrial Trades Mr. Petrick Washington Confirmation Resolution of 2019

Intro. 6-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR23-359 Board of Industrial Trades Mr. Brian Cooper Confirmation Resolution of 2019

Intro. 6-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR23-360 Board of Industrial Trades Mr. Alvin D. Venson, Sr. Confirmation Resolution of 2019

Intro. 6-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR23-361 Contract No. CFOPD-19-C-041, Sports Wagering, Lottery Gaming Systems and Related Services Approval Resolution of 2019

Intro. 6-10-19 by Chairman Mendelson at the request of the Chief Financial Officer and Retained by the Council with comments from the Committee on Finance and Revenue

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PR23-362 Board of Professional Counseling Victoria Sardi-Brown Confirmation Resolution of 2019

Intro. 6-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR23-363 Board of Pharmacy Gregory Cendana Confirmation Resolution of 2019

Intro. 6-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR23-364 Board of Optometry David Reed Confirmation Resolution of 2019

Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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- PR23-365 Board of Optometry Jeffrey Kraskin Confirmation Resolution of 2019  
Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-366 Board of Psychology Joette James Confirmation Resolution of 2019  
Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-367 Board of Psychology Anthony Jimenez Confirmation Resolution of 2019  
Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-368 Board of Psychology Teresa Grant Confirmation Resolution of 2019  
Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-369 Board of Psychology Eric Jones Confirmation Resolution of 2019  
Intro. 6-13-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-373 Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2019  
Intro. 6-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR23-374 Green Finance Authority Board Todd Monash Confirmation Resolution of 2019  
Intro. 6-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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PR23-375      Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2019

Intro. 6-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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PR23-376      Food Policy Council Lillie Rosen Confirmation Resolution of 2019

Intro. 6-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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PR23-377      Food Policy Council Beverley Wheeler Confirmation Resolution of 2019

Intro. 6-14-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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COUNCILMEMBER ANITA BONDS, CHAIRPERSON  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

*on*

Bill 23-0048, "Housing Conversion and Eviction Clarification Amendment Act of 2019"

Bill 23-0123, "Housing Production Trust Fund Transparency Amendment Act of 2019"

and

Bill 23-0136, "District's Opportunity to Purchase Amendment Act of 2019"

on

Wednesday, July 10, 2019, at 11:00 AM  
John A. Wilson Building, Room 120  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0048, "Housing Conversion and Eviction Clarification Amendment Act of 2019" and Bill 23-0123, "Housing Production Trust Fund Transparency Amendment Act of 2019". **Due to unforeseen circumstances, this hearing was recessed on June 17, 2019 and will reconvene at 11:00 a.m. on Wednesday, July 10, 2019 in Room 120 of the John A. Wilson Building to allow the Chairperson and members of this Committee to ask questions of Director Polly Donaldson of the Department of Housing and Community Development regarding Bills 23-0048 and 23-0123.**

Bill 23-0136, "District's Opportunity to Purchase Amendment Act of 2019", would amend the Rental Housing Conversion and Sale Act of 1980 to clarify/modify the meaning of an "affordable unit" to include a rental unit in a housing accommodation that is affordable to tenants with an income at 60% of the area median family income. It also establishes rent restrictions after a District's Opportunity to Purchase Act ("DOPA") transfer.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on

July 9, 2019. Persons wishing to testify are encouraged to **submit 15 copies of written testimony.** Oral testimony should be limited to three minutes for individuals and five minutes for organizations. If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on July 24, 2019.



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

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**NOTICE OF PUBLIC HEARING ON**

**B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition  
Amendment Act of 2019**

July 10, 2019, at 11:00 AM  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Wednesday, July 10, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019. The hearing will begin at 11:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-191 would prohibit the retail sale of polystyrene food service products and polystyrene loose fill packaging, commonly known as packing peanuts.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on July 24, 2019.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

**ANNOUNCES A PUBLIC HEARING ON**

**B23-0266, the “Prohibition of Marijuana Testing Act of 2019,” and on B23-0309, the  
“Medical Marijuana Program Patient Employment Protection Amendment Act of 2019”**

**Wednesday, September 25, 2019, 11:00 a.m.  
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 hearing on B23-0266, the “Prohibition of Marijuana Testing Act of 2019,” which seeks to prohibit marijuana testing as a condition of employment unless required by law, and on B23-0309, the “Medical Marijuana Program Patient Employment Protection Amendment Act of 2019,” which seeks to prohibit the District of Columbia government from discriminating, in employment, against individuals participating in the medical marijuana program. The hearing will be held at 11:00 a.m. on Wednesday, September 25, 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](mailto:labor@dccouncil.us) or (202) 724-7772 by 5:00 p.m. on Monday, September 23, 2019, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of interpretation, if any, they require. Witnesses who anticipate needing language interpretation, including American Sign Language (ASL) interpretation, are requested to inform this office of the need as soon as possible but no later than Tuesday, September 17, 2019 at 5:00 p.m. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses representing organizations will have five minutes to present testimony, and individuals will have three minutes to present testimony; less time may be allotted if a large number of witnesses attends.

If you are unable to testify at the 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](mailto: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 October 9, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON FACILITIES AND PROCUREMENT**

ROBERT C. WHITE, JR., CHAIR

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**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**

**District of Columbia Government Leasing and Agency Location Decision-Making at the Department of General Services**

Thursday, July 11<sup>th</sup>, 2019, 9:30 AM  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

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On Thursday, July 11<sup>th</sup>, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on Government Leases and Agency Location Decision-Making at the Department of General Services. The Public Oversight Roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 AM.

The purpose of the roundtable is to understand and evaluate the leasing practices of the Department of General Services to ensure that government-occupied leased space is being identified and procured efficiently and transparently. In addition, the roundtable will also evaluate the decision-making process for determining agency locations in the District, with the goal of ensuring those decisions are made with a view toward reducing cost and increasing equity, while ensuring accessibility.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, July 10<sup>th</sup>, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced if there are a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to [facilities@dccouncil.us](mailto:facilities@dccouncil.us).

Witnesses are advised that should the public oversight roundtable extend beyond 12:00 p.m. or 6:00 p.m., the Committee will recess for a period of twenty minutes at each time. Should more than one hundred witnesses request to testify in person, the public roundtable will recess after the first one hundred witnesses and any witnesses signed up after the first one hundred will, at the discretion of the chair, be given the opportunity to either provide oral testimony when the roundtable reconvenes at a later date or submit written testimony for the record.

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Wednesday, July 30<sup>th</sup>, 2019.**

**Council of the District of Columbia  
Committee on Finance and Revenue  
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

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**COUNCILMEMBER JACK EVANS, CHAIR  
COMMITTEE ON FINANCE AND REVENUE**

**ANNOUNCES A PUBLIC ROUNDTABLE ON:**

**CA 23-168, Proposed multiyear contract CFOPD-19-C-041 with Intralot, Inc.**

**Wednesday, June 26, 2019**

**10:00 a.m.**

**Room 120 - John A. Wilson Building**

**1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, June 26, 2019 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The purpose of the roundtable is to discuss proposed Contract No. CFOPD-19-C-041 (CA 23-168) with Intralot, Inc. to provide Sports Wagering, Lottery Gaming Systems and related equipment and services for the District of Columbia's Office of the Chief Financial Officer, Office of Lottery and Gaming. CA 23-168 would approve a five- year base period (July 15, 2019 through July 14, 2024), in an amount not to exceed \$215,000,000.00.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Tuesday, June 25, 2019. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004. The record for this roundtable will close on July 2, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR 23-285, “Zoning Commission Peter Shapiro Confirmation Resolution of 2019”**

on

**Thursday, June 27, 2019**  
**12:30 p.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 roundtable before the Committee of the Whole on Bill 23-285, the “Peter Shapiro Confirmation Resolution of 2019.” The hearing will be held at **12:30 p.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 **PR 23-285** is to confirm the re-appointment of Peter Shapiro to the Zoning Commission. The Zoning Commission is charged with preparing, adopting, and subsequently amending the Zoning Regulations and Zoning Map in a means not inconsistent with the Comprehensive Plan for the National Capital. The Zoning Commission also considers a variety of zoning cases such as Planned Unit Developments, campus plans, and may consider, sua sponte, Board of Zoning Adjustment cases. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of these nominees for reappointment to the Commission.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Julia Koster at (202) 724-7130, 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 roundtable. 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>. Roundtable materials can be accessed 24 hours in advance of the roundtable at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the roundtable, 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 TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC ROUNDTABLE**

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

June 27, 2019, at 12:00 PM  
in Room 120 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Thursday, June 27, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR23-318, the Director of the Department of Motor Vehicles Gabriel T. Robinson Confirmation Resolution of 2019. PR23-318 would confirm Gabriel T. Robinson as the Director of the Department of Motor Vehicles. The roundtable will begin at 12:00 PM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on July 1, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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COUNCILMEMBER ANITA BONDS, CHAIRPERSON  
COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEE

*In the matter of*

**“Limited-equity Cooperative Task Force Preliminary Report”**

on

July 10, 2019, at 3:00 pm  
John A. Wilson Building, Room 120  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On July 10, 2019, Councilmember Anita Bonds, Chairperson of the Committee on Housing and Neighborhood Revitalization, will hold a public roundtable on the “Limited-equity Cooperative Task Force Preliminary Report.” The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 3:00 p.m.

During Council Period 22, Councilmember Anita Bonds passed B22-0099, the Limited-Equity Cooperative Task Force Act of 2018. This law established a Limited-equity Cooperative Task Force charged with providing comprehensive policy recommendations, assisting District residents and the District government with improving existing limited-equity cooperatives, establishing new limited-equity cooperatives, and helping all limited-equity cooperatives succeed and prosper. This public roundtable will provide an opportunity for the Task Force members to present their preliminary report to the public.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on July 9, 2019. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on July 24, 2019.



Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 23-370, the "Real Property Tax Appeals Commission John Woods Jr. Confirmation Resolution of 2019", PR 23-371, the "Real Property Tax Appeals Commission Trent T. Williams Confirmation Resolution of 2019" and PR 23-372, the "Real Property Tax Appeals Commission Stacie Scott Turner Confirmation Resolution of 2019" in order for the Committee on Finance and Revenue to markup the proposed resolutions the week of June 24<sup>th</sup> so that they may be agendized for the scheduled July 9<sup>th</sup> additional legislative meeting. Confirmation resolutions on the same nominees were previously transmitted by the Mayor as PR 23-160, PR 23-161 and PR 23-162 which were the subject of a June 5, 2019 public roundtable and were deemed disapproved on June 11, 2019. The Mayor transmitted PR 23-370, PR 23-371 and PR 23-372 on June 13, 2019. Approval on July 9, 2019 will allow the nominees to begin serving and participate in training and activities in advance of the fall review season for the Real Property Tax Appeals Commission.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B23-330**, Children's National Research and Innovation Campus Phase 1 Temporary Amendment Act of 2019 and **B23-336**, Medical Marijuana Program Employment Protection Temporary Amendment Act of 2019 were adopted on first reading on June 18, 2019. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 25, 2019.

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

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

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

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

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**GBM 23-41:** FY 2019 Grant Budget Modifications of May 23, 2019

RECEIVED: 14-day review begins June 12, 2019

**GBM 23-42:** FY 2019 Grant Budget Modifications of May 29, 2019

RECEIVED: 14-day review begins June 13, 2019

**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

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**Reprog. 23-18:** Request to reprogram \$335,300 of Fiscal Year 2019 Local funds budget authority from the Unemployment Compensation Fund (UCF) to the Department of Employment Services (DOES) was filed in the Office of the Secretary on June 14, 2019. This reprogramming is needed to cover costs associated with First Source Online Registration and Reporting System for the First Source Program.

RECEIVED: 14-day review begins June 17, 2019

**Reprog. 23-19:** Request to reprogram \$642,000 of Fiscal Year 2019 Local funds budget authority within the Office of Campaign Finance (OCF) was filed in the Office of the Secretary on June 14, 2019. This reprogramming is needed to cover administrative costs of the Fair Elections program.

RECEIVED: 14-day review begins June 17, 2019

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019

License No.: ABRA-001006  
Licensee: A Litteri, Inc.  
Trade Name: A Litteri, Inc.  
License Class: Retailer's Class "B"  
Address: 517 Morse Street, N.E.  
Contact: Kenneth E. Nankervis: (703) 338-7379

WARD 5

ANC 5D

SMD 5D01

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Class Change from a Retailer Class "B" Grocery to a Retailer Class "A" Liquor Store.

**HOURS OF OPERATION**

Sunday through Saturday 8am – 8pm

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9am – 8pm

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-114110  
Licensee: Lodging Concessions, LLC  
Trade Name: AC Hotel Washington DC  
License Class: Retailer's Class "C" Hotel  
Address: 1112 19th Street, N.W.  
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A hotel with 219 guest rooms that will serve alcoholic beverages to patrons in the restaurant. Also requesting an Entertainment Endorsement to provide live entertainment inside the premises only. Sidewalk Café with seating for 32 patrons. Summer Garden with seating for 50 patrons.

**HOURS OF OPERATION**

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

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

Sunday through Saturday 8am – 2am

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES ONLY**

Sunday through Saturday 10am – 2am

**HOURS OF OPERATION FOR SIDEWALK CAFÉ AND SUMMER GARDEN**

Sunday through Saturday 7am – 2am

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ AND SUMMER GARDEN**

Sunday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: May 31, 2019  
Protest Petition Deadline: July 15, 2019  
Roll Call Hearing Date: July 29, 2019  
Protest Hearing Date: September 25, 2019

License No.: ABRA-113822  
Licensee: DC Rabbit Hole LLC  
Trade Name: Alice  
License Class: Retailer’s Class “C” Tavern  
Address: 1357 U Street, N.W.  
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 1                      ANC 1B                      SMD 1B12

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 29, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **September 25, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer’s Class C Tavern with a seating capacity of 225 and a Total Occupancy Load of 325. Rooftop Summer Garden on the second floor with 70 seats. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge inside the premises only.

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

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

**HOURS OF LIVE ENTERTAINMENT INSIDE ONLY**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON

**\*\*6/21/2019**

**\*\*READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-090240

License Class/Type: C Restaurant

Applicant: BALKAN CONCEPTS LLC

Trade Name: Ambar

ANC: 6B03

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

**523 8th ST SE, WASHINGTON, DC 20003**

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

**\*\*8/5/2019**

A HEARING WILL BE HELD ON:

**\*\*8/19/2019**

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

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

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	10am - 11pm (VA)	9am - 2 am
Monday:	10am - 11pn (VA)	9am - 2am
Tuesday:	10am - 11m (VA)	9am - 2am
Wednesday:	10am - 11am (VA)	9am - 2am
Thursday:	10am - 11pm (VA)	9am - 2am
Friday:	10am - 1am (VA)	9am - 3am
Saturday:	10 am - 1 am (VA)	9am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON

**\*\*5/3/2019**

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-090240

License Class/Type: C Restaurant

Applicant: BALKAN CONCEPTS LLC

Trade Name: Ambar

ANC: 6B03

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

**523 8th ST SE, WASHINGTON, DC 20003**

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

**\*\*6/17/2019**

A HEARING WILL BE HELD ON:

**\*\*7/1/2019**

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

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

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	10am - 11pm (VA)	9am - 2 am
Monday:	10am - 11pn (VA)	9am - 2am
Tuesday:	10am - 11m (VA)	9am - 2am
Wednesday:	10am - 11am (VA)	9am - 2am
Thursday:	10am - 11pm (VA)	9am - 2am
Friday:	10am - 1am (VA)	9am - 3am
Saturday:	10 am - 1 am (VA)	9am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113870  
Licensee: Daruwalla, LLC  
Trade Name: Daru  
License Class: Retailer's Class "C" Tavern  
Address: 1451 Maryland Avenue, N.E.  
Contact: Candace Fitch, Esq.: (202) 258-8634

WARD 6

ANC 6A

SMD 6A06

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new C Tavern serving small Indian plates and cocktails. Seating Capacity of 40, Total Occupancy Load of 99 and a Sidewalk Cafe with 20 seats.

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

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 21, 2019
Protest Petition Deadline: August 5, 2019
Roll Call Hearing Date: August 19, 2019

License No.: ABRA-095442
Licensee: Pacific District Lessee Corporation
Trade Name: Eaton DC
License Class: Retailer's Class "C" Hotel
Address: 1201 K Street, N.W.
Contact: Michael D. Fonseca: (202) 625-7700

WARD 2 ANC 2F SMD 2F08

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 19, 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 add an Entertainment Endorsement with Dancing and Cover Charge.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

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

PROPOSED HOURS OF LIVE ENTERTAINMENT

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: June 14, 2019  
 Protest Petition Deadline: July 29, 2019  
 Roll Call Hearing Date: August 12, 2019  
 Protest Hearing Date: October 9, 2019

License No.: ABRA-113980  
 Licensee: Light Industries, LLC  
 Trade Name: Licht Cafe  
 License Class: Retailer's Class "C" Tavern  
 Address: 1520 U Street NW  
 Contact: Spencer W. Hurd, Managing Member: (202) 650-8696

WARD 2

ANC 2B

SMD 2B09

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 12, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Tavern with light fare such as appetizers, salads, sandwiches, desserts, coffee, and drinks. **\*\*Summer Garden Endorsement with 20 seats. \*\*Licensee requests an Entertainment Endorsement inside the premises and outside in the Summer Garden area. Total Occupancy Load of 80 with seating for 40 patrons.**

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

Sunday 11am – 11pm, Monday through Thursday 4pm – 11pm, Friday 4pm – 1am  
 Saturday 11am – 1am

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

Sunday 11am – 11pm, Monday through Thursday 4pm – 11pm, Friday 4pm – 1am  
 Saturday 11am – 1am

**HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**

Sunday 11am – 11pm, Monday through Thursday 6pm – 9pm, Friday 4pm – 11pm  
 Saturday 11am – 11pm

**HOURS OF LIVE ENTERTAINMENT (SUMMER GARDEN)**

Saturday and Sunday 11am – 11pm

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

Placard Posting Date: June 14, 2019  
Protest Petition Deadline: July 29, 2019  
Roll Call Hearing Date: August 12, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113980  
Licensee: Light Industries, LLC  
Trade Name: Licht Cafe  
License Class: Retailer's Class "C" Tavern  
Address: 1520 U Street NW  
Contact: Spencer W. Hurd, Managing Member: (202) 650-8696

WARD 2

ANC 2B

SMD 2B09

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 12, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**\*\*NATURE OF OPERATION**

New Class "C" Tavern with light fare such as appetizers, salads, sandwiches, desserts, coffee, and drinks. Total Occupancy Load of 80 with seating for 40 patrons.

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

Sunday 11am – 11pm, Monday through Thursday 4pm – 11pm, Friday 4pm – 1am  
Saturday 11am – 1am

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

Sunday 11am – 11pm, Monday through Thursday 4pm – 11pm, Friday 4pm – 1am  
Saturday 11am – 1am

**HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**

Sunday 11am – 11pm, Monday through Thursday 6pm – 9pm, Friday 4pm – 11pm  
Saturday 11am – 11pm

**HOURS OF LIVE ENTERTAINMENT (SUMMER GARDEN)**

Saturday and Sunday 11am – 11pm

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113994  
Licensee: Lahlou Restaurant Group, LLC  
Trade Name: Lupo Pizzeria  
License Class: Retailer's Class "C" Restaurant  
Address: 1908 14<sup>th</sup> Street, N.W.  
Contact: Andre Barlow: (202) 589-1834

WARD 2

ANC 2B

SMD 2B09

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Italian Restaurant serving high-quality pizza. Seating Capacity of 60 and a Total Occupancy Load of 70.

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

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

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113962  
Licensee: Apra One Corp.  
Trade Name: Naanwise  
License Class: Retailer's Class "C" Restaurant  
Address: 2635 Connecticut Avenue, N.W.  
Contact: Sean T. Morris: (301) 654-6570

WARD 3

ANC 3C

SMD 3C01

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Restaurant with a seating capacity of 85 and Total Occupancy Load of 100. The Restaurant will include a Sidewalk Café with a Total Occupancy Load of 16.

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

Sunday through Saturday 11am – 11pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113983  
Licensee: WSZR Proper, LLC  
Trade Name: Proper 21  
License Class: Retailer’s Class “C” Restaurant  
Address: 2031 K Street, N.W.  
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 2

ANC 2A

SMD 2A06

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new C Restaurant serving American cuisine. Seating Capacity of 120, Total Occupancy Load of 240 and a Summer Garden with 60 Seats. The license will include an Entertainment Endorsement for the inside of the premises only.

**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 ONLY**

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



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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113917  
Licensee: The Pour Group LLC  
Trade Name: Serenata & ZUMO  
License Class: Retailer's Class "C" Tavern  
Address: 1280 4<sup>th</sup> Street, N. E.  
Contact: Risa Hirao: (202) 544-2200

WARD 5

ANC 5D

SMD 5D01

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Tavern with a seating capacity of 99 and Total Occupancy Load of 99. Sidewalk Café with 183 seats.

**HOURS OF OPERATION FOR INSIDE PREMISES & OUTSIDE IN SIDEWALK CAFÉ**

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
6/21/2019

Notice is hereby given that:

License Number: ABRA-111961

License Class/Type: D Restaurant

Applicant: Chenega SF, LLC

Trade Name: Slapfish

ANC: 2B06

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

**1800 M ST NW, WASHINGTON, DC 20036**

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

**8/5/2019**

A HEARING WILL BE HELD ON:

**8/19/2019**

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: June 21, 2019  
Protest Petition Deadline: August 5, 2019  
Roll Call Hearing Date: August 19, 2019  
Protest Hearing Date: October 9, 2019

License No.: ABRA-113810  
Licensee: Felix Restaurant Group, LLC  
Trade Name: The Pursuit  
License Class: Retailer's Class "C" Tavern  
Address: 1025 H Street, N.E.  
Contact: Kathleen Davis: (202) 679-0098

WARD 6

ANC 6A

SMD 6A01

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 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 9, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

New C Tavern with a Seating Capacity of 54, and a Total Occupancy Load of 54. The License will include a Sidewalk Café with 22 Seats.

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

Sunday through Saturday 11am – 2am

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

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

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

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

**Case No. 17-07: Folger Shakespeare memorial Library amendment (to designate the interior and exterior of the 1980s addition as character-defining features)  
201 East Capitol Street SE  
Square 760, Lot 31  
Affected Advisory Neighborhood Commission: 6B**

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

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

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

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

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects:  
Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies

allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

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

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

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

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

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
PUBLIC HEARING NOTICE FOR  
DISTRICT OF COLUMBIA'S  
FISCAL YEAR 2020 ANNUAL ACTION PLAN**

Polly Donaldson, Director, DC Department of Housing and Community Development (DHCD or the Department) will conduct a public hearing on Thursday, July 18, 2019, to discuss the District's Fiscal Year (FY) 2020 performance in its use of funds received from the U.S. Department of Housing and Urban Development (HUD). The hearing will help form a basis for developing the District's draft "*Fiscal Year 2020 Action Plan*".

The District will receive approximately \$35,896,892, from HUD in Fiscal Year 2020 through four programs: the National Housing Trust Fund (NHTF); the Community Development Block Grant (CDBG) Program; the HOME Investment Partnerships Program (HOME); the Emergency Shelter Grant (ESG) Program; and the Housing for Persons with AIDS (HOPWA) Program. DHCD administers the CDBG, NHTF and HOME funds directly; the Department entered into an agreement with the DC Department of Human Services (DHS) for the Prevention of Homelessness to administer the ESG grant; and transferred the HOPWA grant to the DC Department of Health (DOH).

Residents and stakeholders are strongly encouraged to come out and participate in the development of policies and programs in the following areas: 1) affordable housing; 2) special needs housing; 3) homelessness; 4) homeownership; and, 5) community development and public service activities. The Department is also interested in receiving community feedback on innovative strategies to enhance community participation during this planning process. Public comment period for the plan is from July 1 to August 2, 2019.

**SCHEDULED PUBLIC HEARING:**

**Thursday July 18, 2019 ~ 6:30 pm**

441 4<sup>th</sup> St NW, Washington, DC

Old DC Council Chamber

District of Columbia residents who would like to present oral testimony are encouraged to register in advance either by e-mail at [OPM.QUESTIONS@dc.gov](mailto:OPM.QUESTIONS@dc.gov) or by calling Tilla Hall at (202) 442-7239. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling Tilla Hall at (202) 442-7239 five days prior to the hearing date.

Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Deadline for requesting services of an interpreter is five days prior to the hearing date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted for the record at the hearing, or until close of business on Friday, August 2, 2019. Mail written statements to: Polly Donaldson, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## NOTICE OF PUBLIC HEARING

Wednesday, August 14, 2019

6:30 p.m.

District of Columbia Water and Sewer Authority Headquarters  
1385 Canal Street, S.E. (125 O Street, S.E.)  
Washington, D.C. 20003  
Second Floor Board Room

The Board of Directors of the District of Columbia Water and Sewer Authority (the Board), in accordance with Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.16 (2012 Repl.)), on November 1, 2018 and June 6, 2019, approved Board Resolution 18-73 and 19-37 to amend Section 4101 (Rates and Charges for Sewer Service) and 4102 (Customer Assistance Programs) of Chapter 41 (Retail Water and Sewer Rates) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to D.C. Official Code § 34-2202.16(b)(2) and 21 DCMR Chapter 40, the Board will conduct a public hearing at the above stated date, time, and place to receive comments on the Notice of Proposed Rulemaking, published at 65 DCMR 12831 on November 16, 2018, to amend the retail rate for groundwater sewer service for discharges of groundwater from unimproved real properties, properties under construction and properties under groundwater remediation. The retail sanitary sewer service rate for discharges of cooling water and non-potable water sources remain the same as the prevailing retail sanitary sewer service rate provided in section 4101.1(a). The Board will also receive comments at the public hearing on the Notice of Proposed Rulemaking, published on June 21, 2019 in the *D.C. Register*, to extend the Customer Assistance Program II through FY 2020.

Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization (if any) by calling (202) 787-2330 or emailing the request to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com) no later than 5:00 p.m., Monday August 12, 2019. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard.



Oral presentations will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. The hearing will end when all persons wishing to make comments have been heard.

Written testimony or comments on the Notice of Proposed Rulemaking may be submitted by mail to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003, or by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com). Such written testimony to be clearly marked "Written Testimony for Public Hearing, August 14, 2019" and received by 5:00 p.m. Monday, August 19, 2019.

**PUBLIC HEARING ON  
Proposal to Extend DC Water’s Customer Assistance Program (CAP)  
to Eligible Customers through Fiscal Year 2020**

Wednesday, August 14, 2019

6:30 p.m.

**DRAFT AGENDA**

- 1. Call to Order .....Tommy Wells, Chairman
- 2. Opening Statement.....Tommy Wells, Chairman
- 3. DC Water Management Presentation..... Matthew Brown, Chief Financial Officer
  - a) Proposal to Extend DC Water’s Customer Assistance Program II (CAP2) to Eligible Customers through Fiscal Year 2020
  - b) Proposal to Revise the Retail Sewer Service Rate for Groundwater Discharges
- 4. Public Witnesses
  - Pre-registered Speakers
  - Other comments (time permitting)
- 5. Closing Statement .....Tommy Wells, Chairman
- 6. Adjournment .....Tommy Wells, Chairman

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC HEARING NOTICE**

**WEDNESDAY, JULY 31, 2019**

**441 4<sup>TH</sup> STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD SIX**

20019            **Application of Christina Fisher**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201, ANC 6B            from the rear yard requirements of Subtitle E § 205.4, the lot occupancy requirements of Subtitle E § 304.1, and the non-conforming structure requirements of Subtitle C § 202.2, to construct a two-story, rear addition, and to convert an existing attached principal dwelling into a flat in the RF-1 Zone at premises 530 11th Street, S.E. (Square 994, Lot 816).

**WARD FOUR**

20044            **Application of Madison Heights LLC**, pursuant to 11 DCMR Subtitle ANC 4C            X, Chapter 9, for a special exception under the inclusionary zoning requirements of Subtitle C § 1001.2(e)(3), to convert an existing detached principal dwelling into an 8-unit apartment house in the RA-1 Zone at premises 1214 Madison St N.W. (Square 2934, Lot 35).

**WARD SIX**

20062            **Application of Mid City Builders LLC**, pursuant to 11 DCMR ANC 6A            Subtitle X, Chapter 9, for special exceptions under the penthouse requirements of Subtitle C § 1500.4, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c)(1)(a), to construct a new three-story flat with a cellar level, roof deck and a rooftop access penthouse in the RF-1 Zone at premises 802 10th Street N.E. (Square 933, Lot 47).

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**WARD ONE**

20077  
ANC 1C      **Application of Richard J. Hamilton III**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a three-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 1831 Ontario Place N.W. (Square 2584, Lot 825).

**WARD FOUR**

20079  
ANC 4C      **Application of Kennedy 9 LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear yard requirements of Subtitle E § 205.4, to construct a flat in the RF-1 Zone at premises 5413 9th Street N.W. (Square 2994, Lot 26).

**WARD SIX**

20080  
ANC 6B      **Application of Anna-Louisa Yon and Edwin Darilek**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear yard requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-3 Zone at premises 323 5th Street S.E. (Square 820, Lot 30).

**WARD TWO**

20081  
ANC 2E      **Application of Scott Phillips**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201, from the lot occupancy requirements of D § 1204.1, and from the nonconforming structure requirements of C § 202.2, to construct a rear addition to an existing attached principal dwelling unit in the R-20 Zone at premises 1511 33rd Street N.W. (Square 1255, Lot 814).

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**WARD EIGHT**

20082  
ANC 8C      **Application of Friendship Public Charter School, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle G §§ 409.1 and 1201.1 from the minimum rear yard requirements of Subtitle G § 405.1, under Subtitle C § 807 from the minimum long-term bicycle parking requirements of Subtitle C § 802.1, and under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, to construct a three-story public charter middle school building with an elevated and enclosed pedestrian walkway, to an existing public charter elementary school building in the MU-4 zone at premises 2721 - 2725 Martin Luther King, Jr., S.E. (Square 5982, Lots 812, 822, and Parcel 234/31).

**WARD ONE**

20083  
ANC 1A      **Application of Studio Acting Conservatory on behalf of 3423 Holmead Place LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(l), to permit a private school use in an existing building in the RF-1 Zone at premises 3423 Holmead Place N.W. (Square 2834, Lot 63).

**WARD TWO**

20085  
ANC 2B      **Application of NW DC Property LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the accessory use requirements of Subtitle U § 410.1(b), the lot occupancy requirements of Subtitle F § 604.1, and from the rear yard requirements of Subtitle F § 605.1, to enclose outdoor courtyard space and to construct a new, attached accessory structure to an existing hotel building in the RA-10 Zone at premises 1515 Rhode Island Avenue, N.W. (Square 195, Lot 149).

**WARD EIGHT**

20086  
ANC 8D      **Application of Solid Properties LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development requirements of Subtitle U § 421.1, to raze the existing swimming pool and accessory structure, and to construct a new, three-story 30-unit residential building in the RA-1 Zone at premises 130-134 Ivanhoe Street S.W. (Square 6271, Lot 32).

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**WARD TWO**

20087            **Application of Outerbridge Horsey**, pursuant to 11 DCMR Subtitle  
ANC 2E           X, Chapter 9, for a special exception under the accessory apartment  
                         regulations of Subtitle U § 253.4, to add an accessory apartment to an  
                         existing semi-detached principal dwelling unit in the R-20 Zone at  
                         premises 3018 P Street, N.W. (Square 1257, Lot 218).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

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

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

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

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Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

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

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

**TIME AND PLACE:** **Wednesday, July 31, 2019, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

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

**CASE NO. 18-19 (Poplar Point RBBR, LLC d/b/a/ Columbian Quarter Holdings – Zoning Map Amendment @ Squares 5860 & 5861 [Howard Road, S.E.]**

**THIS CASE IS OF INTEREST TO ANC 8A and 8C**

On October 10, 2018, Poplar Point RBBR, LLC d/b/a/ Columbian Quarter Holdings (the “Applicant”) filed a petition with the Office of Zoning requesting approval of a Zoning Map Amendment for Lots 97, 1025-1031, 1036, and 1037 and an adjacent alley in Square 5860, and Lots 991 and 89 in Square 5861 (the “Property”) from the current MU-14 zone to the Northern Howard Road (“NHR”) zone.<sup>1</sup> The Property consists of approximately 348,737 square feet of land area located on either side of Howard Road, S.E. in between Interstate 295 and South Capitol Street, S.E.

The MU-14 zone is intended to permit high-intensity mixed-use development generally in the vicinity of the waterfront. The MU-14 allows a maximum height of 90 feet (100 feet for Inclusionary Zoning (“IZ”) developments), a maximum lot occupancy of 75% (80% for IZ developments), and a maximum floor area ratio (“FAR”) of 6.0 (7.2 for IZ developments).

The NHR-1 zone is a new zone proposed by the Office of Planning in Z.C. Case No. 18-18, in which the Zoning Commission (the “Commission”) took proposed action to adopt the new zone at its June 6, 2019 special public meeting. The NHR zone is intended to encourage development of Howard Road, S.E. for a mixture of residential and commercial uses, including ground-level retail and service uses along Howard Road, S.E., with superior architecture of buildings and publicly-accessible outdoor spaces and increased height and density associated with increased affordable housing.

The NHR zone would allow a maximum height of 130 feet, a maximum 100% lot occupancy, and a maximum density of 9.0 FAR. The NHR zone imposes design and use requirements for street frontage along Northern Howard Road and a mandatory design review approval for all new buildings or structures or substantial alteration of the exterior of existing buildings or structures.

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<sup>1</sup> Although all of the Property except for Lot 89 in Square 5861 was rezoned to the MU-9 zone as part of a Planned Unit Development authorized by the Zoning Commission in Z.C Case No. 16-29 (the “16-29 PUD”), the Commission approved the extinguishment of the 16-29 PUD, with the MU-9 zone designation, at its June 6, 2019 special public meeting.

The NHR zone also mandates enhanced IZ requirements, with the IZ requirement increased to 15% of a building's residential gross floor area instead of the standard 10% (the eight percent of penthouse habitable spaces is the same for both MU-14 and NHR zones), and the IZ units reserved for the 50% and 60% of median family income ("MFI"), significantly deeper than the standard IZ requirements of 60% MFI level for rental units and 80% for ownership units. The NHR zone also requires that 25% of IZ units be three-bedroom units. For all of the Property but Lot 89 in Square 5861, the NHR zone proposes additional higher sustainability, IZ, and stormwater management requirements.

The Generalized Policy Map in the Comprehensive Plan locates the Property in a "Land Use Change Area", while the Future Land Use Map identifies the Property for mixed use in the High Density Residential, High Density Commercial, and Institutional, land use categories.

OP submitted its report in support of setting the petition down for a public hearing on October 15, 2018. On November 19, 2018, the Commission voted to set down the petition for a public hearing as a rulemaking. The Applicant submitted its prehearing statement on November 26, 2018. On June 6, 2019, the Commission reconsidered its decision to set down the case as a rulemaking and instead decided to conduct the public hearing as a contested case. At the June 6, 2019 special public meeting, the Commission waived, pursuant to Subtitle Z § 101.9 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations) the 40-day notice period required Subtitle Z § 402.1 of the Zoning Regulations to allow a 30-day notice period prior to the public hearing at which this map amendment application will be considered.

The Commission has determined that this public hearing will be conducted in accordance with the contested case provisions of the Commission's Rules of Practice and Procedure, Chapter 4 of Subtitle Z of the Zoning Regulations.

#### **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 of the Commission's Rules of Practice and Procedure.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning 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](mailto:dcoz@dc.gov) or at (202) 727-6311.



Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <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 of the Zoning Regulations 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 of the Commission’s Rules of Practice and Procedure, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

Pursuant to 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 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

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

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT**

**OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

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

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

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

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

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

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

## DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FINAL RULEMAKING**(Paid-Leave Program Contributions)**

The Director of the Department of Employment Services (DOES), pursuant to the authority set forth in the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code §§ 32-541.01 *et seq.* (2018 Supp.)) (the “Act”), and Mayor’s Order 2018-036, dated March 29, 2018, hereby gives notice of the intent to amend Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 34 (Paid Leave Contributions).

The final rules will implement a portion of the Act by establishing the tax collection procedures necessary to administer a paid-leave program for eligible individuals employed in the District of Columbia.

The Director initially published a Notice of Proposed Rulemaking for 7 DCMR Chapter 33, at 65 DCR 3668 (April 6, 2018), of the *D.C. Register*. The Notice included regulations to implement the Act as a whole. Based on comments received, and the statutory timelines, DOES decided to bifurcate the regulations into two chapters, separating the employer contributions and paid-leave benefits. On July 6, 2018, for 7 DCMR Chapter 34, the Director published a Notice of Second Proposed Rulemaking at 65 DCR 7209, which included regulations to establish tax collection procedures. In response to comments received following the Notice of Second Proposed Rulemaking, this final rulemaking includes changes from the second proposed rules in order to clarify employer registration and responsibilities, opt-in and opt-out procedures for self-employed individuals, wages, and contribution and collection procedures, in addition to minor word and technical changes. The following comments were received from the public in response to the Notice of Second Proposed Rulemaking.

Commenters requested that DOES:

1. Clarify when a self-employed individual may opt into the program and the means by which he or she can demonstrate self-employment within the District. This has been addressed in Subsection 3401.
2. Allow more documents to be accepted as proof of DC self-employment. This has been addressed in Subsection 3401.3.
3. Distinguish between self-employed individuals who opt out and remain self-employed and those who leave the program because they are no longer self-employed. This has been addressed in Section 3402.
4. Remove additional definitions of “wages” so that the definition mirrors the definition in Unemployment Insurance as set by the Act. This has been addressed in Section 3403.

5. Clarify how Unemployment Insurance reporting of wages will be shared and used for PFL reporting purposes. This has been addressed in Subsection 3404.5.
6. Clarify the tax obligations of employers and ensure that employers pay the required taxes for all covered employees. This has been addressed in Subsection 3404.5(c).
7. Allow important notifications regarding late payments and pending collections to be sent via email and by mail. This has been addressed in Section 3405.
8. Allow for an intermediary process for late payments prior to commencing formal collection procedures. This has been addressed in Section 3405.
9. Extend the late payment grace period for late payments by self-employed individuals and allow them to be eligible for payment plans. This has been addressed in Section 3405.
10. Extend the late payment grace period for employers. This has been addressed in Section 3405.
11. Provide more details regarding the functionality of the online portal. This has been addressed in Section 3406.
12. Allow non-portal alternatives for registration and communication. This has been addressed in Section 3406.
13. Provide additional clarity for employer notice requirements, including compliance for non-traditional worksites and multiple worksite locations. It was also requested that DOES allow for digital and internet notices in addition to physical posters. This has been addressed in Section 3407.
14. Narrow and clarify record-keeping requirements to comply with privacy laws. This has been addressed in Section 3408.

Pursuant to D.C. Official Code § 32-541.02(b)(2), the final rules were submitted to the Council for a forty-five (45)-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess, and were deemed approved on May 16, 2019. The Director adopted these rules as final on February 11, 2019, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Title 7 DCMR, EMPLOYMENT BENEFITS, is amended by adding a new Chapter 34, PAID LEAVE CONTRIBUTIONS, to read as follows:**

**CHAPTER 34            PAID LEAVE CONTRIBUTIONS**

- 3400            EMPLOYER REGISTRATION**
- 3401            OPT-IN FOR SELF-EMPLOYED INDIVIDUALS**
- 3402            OPT-OUT OF SELF-EMPLOYED INDIVIDUALS**

- 3403 WAGES**
- 3404 CONTRIBUTIONS BY COVERED EMPLOYERS TO THE UNIVERSAL PAID LEAVE IMPLEMENTATION FUND**
- 3405 COLLECTION PROCEDURES**
- 3406 ONLINE PORTAL**
- 3407 EMPLOYER RESPONSIBILITIES**
- 3408 RECORD KEEPING**
- 3499 DEFINITIONS**

**3400 EMPLOYER REGISTRATION**

3400.1 Each covered employer with five (5) or more covered employees shall register through the online portal with the Department of Employment Services (DOES). Covered employers with fewer than five (5) covered employees who notify DOES that they do not have access to a computer may request to register via a paper form.

3400.2 DOES shall maintain a separate account for each covered employer and shall credit the account with all contributions paid by the covered employer after July 1, 2019. This account shall be maintained for accounting purposes only and shall have no bearing on the rights of covered employees to benefits under Chapter 35 (Paid-Leave Program Benefits).

3400.3 Each covered employer shall be able to update its account with information related to its business activities, such as street address, email address, telephone number, and business status; to submit its quarterly wage reports pertaining to covered employees; and make payments electronically. A covered employer shall notify DOES if it ceases to be a covered employer as defined by the Act for any reason, or if there is a change in the ownership of the business.

**3401 OPT-IN FOR SELF-EMPLOYED INDIVIDUALS**

3401.1 An individual who earns self-employment income (“self-employed individual”) may opt into the paid-leave program within the following applicable open enrollment periods:

- (a) The first ninety (90) days of program commencement in 2019;
- (b) Beginning with calendar year 2020, and in each calendar year thereafter, the months of November and December; or
- (c) Within sixty (60) days of commencement of self-employment in the District of Columbia.

- 3401.2 A self-employed individual shall submit a request to opt into the paid-leave program using the online portal or through an electronic or non-electronic format approved by DOES as provided on the DOES website.
- 3401.3 When submitting a request to opt into the paid-leave program, a self-employed individual shall provide, through the online portal or in another format approved by DOES as identified on the DOES website, a copy of one of the following documents:
- (a) District of Columbia business license;
  - (b) District of Columbia occupational license; or
  - (c) Contracts, tax documents, billings from or payments to a District of Columbia address (including electronic billings), documents demonstrating that work was performed at a specific site within the District, or other documentation that demonstrates self-employment in the District.
- 3401.4 Before a self-employed individual opts into the paid-leave program, DOES shall provide notice to that individual regarding the manner in which contributions to the Universal Paid Leave Implementation Fund shall be collected from the individual.
- 3401.5 A self-employed individual who opts into the paid-leave program shall remain continuously enrolled in the program until he or she elects to opt out, as provided in Section 3402, or is removed, as provided in Section 3402.
- 3401.6 If a self-employed individual who has opted into the paid-leave program is also a covered employee employed by a covered employer, his or her paid-leave benefit payment amount shall be based on the combined wages from covered employment and self-employment income as provided for in Chapter 35 (Paid-Leave Program Benefits).
- 3401.7 Each self-employed individual shall be able to update his or her account on the online portal with information related to his or her business activities, such as street address, email address, telephone number, and business status; to submit the individual's quarterly earnings reports; and make payments electronically.

## **3402 OPT-OUT OF SELF-EMPLOYED INDIVIDUALS**

- 3402.1 A self-employed individual who previously opted into the paid-leave program may elect to opt out of the paid-leave program through the online portal or through an electronic or non-electronic format approved by DOES.

- 3402.2 A self-employed individual may opt out of the program only during an open enrollment period. Any election made during an open enrollment period shall take effect beginning on the first day of the following calendar quarter.
- 3402.3 Opting out of the program and removal from the program are distinguished as follows:
- (a) A self-employed individual shall be considered to have opted out of the paid-leave program if the self-employed individual had previously opted into the program and makes an election during an open enrollment period to no longer participate in the program while still earning self-employment income in the District of Columbia.
  - (b) A self-employed individual may request that DOES remove him or her from the paid-leave program by notifying DOES that:
    - (1) The individual has moved the primary place of business for all of the individual's self-employed businesses out of the District of Columbia and intends to earn no self-employment income for any self-employed business in the District of Columbia within the next fifty-two (52) weeks;
    - (2) The individual has accepted employment by a covered or non-covered employer and intends to earn no self-employment income in the District of Columbia within the next fifty-two (52) weeks;
    - (3) In the next fifty-two (52) weeks, the individual intends to continue earning self-employment income, but not for work that is performed more than fifty percent (50%) of the time in the District of Columbia; or
    - (4) The individual intends to earn no income within the next fifty-two (52) weeks.
- 3402.4 The decision to remove a self-employed individual per Subsection 3402.3(b) rests solely with DOES.
- (a) DOES may request additional documentation from the self-employed individual to support his or her request for removal from the program.
  - (b) If DOES determines that a self-employed individual should be removed, it shall inform the self-employed individual that he or she has been removed from the program by sending electronic notice via both the online portal and email to the self-employed individual's last known email address, and by physical mail to the individual last known mailing address.

- 3402.5 A self-employed individual who previously opted out of the paid-leave program may opt into the program during an open enrollment period, provided that:
- (a) Beginning on January 1, 2020, the self-employed individual shall not be eligible to receive benefits pursuant to Chapter 35 (Paid-Leave Program Benefits) for the first year after opting into the program; and
  - (b) If a self-employed individual opts out of the paid-leave program two (2) or more times, he or she shall be barred from opting into the program for a period of five (5) years from the date of his or her second opt out of the program.
- 3402.6 A self-employed individual who was removed from the program for a reason set forth in Subsection 3402.3(b) may re-enroll in the program during an open enrollment period if he or she resumes self-employment in the District of Columbia as described in Section 3401. DOES reserves the right to request additional documentation from an individual applying for re-enrollment in the program.
- 3402.7 A self-employed individual who did not opt into the program during the first open enrollment period for which the individual was eligible to opt into the program, may opt into the program during an open enrollment period, but shall not be eligible to opt out of the program for three (3) years following the election to opt in.

### **3403 WAGES**

- 3403.1 For the purposes of implementation of the Act, the term “wages” shall have the same meaning as provided in Section 1(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(3)); provided, that the term “wages” also includes self-employment income earned by a self-employed individual who has opted into the paid-leave program established pursuant to this chapter.

### **3404 CONTRIBUTIONS BY COVERED EMPLOYERS TO THE UNIVERSAL PAID LEAVE IMPLEMENTATION FUND**

- 3404.1 A covered employer shall contribute quarterly an amount equal to 0.62% of the wages of each of its covered employees, regardless of any other benefit programs offered by the employer, for services performed in the District of Columbia to the Universal Paid Leave Implementation Fund online or in another format approved by DOES.
- 3404.2 A covered employer who pays unemployment insurance to the District of Columbia for an employee during any quarter of a calendar year is presumed to be required to contribute to the Universal Paid Leave Implementation Fund for that



employee for that quarterly period, unless the employer provides information consistent with the Act and regulations to rebut the presumption that the individual was a covered employee during that quarterly period.

- 3404.3 A self-employed individual who has opted-in to the paid-leave program shall contribute quarterly an amount equal to 0.62% of the total gross earnings from all of the self-employed businesses for which the individual performs at least fifty percent (50%) of his or her work in the District of Columbia. Payments shall be made to the Universal Paid Leave Implementation Fund online or in another format approved by DOES.
- 3404.4 The contributions payable pursuant to Subsection 3404.1 shall become due and be paid by each covered employer to DOES.
- 3404.5 Each covered employer shall, not later than the last day of the month following the close of each calendar quarter, make a report of and pay the contributions which shall have accrued with respect to wages paid to covered employees during the quarter.
- (a) DOES may permit covered employers to submit quarterly employee wage data from existing Unemployment Insurance reporting forms to determine contributions owed.
  - (b) DOES may use the data collected from UC-30 forms to track wage history. An employer may upload a copy of those completed quarterly reports to the portal to meet its quarterly reporting requirements under this chapter.
  - (c) By itself, an employee's lack of Social Security number or tax identification number does not excuse an employer from paying contributions on behalf of that individual if he or she is otherwise a covered employee.
- 3404.6 DOES shall extend the time for filing quarterly reports for all covered employers and self-employed individuals for a period of thirty (30) calendar days if DOES finds that the purposes of the Act would be defeated by requiring timely filing of the quarterly reports.
- 3404.7 Where a covered employee performs services in employment for two (2) or more covered employers during the same period, each covered employer shall make contributions on the basis of each covered employer's payments to the covered employee.
- 3404.8 If the contributions under this section are not paid when due, there shall be added thereto interest at the rate of one and a half percent (1 1/2%) per month or fraction thereof from the date they become due until paid. Interest shall not run against a

court-appointed fiduciary when the contributions are not paid timely because of a court order.

- 3404.9 If contributions under this section are not paid, or wage reports are not filed on or before the first day of the second month following the close of the calendar quarters for which they are due, there shall be added a penalty of ten percent (10%) of the amount due. The penalty shall not be less than one hundred dollars (\$100), and DOES may waive the penalty for good cause. The 10% penalty (or \$100, whichever is greater) is a flat payment and does not accrue interest.

### **3405 COLLECTION PROCEDURES**

- 3405.1 At any time after a covered employer or self-employed individual fails to file required reports or pay owed contributions, DOES shall inform the covered employer or self-employed individual of such failing by sending electronic notice via both the online portal and email to the covered employer's or self-employed individual's last known email address, and by physical mail by sending notification to the employer's or self-employed individual's last known mailing address. Such notice shall be on forms of general applicability and shall include information regarding the quarters for which reports were not filed and the amount of contributions, interest, and penalties owed. Such notice shall demand filing of unfiled reports and payment of all sums owed within thirty (30) calendar days from the date of the notice in the online portal. At DOES' discretion, the notice may also inform the covered employer or self-employed individual of the option to enter into a payment plan described in Subsection 3405.11, if approved

- 3405.2 If an employer or self-employed individual disagrees with DOES' determination of the failure to report or to pay contributions, the employer or self-employed individual may file an administrative appeal to DOES within the same thirty (30) day period provided for in Subsection 3405.1. The appeal shall be filed using the online portal, or another format approved by DOES, and shall contain evidence showing that reports have been filed or contributions have been paid, or an explanation for the employer's or self-employed individual's late action.

- 3405.3
- (a) After considering the new evidence, DOES shall send notice within thirty (30) calendar days to the employer or self-employed individual through the online portal, and any other format approved by DOES as described in Subsection 3405.1, that, based upon this consideration of the submitted evidence:
- (1) The claim against the employer or self-employed individual is resolved;
  - (2) The claim has been modified; or

(3) The claim remains the same.

(b) During the thirty (30) day period of DOES' consideration of the administrative appeal, the thirty (30) day period provided for in Subsection 3405.1 will cease to run; however, the covered employer's or self-employed individual's other obligations under this chapter shall not be suspended. In the case of either (b) or (c), DOES shall notify the covered employer or self-employed individual that another thirty (30) day period as described in Subsection 3405.1 has begun from the date of this notice in the portal.

3405.4 Only one administrative appeal provided by this section shall be allowed for each report due or contribution owed.

3405.5 If the covered employer fails to respond to the notice described in Subsection 3405.1 by filing reports, paying contributions, or requesting an administrative appeal under Subsection 3405.2, DOES may impose interest and penalties, file liens, bring civil actions, or otherwise take any lawful action to compel the filing of reports and the payment of contributions, interest, and penalties. For self-employed individuals, DOES may terminate the individual's enrollment in the program, in addition to imposing interest and/or penalties, if the self-employed individual fails to pay the requisite contributions.

3405.6 In cases where DOES determines that collection by levy, distraint, civil action, or other extraordinary process may be necessary, a Notice of Delinquency shall be served on the covered employer. The notice shall be delivered via the online portal, by email, and by registered mail, return receipt requested, to the covered employer's last known address. At the discretion of DOES, the notice may also be served in person by the Director's designee. In the case of a Notice served by mail which is refused or otherwise not deliverable, the Director shall serve a second Notice of Delinquency by first class mail, postage prepaid, at the covered employer's last known address. Such Notice of Delinquency shall be separate from and in addition to the general notice set forth in Subsection 3405.1.

3405.7 The Notice of Delinquency shall contain the following:

- (a) A statement of the amount due for contributions, interest, and penalties;
- (b) A demand for payment of the amount due;
- (c) A statement that the covered employer has ten (10) business days from the date of the Notice of Delinquency in the online portal to pay the contributions, interest, and penalties owed;

- (d) A statement that at the end of the ten (10) business-day period, the Director may attempt to collect the amount due by any means authorized by the Act and this chapter and without further demand or notice;
  - (e) In the case of self-employed individuals, a statement that at the end of ten (10) business days, the self-employed individual may have his or her enrollment in the program terminated; and
  - (f) A statement that the covered employer or self-employed individual has the option to enter into a payment schedule with DOES, and instructions for pursuing this option.
- 3405.8 Within ten (10) business days after posting of the Notice of Delinquency on the online portal, the covered employer or self-employed individual shall file the required reports or pay in full the amount due for contributions, interest, and penalties.
- 3405.9 The requirement to file reports or pay the contributions, interest, and penalties owed within the ten (10) business-day period described in Subsection 3405.8 may be waived if, within the same ten (10) business-day period, the covered employer or self-employed individual agrees to a payment schedule, approved by DOES and in compliance with Subsections 3405.11, 12, and 13, by which the covered employer or self-employed individual will pay the amount due, together with interest and penalties, in regular installments.
- 3405.10 The ten (10) business-day period during which a covered employer or self-employed individuals must respond to a Notice of Delinquency shall be determined as follows:
- (a) The period shall begin to run on the day after the date of electronic notification via the online portal and email;
  - (b) Legal holidays shall be counted except that if the last day for responding to a notice falls on a legal holiday, the time period shall end on the next day which is not a Saturday, Sunday, or legal holiday.
- 3405.11 The Director may authorize a covered employer or self-employed individual to pay delinquent amounts by regular monthly installments of such duration as will liquidate the delinquency in the shortest amount of time deemed reasonable by DOES. In determining whether to enter into an installment agreement, DOES shall consider:
- (a) The amounts owed and age of the debt;
  - (b) The covered employer's or self-employed individual's past history of payment and compliance with any prior installment payment plans;

- (c) The covered employer's or self-employed individual's financial condition and, particularly, the prospects that the covered employer or self-employed individual will be able to fulfill its obligations under the installment plan; and
- (d) Any other factors which may be brought to DOES' attention which might affect the covered employer's or self-employed individual's ability to meet its installment obligations.

3405.12 In any installment payment agreement, the covered employer or self-employed individual shall acknowledge that default in any installment payment or in any future filing of required reports or payment of contributions voids the agreement and the Director may institute any collection procedure or penalty permitted by the Act and this Chapter without further notice or demand to the covered employer.

3405.13 DOES may renegotiate an installment payment schedule if DOES determines that changed circumstances of the covered employer or self-employed individual warrant changes to the plan. However, renegotiation of an installment schedule may not extend the time period beyond twenty-four (24) months from the conclusion date of the original agreement.

3405.14 If a covered employer fails to respond to DOES' Notice of Delinquency by paying delinquent contributions, interest, and penalties owed or by entering a payment schedule described in Subsection 3405.9, or if a covered employer fails to make another scheduled installment payment while the resolution of the delinquent payment is still pending, DOES, without further notice or demand to the covered employer, may attempt to collect the overdue payments by any method authorized by the Act and this chapter. In the case of self-employed individuals, DOES may terminate their enrollment in the program without further notice.

3405.15 A self-employed individual whose enrollment in the program has been terminated as described in Subsection 3405.14 may not re-enroll in the program until all amounts owed to DOES, including all penalties and assessed interest, are paid and received by DOES. Once all amounts owed are received, a self-employed individual shall be able to re-enroll into the program during an open enrollment period as described in Subsection 3401.1(b).

3405.16 DOES may levy a covered employer's bank account(s) by serving a Notice of Levy on the appropriate officer of the bank.

3405.17 DOES may levy a covered employer's contract(s) with any agency of the Government of the District of Columbia by serving a Notice of Levy on the official of said agency authorized to accept said Notice.

- 3405.18 DOES may levy upon property belonging to a covered employer by serving a Notice of Levy on the custodian of said property. Failure of the custodian to honor the levy shall result in the custodian's liability for the delinquent contributions, interest, and penalties.
- 3405.19 DOES shall cause the examination of any property seized pursuant to this section to determine its condition, and shall keep records of condition, storage location, and any other actions necessary to maintain the property prior to sale.
- 3405.20 A covered employer whose property has been seized pursuant to this section may redeem the property prior to the time it is sold by paying DOES the full amount of delinquent contributions, interest, and penalties owed and any costs incurred by DOES in seizing and storing the property or preparing the property for sale.
- 3405.21 No earlier than ten (10) calendar days following seizure of property pursuant to this section, DOES shall commence the process to sell the property. If DOES determines that adjournment of the sale will best serve the interest of the Universal Paid Leave Implementation Fund, DOES shall have the power to adjourn the sale until such time as DOES determines that the best interest of the Universal Paid Leave Implementation Fund would be served by continuation of the sale of the property.
- 3405.22
- (a) The proceeds of any sale of property under this section shall be deducted from the balance due to DOES as follows:
    - (1) By first applying the proceeds to the costs of the sale, including costs of seizing, storing, advertising, and auctioneer fees;
    - (2) Then by applying the proceeds to delinquent penalties, interest, and contributions, in that order.
  - (b) Any excess funds remaining after paragraph (a) of this subsection has been complied with shall be forwarded to the covered employer from whom the property was seized.
- 3405.23 DOES shall issue a Certificate of Sale to the purchaser of property at the sale and shall prepare ownership documents for property conveyed by sales made pursuant to Subsection 3405.16. All property shall be sold "as is" and "where is" without any guarantee or warranty express or implied. DOES shall sell only the right, title, and interest of the delinquent covered employer in the property, and the covered employer's interest will be offered subject to any prior outstanding mortgages, encumbrances, or other liens.

3405.24 Any monies collected by DOES as a result of assessing a penalty as described in Section 3405, and any accrued interest on an assessed penalty, shall be deposited into the Universal Paid Leave Implementation Fund.

**3406 ONLINE PORTAL**

3406.1 All DOES communications with covered employers and self-employed individuals pursuant to the Act shall occur through the online portal, or through an electronic or non-electronic format approved by DOES.

3406.2 All covered employers and self-employed individuals shall be responsible for maintaining current contact information in the online portal or through another format approved by DOES.

3406.3 All covered employers and self-employed individuals will receive notifications related to any required actions and the status of claims for paid leave through the online portal or through another format approved by DOES.

3406.4 All covered employers and self-employed individuals shall be responsible for responding to any requests for additional information through the online portal or through another format approved by DOES.

3406.5 Covered employers with less than five (5) employees, and self-employed individuals who do not have access to a computer, may request paper communication from DOES.

3406.6 Notifications from DOES regarding late payments and reports as identified in Section 3405 shall be sent by mail to the latest known address in addition to the online portal.

**3407 EMPLOYER RESPONSIBILITIES**

3407.1 Each covered employer shall post and maintain a paid leave program notice provided by DOES at each worksite in a conspicuous place or places where notices to employees are customarily posted. Covered employers shall send the notice to remote covered employees to post at their individual worksites.

3407.2 Each covered employer shall also provide the paid leave program notice to employees at the following times:

- (a) To an individual employee, within thirty (30) days of the employee's hiring;
- (b) Annually to all employees; and

- (c) To an individual employee, at the time the covered employer receives direct notice from that employee that leave for a qualifying event is needed.

3407.3 Covered employers shall have the burden of demonstrating compliance with this subsection. A covered employer may establish compliance with Subsection 3407.2 by sending notice via email or similar digital transmission, provided that the covered employer retains email receipts or signed statements by covered employees acknowledging delivery.

3407.4 A covered employer who violates this notice requirement shall be assessed a civil penalty not to exceed one hundred dollars (\$100) for each covered employee to whom individual notice was not delivered and one hundred dollars (\$100) for each day that the covered employer fails to post the notice in a conspicuous place at each worksite.

3407.5 For purposes of Section 3407, worksite means a single physical location where business is conducted or where services or industrial operations are performed. In the case of employers engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice required by this section shall be posted at the location to which covered employees report each day.

### **3408 RECORD KEEPING**

Covered employers are required to develop and maintain records pertaining to their obligations under the Act. Covered employers must keep the records for no less than three years and make them available for inspection, copying, and transcription by DOES representatives upon request. Records kept in computer form must be made available for transcription and copying. All records shall be kept confidential and only be released to parties other than authorized DOES representatives when required by law to do so.

These records shall include:

- (a) The name and Social Security number, or, if the Social Security number is unavailable, tax identification number, of each covered employee;
- (b) The beginning and ending dates of each pay period;
- (c) The wages paid for each pay period, including the cash value of other remuneration, gratuities, and tips and expenses incurred by each covered employee for which a deduction from wages is claimed;
- (d) Method of payment;



- (e) Earnings of employees;
- (f) The dates on which wages were paid;
- (g) Dates of parental, medical, and family leave taken by employees;
- (h) Copies of employee notices of leave furnished to the employer;
- (i) Copies of all written notices given to employees as required under the Act;
- (j) Documents describing employee benefits, including short- and long-term disability policies, sick leave, vacation leave, and other employer paid and unpaid leave policies and practices; and
- (k) Records of disputes between the employer and the employee regarding the Act.

### 3499 DEFINITIONS

3499.1 As used in this chapter:

“**Act**” – means the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code §§ 32-541.01 *et seq.*).

“**Commencement of self-employment**” – means:

- (a) The date that a self-employed individual first receives self-employment income that is required to be reported as self-employment income to the Internal Revenue Service; or
- (b) The date that a self-employed individual returns to earning self-employment income in the District of Columbia following a period of removal as described in Subsection 3402.3(b).

“**Covered employee**” – means an employee of a covered employer:

- (a) Who spends more than fifty percent (50%) of his or her work time for that employer working in the District of Columbia; or
- (b) Whose employment for the covered employer is based in the District of Columbia and who regularly spends his or her work time for the covered employer in the District of Columbia, and not more than 50% of his or her work time for that covered employer in another jurisdiction. Work time spent at another work site

outside of the District of Columbia is incidental in nature; is temporary or transitory in nature; or consists of isolated transactions.

**“Covered employer”** – means:

- (a) Any individual, partnership, general contractor, subcontractor, association, corporation, business trust, or any group of persons who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of an employee and is required to pay unemployment insurance on behalf of its employees by Section 3 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-103); provided, that the term “covered employer” shall not include the United States, the District of Columbia, or any employer that the District of Columbia is not authorized to tax under federal law or treaty; or
- (b) A self-employed individual who has opted into the paid-leave program established pursuant to this chapter.

**“Director”** – means the director of DOES.

**“DOES”** – means the Department of Employment Services.

**“Last known email address”** – means the last email address provided by covered employer or a self-employed individual to the paid-leave program.

**“Last known mailing address”** – means the last mailing address provided by a covered employer or a self-employed individual to the paid-leave program.

**“Online portal”** – means the user-friendly system for the submission and management of forms and documents necessary to administer the paid-leave program.

**“Open enrollment period”** – means:

- (a) The first 90 days after the date on which DOES begins to collect contributions to the Universal Paid Leave Implementation Fund;
- (b) The first sixty (60) days following the commencement of self-employment in the District of Columbia; or

- (c) Beginning with calendar year 2020, and in each calendar year thereafter, the months of November and December.

**“Paid-leave benefits”** – means the monetary benefits provided pursuant to Chapter 35 (Paid-Leave Program Benefits).

**“Self-employment income”** – means gross income earned from carrying on a trade or business as a sole proprietor, an independent contractor, or a member of a partnership.

**“Self-employed individual”** – means an individual who carries on a trade or business as a sole proprietor, an independent contractor, or a member of a partnership.

**“Universal Paid Leave Implementation Fund”** means the Universal Paid Leave Implementation Fund established by Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775 (August 26, 2016)).

**“Wages”** shall have the meaning as provided in Section 3403.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 47 (Acupuncture) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 47 replace paragraphs, subsections, and sections of the chapter, including, *inter alia*, removing physicians who collaborate with acupuncturists from the dominion of the chapter; amending reference, educational, and credential requirements for licensure; citing to an additional section for educational requirements; incorporating the existing separate section for applicants educated in foreign countries into the existing educational requirements section; removing the section entitled “Acupuncture Practice” and replacing it with a section entitled “Scope of Practice;” adding sections for Chinese herbology, mandatory use of disposable needles, and disposal of needles; and removing the requirement that the acupuncture advisory committee be the entity responsible for reviewing applications.

The first Notice of Proposed Rulemaking was published on November 27, 2015, in the *D.C. Register* at 62 DCR 015342. Numerous comments were received by the Department of Health following the publication, and following substantive changes to the proposed regulation, a Notice of Second Proposed Rulemaking was published on June 8, 2018 in the *D.C. Register* at 65 DCR 006160. Additional comments were received by the Department of Health following the publication, and following substantive changes to the proposed regulation, a Notice of Third Proposed Rulemaking was published on March 8, 2019 in the *D.C. Register* at 66 DCR 002743. No comments were received on the Third Proposed Rulemaking and no changes have been made to the proposed rule.

The rules were adopted as final on April 24, 2019 and shall become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

**Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended by removing the existing Chapter 47, and adding a new Chapter 47 by the same name, ACUPUNCTURE, to read as follows:**

**CHAPTER 47 ACUPUNCTURE**

- Secs.**
- 4700 GENERAL PROVISIONS**
- 4701 TERM OF LICENSE**
- 4702 EDUCATIONAL REQUIREMENTS**
- 4703 CREDENTIALS REQUIRED FOR LICENSURE**
- 4704 PROHIBITED TITLES**
- 4705 INFORMED CONSENT**

- 4706 SCOPE OF PRACTICE**
- 4707 CHINESE HERBOLOGY (ACUPUNCTURE/CHINESE HERBOLOGY)**
- 4708 MANDATORY USE OF DISPOSABLE NEEDLES**
- 4709 PREPARATION OF PATIENT RECORDS; ELECTRONIC RECORDS;  
ACCESS TO OR RELEASE OF INFORMATION; CONFIDENTIALITY;  
TRANSFER OR DISPOSAL OF RECORDS**
- 4710 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS**
- 4711 REENTRY TO PRACTICE**
- 4712 [RESERVED]**
- 4713 [RESERVED]**
- 4714 [RESERVED]**
- 4715 [RESERVED]**
- 4716 DUTIES OF ADVISORY COMMITTEE ON ACUPUNCTURE**
- 4799 DEFINITIONS**

**4700 GENERAL PROVISIONS**

- 4700.1 This chapter shall apply to applicants for and holders of a license to practice acupuncture.
- 4700.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 46 (Medicine) of this title shall supplement this chapter.
- 4700.3 An applicant for a license under this chapter shall submit with a completed application one letter of reference from a physician or acupuncturist licensed in the United States, who has personal knowledge of the applicant's abilities and qualifications to practice acupuncture.
- 4700.4 The Board shall maintain a registry of licensed acupuncturists and shall make the registry available to the public for inspection.

**4701 TERM OF LICENSE**

- 4701.1 Subject to § 4701.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31<sup>st</sup> of each even-numbered year.
- 4701.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire in accordance with the system adopted by the Director.

**4702 EDUCATIONAL REQUIREMENTS**

- 4702.1 An applicant under this section shall meet the education and training requirements for licensure by furnishing proof satisfactory to the Board that the applicant has met the requirements of §§ 4702 and 4703 in their entirety, unless the applicant is a licensed physician or chiropractor.
- 4702.2 In order to qualify for licensure, an applicant shall meet one of the following education requirements:
- (a) Graduate from an acupuncture program, which meets the requirements of § 4702.5; or
  - (b) Complete either:
    - (1) An acupuncture program in another country that is the equivalent of an acupuncture program pursuant to § 4702.5; or
    - (2) An apprenticeship program approved by NCCAOM; and
  - (c) Successfully complete the Clean Needle Technique (CNT) course administered by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM).
- 4702.3 An individual who obtains his or her education in another country shall arrange for a transcript evaluating company recognized by NCCAOM to submit a credential evaluation directly to the Board.
- 4702.4 The credential evaluation required by § 4702.3 shall demonstrate that the applicant obtained a degree that is equivalent to an acupuncture program from a college or university in another country that is accredited in that country.
- 4702.5 An acupuncture program sufficient for licensure shall be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or another accrediting body recognized by the United States Department of Education. An applicant shall arrange for the acupuncture program to submit a certified transcript directly to the Board confirming that a diploma was awarded to the applicant.
- 4702.6 Any credentials required to be submitted pursuant to §§ 4702.2, 4702.3, or 4702.4, which are written in a language other than English shall be accompanied by a certified English translation prepared at the applicant's expense.
- 4702.7 A physician licensed in good standing in the District of Columbia may receive a license for acupuncture if he or she is certified in medical acupuncture by the American Board of Medical Acupuncture.

4702.8 A chiropractor licensed in good standing in the District of Columbia may receive an ancillary procedures certification for acupuncture pursuant to the requirements of § 4803 of Chapter 48 (Chiropractic), of this title.

### **4703 CREDENTIALS REQUIRED FOR LICENSURE**

4703.1 At the time of application, an applicant shall submit to the Board:

- (a) A completed application form prescribed by the Board; and
- (b) For applicants who are not licensed physicians in the District of Columbia, proof that the applicant has passed the English version of the NCCAOM examination prior to June 1, 2004, or if taken after June 1, 2004, proof that the applicant has passed each of the following modules of the NCCAOM examination:
  - (1) Foundations of Oriental Medicine;
  - (2) Acupuncture with point location; and
  - (3) Biomedicine.
- (c) If an applicant's entire education (high school, college, or university and acupuncture program) was conducted in a language other than in English, proof that the applicant has achieved a passing score on the Test of English as a Foreign Language (TOEFL) examination; and
- (d) Proof that the applicant has completed the educational requirements of § 4702.

4703.2 Any credentials required to be submitted pursuant to § 4703.1, which are written in a language other than in English shall be accompanied by a certified English translation prepared at the applicant's expense.

### **4704 PROHIBITED TITLES**

4704.1 An acupuncturist who is not a licensed physician shall not represent that he or she has a doctoral degree in the field of acupuncture and/or Oriental medicine, or use the title "doctor" or "Dr.," unless the educational program that awarded the person's doctoral degree is:

- (a) Approved by the ACAOM or is a college or university that is accredited by a regional accrediting agency recognized by the United States Department of Education; or

(b) Approved by the ministry of education of a foreign country to grant doctoral degrees.

4704.2 A person who uses the title “doctor” or “Dr.” pursuant to § 4704.1 shall indicate that the doctoral degree is in acupuncture and/or Oriental medicine.

4704.3 An acupuncturist shall not represent that he or she has a master’s degree in the field of acupuncture and/or Oriental medicine unless the education program that awarded his or her master’s degree is:

(a) Approved by the ACAOM or is a college or university that is accredited by a regional agency recognized by the United States Department of Education; or

(b) Approved by the ministry of education of a foreign country to grant master’s degrees.

4704.4 An acupuncturist who has a doctoral or master’s degree in a field other than acupuncture and/or oriental medicine may, in advertising or other materials visible to the public pertaining to the acupuncturist's practice, include this degree provided that the field in which the degree was awarded is specified without using an abbreviation and the doctoral or master’s degree was obtained from an educational program, which meets the requirements of §§ 4704.1 or 4704.3.

4704.5 An acupuncturist who is not a licensed physician and has a doctorate in a field other than acupuncture or oriental medicine shall not use the title "doctor" in advertising or other materials visible to the public pertaining to the acupuncturist's acupuncture practice.

4704.6 An acupuncturist who does not have an Acupuncture/Chinese Herbology license shall not identify him or herself as practicing Chinese Herbology unless they are a person who qualifies for Acupuncture/Chinese Herbology under the requirements of § 4707.2 and they are within the two-year period following the implementation of these rules.

4704.7 Only individuals who have met the requirements of this chapter and are licensed acupuncturists may represent themselves as providing acupuncture or acupuncture treatment.

## **4705 INFORMED CONSENT**

4705.1 The acupuncturist shall fully disclose to the patient such information as will enable the patient to make an evaluation of the nature of the treatment and of any attendant risks. The acupuncturist shall obtain, and maintain as part of his or her patient records, informed written consent from the patient before beginning acupuncture treatment.



4705.2 A licensed acupuncturist shall advise every patient that any care, treatment and services provided within the scope of the acupuncturist's practice is not a substitute for care, treatment and services provided by a licensed physician regarding the patient's condition.

4705.3 A licensed acupuncturist shall maintain as part of his or her patient records a form, with the date and the signatures of the patient and the licensed acupuncturist, indicating that the licensed acupuncturist has advised the patient as required under § 4705.2 and shall provide a copy of this form to the patient.

#### **4706 SCOPE OF PRACTICE**

4706.1 The use of any of the following to effect therapeutic change is within the scope of practice of licensed acupuncturists and shall be performed only by acupuncturists licensed by the Board, or individuals otherwise permitted to use these devices pursuant to D.C. Official Code §§ 3-1201 *et seq.*:

- (a) Needles;
- (b) Moxibustion;
- (c) Teishin (pressure needles); and
- (d) Electroacupuncture (current applied to inserted needles).

4706.2 Licensed acupuncturists may, in addition to the methods listed in § 4706.1, use any of the following as part of his or her professional practice:

- (a) Acupatches;
- (b) Acuform;
- (c) Manual acutotement (stimulation by an instrument that does not pierce the skin);
- (d) Acupressure;
- (e) Cupping;
- (f) Gua sha scraping techniques;
- (g) Cold laser used for needle-less acupuncture;
- (h) Tuina;

- (i) Massage, bodywork and somatic therapy;
- (j) Ultrasonic;
- (k) Thermal methods;
- (l) Magnetic stimulation;
- (m) Breathing techniques;
- (n) Therapeutic exercise and techniques;
- (o) Oriental dietary therapy;
- (p) Lifestyle and behavioral education;
- (q) Percutaneous and transcutaneous electrical nerve stimulation;
- (r) Qigong;
- (s) Biofeedback and other devices that utilize color, light, sound, and electromagnetic energy for therapeutic purposes;
- (t) Diagnostic, assessment and treatment techniques that are taught in ACAOM-approved schools and through NCCAOM-approved continuing education courses and which assist in acupuncture and Oriental medicine diagnosis, corroboration, and monitoring of a treatment plan or in making a determination to refer a patient to another healthcare provider;
- (u) Taiji;
- (v) Energetic therapy; and
- (w) Ashi acupuncture/dry needling.

4706.3 Licensed acupuncturists may recommend to patients the use of:

- (a) Meditation; and
- (b) Legal products intended to facilitate health, such as:
  - (1) Homeopathic medicine that is recognized in the official Homeopathic Pharmacopoeia of the United States;
  - (2) Vitamins;

- (3) Minerals;
- (4) Enzymes;
- (5) Glandulars;
- (6) Amino acids;
- (7) Nonprescription substances; and
- (8) Nutritional or dietary supplements including botanical, mineral, or animal substances that meet Food and Drug Administration labeling requirements, 21 CFR part 101.36, unless otherwise prohibited by State or Federal law.

4706.4 Licensed acupuncturists may use the following when providing acupuncture:

- (a) Solid filiform needles;
- (b) Dermal needles;
- (c) Plum blossom needles;
- (d) Intradermal/press needles;
- (e) Prismatic needles;
- (f) Lancets; and
- (g) Non-insertive pressure needles.

4706.5 Licensed acupuncturists shall not use the following when providing acupuncture:

- (a) Staples;
- (b) Hypodermic needles; and
- (c) Subcutaneous permanently implanted needles or sutures.

4706.6 The only licensed acupuncturists who may practice Chinese Herbology are those qualified to do so under § 4707.

4706.7 Licensed acupuncturists may offer and provide to a patient, at fair market value, goods and devices related to the practice of acupuncture.

**4707 CHINESE HERBOLOGY (ACUPUNCTURE/CHINESE HERBOLOGY)**

4707.1 Except as set forth in § 4707.2, a licensed acupuncturist shall practice Chinese Herbology only if he is licensed by the Board in Acupuncture/Chinese Herbology.

4707.2 Except for those who qualify as set forth in § 4707.3, licensure as Acupuncture/Chinese Herbology requires the following:

- (a) Current certification in Chinese Herbology or Oriental Medicine from the NCCAOM; or
- (b) Successful completion of an acupuncture program and an herbology program accredited by the ACAOM, or can provide proof satisfactory to the Board that he or she has completed four hundred fifty (450) hours of education and/or training in Herbology, one hundred twenty (120) hours of which must have been in supervised clinical practice; and
- (c) Successfully passed the NCCAOM Chinese Herbology examination.

4707.3 A licensed acupuncturist who obtained his or her license on or before the effective date of these regulations may obtain an Acupuncture/Chinese Herbology license to practice Chinese Herbology if he or she:

- (a) Was educated outside the United States and can provide transcripts from a foreign institution that documents training in Chinese Herbology; or
- (b) Has practiced Chinese Herbology for a minimum of five (5) years prior to the effective date of these regulations and has completed at least ten (10) hours of continuing education in Chinese Herbology or related courses in the two (2) year period prior to receiving the Acupuncture/Chinese Herbology license; and
- (c) Applies for and receives his or her Acupuncture/Chinese Herbology license within two (2) years of the effective date of these regulations.

4707.4 A licensed acupuncturist who is permitted to practice Chinese Herbology pursuant to § 4707.1 shall complete at least ten (10) hours of continuing education related to the practice of Chinese Herbology as part of the thirty (30) hours of continuing education he or she is required to complete pursuant to § 4710.

**4708 MANDATORY USE OF DISPOSABLE NEEDLES**

4708.1 A licensed acupuncturist shall use only sterile, disposable needles in performing any care, treatment or service on a patient.

4708.2 Used disposable acupuncture needles shall be placed in a rigid, puncture-proof, sealable container. The container shall be sealed and labeled as a disposal

container and shall be labeled as bio-hazardous material. The disposal container shall be wiped with a disinfectant if blood or other bodily fluids are spilled on the outside of the container. The acupuncturist shall dispose of the container pursuant to the requirements of the District of Columbia and federal laws governing the disposal of medical waste and biohazard materials.

**4709 PREPARATION OF PATIENT RECORDS; ELECTRONIC RECORDS; ACCESS TO OR RELEASE OF INFORMATION; CONFIDENTIALITY; TRANSFER OR DISPOSAL OF RECORDS**

4709.1 The following words and terms, as used in this section, shall have the following meanings unless the context clearly indicates otherwise:

(a) "Authorized representative" means a person who has been designated by the patient or a court to exercise rights under this section. An authorized representative may be the patient's attorney or an employee of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) "Patient" means any person who is the recipient of acupuncture.

4709.2 Acupuncturists shall prepare contemporaneous, permanent professional treatment records. Acupuncturists shall also maintain records relating to billings made to patients and third party carriers for professional services. All treatment records, bills, and claim forms shall accurately reflect the treatment or services rendered. Treatment records shall be maintained for a period of three years from the date of the most recent entry.

(a) To the extent applicable, professional treatment records shall reflect:

- (1) The dates of all treatments;
- (2) The patient complaint;
- (3) The history;
- (4) Progress notes;
- (5) Any orders for tests or consultations and the results thereof;
- (6) Documentation indicating that informed consent was given by the patient;

- (7) Findings from examinations;
  - (8) If a physician or other licensed health care practitioner has referred a patient for acupuncture, an indication that a referral or diagnosis was made, including the name of the referring professional; and
  - (9) Documentation of any recommendations made to a patient for the use of practices or products that facilitate health.
- (b) Corrections or additions may be made to an existing record, provided that each change is clearly identified as such, dated and initialed by the licensee;
- (c) A patient record that is prepared and maintained electronically shall be prepared and maintained as follows:
- (1) The patient record shall contain at least two forms of identification, for example, name and record number or any other specific identifying information;
  - (2) The entry made by the acupuncturist shall be made contemporaneously with the treatment and shall contain the date of service, date of entry, and full printed name of the treatment provider. The acupuncturist shall finalize or "sign" the entry by means of a confidential personal code ("CPC") and include date of the "signing";
  - (3) The acupuncturist may dictate a dated entry for later transcription. The transcription shall be dated and identified as "preliminary" until reviewed, finalized and dated by the acupuncturist as provided in § 4709.2(c)(2);
  - (4) The electronic record system shall contain an internal permanently activated date and time recordation for all entries, and shall automatically prepare a back-up copy of the file;
  - (5) The electronic record system shall be designed in such manner that after "signing" by means of the CPC, the existing entry cannot be changed in any manner. Notwithstanding the permanent status of a prior entry, a new entry may be made at any time and may indicate correction to a prior entry;
  - (6) Where more than one acupuncturist is authorized to make entries into the electronic record of a patient, the acupuncturist responsible for the acupuncture practice shall assure that each such person obtains a CPC and uses the file program in the same manner; and

- (7) A copy of each day's entry, identified as preliminary or final as applicable, shall be made available to a physician responsible for the patient's care or to a representative of the Board, no later than ten (10) days after a request for the record, or to a patient within thirty (30) days of the request or promptly in the event of emergency.

4709.3 Acupuncturists shall provide access to professional treatment records to a patient or the patient's authorized representative in accordance with the following:

- (a) No later than thirty (30) days from receipt of a request from a patient or an authorized representative, the acupuncturist shall provide a copy of the professional treatment record, and/or billing records as may be requested. The record shall include all pertinent objective data including test results as applicable, as well as any subjective information.
- (b) Unless otherwise required by law, an acupuncturist may, if a patient requests, provide a summary of the record in lieu of providing a photocopy of the actual record, so long as that summary adequately reflects the patient's history and treatment. An acupuncturist may charge a reasonable fee for the preparation of a summary, which has been provided in lieu of the actual record, which shall not exceed the cost allowed by § 4709.3(c) for that specific record.
- (c) Acupuncturists may require that a record request be in writing and may charge a reasonable fee for the reproduction of records.
- (d) If the patient or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the acupuncturist shall provide a transcription at no cost to the patient.
- (e) The acupuncturist shall not refuse to provide a professional treatment record on the grounds that the patient owes the licensee an unpaid balance if the record is needed by another health care professional for the purpose of rendering care.

4709.4 Acupuncturists shall maintain the confidentiality of professional treatment records, except that:

- (a) The acupuncturist shall release patient records as directed by a subpoena issued by the Board. Such records shall be originals, unless otherwise specified, and shall be unedited, with full patient names. To the extent that the record is illegible, the acupuncturist, upon request, shall provide a

typed transcription of the record. If the record is in a language other than English, the acupuncturist shall also provide a certified translation.

- (b) The acupuncturist shall release information as required by law or regulation.
- (c) The acupuncturist, in the exercise of professional judgment and in the best interests of the patient (even absent the patient's request), may release pertinent information about the patient's treatment to another licensed health care professional who is providing or has been asked to provide treatment to the patient, or whose expertise may assist the acupuncturist in his or her rendition of professional services.

4709.5 Where the patient has requested the release of a professional treatment record or a portion thereof to a specified individual or entity, in order to protect the confidentiality of the records, the acupuncturist shall:

- (a) Secure and maintain a current written authorization, bearing the signature of the patient or an authorized representative;
- (b) Assure that the scope of the release is consistent with the request; and
- (c) Forward the records to the attention of the specific individual identified or mark the material "Confidential."

4709.6 If an acupuncturist ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three (3) months, the acupuncturist or designee shall:

- (a) Establish a procedure by which patients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee who is assuming responsibilities of the practice. However, an acupuncturist shall not charge a patient, pursuant to § 4709.3(c), for a copy of the records, when the records will be used for purposes of continuing treatment or care.
- (b) Make reasonable efforts to directly notify any patient treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records.

## **4710 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS**

4710.1 In order to renew a license, an acupuncturist shall confirm on the renewal application that he or she has completed at least thirty (30) hours of continuing education through any of the following continuing education methods:



- (a) Successfully completing a continuing education course that has been approved by NCCAOM or by boards or committees regulating acupuncture in other states;
- (b) Successfully completing up to fifteen (15) hours of a distance learning course approved by NCCAOM; or
- (c) Successfully completing continuing education courses or programs that are pre-approved by the Board.

4710.2

Beginning with the renewal period ending December 31, 2018, two (2) of the thirty (30) hours of approved continuing education shall relate to cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) and shall meet the requirement of § 4710.1. Continuing education hours that are completed in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a licensed acupuncturist to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

- 4710.3 The Board may approve upon consultation with, and advice from, the Advisory Committee on Acupuncture continuing education credits obtained through methods other than described in § 4710.1.
- (a) A licensed acupuncturist may accrue no more than a combined total of six (6) hours of continuing education credits under § 4710.3(b) as part of the overall requirement of thirty (30) hours of continuing education required in § 4710.1;
  - (b) The methods through which a licensed acupuncturist may obtain continuing education credits other than as described in § 4710.1 are as follows:
    - (1) *Pro bono* activities consisting of work for the provision of acupuncture services provided through an organization offering humanitarian services to:
      - (A) Victims of an emergency situation or catastrophic disaster area;
      - (B) Low income or underserved areas or populations in the District;
      - (C) Special needs populations in the District; or
      - (D) Active duty military personnel in the United States Armed Services.
    - (2) A licensed acupuncturist may accrue a maximum of three (3) hours of continuing education credit for *pro bono* activities, only upon the following conditions:
      - (A) Upon completion of the *pro bono* activity, the licensed acupuncturist shall obtain from the facility written documentation of completion of pro bono hours including:
        - (i) The name of the facility;
        - (ii) The address where the *pro bono* work was provided;
        - (iii) The type of work that was done;
        - (iv) The number of hours of actual work provided for which the licensee desires credit hours; and

(v) A statement guaranteeing that the work provided no financial benefit to licensee.

(3) Publishing a research-based article in a nationally recognized, peer-reviewed journal for which a licensed acupuncturist may accrue no more than three hours of continuing education credit.

**4711 REENTRY TO PRACTICE**

4711.1 In the event a licensed acupuncturist is absent from the clinical practice of acupuncture for more than two consecutive years, the acupuncturist shall comply with a re-entry plan as determined by the Board according to the Board’s policy (as amended from time to time) on re-entry to active practice.

**4712 [RESERVED]**

**4713 [RESERVED]**

**4714 [RESERVED]**

**4715 [RESERVED]**

**4716 DUTIES OF ADVISORY COMMITTEE ON ACUPUNCTURE**

4716.1 The Committee shall advise the Board on all matters pertaining to this chapter.

4716.2 The Committee shall provide the Board with substantive assistance in the Board’s review of complaints and further assist the Board in responding to questions about acupuncturists and acupuncture practice referred to the Committee by the Board and make recommendations to the Board regarding the appropriate action to be taken.

4716.3 At the request of the Board, the Committee shall make its members available to testify at hearings and participate in settlement conferences involving an acupuncturist.

4716.4 The Committee shall submit to the Board an annual report of its activities.

**4799 DEFINITIONS**

4799.1 As used in this chapter, the following terms shall have the meanings ascribed:

**ACAOM** - Accreditation Commission for Acupuncture and Oriental Medicine.

**Act** - the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*).

**Acupuncture program** - a course of study in acupuncture that is at least three (3) years long and which is in addition to and separate from a baccalaureate degree program.

**Acupuncturist** - an individual licensed by the Board to perform acupuncture services.

**Adjunctive therapies** - those practices taught in ACAOM-approved schools and through NCCAOM-approved continuing education courses that are complementary to the performance of acupuncture.

**Applicant** - a person applying for a license to practice acupuncture under this chapter.

**Board** - the Board of Medicine, established by § 203(a) of the Act (D.C. Official Code § 3-1202.03(a)).

**Chinese Herbology** - the administration or recommendation of botanical, mineral, or animal substances, including prepared and raw forms of single herbs or formulas tailored to the individual patient, which often uses all parts of a plant. Chinese Herbology does not include the injection of herbs.

**Committee** - the Advisory Committee on Acupuncture, established by § 203(a)(2) of the Act (D.C. Official Code § 3-1202.03(a)(2)).

**Electroacupuncture** - the therapeutic use of weak electric currents at acupuncture loci to diagnose or to treat diseases or conditions.

**Glandulars** - non-prescriptive supplements that are derived from glands.

**Gua sha** - scraping applied to the surface of the skin with a round edged tool for therapeutic purposes.

**Mechanical stimulation** - stimulation on or near the surface of the body according to principles of Oriental medicine by means of apparatus or instrument.

**Moxibustion** - the therapeutic use of thermal stimulus on or near the surface of the body according to principles of Oriental medicine by burning artemisia alone or artemisia formulations.

**NCCAOM** - National Certification Commission for Acupuncture and Oriental Medicine.

**Oriental dietary therapy** - dietary and nutritional counseling and the recommendation of foods for therapeutic purposes.

**Oriental medicine** - a whole medical system originating in East Asia that aims to treat disease and support the body's ability to heal itself with a diverse range of traditional and modern therapeutic interventions.

**Qigong** - breathing techniques and exercises that promote health.

**Sterilize** or **sterilization** - the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Surface stimulation** - the application of purposeful stimuli to the surface of the body.

**Tuina** - a form of massage therapy based on traditional Oriental medical theories using or incorporating traction, manipulation of acupressure points, acupoint stimulation, and joint mobilization for therapeutic purposes.

4799.2

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

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health (Director), pursuant to authority set forth in Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (“the Act”), effective October 5, 1985, (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04(a)(1) and 2-1801.05 (2016 Repl.)), Section 4902 (a) and (b) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(11) and (b) (2018 Repl.)), and Mayor’s Order 2004-46(2) and (3)(v), dated March 22, 2004, hereby gives notice of the intent to amend Chapter 36 (Department of Health (DOH) Infractions), of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

These proposed rules establish a new Section 3621 Schedule of Fines for swimming pool and spa operations, to correspond with the Notice of Final Rulemaking for Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas in Subtitle C of Title 25 DCMR, which was published in the *D.C. Register* on June 9, 2017, at 64 DCR 005359.

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

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

**Section 3621, SWIMMING POOL & SPA OPERATIONS INFRACTIONS, is amended to read as follows:**

**3621 AQUATIC FACILITIES INFRACTIONS**

3621.1 Violations of the following provisions that are imminent health and safety hazards that are either confirmed or negligent or inherently dangerous shall be a Class 1 infraction:

- (a) Operating an aquatic facility with an unapproved or contaminated water supply source for potable water use in violation of 25-C DCMR §§ 400 and 401;

- (b) Operating an aquatic facility with contaminated water not treated or improperly treated with disinfectants in violation of 25-C DCMR §§ 406 and 411;
- (c) Operating an aquatic facility that is not retrofitted with a properly sized and piped collector tank to eliminate direct suction through the main drain in violation of 25-C DCMR § 408.5;
- (d) Operating an aquatic facility with direct suction without installing a main drain cover that meets the ANSI/ASME A112.19.8-2007 standard for drain covers in violation of 25-C DCMR § 408.6;
- (e) Operating an aquatic facility with a single main drain (other than an unblockable drain) without being equipped with a device or system such as a safety vacuum release system to prevent entrapment in violation of 25-C DCMR § 408.7;
- (f) Operating an aquatic facility with improper plumbing cross-connections between the drinking water supply and aquatic facility water or between sewage system and the aquatic facility including filter backwash facilities in violation of 25-C DCMR §§ 601.1;
- (g) Operating an aquatic facility in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, Warnings, or other directives issued by the Department as specified in 25-C DCMR §§ 408.10, 607.4, 716, 801, 807, 811, and 812;
- (h) Using, selling, moving, or destroying equipment, chemicals, or other operational supplies subject to a Condemnation Order by the Department in violation of 25-C DCMR § 804.1;
- (i) Failing to report a death, serious injury, or injury that requires resuscitation or admission to a hospital occurring at a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.1;
- (j) Using compressed chlorine gas or chlorine gas in violation of 25-C DCMR §§ 608.3 and 608.4;
- (k) Failing to allow the Department access to a swimming pool, spa pool, or sauna in violation of 25-C DCMR § 710;
- (l) Removing required signs or Department posted warnings or closures in violation of 25-C DCMR §§ 715.3, 720.3, 805.1, and 901.1(b);

- (m) Operating an aquatic facility with conditions dangerous to the health, safety, or welfare of bathers or patrons at the swimming pool, spa pool, or sauna, including but not limited to:
- (1) Accidents involving bodily fluids in violation of 25-C DCMR § 412.7;
  - (2) Violations of recent editions of the District of Columbia's Construction Codes Supplements, as specified in Subsection 102.1(1) and Chapter 6;
  - (3) A drowning hazard;
  - (4) Broken glass, sharp edged or broken tile, metal, or other abrasion hazards in the water or deck area;
  - (5) Operating an aquatic facility during a fire;
  - (6) Operating an aquatic facility when there is a flood;
  - (7) Operating an aquatic facility with an interruption of municipal water service;
  - (8) Operating an aquatic facility when there is a sewage backup;
  - (9) Operating an aquatic facility with an onset of a confirmed waterborne illness;
  - (10) An unapproved modification to a swimming pool, spa pool, or sauna determined by the Department to be unsanitary or dangerous to the public health, safety, or welfare;
  - (11) Operating an aquatic facility with unprotected, overhead electrical wires within twenty (20) feet horizontally of the water of a swimming pool, spa pool, or sauna;
  - (12) Operating an aquatic facility without a ground-fault circuit interrupter (GFCI) within twenty (20) feet of the inside wall of the aquatic facility designed to shut off electric power to protect people against electric shock from an electrical system or outlet; or
  - (13) Operating an aquatic facility when a recirculation system or automatic disinfectant chemical feeding equipment is missing, malfunctioning, or not functioning.

3621.2 Violations of any of the following provisions shall be a Class 2 infraction:



- (a) Operating an aquatic facility with improper water temperatures in violation of 25-C DCMR § 202.1(b);
- (b) Operating an aquatic facility with a total absence of or improper depth markings in violation of 25-C DCMR §§ 402.3, and 402.4;
- (c) Operating an aquatic facility without proper water clarity from the pool deck in violation of 25-C DCMR §§ 402.1, 402.2, and 410.1;
- (d) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);
- (e) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (f) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b);
- (g) Failing to continuously operate the aquatic facility's filtration equipment in violation of 25-C DCMR § 408.1, 408.3, 408.12, 409, and 410.3;
- (h) Operating an aquatic facility in violation of 25-C DCMR § 408.11;
- (i) Operating an aquatic facility with broken, unsecured, improperly secured, damaged or missing main drain grate or any submerged suction outlet grate in violation of 25-C DCMR §§ 408.16 and 408.18;
- (j) Operating an aquatic facility without required first aid and safety equipment on deck as specified in 25-C DCMR § 505;
- (k) Failing to properly handle, use, label, store, or ventilate chemicals in an aquatic facility in violation of 25-C DCMR §§ 607 or 608;
- (l) Using unapproved chemicals or applying chemicals by unapproved methods to an aquatic facility's water in violation of 25-C DCMR § 607.3;
- (m) Failing to prevent unauthorized access to an aquatic facility's machinery, electric panels, or chemicals used for the swimming pool, spa pool, or sauna in violation of 25-C DCMR § 607.7;
- (n) Operating an aquatic facility without the required personal protective equipment (PPE) to handle chemicals in violation of 25-C DCMR § 608.10(h);

- (o) Operating an aquatic facility with safety covers that do not meet strict performance standards as set by the American Society for Testing and Materials in ASTM Standard F1346-91, Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs in violation of 25-C DCMR § 610.10;
- (p) Operating an aquatic facility with safety covers that are improperly installed, or secured with continuous union to the deck in violation of 25-C DCMR § 505.5;
- (q) Failing to report a complaint of illness attributed by a bather to use of a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.2;
- (r) Owning, operating, or managing a swimming pool, spa pool, or sauna without a valid license issued by the Department in violation of 25-C DCMR § 700.1;
- (s) Failing to maintain plumbing systems, including but not limited to toilet facilities (restrooms), shower facilities and handwashing sinks in good repair in violation of 25-C DCMR § 606.1;
- (t) Owning, operating, or managing a swimming pool, spa pool, or sauna without required barriers and/or fencing; or, with barriers and/or fencing not approved by the Department in violation of 25-C DCMR § 610;
- (u) Owning, operating, or managing a swimming pool without a pool safety cover in violation of 25-C DCMR § 610.10;
- (v) Owning, operating, or managing a swimming pool, spa pool, or sauna with an expired or suspended license in violation of 25-C DCMR § 700.2;
- (w) Operating, or managing a public swimming pool, spa pool, or sauna without a valid Certificate of Occupancy in violation of 25-C DCMR § 700.3;
- (x) Failing to post licenses, Certificate of Occupancy, certifications, and current inspection reports in violation of 25-C DCMR § 708.2;
- (y) Failing to post required signs in violation of 25-C DCMR §§ 201 and 202;  
or
- (z) Failing to keep swimming pool, spa pool or sauna, or pool deck free of sediment, floating debris, visible dirt and algae in violation of 25-C DCMR § 503.6.

- 3621.3 Violations of any of the following provisions shall be a Class 3 infraction:
- (a) Operating an aquatic facility in violation of 25-C DCMR §§ 500, 501, 502, 503, and 504;
  - (b) Operating an aquatic facility without an emergency lighting source, or failing to maintain an emergency lighting source in violation of 25-C DCMR § 504.5;
  - (c) Operating an aquatic facility without hot water in violation of 25-C DCMR §§ 602.2 and 602.7;
  - (d) Operating an aquatic facility with a bather load in violation of 25-C DCMR §§ 201.1(b), 202.1(d), and 304.1;
  - (e) Serving as a lifeguard or swimming instructor without a current lifeguard or instructor certification issued by the American Red Cross, the YMCA, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;
  - (f) Serving as a lifeguard or swimming instructor without a current certification in First Aid, and in adult, child and infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) issued by the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;
  - (g) Operating a swimming pool, spa pool, or sauna without the required number of lifeguards in violation of 25-C DCMR §§ 304;
  - (h) Operating an aquatic facility without an approved Child Safety Plan, if applicable, or failing to provide copies of the facility's Child Safety Plan to the Department for review and approval in violation of 25-C DCMR §§ 305;
  - (i) Operating an aquatic facility without a Water Quality Test Kit in violation of 25-C DCMR §§ 405;
  - (j) Operating an aquatic facility without maintaining daily water quality and safety logs in violation of 25-C DCMR §§ 412;

- (k) Serving as a pool and spa operator without a current Pool and Spa Operator's Registration Card issued by the Department in violation of 25-C DCMR §§ 700.4; or
- (l) Constructing, installing, renovating or retrofitting, or operating any public swimming pool, spa pool, or sauna without first having received written approval from the Department of Health and the District Government in violation of 25-C DCMR §§ 705 and 706.

3621.4 Violations of any provision of the District's Swimming Pool and Spa Regulations (Subtitle C, Title 25 DCMR), which is not cited elsewhere in this section shall be a Class 4 infraction.

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

## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Director of the District of Columbia Department of Health (“Director”), pursuant to and in accordance with Section 2 of the Standard of Care for Animals Amendment Act of 2017, effective December 20, 2017 (D.C. Law 22-37; D.C. Official Code § 8-1814 (2013 Repl. & 2018 Supp.)) (“Act”) and Mayor’s Order 2009-38, dated March 23, 2009, hereby gives notice of her intent to adopt the following amendments to Chapter 9 (Animal Control) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (“DCMR”) and to add a new Section 3633 (Domestic Animal Infractions) to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions), of the DCMR.

The purpose of these regulations is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals within the District.

The proposed rulemaking will update existing regulations governing responsible ownership and care of domestic dogs and cats and establish in regulation vaccination requirements for domestic cats. The proposed rulemaking will also implement Section 2 of the Standard of Care for Animals Amendment Act of 2017, effective December 20, 2017 (D.C. Law 22-37; D.C. Official Code § 8-1814 (2018 Supp.)) by establishing a schedule of fines for various infractions of the Act’s provisions governing the care and treatment of animals, both domestic and non-domestic and by adding a definition section to define certain terms concerning the care and treatment of animals.

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

**Chapter 9, ANIMAL CONTROL, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:**

**Section 900, DOGS, is amended as follows:**

**Subsections 900.2 and 900.3 are amended to read as follows:**

900.2 No dog shall be allowed to go at large.

900.3 No person owning, keeping or having custody of a dog in the District shall permit the dog to be on any public space in the District, with the exception of an approved District dog park, unless the dog is on a leash and under adequate means of control of a person capable of physically restraining the dog.

**Subsection 900.4 is repealed in its entirety.**

**Subsection 900.7 is amended to read as follows:**

900.7 No person owning, keeping or having custody of a dog in the District shall permit the dog to defecate or urinate on a public sidewalk. All dog excrement shall immediately be removed from any public or private property and properly disposed of in a closed container or receptacle designed to hold trash or other public waste.

**Subsections 900.8 through 900.10 are repealed in their entirety.**

**Section 901, VACCINATION OF DOGS AGAINST RABIES, is amended as follows:**

**The title of Section 901 is amended to read as follows:**

**901 VACCINATION OF DOGS AND CATS AGAINST RABIES AND DISTEMPER**

**Subsection 901.1 is amended to read as follows:**

901.1 Each person in the District of Columbia who owns, keeps, or has custody of a dog that is four (4) months old or older shall have that dog vaccinated against rabies and canine distemper by a licensed veterinarian. Each person in the District of Columbia who owns, keeps, or has custody of a cat that is four (4) months old or older shall have that cat vaccinated against rabies and feline distemper by a licensed veterinarian.

**Subsection 901.2 is repealed in its entirety.**

**Subsection 901.3 is amended to read as follows:**

901.3 The dog or cat that has been vaccinated between the ages of four (4) months and twelve (12) months of age shall receive a booster vaccination twelve (12) months after the date of the initial vaccination and shall be vaccinated against rabies every three (3) years thereafter.

**Subsections 901.4 – 901.6 are amended to read as follows:**

901.4 The anti-rabies and distemper vaccine used for the vaccination under this section shall be of a strength and type approved by the Director.

901.5 Vaccination shall be done in either of the following ways:

- (a) At the expense of the District by veterinarians designated for that purpose; or
- (b) At the expense of the person owning, keeping, or having custody of the dog or cat by a private veterinarian.

901.6 The Director of the Department of Health shall conduct animal clinics on an annual basis where free vaccinations are provided to District-licensed dogs and cats.

**Subsections 901.7 and 901.8 are repealed in their entirety.**

**Subsection 901.9 is amended to read as follows:**

901.9 The veterinarian administering the anti-rabies and distemper vaccine shall execute a certificate of vaccination and furnish the original to the owner or other person presenting the dog or cat for vaccination. The certificate shall be on a form prescribed by the Director.

**Subsections 901.11 – 901.19 are amended to read as follows:**

901.11 A copy or duplicate of the certificate of vaccination shall be retained by the veterinarian for: (1) at least one (1) year following the death of the animal, provided that the animal was still under the care of the veterinarian on the date of death; or (2) at least three (3) years from the date that the veterinarian is no longer providing care to the animal.

901.12 Each veterinarian practicing in the District shall timely furnish to the Director any reports concerning dogs and cats vaccinated against rabies by the veterinarian that may be required by the Director.

901.13 Upon completion of a rabies vaccination, a veterinarian shall furnish a numbered vaccination tag to the owner or other person presenting the dog or cat for vaccination.

901.14 No veterinarian licensed to practice in the District shall issue a rabies vaccination certificate or vaccination tag for any dog or cat unless the dog or cat has been vaccinated against rabies by him or her.

901.15 Each person owning, keeping, or having custody of a dog or cat in the District shall affix the vaccination tag provided under § 901.13 to the collar or harness of the dog or cat. The owner shall keep the tag affixed to the dog's or cat's collar or harness.

901.16 No person owning, keeping, or having custody of a dog or cat in the District shall do either of the following:

- (a) Affix or permit to be affixed to the collar or harness of the dog or cat any tag other than a current license tag, vaccination tag, or owner's identification tag; or

- (b) Affix or permit to be affixed to the collar or harness of the dog or cat any vaccination tags not issued for that dog or cat.

901.17 Except as provided otherwise in § 901.18, the owner, keeper, or other person having custody of a dog or cat that is brought into the District shall have that dog or cat vaccinated against rabies within fifteen (15) days after the arrival of the dog or cat in the District.

901.18 If a dog or cat brought into the District has already been vaccinated in accordance with the provisions of this section and the owner, keeper, or other person having custody of the dog or cat has a valid vaccination certificate and tag issued by the veterinarian who performed the vaccination, the dog or cat shall not have to be vaccinated again until as otherwise required by this chapter.

901.19 The Director shall have authority to require the following control measures when deemed necessary to control the spread of rabies in the District:

- (a) Muzzling;
- (b) Leashing;
- (c) Confinement; and
- (d) Quarantine.

**A new Section 999, DEFINITIONS, is added, to read as follows:**

**999 DEFINITIONS**

999.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

**Abandon** – to desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency.

**Adequate care** – the responsible practice of animal husbandry, handling, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the ages, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

**Adequate exercise** or **exercise** - the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.



**Adequate feed** - the provision of and access to food that is sufficient in quantity and nutritive value to maintain each animal in good health; is accessible; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a manner sanitary for the animal; is placed so as to minimize contamination by excrement and pests and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as may be otherwise prescribed by a veterinarian.

**Adequate shelter** - the provision of and access to shelter that is safe; enables each animal to be clean and dry; protects each animal from injury, rain, sleet, snow, hail, the adverse effects of heat or cold, and physical suffering; is of a size sufficient for the animal to stand up and turn around; provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and is maintained in a sanitary manner. Wire, grid, or slat floors that permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

For an animal confined outside, the term “**adequate shelter**” shall additionally mean that:

- (a) When the temperature is at or below forty degrees Fahrenheit (40°F), the animal has access to a shelter that has an entrance covered by a flexible wind-proofing material or self-closing door, that includes a platform at least four (4) inches off the ground, and that contains dry bedding, which shall consist of an insulating material that does not retain moisture such as straw, and is of a sufficient depth for the animal to burrow; and
- (b) When the temperature is at or above eighty degrees Fahrenheit (80°F), the animal has access to a shelter shaded by trees, a roof, a tarp, or a tarp-like device and which provides adequate ventilation that allows for heat dissipation so as to allow for normal or near normal respiration by the animal.

**Adequate space** - sufficient space to allow each animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal, while allowing the animal to interact safely with other animals. When an animal is tethered, adequate space means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury, with enough room between the collar and the dog's throat through which two

(2) fingers may fit, and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; weighs not more than one-eighth ( $\frac{1}{8}$ ) of the body weight of the animal tethered; and is at least ten (10) feet in length or three (3) times the length of the animal, whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. Where freedom of movement would endanger or harm the animal, temporarily and appropriately restricting movement of the animals according to veterinary standards for the species is considered the provision of adequate space. Tethering of an animal for a period of greater than two (2) hours is not considered the provision of adequate space.

**Adequate water** - the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain proper hydration for the ages, species, condition, size, and type of each animal and provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination by excrement and pests.

**Animal Care and Control Agency** - the District of Columbia humane organization the Mayor contracts with to manage animal care and control.

**At large** - any animal found off the premises of its owner or custodian and not leashed, tethered, or otherwise under adequate means of control of a person capable of physically restraining it. The term at large shall not include a dog legally in a dog park. The term at large shall not include cats.

**Custodian** - a person who has assumed responsibility for the care and well-being of an animal in place of the animal's owner with the owner's knowledge and permission.

**Dangerous animal** - an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term dangerous animal shall not include a dangerous dog as defined in Section 2(1) of the Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176; D.C. Official Code § 8-1901(1)).

**Director** - the Director of the District of Columbia Department of Health.

**Dog park** – a fully fenced area officially established by the District of Columbia government for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners.

**Extreme weather** - weather phenomena that are at the extremes of the historical distribution and are rare for a particular place and/or time, especially severe or unseasonal weather. Such extremes include severe thunderstorms; severe snowstorms, ice storms, blizzards, flooding, hurricanes, and high winds, and heat waves. Air temperatures below thirty-two degrees Fahrenheit (32°F) or above ninety degrees Fahrenheit (90°F) constitute extreme weather.

**Leash** - a line which is affixed to the collar, halter or harness of an animal held by a person on one end that is for leading or restraining an animal.

**Mayor** - the Mayor of the District of Columbia or his or her designee.

**Owner** - a person who purchases or keeps an animal in temporary or permanent custody.

**Tether** - a line connected to a stationary object by which an animal is fastened so as to restrict its range of movement.

**Vaccinated** - protected by a documented inoculation that the Mayor, consistent with the practices of veterinary medicine, determines is currently effective.

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

**Section 3633, [RESERVED], is amended to read as follows:**

**3633 DOMESTIC ANIMAL INFRACTIONS**

3633.1 Violation of any of the following provisions shall result in a one thousand dollar (\$1,000) fine:

- (a) D.C. Official Code § 8-1804.01(f) (2018 Supp.) (a holder of a hobby permit failing to provide their animal with adequate care, adequate feed, adequate shelter, adequate space, and adequate water);
- (b) D.C. Official Code § 8-1808(n) (2018 Supp.) (an owner or custodian failing to provide their animal with adequate care, adequate feed, adequate shelter, adequate space, and adequate water);
- (c) D.C. Official Code § 8-1808(o) (2018 Supp.) (taking actions that intentionally harm, or that a person should know are likely to cause harm to, an animal); and

- (d) D.C. Official Code § 8-1808(p)(1) (2018 Supp.) (an owner or custodian abandoning an animal in their possession).

3633.2

Violation of any of the following provisions shall result in a five hundred dollar (\$500) fine:

- (a) 24 DCMR § 901.14 (falsely issuing a certificate of vaccination);
- (b) 24 DCMR § 901.17 (failure to vaccinate an unvaccinated dog or cat within fifteen (15) days of bringing a dog or cat into the District);
- (c) D.C. Official Code § 8-1803(a) (2018 Supp.); 24 DCMR § 901.3 (failing to vaccinate a dog or cat over the age of four (4) months against rabies (both) and distemper (dogs only));
- (d) D.C. Official Code § 8-1804.01(a) (2018 Supp.) (an owner of seven (7) or more animals, larger than a guinea pig and older than four (4) months, failing to obtain animal hobby permit);
- (e) D.C. Official Code § 8-1808(c) (2018 Supp.) (leaving an animal, excluding cats, outdoors without human accompaniment or adequate shelter for more than fifteen (15) minutes during periods of extreme weather, unless the age, condition, and type of each animal allows the animal to withstand extreme weather);
- (f) D.C. Official Code § 8-1808(e) (2018 Supp.) (allowing a dog on any school ground or on any public recreation area, other than a dog park, unless the dog is on a leash and under adequate means of control of a person capable of physically restraining the dog);
- (g) D.C. Official Code § 8-1808(f) (2018 Supp.) (separating a puppy or kitten from its mother until the puppy or kitten is at least six (6) weeks of age, unless the mother poses a danger to its offspring);
- (h) D.C. Official Code § 8-1808(g) (2018 Supp.) (selling, giving, or offering for sale a puppy or kitten under six (6) weeks of age, unless the puppy or kitten's mother is sold, given, or offered to the same person as the puppy or kitten);
- (i) D.C. Official Code § 8-1808(k)(1) (2018 Supp.) (sponsoring, promoting, or training an animal to participate in, contributing to the involvement of an animal in, or attending as a spectator, any activity or event in which any animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or displayed in such a way that the animal is struck, abused, or mentally or physically stressed or traumatized, or is induced,

goaded, or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices, in a manner that will cause, or is likely to cause, physical or other injury or suffering);

- (j) D.C. Official Code § 8-1808(l)(1) (2018 Supp.) (directing, encouraging, causing, allowing, aiding, or assisting an owned or custodial dog to threaten, charge, bite, or attack a person or other animal except to protect a person under attack or, in the case of a Commercial Guard Dog licensed pursuant to D.C. Official Code § 8-1841.02, to defend private property); and
- (k) D.C. Official Code § 8-1808.02(a) (2018 Supp.) (leaving an animal alone in a vehicle in such a way as to endanger the animal's health or safety).

3633.3 Violation of any of the following provisions shall result in a two hundred fifty dollar (\$250) fine:

- (a) 24 DCMR § 900.2 (allowing a dog to go at large);
- (b) 24 DCMR § 900.6 (permitting a dog to be confined in a yard, on any private property or in a vehicle in a manner that allows the dog to bite or menace persons lawfully using a public street, highway or public space);
- (c) 24 DCMR § 901.11 (failure of a veterinarian to maintain a copy of the certificate of vaccination);
- (d) 24 DCMR § 901.16 (affixing to an animal's collar or tag an expired vaccination tag or a vaccination tag issued for another animal);
- (e) D.C. Official Code § 8-1808(a)(1) (2018 Supp.) (an owner or custodian allowing their animal to go at large);
- (f) D.C. Official Code § 8-1808(b) (2018 Supp.) (knowingly and falsely denying ownership or custodianship of an animal);
- (g) D.C. Official Code § 8-1808(i) (2018 Supp.) (selling or offering for sale a rabbit under the age of sixteen (16) weeks or a chick or duck under the age of eight (8) weeks except for agricultural or scientific purposes);
- (h) D.C. Official Code § 8-1808(j) (2018 Supp.) (importing into the District, possessing, displaying, offering for sale, trade, barter, exchange, or adoption, or giving as a household pet, any living member of the animal kingdom, including those born and raised in captivity, except the following: domestic dogs; domestic cats; domestic rodents and rabbits; captive-bred species of common cage birds, including chickens; non-

venomous snakes, fish and turtles; ferrets; goats; sheep and racing pigeons); and

- (i) D.C. Official Code § 8-1808(m) (2018 Supp.) (displaying, exhibiting, or otherwise moving animals in the District as part of a circus, carnival, or other special performance or event, without first obtaining a permit, issued by the Mayor, that governs the care and management of the animals).

3633.4 Violation of any of the following provisions shall result in a one hundred dollar (\$100) fine:

- (a) 24 DCMR § 900.1 (owning or keeping a dog that disturbs the quiet of a person or neighborhood);
- (b) 24 DCMR § 900.5 (permitting a dog to enter onto private property without the consent of the owner or occupant of the property);
- (c) 24 DCMR § 900.7 (permitting a dog to defecate or urinate on a public sidewalk; failure to remove and properly dispose of dog excrement);
- (d) 24 DCMR § 901.15 (failure to affix and keep affixed to an animal's collar or harness a valid vaccination tag);
- (e) D.C. Official Code § 8-1804(b) (2018 Supp.) (an owner failing to obtain and renew an annual license for a dog over the age of four (4) months);
- (f) D.C. Official Code § 8-1804.01(g) (2018 Supp.) (hobby permit holder permitting objectionable odors or noises that disturb the comfort or quiet of the neighborhood or committing a nuisance on public space or property owned by others);
- (g) D.C. Official Code § 8-1808(d) (2018 Supp.) (removing the license of a dog without the permission of its owner);
- (h) D.C. Official Code § 8-1808(h)(1) (2018 Supp.) (changing the natural color of a baby chicken, duckling, other fowl, or rabbit); and
- (i) D.C. Official Code § 8-1808(h)(2) (2018 Supp.) (offering for sale a baby chicken, duckling, other fowl, or rabbit that has had its natural color changed);

3633.5 Fines issued under D.C. Official Code § 8-1808.02(a) for leaving an animal alone in a vehicle shall be in addition to the expenses incurred by the District in the care, medical treatment, and impound cost of the animal, that must be reimbursed by the owner or custodian.

- 3633.6 Fines issued under this chapter shall not preclude any other criminal or civil penalty or enforcement action provided by District law.
- 3633.7 For purposes of enforcement of this chapter pursuant to Chapter 31 of this title (Civil Infractions: Administrative Procedures), the term “Director” shall mean the Director of the District of Columbia Department of Health or his or her designee.

Copies of the proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Phillip Husband, General Counsel of the District of Columbia Department of Health, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov) or by mail to the District of Columbia Department of Health, Attn: Phillip Husband, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

**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 72 (Recreational Therapy) 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 recreational therapists seeking to renew, reactivate, or reinstate their registration to complete continuing education in public health priorities as determined and amended from time to time by the Director.

**Chapter 72, RECREATIONAL THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 7205, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 7205.3 is amended to read as follows:**

7205.3           An applicant for registration renewal shall complete a minimum of twenty (20) contact hours of approved continuing education in accordance with § 7206 and § 7207 during the two (2) year period preceding the date the registration expires. The required continuing education shall also include two (2) hours of LGBTQ continuing education and 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.

**Section 7209, REACTIVATION, is amended to read as follows:**

**7209            REACTIVATION**

7209.1           The requirements of this section shall apply to persons whose registration under this chapter has been placed in inactive status and who seek reactivation of their registration in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.

7209.2           An applicant for reactivation of a recreational therapy registration which has been inactive five (5) years or less who does not hold a registration or equivalent in any other jurisdiction shall submit proof pursuant to § 7205 of having completed ten (10) contact hours of approved continuing education programs for each year that the applicant was not registered, up to a maximum of fifty (50) hours, two of which shall be LGBTQ continuing education and ten percent (10%) of which



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.

7209.3 A reactivation applicant whose registration has been inactive for more than five (5) years and who does not hold an active registration or equivalent in any other jurisdiction shall submit proof pursuant to § 7205 of having completed the following:

- (a) Ten (10) contact hours of approved continuing competence programs for each year that the applicant was not registered, up to a maximum of fifty (50) hours with 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. Twenty (20) of the total contact hours required shall have been completed within two (2) years prior to the date the application is submitted and include two (2) hours of LGBTQ continuing education; and
- (b) One hundred sixty (160) hours of clinical training supervised by a registered recreational therapist within the two (2) months prior to the date the application is submitted.

7209.4 A reactivation applicant who holds an active registration or equivalent in any other jurisdiction shall not be required to submit proof of continuing education contact hours with the reactivation application.

**Section 7210, REINSTATEMENT, is amended as follows:**

**Subsection 7210.3 is amended to read as follows:**

7210.3 A reinstatement applicant may be eligible for reinstatement of his or her registration only if he or she holds a current, active certification as a Certified Therapeutic Recreation Specialist (CTRS) issued by the National Council for Therapeutic Recreation Certification (NCTRC) and submit satisfactory proof of ten (10) contact hours of approved continuing competence programs for each year that the applicant was not registered, up to a maximum of fifty (50) hours with 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. Twenty (20) of the total contact hours required shall have been completed within two (2) years prior to the date the application is submitted and shall include two (2) hours of LGBTQ continuing education.

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., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto: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](mailto: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 86 (Psychology Associate) 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 psychology associates seeking to renew, reactivate, or reinstate the registration to complete continuing education in public health priorities as determined and amended from time to time by the Director. Additionally, the rulemaking will also remove the requirements that reactivation and reinstatement applicants re-take the jurisprudence examination if their registration has been inactive or expired more than two (2) years.

**Chapter 86, PSYCHOLOGY ASSOCIATE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 8606, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 8606.3 is amended to read as follows:**

8606.3 To qualify for the renewal of a registration, an applicant shall have completed thirty (30) hours of approved continuing education credits during the two (2)-year period preceding the date the registration expires, which shall also meet the following requirements:

- (a) At least fifteen (15) hours of approved continuing education shall be completed in live program(s);
- (b) Ten percent (10%) of the 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; and
- (c) Three (3) hours shall be in ethics and two (2) hours shall be LGBTQ continuing education.

**Subsection 8606.4 is amended to read as follows:**

8606.4 An applicant in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) who submits an application to reactivate a registration

shall submit proof of having completed thirty (30) hours of approved continuing education, including three (3) hours of ethics and two (2) hours of LGBTQ continuing education, provided further that 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 8606.5 is amended to read as follows:**

8606.5 An applicant for reinstatement of a registration shall submit proof of having completed thirty (30) hours of approved continuing education, including three (3) hours of ethics and two (2) hours of LGBTQ continuing education, provided further that 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.

**Section 8699, DEFINITIONS, is amended as follows:**

**Subsection 8699.1 is amended as follows:**

**The following definition is added after the definition of “Direct Supervision”:**

**Director** – the Director of the Department of Health or the Director’s designee.

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., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto: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](mailto:Angli.Black@dc.gov).

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Director), pursuant to the authority set forth in D.C. Official Code § 47-2809.01(b)(1)(B) (2015 Repl.); Section 4902 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2018 Repl.)); and Mayor’s Order 2007-63(1), dated March 8, 2007, hereby gives notice of the intent to amend Subtitle G (Body Art Establishment Regulations) of Title 25 (Food Operations and Community Hygiene Facilities) of the District of Columbia Municipal Regulations (DCMR), by adding a new Chapter 11 (Schedule of Fees and Services).

This rulemaking ensures the public that body art establishments in the District are licensed and are operating in compliance with the District’s new Body Art Establishment Regulations in Title 25-G DCMR, which were published in the *D.C. Register* on December 29, 2017 at 64 DCR 013496.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

**A new Chapter 11, SCHEDULE OF FEES AND SERVICES, is added to Title 25-G DCMR, BODY ART ESTABLISHMENT REGULATIONS, to read as follows:**

**CHAPTER 11 SCHEDULE OF FEES AND SERVICES**

**1100 SCHEDULE OF FEES AND SERVICES**

1100.1 The following fees are applicable to Body Art Establishments and include plan reviews, inspections, and license applications.

<u>Description of Services:</u>	<u>Fees:</u>
Initial Facility License Application (2-year licensing period begins October 1 <sup>st</sup> to September 30 <sup>th</sup> )	\$ 250.00
Renewal Facility License Application (2-year licensing period begins October 1 <sup>st</sup> to September 30 <sup>th</sup> )	\$ 250.00
Change of Ownership Fee	\$ 250.00
Late Fee Renewal	\$ 25.00
Duplicate License Fee	\$ 15.00

1100.2 All fees may be paid electronically or by certified check, money order, business check, or personal check made payable to the “District of Columbia Treasurer.”

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

**DEPARTMENT OF MOTOR VEHICLES****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6, 7, and 8a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01, and 50-1401.03 (2014 Repl.)), and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following amendments to Chapter 1 (Issuance of Driver Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rule will allow third party vendors to administer the knowledge test for a learner permit in lieu of testing by Department of Motor Vehicles employees.

The Director of the Department of Motor Vehicles hereby gives notice of intent to take final rulemaking action to adopt these proposed rules 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 1, ISSUANCE OF DRIVER LICENSES, amends the title of the chapter to read as follows:**

**CHAPTER 1                   ISSUANCE OF LEARNER PERMITS, PROVISIONAL PERMITS,  
OR DRIVER LICENSES**

**Section 113, THIRD PARTY TESTING, is amended as follows:**

**A new Subsection 113.2 is added to read as follows:**

113.2

- (a) The Director may authorize a third-party vendor to administer the knowledge test under terms and conditions as set forth by the Director.
- (b) Notwithstanding §§ 103.1 and 103.8(a), the Department shall not collect a fee when a third-party vendor administers the knowledge test.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, [dmvpubliccomments@dc.gov](mailto:dmvpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov). Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06(13) (2012 Repl.)), hereby gives notice of its intent to amend Chapter 30 (University Procurement Rules) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to make the University's procurement regulations consistent with the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-351.01 *et seq.* (2016 Repl.)), as amended ("PPRA"), with certain exceptions.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**Chapter 30, UNIVERSITY PROCUREMENT RULES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**Section 3000, PURPOSE AND APPLICATION, is amended by adding new Subsections 3000.8 – 3000.12, as follows:**

- 3000.8           The University shall follow the Procurement Practices Reform Act of 2010, as heretofore and hereafter amended ("PPRA"), except as amended, modified and supplemented by these rules, in the conduct of its procurement activities.
- 3000.9           References in the PPRA to the District's Procurement website shall be construed to refer to a procurement website maintained by the University, to publicize University procurement activities.
- 3000.10          In lieu of the Contract Appeals Board described in PPRA Title X, the University, when considering protests, disputes, appeals, debarment and suspension decisions made by the CCO, shall have a Contracts Review Committee in accordance with Section 3063 of these rules. Decisions of the Contracts Review Committee may be appealed as described in these rules.
- 3000.11          In lieu of PPRA Section 1008 pertaining to Protest procedures, the University shall follow the provisions of Section 3066 of these rules.



3000.12 The PPRA shall be construed and applied to give effect to the roles and responsibilities of the University's Office of Strategic Sourcing and Procurement and Chief Contracting Officer as provided for in these rules.

**Section 3002, PUBLICIZING CONTRACT ACTIONS, is amended in its entirety to read as follows:**

3002.1 The CCO shall issue a formal written solicitation for all proposed contracts with an estimated price over one hundred thousand dollars (\$100,000).

3002.2 The CCO shall publicize the formal written solicitation referred to in Subsection 3002.1 in accordance with PPRA Sections 402, 403, and 404, as applicable. Publication shall be in a manner calculated to reach a significant number of prospective bidders, and will be conducted in accordance with the PPRA's requirements.

3002.3 The requirement to publicize the solicitation set forth in this chapter shall not apply to any of the following procurements:

- (a) Emergency procurements;
- (b) Simplified procurements; and
- (c) Contracts existing as of the effective date of these rules.

**Section 3005, ITEMS EXEMPT FROM COMPETITIVE PROCUREMENT, is amended in its entirety to read as follows:**

3005.1 The goods, services, supplies and materials enumerated in PPRA Section 413 shall be exempt from the competitive procurement requirements imposed by this chapter.

3005.2 In addition, the University may also procure the following goods, services and materials without subjecting such procurements to competition:

- (a) Abstracts of titles for real property and title searches;
- (b) Brokers and other agents retained by the University to negotiate for and obtain goods, services (including but not limited to insurance policies) and real estate for the University at competitive prices;
- (c) Items purchased for resale to the general public;
- (d) Recreational sports and other program instructors;

- (e) Translation services, including but not limited to American Sign Language and foreign languages;
- (f) Educational assessments and special education testing equipment and materials; and
- (g) Utilities, including but not limited to electric, gas, propane, oil and water services.

**Section 3020, EMERGENCY PROCUREMENTS, is amended by amending Subsections 3020.1, 3020.2 and 3020.3 to read as follows:**

- 3020.1 The CCO may award a contract on an emergency basis if the requirement is essential to handle an existing or imminent emergency situation, including, but not limited to, any situation or condition which would threaten the health, safety, property or welfare of the University community or severely hamper the ability of the University to accomplish its educational mission.
- 3020.2 Emergency procurement procedures shall not be used for contracts exceeding ninety (90) days, subject to any exceptions allowed by the PPRA.
- 3020.3 The CCO shall not be required to publicize emergency solicitations. Publication of emergency procurements shall be governed by PPRA Section 405.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Comments should be filed with the Office of General Counsel, Building 39- Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008.

Comments may also be submitted by email to [OfficeofGC@udc.edu](mailto:OfficeofGC@udc.edu). Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Business Enterprises and Sales of Products and Services" in the subject line.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl. & 2018 Supp.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on June 6, 2019, the Board adopted Resolution #19-37 to propose the amendment of Section 4102 (Customer Assistance Programs) of Chapter 41 (Retail Water and Sewer Rates and Charges), of Title 21 (Water and Sanitation) of the DCMR.

The purpose of this rulemaking is to amend the Customer Assistance Programs to extend the Customer Assistance Program II (CAP2) through Fiscal Year 2020.

The Board requests comments on this proposed rulemaking. The Board will also receive comments on this proposed rulemaking at a public hearing, which is scheduled at 6:30 p.m. on Wednesday, August 14, 2019 at District of Columbia Water and Sewer Authority Headquarters, 1385 Canal Street, S.E. (125 O Street, S.E.), Board Room (2<sup>nd</sup> Floor). A Notice of Public Hearing and the agenda are published in this edition of the *D.C. Register*.

This proposed rulemaking, if finalized, will be effective October 1, 2019.

**Chapter 41, RETAIL WATER AND SEWER RATES AND CHARGES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended as follows:**

**Paragraphs 4102.2(c), (d), and (e) of Subsection 4102.2, CUSTOMER ASSISTANCE PROGRAM II (CAP2), are amended to read as follows:**

4102.2 CUSTOMER ASSISTANCE PROGRAM II (CAP2)

...

- (c) Upon DC Water's receipt of notice from DOEE that the CAP2 customer meets the financial eligibility requirements, DC Water shall provide the CAP2 benefits for not more than the entire Fiscal Year 2020, beginning October 1, 2019 and terminating on September 30, 2020, subject to the availability of budgeted funds.

- (1) CAP2 customers that submit a complete application to DOEE before November 1, 2019, shall receive CAP2 benefits retroactive to October 1, 2019 and terminating on September 30, 2020.
  - (2) CAP2 customers that submit a complete application on or after November 1, 2019, shall receive CAP2 benefits as of the date of submittal and terminating on September 30, 2020.
- (d) If DC Water determines that the remaining budgeted funds are insufficient to provide CAP2 benefits, DC Water may:
- (1) Suspend the process for accepting CAP2 applicants; or
  - (2) Suspend or adjust providing CAP2 benefits to CAP2 recipients.
- (e) The CAP2 Program shall terminate on September 30, 2020.

Submit comments on these proposed rules, in writing, no later than 5:00 pm on August 19, 2019 to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003, by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com), or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF FOURTH EMERGENCY RULEMAKING**

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption of the following emergency rulemaking amending Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to continue the Emergency and Proposed Rulemakings that revised provisions in the 2013 District of Columbia Building Code to clarify the requirements for registered design professionals for new construction, repair, expansion, addition or alteration projects submitted for permit.

This Fourth Emergency rulemaking was adopted on December 28, 2018 to become effective immediately. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), this emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness, and will expire on April 29, 2019. A Notice of Third Emergency was adopted on August 30, 2018 and published at 65 DCR 13073 (November 23, 2018). A Notice of Second Emergency was adopted on May 2, 2018 and was published at 65 DCR 12470 (November 9, 2018). A Notice of Emergency and Proposed Rulemaking was adopted on January 5, 2018 and published at 65 DCR 6188 (June 8, 2018).

The internal process for the final rulemaking is ongoing. No comments were received on the Notice of Emergency and Proposed Rulemaking.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striketrough~~ text.

**Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:**

**Section 105, PERMITS, is amended as follows:**

Strike Section 105.3.10 in the 2013 District of Columbia Building Code in its entirety and insert a new Section 105.3.10 in the 2013 District of Columbia Building Code in its place to read as follows:

**~~105.3.10 Design Professional in Responsible Charge.~~** All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture shall be prepared only by an architect licensed by the District and work involving the practice of professional

~~engineering shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer.~~

~~**105.3.10.1 Exemptions.**—The professional services of a registered architect, professional engineer or an interior designer are not required for the following:~~

- ~~1. —Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.~~
- ~~2. —Nonstructural alteration of any *building* of R-3 occupancies or of any *building* under the jurisdiction of the *Residential Code*.~~
- ~~3. —Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.~~
- ~~4. —Preparation of drawings or details for the installation of water and sewer *building* connections to a single family residential *structure*. The *code official* is authorized to accept drawings and details prepared by a licensed plumber.~~

~~**105.3.10.2 Substitute Design Professional.**—If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.~~

~~**105.3.10.3 Attestation.**—An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in responsible charge stating as follows:~~

- ~~(a) —For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the architectural designs included in this application.”~~
- ~~(b) —For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have~~

personally prepared, or directly supervised the development of, the engineering designs included in this application.”

**105.3.10 Registered Design Professional.** The design of work for new construction, repair, expansion, addition or alteration projects submitted for permit shall comply with Sections 105.3.10.1 through 105.3.10.6 as applicable.

**105.3.10.1 Architectural Services.** Where the project involves the practice of architecture, as defined by D.C Official Code § 47-2853.61 (2015 Repl.), the corresponding permit documents shall be prepared by an architect licensed to practice architecture in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such architectural work shall be prepared by or under the direct supervision of an architect with a valid and unexpired District of Columbia architecture license and shall bear the architect’s signature and seal in accordance with the laws of the District of Columbia.

**105.3.10.2 Engineering Services.** Where the project involves the practice of engineering, as defined by D.C Official Code § 47-2853.131 (2015 Repl.), the corresponding permit documents shall be prepared by a professional engineer licensed to practice engineering in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such engineering work shall be prepared by or under the direct supervision of a professional engineer with a valid and unexpired District of Columbia engineer license and shall bear the engineer’s signature and seal in accordance with the laws of the District of Columbia.

**Exception:** An architect licensed in the District of Columbia is authorized to perform engineering work that is incidental to the practice of architecture, as permitted by D.C Official Code § 47-2853.61 (2015 Repl.).

**105.3.10.3 Interior Design Services.** Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member, any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of architecture and engineering as defined by D.C Official Code §§ 47-2853.61 and 47-2853.131 (2015 Repl.), shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with D.C Official Code § 47-2853.101 (2015 Repl.).

**105.3.10.4 Exemptions.** The professional services of a licensed architect, professional engineer or interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the licensure of architects, professional engineers and interior designers.

2. Nonstructural alteration of any building of R-3 occupancies or of any building under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from permit by Section 105.2.
4. Drawings or details for the installation of water and sewer building connections to a single family residential structure prepared by a master plumber licensed pursuant to D.C Official Code § 47-2853.121 *et seq.* (2015 Repl.).

**105.3.10.5. Registered Design Professional in Responsible Charge.** The *code official* is authorized to require the *owner* to engage and designate on the permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the *original registered design professional in responsible charge*. Where a *registered design professional in responsible charge* is required, the *code official* shall be notified in writing by the *owner* if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the *building*.

#### **105.3.10.6 Attestations Required.**

**105.3.10.6.1 Registered Design Professional.** The signature and seal of the *registered design professional*, where required by and in accordance with Section 105.3.10, shall serve as attestation of the following:

1. For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the architectural designs included in this application.”
2. For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the engineering designs included in this application.”

**105.3.10.6.2 Registered Design Professional in Responsible Charge.** Where the *code official* determines that a *registered design professional in responsible charge* is required for any project, an attestation sealed and signed by the



registered design professional in responsible charge engaged by the owner shall be submitted prior to the issuance of any and all certificate(s) of occupancy for the project. The attestation shall identify the registered design professional in charge by name and registration number, shall identify the project or portion thereof being attested to, and shall state, to the code official's satisfaction, that the project or portion thereof has been completed in a manner that is substantially compatible with the design of the building that was the basis of the corresponding permit. Furthermore, the attestation shall state that changes from such permit documents, including but not limited to submittal documents prepared by others during the course of construction, and phased and deferred submittal items, have been reviewed and coordinated by the attesting registered design professional in responsible charge.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF FIFTH EMERGENCY RULEMAKING**

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption of the following emergency rulemaking amending Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to continue the Emergency and Proposed Rulemakings that revised provisions in the 2013 District of Columbia Building Code to clarify the requirements for registered design professionals for new construction, repair, expansion, addition or alteration projects submitted for permit.

This Fifth Emergency rulemaking was adopted on April 18, 2019 to become effective immediately. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), this emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness, and will expire on August 16, 2019 unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. A Notice of Fourth Emergency Rulemaking was adopted on December 28, 2018 and is published simultaneously with this rulemaking. A Notice of Third Emergency was adopted on August 30, 2018 and published at 65 DCR 13073 (November 23, 2018). A Notice of Second Emergency was adopted on May 2, 2018 and was published at 65 DCR 12470 (November 9, 2018). A Notice of Emergency and Proposed Rulemaking was adopted on January 5, 2018 and published at 65 DCR 6188 (June 8, 2018).

The internal process for the final rulemaking is ongoing. No comments were received on the Notice of Emergency and Proposed Rulemaking.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striketrough~~ text.

**Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:**

**Section 105, PERMITS, is amended as follows:**

*Strike Section 105.3.10 in the 2013 District of Columbia Building Code in its entirety and insert a new Section 105.3.10 in the 2013 District of Columbia Building Code in its place to read as follows:*

**~~105.3.10 Design Professional in Responsible Charge.~~ All design for new construction work, alteration, repair, expansion, addition or modification work**

~~involving the practice of professional architecture shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer.~~

~~**105.3.10.1 Exemptions.** The professional services of a registered architect, professional engineer or an interior designer are not required for the following:~~

- ~~1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.~~
- ~~2. Nonstructural alteration of any *building* of R-3 occupancies or of any *building* under the jurisdiction of the *Residential Code*.~~
- ~~3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.~~
- ~~4. Preparation of drawings or details for the installation of water and sewer *building* connections to a single family residential *structure*. The *code official* is authorized to accept drawings and details prepared by a licensed plumber.~~

~~**105.3.10.2 Substitute Design Professional.** If the circumstances require, the *owner* shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.~~

~~**105.3.10.3 Attestation.** An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in responsible charge stating as follows:~~

- ~~(a) For architects: "I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the architectural designs included in this application."~~
- ~~(b) For engineers: "I am responsible for determining that the engineering designs included in this application are in compliance~~

~~with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the engineering designs included in this application."~~

**105.3.10 Registered Design Professional.** The design of work for new construction, repair, expansion, addition or alteration projects submitted for permit shall comply with Sections 105.3.10.1 through 105.3.10.6 as applicable.

**105.3.10.1 Architectural Services.** Where the project involves the practice of architecture, as defined by D.C Official Code § 47-2853.61 (2015 Repl.), the corresponding permit documents shall be prepared by an architect licensed to practice architecture in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such architectural work shall be prepared by or under the direct supervision of an architect with a valid and unexpired District of Columbia architecture license and shall bear the architect's signature and seal in accordance with the laws of the District of Columbia.

**105.3.10.2 Engineering Services.** Where the project involves the practice of engineering, as defined by D.C Official Code § 47-2853.131 (2015 Repl.), the corresponding permit documents shall be prepared by a professional engineer licensed to practice engineering in the District of Columbia. All plans, computations, and specifications required to be submitted in connection with a permit application for such engineering work shall be prepared by or under the direct supervision of a professional engineer with a valid and unexpired District of Columbia engineer license and shall bear the engineer's signature and seal in accordance with the laws of the District of Columbia.

**Exception:** An architect licensed in the District of Columbia is authorized to perform engineering work that is incidental to the practice of architecture, as permitted by D.C Official Code § 47-2853.61 (2015 Repl.).

**105.3.10.3 Interior Design Services.** Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member, any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of architecture and engineering as defined by D.C Official Code §§ 47-2853.61 and 47-2853.131 (2015 Repl.), shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with D.C Official Code § 47-2853.101 (2015 Repl.).

**105.3.10.4 Exemptions.** The professional services of a licensed architect, professional engineer or interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the licensure of architects, professional engineers and interior designers.

2. Nonstructural alteration of any building of R-3 occupancies or of any building under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from permit by Section 105.2.
4. Drawings or details for the installation of water and sewer building connections to a single family residential structure prepared by a master plumber licensed pursuant to D.C Official Code § 47-2853.121 *et seq.* (2015 Repl.).

**105.3.10.5. Registered Design Professional in Responsible Charge.** The *code official* is authorized to require the *owner* to engage and designate on the permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the *original registered design professional in responsible charge*. Where a *registered design professional in responsible charge* is required, the *code official* shall be notified in writing by the *owner* if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the *building*.

**105.3.10.6 Attestations Required.**

**105.3.10.6.1 Registered Design Professional.** The signature and seal of the *registered design professional*, where required by and in accordance with Section 105.3.10, shall serve as attestation of the following:

1. For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the architectural designs included in this application.”
2. For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all relevant laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the engineering designs included in this application.”

**105.3.10.6.2 Registered Design Professional in Responsible Charge.** Where the *code official* determines that a *registered design professional in responsible*

charge is required for any project, an attestation sealed and signed by the registered design professional in responsible charge engaged by the owner shall be submitted prior to the issuance of any and all certificate(s) of occupancy for the project. The attestation shall identify the registered design professional in charge by name and registration number, shall identify the project or portion thereof being attested to, and shall state, to the code official's satisfaction, that the project or portion thereof has been completed in a manner that is substantially compatible with the design of the building that was the basis of the corresponding permit. Furthermore, the attestation shall state that changes from such permit documents, including but not limited to submittal documents prepared by others during the course of construction, and phased and deferred submittal items, have been reviewed and coordinated by the attesting registered design professional in responsible charge.

**DEPARTMENT OF HEALTH****NOTICE OF THIRD EMERGENCY RULEMAKING**

The Director of the Department of Health (“Department”), pursuant to the authority set forth in Section 1301 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.)) (the “Act”) and in accordance with Mayor’s Order 2005-137, dated September 27, 2005, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 101 (Assisted Living Residences) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (“DCMR”).

The Department has determined that there are a number of gaps in the Act which put residents at risk of injury to their persons and to the rights granted to them under the Act. This rulemaking is necessary to preserve the health, safety, and welfare of District residents to address those gaps and immediately preserve and promote the health, safety, and welfare of the public by establishing emergency regulations for Assisted Living Residences (“ALRs”) in order to set forth requirements to meet emergency preparedness and fire prevention guidelines, as well as clear and comprehensive requirements for operating an ALR in a manner that preserves the health, safety, and welfare of the residents within.

This emergency rulemaking is necessary to immediately implement ALR rules that: ensure all ALRs comply with fire prevention codes or emergency preparedness guidelines; ensure a background check of ALR license applicants; require all ALRs to investigate and report unusual incidents that jeopardize the health and safety of ALR residents; protect ALR residents from entering into agreements that would relieve ALRs from their duty to administer a medication to a resident; ensure that residents who are involuntarily discharged receive proper written notice of the resources and the rights to challenge the discharge that are due to them under D.C. Law 6-108; establish a standard for the types of health information that must accompany a resident who is discharged or transferred to another facility to ensure the receiving facility has an adequate medical history for the resident to immediately resume care upon receipt; ensure that each ALR has no less than one (1) registered nurse available to the ALR twenty-four (24) hours a day, seven (7) days a week; require all ALRs to implement policies and procedures to ensure the supervision of visitors who are likely to have access to resident living units; ensure that all ALRs maintain sufficient supervision of the healthcare professionals that are hired privately by ALR residents; establish a standard for medication self-administration assessments; ensure safe medication storage parameters; or require ALRs to document, investigate, and report all adverse drug reactions. This emergency action will supplement the provisions of the Act in order to ensure that the aforementioned provisions are in place to immediately preserve the health, safety, and welfare of ALR residents.

In addition to establishing the aforementioned provisions, this rulemaking action will also enhance and clarify the Act’s existing provisions as necessary to address current industry practices and challenges while promoting and protecting ALR residents’ rights, health, and safety. Lastly, this rulemaking relocates the section titled “Fees” from 22-B DCMR § 10101 to 22-B DCMR § 10105, but does not make any changes to the existing language in the section.

The Department is aware that regulations governing the practice of assisted living administrators and the licensure of said practice have not yet been published. Consequently, the Department will not enforce the portions of this rulemaking that require an individual to be licensed by the District of Columbia Board of Long-Term Care Administration or otherwise authorized by the Director to practice assisted living administration until rules have been promulgated to govern said licensure and authorization.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 24, 2018 at 65 DCR 8785 to immediately preserve and promote the health, safety and welfare of the public for the reasons addressed above. Those emergency regulations were adopted on August 16, 2018 and expired one hundred twenty (120) days from their date of adoption, *i.e.*, on December 14, 2018. A Notice of Second Emergency Rulemaking identical to the first was adopted by the Department on December 10, 2018, published in the *D.C. Register* on January 25, 2019 at 66 DCR 1222, and expired one hundred twenty (120) days from its date of adoption, *i.e.*, on April 9, 2019. The Notice of Second Emergency Rulemaking was adopted in order to sustain the District’s sole body of regulations governing the operation and emergency preparedness of assisted living residences while the Department sought to incorporate comments it received from the proposed regulations published on August 24, 2018.

This Notice of Third Emergency Rulemaking is necessary to prevent any lapse in the District’s assisted living residence emergency regulations while the Department seeks publication of its Notice of Second Proposed Rulemaking. The emergency rules are the only municipal regulations governing the operation and emergency preparedness of assisted living residences in the District of Columbia. Therefore, this emergency rulemaking action is necessary to maintain the status quo and preserve the District’s entire body of regulations governing the operation and emergency preparedness of assisted living residences, which expired on April 9, 2019.

This Notice of Third Emergency Rulemaking is identical to the Notice of Second Emergency Rulemaking published in the *D.C. Register* on January 25, 2019 at 66 DCR 1222, except that the exception to requiring proof of a certificate of occupancy for ALR applicants with fewer than seven (7) resident beds was removed from § 10106.5 in order to remain consistent with the District’s zoning regulations. § 10106.5 is now reserved.

This emergency rule was adopted on April 2, 2019, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (*i.e.*, on July 31, 2019), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

**Chapter 101, ASSISTED LIVING RESIDENCES, of Title 22-B, PUBLIC HEALTH AND MEDICINE, is amended in its entirety to read as follows:**

**CHAPTER 101 ASSISTED LIVING RESIDENCES**

- Secs.**
- 10100 General Provisions**
- 10101 Purpose**



10102	Authority to Operate an Assisted Living Residence (ALR) in the District of Columbia
10103	Restrictions
10104	Qualification and Eligibility
10105	Fees
10106	Initial ALR Licensure
10107	Licensure Inspections
10108	Admissions
10109	Resident's Rights and Quality of Life
10110	Required Policies and Procedures
10111	Disclosure
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10113	Individualized Service Plans (ISPs)
10114	Shared Responsibility Agreements (SRAs)
10115	Discharge and Transfer
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10117	Assisted Living Administrators (ALAs)
10118	Private Duty Healthcare Professionals
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10121	Pre-admission Medication Management Assessment
10122	On-site Medication Review
10123	Medication Storage
10124	Medication Administration
10125	Reporting Abuse, Neglect, Exploitation, and Unusual Incidents
10126	Inspections
10127	Sanctions
10128	Civil Penalties
10129	Criminal Penalties
10130	Referrals to Regulatory Entities
10131–10198	[RESERVED]
10199	Definitions

## 10100 GENERAL PROVISIONS

- 10100.1 These rules are implemented pursuant to and in accordance with 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.*), as amended from time to time (hereinafter, "the Act").
- 10100.2 The provisions set forth in this chapter have been issued to supplement provisions of the Act. Accordingly, each assisted living residence ("ALR") licensed pursuant to the Act must comply with the Act and with this chapter, which together constitute standards for licensing and operation of assisted living residences within the District of Columbia.

10100.3 Nothing in this chapter shall be construed to contradict the provisions of the Act or abridge the residents' rights provided therein.

10100.4 An ALR that participates in the Medicaid Home Community-Based Services Waiver program for the Elderly and Persons with Physical Disabilities, as approved by the Council of the District of Columbia and the Centers for Medicare and Medicaid Services, shall maintain compliance with Chapter 42 (Home and Community-Based Services Waiver for Persons Who Are Elderly and Individuals with Physical Disabilities) of Title 29 of the District of Columbia Municipal Regulations ("DCMR").

## **10101 PURPOSE**

10101.1 The purpose of this chapter is to supplement provisions of the Act, which sets minimum, reasonable standards for licensure of assisted living residences ("ALRs") in the District of Columbia. This chapter is intended to maximize independence and promote the principles of individuality, personal dignity, autonomy, freedom of choice, and fairness for all individuals residing in assisted living programs while establishing reasonable standards to protect the individuals' health and safety.

## **10102 AUTHORITY TO OPERATE AN ASSISTED LIVING RESIDENCE (ALR) IN THE DISTRICT OF COLUMBIA**

10102.1 The provision of housing under a landlord-tenant arrangement does not, in and of itself, exclude a person from the requirements to be licensed and in compliance with the provisions of the Act and this chapter.

10102.2 A separate license shall be required to operate each ALR, regardless of whether multiple ALRs are operated by the same person, or whether the ALR is on premises shared with another ALR or facility. Each ALR license shall be specific to the location of the ALR.

10102.3 An ALR shall post its license to operate on its premises in a manner conspicuous to residents and visitors.

10102.4 A Licensee shall be responsible for the health and safety of the ALR's residents.

10102.5 A Licensee shall be responsible for the operation of the ALR, including the ALR's compliance with the Act, this chapter, or any other applicable District or federal laws or regulations.

10102.6 An ALR's failure to comply with the Act, this chapter, or any other applicable District or federal laws or regulations may be grounds for sanctions or penalties, including suspension or revocation of licensure, as specified in the Act and this chapter.

**10103 RESTRICTIONS**

- 10103.1 An ALR shall not provide services beyond the scope of its license.
- 10103.2 An entity may not use the term "assisted living" to advertise its services unless the entity is licensed under the Act to provide assisted living services.
- 10103.3 A person may not advertise, represent, or imply to the public that an ALR is authorized to provide a service that the service provider is not licensed, certified, or otherwise authorized to provide.
- 10103.4 A person may not advertise the facilities or services provided by the assisted living residence in a manner that is false, misleading, or fraudulent. Facilities or services that are provided at an additional cost shall be identified in a manner that indicates such.
- 10103.5 The Director shall issue each license only for the premises and person or persons named as applicants in the application and the license shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place shall cause the immediate forfeiture of the license.
- 10103.6 Each license to operate an ALR that is in the Licensee's possession shall be the property of the District Government and shall be returned to the Director immediately upon any of the following events:
- (a) Suspension or revocation of the license;
  - (b) Refusal to renew the license;
  - (c) Voluntary forfeiture of the license; or
  - (d) The ALR's operation is discontinued by voluntary action of the Licensee.

**10104 QUALIFICATION AND ELIGIBILITY**

- 10104.1 The Director may conduct background checks on an applicant for licensure or for renewal of licensure in order to determine the applicant's suitability or capability to operate or to continue operating an assisted living residence. If applicant is a partnership or non-corporation business entity, the background checks may be conducted on the owners. If applicant is a corporation, the background checks may be conducted on the directors, officers, and any person owning or controlling ten percent (10%) of common stock in the corporation.

- 10104.2 Background checks may consist of, but not be limited to, investigating the following:
- (a) Whether the applicant, or the individual identified on the application to serve as assisted living administrator (“ALA”) for the ALR, holds a current, valid license to practice assisted living administration in the District of Columbia;
  - (b) Applicant’s history of compliance with the District of Columbia or any other state’s licensing requirements and with any federal certification requirements, including any license revocation or denial; and
  - (c) The arrest and criminal records of the applicant, including but not limited to the following:
    - (1) Crimes or acts involving abuse, neglect or mistreatment of a person or misappropriation of property of the person;
    - (2) Crimes or acts related to the manufacture, distribution, prescription, use, or dispensing of a controlled substance;
    - (3) Fraud or substantial or repeated violations of applicable laws and rules in the operation of any health care facility or in the care of dependent persons;
    - (4) A conviction or pending criminal charge which substantially relates to the care of adults or minors, to the funds or property of adults or minors, or to the operation of a residential or health care facility; or
    - (5) Currently under investigation by Law Enforcement Agencies to include, but not limited to the FBI, Office of Inspector General, Department of Health, and Department of Health Care Finance.

## **10105 FEES**

- 10105.1 As provided in Section 302(b) of the Act (D.C. Official Code § 44-103.02(b)), each assisted living residence facility seeking an initial license shall pay a base fee of one hundred dollars (\$100.00), plus a fee of six dollars (\$6.00) per resident based on license capacity. These fees shall be paid at the time of the facility’s application for the initial license.
- 10105.2 As provided in Section 304(d) of the Act (D.C. Official Code § 44-103.04(d)), each assisted living residence facility seeking a renewal of its license shall pay a base fee of one hundred dollars (\$100.00), plus a fee of six dollars (\$6.00) per

resident based on license capacity. These fees shall be paid at the time of the facility's application for the renewal license.

10105.3 Each assisted living residence facility seeking an initial license or renewal license which fails to submit its application timely, as provided in Sections 302(a) and 304(b) of the Act (D.C. Official Code §§ 44-103.02(a), 44-103.04(b)), shall pay, in addition to the base fee and per-resident fee specified herein, a late fee of one hundred dollars (\$100.00). This fee shall be paid at the time of the facility's application for the license.

10105.4 As provided in Section 305 of the Act (D.C. Official Code § 44-103.05), each assisted living residence facility seeking a revised license as required due to changes within the facility shall pay the following fees, as applicable, which fees shall be paid at the time of the facility's request for revision of the license:

(a) For a revision based on changes any of which require re-inspection of the facility, a base fee of one hundred dollars (\$100.00), plus a fee of six dollars (\$6.00) per resident based on license capacity; or

(b) For a revision based on changes which do not require re-inspection of the facility, a fee of one hundred dollars (\$100.00).

## **10106 INITIAL ALR LICENSURE**

10106.1 To obtain and maintain a license, an applicant shall meet all of the requirements of this chapter and other applicable federal and local laws and regulations.

10106.2 An application for a license to operate an assisted living residence shall be submitted to the Director for review, and shall not be approved for licensure unless determined by the Director to meet the requirements of the Act and this chapter.

10106.3 An applicant for an ALR license shall pay the licensure fees set forth in Section 10105 of this chapter.

10106.4 In addition to the requirements in Section 302(d) of the Act (D.C. Official Code § 44-103.02(d), an application for an ALR license shall include evidence of a current, valid license issued to the assisted living administrator ("ALA") named in the application, issued by the District of Columbia.

10106.5 [RESERVED].

10106.6 In addition to the information required under Section 302(e)(2) of the Act (D.C. Official Code § 44-103.02(e)(2), an applicant for licensure shall provide the following information:

- (a) The policies and procedures required by Section 10110 of this chapter;
- (b) A floor plan specifying dimensions of the ALR, exits and planned room usage;
- (c) Proof that the ALR's proposed location has passed an inspection for compliance with fire codes conducted by the District of Columbia Fire & EMS Department's Fire Prevention Division or a successor entity that becomes responsible for conducting such inspections on behalf of the District; and
- (d) Any additional information requested by the Director.

10106.7 The documentation required under Section 302(e)(2) of the Act (D.C. Official Code § 44-103.02(e)(2)) and Subsection 10106.06 of this chapter shall be provided to the Director during the pre-licensure inspection period, after on-site inspection of the applicant's ALR has been conducted.

#### **10107 LICENSURE INSPECTIONS**

10107.1 A Licensee shall be responsible for the compliance of an ALR with this chapter and the Act.

10107.2 An ALR or prospective ALR that seeks to accept the Director's suggested remedy or propose its own remedy, pursuant to Section 306(e) of the Act (D.C. Official Code § 44-306(e)), shall do so by submitting the remedy to the Director in a written, signed and dated plan of corrective action to abate the cited deficiencies. The plan of corrective action shall be submitted to the Director no later than fifteen (15) working days following the ALR's receipt of the written notice of violations.

#### **10108 ADMISSIONS**

10108.1 An ALR shall accept as residents only individuals for whom the ALR can provide appropriate services unless the ALR arranges for third party services or the resident does so with the agreement of the ALR. No ALR may have more residents, including respite care residents, than the maximum bed capacity on its license.

10108.2 An ALR may deny admission to an individual if the individualized service plan ("ISP") that is developed prior to the applicant's admission, pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)), does not indicate that the applicant requires the minimal level of assisted living services provided by the ALR.

10108.3 In addition to the provisions in Section 601(d)(1) of the Act (D.C. Official Code §

44-106.01(d)(1)), no individual may be admitted who at the time of initial admission, and as established by the initial assessment is dangerous to him or herself or others or exhibits behavior that significantly and negatively impacts the lives of others, to include physical or mental abuse of others or destruction of property, where the ALR would be unable to eliminate such danger or behavior through the use of appropriate treatment modalities.

**10109 RESIDENT'S RIGHTS AND QUALITY OF LIFE**

- 10109.1 The ALR shall promote and facilitate resident self-determination through support of resident choice and all the rights specified in this chapter.
- 10109.2 The ALR shall support the resident in exercising his or her rights under this chapter without interference, coercion, discrimination, or retaliation.
- 10109.3 A resident shall have the right to view, upon demand, a copy of the ALR policies and procedures required under Section 10110 of this chapter.
- 10109.4 As provided by Section 505(a)(7) of the Act (D.C. Official Code § 44-105.05(a)(7)):
- (a) A resident shall have the right to organize and participate in resident groups in the ALR;
  - (b) A resident shall have the right to invite family members to resident group meetings in the ALR; and
  - (c) The ALR must designate an ALR employee who shall assist with the meeting, and through whom the resident group may submit its written requests to the ALR and may receive the ALR's response to those requests.
- 10109.5 An ALR shall consider the views of a resident group and respond promptly to the grievances indicated in the resident group's written requests that concern issues of resident care and life in the ALR.
- 10109.6 An ALR must be able to demonstrate their responses to written requests from a resident group. Nothing in this subsection shall be construed to imply that the ALR must implement as recommended every request of the resident group.
- 10109.7 Staff, family members, visitors, and other guests may attend resident group meetings only at the group's invitation. Nothing in this subsection shall prevent a resident's surrogate from attending a resident group meeting with, or instead of, the resident he or she represents.
- 10109.8 For the purpose of Section 506(a)(1) of the Act (D.C. Official Code § 44-

105.06(a)(1)) an ALA record shall be interpreted to mean the aggregate of the following records maintained by the ALR with respect to a particular resident:

- (a) Signed resident agreements written pursuant to Section 602 of the Act (D.C. Official Code § 44-106.02, including the financial provisions required by Section 603 of the Act (D.C. Official Code § 44-106.03);
- (b) Healthcare records;
- (c) Individualized service plans (ISPs);
- (d) Medication administration records; and
- (e) Medication and treatment orders.

## **10110 REQUIRED POLICIES AND PROCEDURES**

10110.1 The ALR shall develop and implement written policies on all of the following, which shall meet the requirements set forth by the Department:

- (a) Medication management, administration of medication, medication administration errors, and medication storage;
- (b) Developing, reviewing, and revising resident's individualized service plan;
- (c) Private duty nurses, aides, and other healthcare professionals;
- (d) Companions;
- (e) Admission, transfer, and discharge;
- (f) Complaints and grievances;
- (g) Preventing, remediating, and reporting abuse, neglect and exploitation of residents;
- (h) Criteria to determine the care needs required by each resident upon initial assessment and throughout the duration of the resident's stay, including how staffing, emergency triage, and fees assessed to residents are impacted by the level of care needs assigned to a resident;
- (i) Alcohol, tobacco, and marijuana use;
- (j) Infection control, sanitation, and universal precautions;



- (k) Emergency preparedness, which shall meet the same standards for emergency preparedness as those set for long term care facilities by the Centers for Medicare and Medicaid Services, at 42 CFR § 483.73;
- (l) Use of audio-visual monitoring systems to monitor the ALR's internal and external premises;
- (m) Resident's right to visitation;
- (n) Supervision of independent contractors performing work on the ALR's premises on behalf of the ALR or resident;
- (o) Availability of the ALA to the ALR staff;
- (p) Contacting the ALR's registered nurse; and
- (q) Determining when an ambulance or emergency medical services are contacted during a health emergency.

10110.2 An ALR shall develop and implement written procedures in connection with the policies in Subsection 10110.01, which shall meet the requirements set forth by the Director.

## **10111 DISCLOSURE**

10111.1 An ALR shall not provide any service or item that will be at a cost additional to the aggregate of assisted living services most recently billed to, or on behalf of, the resident unless the ALR has first:

- (a) Provided the resident (or surrogate) with:
  - (1) Oral and written notice of all fees, rates, and charges he or she will incur for the provision of the service or item; and
  - (2) The dollar amount, frequency, and number of recurring charges that will occur for the provision of that service or item; and
- (b) Obtained the resident's (or surrogate's) signature confirming receipt of the advance disclosures required by paragraph (a) of this subsection.

10111.2 An ALR shall keep a copy of the signed confirmation required by this subsection in the resident's record.

10111.3 An ALR shall be excused from the requirements of Subsection 10111.01 if emergency circumstances necessitate the immediate provision of an item or service that would otherwise have required advance disclosure of the fees, rates,

and charges. An ALR shall provide the disclosures described in Subsection 10111.01(a) and obtain the signature confirmation described in Subsection 10111.01(b) upon concluding its assessment of the resident following the emergency.

## **10112 FINANCIAL AGREEMENTS**

10112.1 The ALR shall report the resident's financial record to the resident on a quarterly basis. The resident's financial record shall also be made available to the resident, upon request of the resident (or surrogate), within twenty-four (24) hours or the next business day, whichever occurs last.

10112.2 Upon the discharge, eviction, or death of a resident with a personal fund deposited with the ALR, the ALR shall convey within thirty (30) days the resident's funds, and a final accounting of those funds, to the resident, or in the case of death, the individual or probate jurisdiction administering the resident's estate in accordance with the laws of the District of Columbia.

10112.3 The complete terms of all financial provisions in a resident's agreement shall be made available for the resident (or surrogate) to review prior to admission.

## **10113 INDIVIDUALIZED SERVICE PLANS (ISPs)**

10113.1 An ISP shall be developed for each resident not more than thirty (30) days prior to admission.

10113.2 In accordance with Section 604 of the Act (D.C. Official Code § 44-106.04), the ISP developed following the completion of the "post move-in" assessment shall be based on the following assessments conducted by or on behalf of the ALR:

- (a) The medical, rehabilitation, and psychosocial assessment of the resident, conducted in accordance with Section 802 of the Act (D.C. Official Code § 44-108.02;
- (b) The functional assessment of the resident, conducted in accordance with Section 803 of the Act (D.C. Official Code § 44-108.03 (2012 Repl.); and
- (c) The reasonable accommodation of the resident (or surrogate) preferences.

10113.3 A "post move-in" assessment required by Section 604 of the Act (D.C. Official Code § 44-106.04) shall be conducted by or on behalf of the ALR within forty-eight (48) hours of a resident's admission.

10113.4 At each review of a resident's ISP conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)), the ALR shall obtain from the resident (or surrogate) a signed statement confirming that the resident (or surrogate):

- (a) Was invited to participate in the review of the ISP; and
- (b) Did or did not participate in the review of the ISP.

10113.5 An ALR shall provide the resident (or surrogate) no less than seven (7) days' notice prior to the review of a resident's ISP conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)), unless seven days' (7) notice is made impractical due to a significant change in the resident's condition that necessitates review of the resident's ISP at a sooner date.

10113.6 A resident's disagreement with an ISP that is updated pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)) and in accordance with the Act and this chapter shall not, in and of itself, prevent implementation of the ISP.

#### **10114 SHARED RESPONSIBILITY AGREEMENTS (SRAs)**

10114.1 Shared responsibility agreements ("SRAs") may be developed and entered into between an ALR and a prospective or admitted resident (or surrogate,) at any time prior to or subsequent to the resident's admittance to the ALR.

10114.2 An ALR shall not enter into a shared responsibility agreement with a prospective or admitted resident that:

- (a) Intentionally or unintentionally waives liability of the ALR to the resident, in whole or in part, beyond the scope necessary to accommodate the resident's (or surrogate's) reasonable, requested arrangement or course of action;
- (b) Relieves the ALR of its duty under law or the ISP to ensure that the resident is provided or administered all prescription and non-prescription medications and dietary supplements required to be provided or administered by the ALR;
- (c) Violates any applicable District or federal criminal law; or
- (d) Violates or will cause the violation of any provision of the Act or this chapter.

10114.3 An ALR may decline to enter into a shared responsibility agreement if satisfaction of the SRA will result in an adverse risk to the health, welfare, or safety of other residents or ALR staff.

10114.4 Attempts to develop a shared responsibility agreement shall be conducted in good-faith. For purposes of this section, a good-faith attempt to negotiate a SRA shall mean a two-way negotiation between the ALR and the resident (or

surrogate), where both parties have equal opportunity to offer and reject terms of the SRA, and suggest reasonable alternatives to accommodate the course of action the resident wishes to pursue.

10114.5 In the event that a good-faith attempt to negotiate a SRA is unsuccessful, the ALR:

- (a) Shall not obstruct the resident from pursuing the course of action sought after;
- (b) Shall use the ISP to document the ALR's consultations with the resident to dissuade the course of action, including but not limited to:
  - (1) The date and time each consultation was held;
  - (2) The content of the consultations;
  - (3) The alternative courses of action proposed by the resident and ALR, and why the proposed alternatives were not acceptable to the resident or ALR; and
  - (4) Notify the resident that harm to self or others as a result of the persisted course of action may result in discharge.

## **10115 DISCHARGE AND TRANSFER**

10115.1 The ALA shall determine if the care needs of a resident exceed the resources that can be marshalled by the ALR or third-party services to support the resident safely, making transfer to another facility necessary.

10115.2 Prior to the voluntary or involuntary transfer of a resident to another facility, or discharge, the ALR shall complete and transmit to the receiving facility or, if no receiving facility has been identified, to the resident (or surrogate), any information related to the resident that is necessary to ensure continuity of care and services, including at a minimum, the:

- (a) Contact information of the healthcare practitioner or practitioners responsible for the primary care of the resident;
- (b) Current medication and treatment orders from the resident's healthcare practitioner or practitioners;
- (c) Dosage and date of each medication last administered to the resident;
- (d) Resident's most recent ISP, which shall include the resident's assessments;

- (e) Resident's name, date of birth, and a personal identifier number, such as a social security number or health insurance information, for purposes of continuing medical care services;
- (f) Primary medical diagnoses and allergies;
- (g) Name and contact information for the resident's surrogate, if applicable; and
- (h) Resident's Advanced Directive information.

10115.3 An ALR shall not transmit the information prescribed in Subsection 10115.02 to the receiving facility without the prior, written, uncoerced consent of the resident (or surrogate). In the event that consent is withheld, an ALR shall transmit the information prescribed in Subsection 10115.02 directly to the resident (or surrogate) prior to transfer or discharge.

10115.4 Although an ALR shall make every effort to avoid discharge, grounds for involuntary discharge may include the following:

- (a) Failure to pay all fees and costs as specified in the contract;
- (b) Inability of the ALR to meet the care needs of the resident as provided in the ISP;
- (c) Engaging in sexual harassment, exploitation, or other degrading conduct to the detriment of another residents' dignity, in violation of the victim's rights under this chapter;
- (d) Resident presents a risk of physical self-harm, or harm to one or more other residents or staff, for which no other reasonable means of mitigation are available;
- (e) The resident does not require any assisted living services provided by the ALR, as indicated by the resident's most recent ISP review conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d));
- (f) Discharge is essential to meet the ALR's reasonable administrative needs and no practicable alternative is available;
- (g) The ALR is ceasing to operate;
- (h) The licensed capacity of the ALR is being reduced by the District; or
- (i) The license to operate the ALR is suspended or revoked.

10115.5 An ALR shall conform to the notices and procedures for involuntary discharge, transfer, or relocation provided by subchapter 3 of Chapter 10 of Title 44 of the District of Columbia Official Code (D.C. Official Code §§ 44-1003.01 – 1003.13).

10115.6 As provided for by D.C. Official Code § 44-1003.02(d), the written notice due to a resident prior to an involuntary discharge, transfer, or relocation shall be on a form prescribed by the Director and shall, at a minimum, contain:

- (a) The specific reason(s), stated in detail and not in conclusory language, for the proposed discharge, transfer, or relocation;
- (b) The proposed effective date of the discharge, transfer, or relocation;
- (c) A statement in not less than twelve (12)-point type that reads:

“You have a right to challenge this facility’s decision to discharge, transfer, or relocate you. If the decision is to discharge you from the facility or to transfer you to another facility and you think you should not have to leave, you or your representative have 7 days from the day you receive this notice to inform the Administrator or a member of the staff that you are requesting a hearing and to complete the enclosed hearing request form and mail it in the preaddressed envelope provided. If you are mailing the hearing request form from the facility, the day you place it in the facility’s outgoing mail or give it to a member of the staff for mailing shall be considered the date of mailing for purposes of the time limit. In all other cases, the postmark date shall be considered the date of mailing. If, instead, the decision is to relocate you within the facility and you think you should not have to move to another room, you or your representative have only 5 days to do the above.

“If you or your representative request a hearing, it will be held no later than 5 days after the request is received in the mail, and, in the absence of emergency or other compelling circumstances, you will not be moved before a hearing decision is rendered. If the decision is against you, in the absence of an emergency or other compelling circumstances you will have at least 5 days to prepare for your move if you are being discharge or transferred to another facility, and at least 3 days to prepare for your move if you are being relocated to another room within the facility.

“To help you in your move, you will be offered counseling services by the staff, assistance by the District government if you are being discharged or transferred from the facility, and, at your request, additional support from the Long-Term Care Ombudsman program. If you have any questions at all, please do not hesitate to call one of the phone numbers listed below for assistance.”;

- (d) A hearing request form, together with a postage paid envelope preaddressed to the appropriate District official or agency;
- (e) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge, transfer, or relocation;
- (f) The names, addresses, and telephone numbers of the Long-Term Care Ombudsman program and local legal services organizations; and
- (g) The location to which the resident will be transferred.

10115.7 The involuntary discharge of a resident on one or more grounds enumerated in Subsection 10115.04 shall be canceled, and the resident shall be entitled to remain in the ALR, upon rectification of the ground or grounds for discharge. Rectification may be, if applicable, the payment of all monies owed at any time prior to discharge, or negotiation of a new ISP that meets the care needs of the resident.

10115.8 Within thirty (30) days of the date of discharge, the ALR shall:

- (a) Give each resident or their surrogate:
  - (1) A final statement of account; and
  - (2) Any refunds due; and
- (b) Return any money, property, or valuables held in trust or custody by the ALR.

10115.9 An ALR may temporarily transfer a resident to another living unit within the ALR on an involuntary basis if:

- (a) The transfer is necessary to protect the resident from an imminent and physical harm present in the living unit;
- (b) The imminent and physical harm is due to a curable condition of the living unit; and
- (c) The transfer lasts no longer than necessary to cure the threat to physical harm posed by the condition of the living unit and return the living unit to its habitable condition.

## **10116 STAFFING STANDARDS**

10116.1 An ALR shall be supervised by an assisted living administrator (“ALA”) who shall be responsible for all personnel and services within the ALR, including, but

not limited to, resident care and services, personnel, finances, and the ALR's physical premises.

- 10116.2 A Licensee may designate a person to serve as ALA to supervise the ALR provided that the designee holds a current, valid license to practice assisted living administration issued by the District of Columbia's Board of Long-Term Care Administration. The Licensee shall submit the name of the person designated to be ALA to the Director on a form approved by the Director not more than 10 days after the designation is made or the designee has begun employment as the ALA, whichever occurs first.
- 10116.3 In addition to the staffing standards for ALAs set forth by Section 701 of the Act (D.C. Official Code § 44-107.01.), an ALA shall meet all requirements to practice assisted living administration prescribed by the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), as amended by the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-96), and all requirements to practice assisted living administration set forth by the Director by rulemaking.
- 10116.4 At all times one (1) or more residents are on the premises of an ALR, an ALA or Acting Administrator shall also be on the premises. At all times an ALA is not on the premises, an ALA shall:
- (a) Ensure that an Acting Administrator is designated and assumes the responsibilities of the ALA required by the Act and this chapter, a that the Acting Administrator is a staff member who is at least eighteen (18) years of age, meets the staffing standards for an ALA required by Section 701 of the Act (D.C. Official Code § 44-107.01), and is authorized to temporarily practice as an Acting Administrator without an ALA license by rulemaking promulgated by the Director to regulate the practice of assisted living administration; and
  - (b) Be available to the ALR staff by telephone, at a minimum, and shall respond to the ALR staff's attempts to contact him or her by telephone within one (1) hour of the staff's initial attempt, except as provided for in Subsection 10116.06.
- 10116.5 The Licensee or ALA may, during an ALA's leave of absence, designate a staff member who meets the requirements in paragraph (a) of Subsection 10116.04 to serve as Acting Administrator for the ALR and perform the duties of the ALA for up to six (6) cumulative weeks in a twelve (12) month period. For purposes of this section, a "leave of absence" shall mean an ALA's scheduled or unscheduled absence from his or her supervision of the ALR for more than one (1) work day during which the ALA would normally have been expected to oversee the ALR's day-to-day operations.



- 10116.6 An ALA shall not be subject to Subsection 10116.04(b) during a leave of absence described in Subsection 10116.05.
- 10116.7 An Acting Administrator who is designated pursuant to Subsection 10116.05 shall be held responsible for all duties prescribed to an ALA under the Act and this chapter for the duration of the ALA's leave of absence, or until relieved from duty as the Acting Administrator.
- 10116.8 An Acting Administrator who is designated pursuant to Subsection 10116.05 shall, at all times one (1) or more residents are on the ALR's premises and he or she is not, comply with paragraphs (a) and (b) of Subsection 10116.04.
- 10116.9 An ALR shall not be administrated by any person other than a licensed ALA for more than six (6) cumulative weeks in a twelve (12) month period without prior, written approval by the Director. A request for written authorization under this subsection shall be submitted to the Director in writing, and shall contain all information deemed necessary by the Director to determine the qualifications of the individual or individuals who will be serving as an Acting Administrator beyond the sixth (6<sup>th</sup>) cumulative week of the ALA's leave of absence.
- 10116.10 An ALR shall not permit any person or persons, other than a licensed ALA, to administrate the ALR for more than a total of twelve (12) cumulative weeks in a twelve (12) month period.
- 10116.11 An ALR shall give to the Director prior written notice if an ALA's leave of absence will be for a period longer than three (3) consecutive weeks in duration. The notice shall include the name or names of the staff member or members designated to serve as Acting Administrator during the ALA's leave of absence, as well as the telephone number by which the Acting Administrators are to be contacted pursuant to Subsection 10116.04(b).
- 10116.12 An ALR shall be responsible for maintaining accurate record of the ALA's leaves of absence from the ALR. Record of the ALA's leaves of absence shall be made available to the Director or the Director's designee upon request during an inspection of an ALR authorized by this chapter or the Act.
- 10116.13 An ALR shall cause no less than one (1) registered nurse to be available to the ALA and the ALR's staff members twenty-four (24) hours a day, seven (7) days a week. For the purpose of this subsection, "available" means the registered nurse is required to:
- (a) Be accessible to the ALA and ALR staff members in-person or by real-time communication methods, such as telephone, text message, or video call; and

- (b) Respond to the ALA or ALR staff members' attempts to contact him or her within 1 hour; and
  - (c) Be able to present him or herself, in person, to the ALR's premises to respond to a significant change in a resident's health status if the nurse determines, in his or her professional opinion, that the change in health status necessitates his or her presence.
- 10116.14 The contact information for the available registered nurse shall be posted conspicuously for, and shall be easily accessible to, the ALR staff.
- 10116.15 Personnel records maintained by the ALA for each employee pursuant to Section 701(d)(11) of the Act (D.C. Official Code § 44-107.01(d)(11)) shall be accurate and current and shall contain documentation including, but not limited to, the following:
- (a) A description of the employment, signed and dated by the employee, that includes the employee's duties and responsibilities, and the qualifications required for the position;
  - (b) Initial date of hire;
  - (c) Proof of license, registration, certificate, or other authority for the employee to practice his or her profession in the District, if applicable;
  - (d) A completed criminal background check, performed as required by the District laws and regulations applicable to each individual;
  - (e) Employee training required by the Act or this chapter, or the individual's exemption therefrom; and
  - (f) A healthcare practitioner's written statement as to whether the employee bears any communicable diseases, including communicable tuberculosis.
- 10116.16 Employee records shall be made available for review by the Department of Health upon request during any inspection of an ALR that is authorized by the Act or this chapter.
- 10116.17 All employees, including the ALA, shall be required on an annual basis to document freedom from tuberculosis in a communicable form. Documentation shall be provided by the employee's licensed healthcare practitioner.
- 10116.18 All employees shall wear identification badges on their persons, which shall remain visible at all times the employee is on the ALR premises, and shall conspicuously display the employee's full name and job title.

**10117 ASSISTED LIVING ADMINISTRATORS (ALAs)**

- 10117.1 The ALA shall maintain a current, valid license to practice assisted living administration in the District at all times he or she is responsible for the administration of an ALR. For purposes of this subsection, an ALA shall not be considered responsible for the administration of an ALR for the period of time he or she is on a leave of absence described in Subsection 10116.05 of this chapter.
- 10117.2 The ALA shall ensure that the ALR is in compliance with the Act and this chapter.
- 10117.3 An ALA shall be subject to action by the District of Columbia Board of Long-Term Care Administration for failure to comply with the requirements of this section, this chapter, or the Act.

**10118 PRIVATE DUTY HEALTHCARE PROFESSIONALS**

- 10118.1 Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel within the ALR, including private duty healthcare professionals that provide healthcare-related services on the ALR's premises.
- 10118.2 An ALR shall require that private duty healthcare professionals arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR's premises on a recurring basis:
- (a) Be certified, registered, licensed, or otherwise authorized by the District of Columbia to render the healthcare-related service they will provide to the resident;
  - (b) Maintain an accurate and current personnel record with the ALR that includes, but is not limited to, the following:
    - (1) A signed and dated description of the services to be rendered to the resident;
    - (2) A copy of the registration, certification, license, or other authorization required for the nurse, aide, or other healthcare professional to lawfully practice the healthcare-related services being rendered in the District of Columbia;
    - (3) Initial date and final date, if known, of providing service to resident on the ALR's premises;

- (4) A healthcare practitioner's written statement as to whether the nurse, aide, or other healthcare professional bears any communicable diseases, including communicable tuberculosis; and
- (5) If the nurse, aide, or other healthcare professional is providing care to the resident under the employ of an agency:
  - (A) The name, address, telephone number of the agency;
  - (B) The name and telephone number of the private nurse, aide, or other healthcare professional's immediate supervisor; and
  - (C) A copy of the agency's license or other authorization to operate in the District; and
- (c) Be subject to immediate removal from the premises upon determination by the ALA or designee that the nurse, aide, or other healthcare professional has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of one (1) or more residents in the ALR.

10118.3 An ALR shall have a written agreement with each private duty healthcare professional described in this section, or the agency that employs him or her, if applicable, describing his or her obligations to report to the ALR:

- (a) Medication errors and adverse drug reactions; and
- (b) Abuse, neglect, exploitation, or unusual incidents, such as changes in the resident's condition.

10118.4 Pursuant to Section 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving services from private duty healthcare professionals on the ALR's premises.

10118.5 The requirements for a private duty nurse, aide, or other healthcare professional under this section shall not apply to companions of a resident.

## **10119 COMPANIONS**

10119.1 A companion shall not be permitted to provide any healthcare services to a resident or perform any services that constitute hands-on care of the resident.

10119.2 A companion may provide such services as cooking, housekeeping, errands, and providing social interaction with a resident.

- 10119.3 An ALR shall require that, prior to performing companion services for a resident, a companion provide to the ALR:
- (a) A completed criminal background check for unlicensed professionals performed in accordance with D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq.*; and
  - (b) A healthcare practitioner's written statement as to whether the companion bears any communicable diseases, including communicable tuberculosis.
- 10119.4 A companion shall be subject to immediate removal from the ALR premises upon determination by the ALA or designee that he or she has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of the residents.
- 10119.5 Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel within the ALR, including companions providing companion services on the ALR's premises.
- 10119.6 Pursuant to Section 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving companion services from companions on the ALR's premises.

## **10120 UNLICENSED PERSONNEL CRIMINAL BACKGROUND CHECK**

- 10120.1 No ALR shall employ or contract an unlicensed person for work on the ALR's premises until a criminal background check has been conducted for that person.
- 10120.2 An ALR shall implement and comply with the criminal background check standards and requirements for unlicensed personnel prescribed by D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq.*

## **10121 PRE-ADMISSION MEDICATION MANAGEMENT ASSESSMENT**

- 10121.1 In addition to the consultations required by Section 902 of the Act (D.C. Official Code § 44-109.02), the ALR shall consult with the prospective resident's healthcare practitioner regarding the prospective resident's ability to self-administer medication within thirty (30) days prior to admission.

## **10122 ON-SITE MEDICATION REVIEW**

- 10122.1 The on-site medication review arranged to occur every forty-five (45) days, pursuant to Section 903 of the Act (D.C. Official Code § 44-109.03), shall include documentation of any changes to the resident's medication profile, including

changes in dosing and any medications that have been added or discontinued.

### **10123 MEDICATION STORAGE**

10123.1 Medication that is entrusted to the ALR for storage shall be stored in accordance with the requirements of Section 904 of the Act (D.C. Official Code § 44-109.04).

10123.2 An ALR shall keep a current record of each prescription and non-prescription medication and dietary supplement kept by a resident in his or her living unit pursuant to Section 904(e)(8) of the Act (D.C. Official Code § 44-109.04(e)(8)), which shall be retained in the resident's medical record and include:

- (a) Name of the medication;
- (b) Strength of medication and quantity;
- (c) Lot number; and
- (d) If a prescribed medication:
  - (1) Name of prescriber;
  - (2) Name and phone number of the pharmacy that filled the prescription;
  - (3) Date the prescription was filled; and
  - (4) The frequency and directions for use provided by the prescriber.

10123.3 In the event of voluntary or involuntary discharge, or upon a resident's death, the ALR shall notify and attempt to return all medications to the resident (or surrogate) or resident's caregiver within thirty (30) days of the resident's discharge or death, unless return of the medication is prohibited by federal or other District law. If the resident's medications remain unclaimed for more than thirty (30) days after the resident or surrogate have been notified, the medication shall be considered abandoned and disposed of in accordance with the Section 904 of the Act (D.C. Official Code § 44-109.04) and applicable District law.

### **10124 MEDICATION ADMINISTRATION**

10124.1 A resident shall be permitted to self-administer his or her medications, provided that the resident has been deemed capable of self-administering his or her own medication without assistance by the most recent on-site medication review required under the Act or, if he or she is a new resident, by the initial assessment conducted during the ALR's admission process.

10124.2 The initial assessment and periodic medication review performed pursuant to Sections 901 and 903 of the Act (D.C. Official Code §§ 44-109.01 and 44-109.03) for the purpose of determining whether a resident is capable of self-administering medication shall make one the following findings based on an assessment of the associated tasks below:

- (a) A resident is capable of self-administering his or her own medication if the resident can:
  - (1) Correctly read the label on the medication's container;
  - (2) Correctly interpret the label;
  - (3) Correctly follow instructions as to route, dosage, and frequency of administration;
  - (4) Correctly ingest, inject, or otherwise apply the medication;
  - (5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes;
  - (6) Safely store the medication;
  - (7) Correctly follow instructions as to the time the medication must be administered; and
  - (8) Open the medication container, remove the medication from the container, and close the container;
  
- (b) A resident is capable of self-administering his or her own medication, but requires a reminder to take medications or requires physical assistance with opening and removing medications from the container, or both, if the resident can:
  - (1) Correctly read the label on the medication's container;
  - (2) Correctly interpret the label;
  - (3) Correctly follow instructions as to route, dosage, and frequency of administration;
  - (4) Correctly ingest, inject, or otherwise apply the medication;
  - (5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes; and

(6) Safely store the medication; or

(c) A resident is not capable of self-administering his or her own medication if the resident needs assistance to properly carry out one or more of the tasks enumerated in paragraph (b) of this subsection.

10124.3 A resident who cannot, or chooses not to, self-administer medication without full or partial assistance may arrange with a third-party for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, trained medication employee (“TME”), or certified medication aide to administer medication to the resident or assist the resident with taking his or her medications to the extent of the healthcare professional’s authority to do so under District and federal laws or regulations. A healthcare professional arranged to administer or assist in the administration of medication to a resident in accordance with this subsection shall be required to conform to the requirements of private duty healthcare professionals provided in Section 10118 of this chapter.

10124.4 An ALR may employ or arrange for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or certified medication aide to administer, or assist in the administration of, medication to a resident, provided that:

(a) The healthcare professional holds the requisite certificate, registration, or license to practice issued by the District;

(b) The healthcare professional does not exceed his or her authority to administer or assist in the administration of medication to the resident under District and federal laws or regulations;

(c) The ALR discloses, orally and in writing, any fees, rates, or charges associated with providing assistance with or administration of medication that are additional to the resident’s existing bill, in accordance with Section 10111 of this chapter;

(d) Prior to the provision of the medication administration or assistance, the resident provides in writing:

(1) Acceptance of the medication administration or assistance offered by the ALR; and

(2) Acknowledgment of receiving the ALR's medication administration policy and the disclosure of fees required in paragraph (c) of this subsection; and

(e) The ALR has in place education, remediation, and discipline procedures by which to address recurring medication errors perpetrated by the



licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or medication aide.

- 10124.5 An ALR shall require that administration or assistance in the administration of medication to a resident by a healthcare professional pursuant to Subsections 10124.03 and 10124.04 be in accordance with the prevailing standard of acceptable medication administration rights in the healthcare professional's field.
- 10124.6 An ALR shall ensure that all medication administered to a resident by licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or certified medication aide on its premises shall be recorded on a written or electronic medication administration record that is kept as part of the resident's medical records.
- 10124.7 An ALR shall ensure that all employees and all licensed practical nurses, registered nurses, advanced practice registered nurses, physicians, physician assistants, TMEs, or certified medication aides responsible for administering or assisting in the administration of medication to a resident while on the ALR's premises, immediately report any medication error or adverse drug reactions to the ALR's available registered nurse and ALA upon discovery. The ALR shall require the ALA or Acting Administrator to report the medication error or adverse drug reaction, to the resident's healthcare practitioner, prescriber, pharmacist, and the resident (or surrogate), as appropriate.
- 10124.8 An ALR shall require all medication errors and adverse drug reactions be documented in the resident's record.
- 10124.9 An ALR shall initiate an investigation of any reported medication error or adverse drug reaction within twenty-four (24) hours of discovery. Upon the completion of the investigation, the ALR shall compose a report documenting the findings and conclusion of the investigation, which shall be kept as part of the ALR's records for no less than five (5) years. A report required under this subsection shall also be made available to the Director or the Director's designee upon request during an inspection authorized by this chapter or the Act.
- 10124.10 An ALR shall submit to the Director a copy of any report of an adverse drug reaction required by Subsection 10124.09 within thirty (30) days of the discovery of the adverse drug reaction, in addition to the requirements of Subsection 10124.09 and the notification requirements of Subsection 10125.02.

**10125 REPORTING ABUSE, NEGLECT, EXPLOITATION, AND UNUSUAL INCIDENTS**

- 10125.1 The results of an ALR's investigation into allegations of abuse, neglect, or exploitation of a resident pursuant to Section 509(b)(3) of the Act (D.C. Official Code 44-105.09(b)(3)) shall be reported to the Director within thirty (30) days of

the complaint or fifteen (15) days of the conclusion of the investigation, whichever occurs first.

- 10125.2 In addition to the requirements to report abuse, neglect, and exploitation of a resident provided in Section 509 of the Act (D.C. Official Code § 44-105.09), each ALR shall notify the Director of any unusual incident that substantially affects a resident. Notifications of unusual incidents shall be made by contacting the Department of Health by phone immediately, and shall be followed up by written notification to the same within twenty-four (24) hours or the next business day.
- 10125.3 For purposes of Subsection 10125.02, an “unusual incident that substantially affects a resident” shall mean any occurrence related to the operation of an assisted living residence or to the conduct of the ALR’s personnel that results in significant harm, or the potential for significant harm, to any resident’s health, welfare, or wellbeing. Unusual incidents include, but are not limited to: an accident resulting in injury to a resident, death, theft of a resident’s property or funds, or any occurrence requiring or resulting in intervention from law enforcement or emergency response personnel.

## **10126 INSPECTIONS**

- 10126.1 In addition to the inspections authorized by the Act, the Director may inspect an ALR at the Director’s discretion to ensure compliance with this chapter.
- 10126.2 Inspections of an ALR for purposes of initial licensure or compliance with this chapter after license renewal shall be conducted by the Director following the procedures set forth in D.C. Official Code § 44-505 and the requirements of the Act and this chapter.

## **10127 SANCTIONS**

- 10127.1 Failure of a Licensee to comply with the requirements of this chapter shall be grounds for sanctions, which shall be imposed in accordance with the Act and this chapter.
- 10127.2 On determining that a Licensee has violated this chapter, the Director may impose, or cause to be imposed, the sanctions set forth in Section 401 of the Act (D.C. Official Code § 44-104.01).
- 10127.3 If the Director determines that the Licensee has violated a condition or requirement of a sanction imposed under the authority of this chapter, the Director may suspend or revoke the license.
- 10127.4 Appeals under this section may be taken pursuant to Section 1201 of the Act (D.C. Official Code § 44-1012.01).

**10128 CIVIL PENALTIES**

- 10128.1 The Director may impose, or cause to be imposed, one or more of the civil penalties authorized under Section 402 of the Act (D.C. Official Code § 44-104.02) against persons who:
- (a) Maintain or operate an unlicensed ALR; or
  - (b) Otherwise violate provisions of this chapter.
- 10128.2 Notwithstanding any other provision of law, penalties authorized under Subsection 10128.01 shall not be imposed by the Director unless a violation cited during an inspection:
- (a) Is within the control of the ALR; and
  - (b) Poses an immediate or serious and continuing danger to the health, safety, welfare, or rights of resident.
- 10128.3 If, during a follow-up inspection, the Director determines that violations of this chapter which are within the control of the facility and were cited in an immediately prior inspection have not been corrected or have recurred, the Director may impose the penalties authorized under Section 402 of the Act (D.C. Official Code § 44-104.02).
- 10128.4 Appeals under this section may be taken as provided by Section 402(d) of the Act (D.C. Official Code § 44-104.02(d)).

**10129 CRIMINAL PENALTIES**

- 10129.1 The criminal penalties authorized by Section 403 of the Act (D.C. Official Code § 44-104.03) of the Act shall apply to an ALR.

**10130 REFERRALS TO REGULATORY ENTITIES**

- 10130.1 The Director may refer an ALA suspected of conduct prohibited by the Act, this chapter, or other District or federal law to the District of Columbia Board of Long-Term Care Administration for review of the suspected conduct.
- 10130.2 The Director may refer any healthcare professional who practices his or her healthcare profession on the premises of an ALR and who suspected of conduct prohibited by the Act, this chapter, or other District or federal law to the appropriate regulatory entity with jurisdiction over the healthcare professional for review of the suspected conduct.

10130.3 Nothing in this section shall prohibit the Director from referring any individual suspected of conduct prohibited by District or federal law or regulation to the appropriate District or federal regulatory entity.

**10131–10198 [RESERVED]**

**10199 DEFINITIONS**

10199.1 The definitions of terms provided in the Act (at D.C. Official Code § 44-102.01) shall apply to this chapter, unless provided another definition under subsection 10199.02.

10199.2 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**“Act” or “the Act”** – means 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.*).

**Acting Administrator** – means a member of the ALR staff who is designated by the Licensee or Assisted Living Administrator to assume the responsibilities of the Assisted Living Administrator for a temporary period of time.

**“ALA”** – means “Assisted Living Administrator,” as defined by the Act (at D.C. Official Code § 44-102.01).

**“ALR”** – means “Assisted Living Residence,” as defined by the Act (at D.C. Official Code § 44-102.01).

**Audio-visual monitoring** – means the surveillance of the ALR facility, its employees, or its residents by audio, visual, or audio-visual means.

**Certified Medication Aide** – means a person certified to practice as a medication aide by the District of Columbia Board of Nursing, who shall not practice independently, but shall work under the supervision of a registered nurse of licensed practical nurse.

**Companion** – means an individual who is employed or volunteers to provide a resident with non-healthcare related services such as cooking, housekeeping, errands, and social interaction on the ALR’s premises.

**Department** – means the District of Columbia Department of Health.

**Director** – means the Director of the District of Columbia Department of Health.

**Employee** – means any person who works under the employ of an ALR or a separate entity that is owned or operated or a subsidiary of the ALR; or any person who is contracted through an entity independent of an ALR for the purpose of working under the direction and supervision of the ALR.

**Healthcare Professional** – means the practitioner of a healthcare occupation, the practice of which requires authorization pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended from time to time.

**“ISP”**- means “Individualized Service Plan,” as defined by the Act (at D.C. Official Code § 44-102.01).

**Medication Error** – means any error in the prescribing, dispensing, or administration of a drug, irrespective of whether such errors lead to adverse consequences or not.

**Private Duty Healthcare Professional** – means a nurse, home health aide, nurse aide, or any other healthcare professional arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR’s premises.

**“SRA”** – means “Shared Responsibility Agreement,” as defined by the Act (at D.C. Official Code § 44-102.01).

**“Staff” or “Staff member”** – means “Employee,” as defined by this subsection.

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in The District of Columbia Election Code of 1995, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby give notice of amendments to Chapter 42 (The Fair Elections Program) and Chapter 43 (The Verification Process) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments will place the Board's regulations into conformity with the Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124, 59 DCR 1862 (March 9, 2012)); as amended by The Fair Elections Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-94, 65 DCR 2847 (March 23, 2018)), as amended by The Fair Elections Emergency Amendment Act of 2019, enacted May 22, 2019 (expires August 20, 2019). This rulemaking is necessary because the provisions of the aforementioned Act are in effect and require supporting regulations.

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

**Chapter 42, THE FAIR ELECTIONS PROGRAM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 4201, REGISTRATION OF CANDIDATES IN THE FAIR ELECTIONS PROGRAM, is amended as follows:**

**The title of Section 4201 is renamed "REGISTRATION OF CANDIDATE".**

**Subsection 4201.11 is amended to read as follows:**

4201.11 A candidate who has registered with the Office of Campaign Finance shall complete and file Form W-9, Request for Taxpayer Identification Number and Certification and the ACH Enrollment Form, to establish authorization for the electronic transfer of base amount and matching fund payments.

**Section 4203, PRINCIPAL CAMPAIGN COMMITTEE, is amended by amending Subsections 4203.13 and 4203.19 to read as follows:**

4203.13 A treasurer shall be required to appear in person at the Office of Campaign Finance to attend a training program pursuant to § 4202 of this chapter within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.12, or as otherwise scheduled by OCF.

...

4203.19 No expenditures may be made by a Principal Campaign committee except by check drawn or electronic transfer payable to the person to whom the expenditure is being made on the account at a bank designated by the Principal Campaign committee as its depository in its Statement of Organization.

**Section 4205, LIMITATIONS ON CONTRIBUTIONS, is amended by amending Subsections 4205.2 – 4205.16 to read as follows:**

4205.2 Each qualified small-dollar contribution from a District resident and contribution from a non-District resident individual shall be acknowledged by physical or electronic confirmation or receipt, as the candidate prefers. The candidate shall retain the information in paragraphs (a) and (b) of this section. The receipt shall include:

- (a) The contributor's physical or electronic signature, or other indicia of identity (such as an affirmation checkbox), printed, or typed name, address, occupation and principal place of business, if any, and the name of the candidate to whom the contribution is made; and
- (b) An indication, including by clicking a check box or button that the contributor has sworn or affirmed:
  - (1) Is making the contribution in the contributor's own name and from the contributor's own funds;
  - (2) Is making the contribution voluntarily and has not received anything of value in return for the contribution;
  - (3) In the case of a small-dollar contributor, is a District resident;
  - (4) In the case of a contribution from a non-District resident individual, is a non-District resident individual; and
  - (5) Understands that a false statement is a violation of law.

4205.3 Notwithstanding § 4205.2(b), if a contributor agrees to make a contribution to a candidate that recur automatically on a periodic basis, the contributor's initial indication made pursuant to §§ 4205.2(b) or 4205.4 is sufficient to indicate continuous assent and the contributor need not provide a new indication for each recurring contribution.

4205.4 If a contributor makes a contribution to a candidate over the phone, the indication required by § 4205.2(b) may be provided by the contributor orally.

4205.5 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals and

contributions from non-District resident individuals made by means of personal check, credit card, electronic payment account, or cash, provided, that contributions in the form of cash cannot, in the aggregate, exceed one hundred dollars (\$100) per small-dollar contributor District resident individual or non-District resident individual per seat per covered office per election cycle.

4205.6 A candidate seeking certification and a participating candidate may accept contributions from Fair Elections Committees that do not exceed one thousand five hundred dollars (\$1,500) per Fair Elections Committee, per election cycle.

4205.7 Contributions from Fair Elections Committees established, financed, maintained, or controlled by substantially the same group of individuals shall share a single contribution limitation.

4205.8 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals who are minor children (individuals under eighteen (18) years of age), provided, that:

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

4205.9 Any contribution received from a minor child, except under § 4205.6, shall be attributed to the parents or legal guardians, subject to the contribution limits under § 4205.1.

4205.10 A candidate seeking certification and a participating candidate may accept a loan or advance from the candidate or member of the immediate family of a candidate, subject to the contribution limits of § 4209.1 (f) of this chapter. **“Immediate family”** means the spouse or domestic partner of a candidate and any parent, grandparent, brother, sister, or child of the candidate, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.

4205.11 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction that fully discloses:

- (a) The terms of the loan or advance;
- (b) The conditions of the loan or advance;



- (c) The parties to the loan or advance; and
  - (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.
- 4205.12 The amount of each loan or advance from a candidate or member of the candidate's immediate family shall be included in computing and applying the limitations on contributions under § 4209.1(f), upon receipt by the principal campaign committee of the loan or advance from the candidate or an immediate family member; provided, that the standards for repayment are consistent with the repayment policies of lending institutions in the District of Columbia.
- 4205.13 Loans made in the regular course of the lender's business shall not be deemed a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, or otherwise providing security or collateral for the loan and subject to the limitations on contributions under § 4205.1 and § 4209.1(f).
- 4205.14 A loan not made in the regular course of a lender's business shall be deemed a contribution by the lender subject to the limitations on contributions under § 4205.1 and § 4209.11(f).
- 4205.15 Any portion of a loan that is forgiven is a monetary contribution and any debt owed by a candidate that is forgiven or settled for less than the amount owed is a contribution, unless the debt was forgiven or settled by a creditor who has treated the outstanding debt in a commercially reasonable manner.
- 4205.16 Candidates seeking certification and participating candidates may not accept any contributions in excess of the applicable contributions limits or from sources prohibited under Chapter 42 of this title.

**New Subsections 4205.17 and 4205.18 are added to read as follows:**

- 4205.17 Except as provided in § 4207.9 of this chapter, when a candidate knows or has reason to know that he or she has accepted a contribution, contributions, or aggregate contributions from a single source in excess of the applicable contribution limit, or from a source prohibited under Chapter 42 of this title, the candidate shall promptly return the excess portion or prohibited contribution, by bank check or certified check made out to the contributor.
- 4205.18 Where the return of the contribution to the contributor under Section § 4205.15 is impracticable, the candidate may pay to the Fund an amount equal to the amount of the prohibited contribution or the excess portion.

**Section 4206, CERTIFICATION, REVOCATION, AND RECISION AS A PARTICIPATING CANDIDATE, is amended by amending Subsections 4206.3 and 4206.5 to read as follows:**

4206.3 No later than ten (10) business days after a candidate attains compliance under § 4206.1 the Director of Campaign Finance shall determine whether the candidate meets the requirements for certification as a participating candidate, and:

- (a) If the requirements are met, certify the candidate as a participating candidate; or
- (b) If the requirements are not met, the Director shall notify the candidate in writing of the specific deficiencies and (1) provide an opportunity to cure the deficiencies within five (5) business days, and, (2) notify the candidate of the right to appeal the Director’s determination in writing to the Board within ten (10) business days. An appeal of the Director’s determination to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.
- (c) The petition of appeal must state the grounds for reconsideration of the denial for certification as a participating candidate.

...

4206.5 If a certification is revoked under § 4206.3, the Director notify the candidate in writing of (1) the basis for the Director’s revocation; and (2) the right to appeal the revocation in writing to the Board within ten (10) business days. An appeal of a revocation to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.

**New Subsections 4206.12 and 4206.13 are added to read as follows:**

4206.12 Candidates seeking to certify as a participating candidate may file for certification pursuant to § 4206.2 and receive the base amount and initial disbursement of matching payments to which the candidate is eligible under §§ 4207 and 4208, on a rolling basis.

4206.13 Rolling certification shall occur every thirty (30) days, commencing in the year 2019 on August 31, September 30, October 31, and December 10, and thereafter on January 10, February 10, March 10, April 10, May 10, June 10, July 10, August 10, September 10 and October 10, until certification is achieved as a participating candidate in the Fair Elections Program.

**Section 4207, BASE AMOUNT PAYMENTS, is amended by amending Subsections 4207.1, 4207.2, and 4207.6 to read as follows:**

4207.1 Within five (5) days after the participating candidate is certified, the Director shall direct the Office of the Chief Financial Officer to disburse to the candidate half of the base amount described in § 4207.3, within five (5) business days.

4207.2 Within five (5) days after the participating candidate qualifies for the ballot, the Director shall direct the Office of the Chief Financial Officer to disburse to the candidate the other half of the base amount described in § 4207.3, within five (5) business days.

...

4207.6 If an uncontested election becomes a contested election after a participating candidate is certified, the Director shall direct, no later than five (5) days after the uncontested election becomes a contested election the Office of the Chief Financial Officer to disburse funds to the candidate, within five (5) business days, as follows:

- (a) The first half of the base amount, if the participating candidate has not qualified for the ballot; or
- (b) Both halves of the base amount, if the participating candidate has qualified for the ballot.

**Section 4208, MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS, is amended by amending Subsections 4208.7 and 4208.9 to read as follows:**

4208.7 Within five (5) business days after receipt of the participating candidate’s R&E Report filed with the OCF in accordance with §§ 4212 and 4213, the Director shall direct the Office of the Chief Financial Officer to disburse payments to the participating candidate through the use of an electronic funds transfer or debit card.

...

4208.9 The Director of Campaign Finance shall provide a written explanation with respect to any denial of any payment and shall provide an opportunity to for the appeal of the denial in writing to the Board of Elections within ten (10) business days.

**Section 4210, DEBATE REQUIREMENT, is amended by adding new Subsections 4210.11 and 4210.12 to read as follows:**

- 4210.11 Non-participating candidates who have qualified for ballot access for a covered office prescribed in § 4206.1 may participate in a debate for that covered office, pursuant to the requirements under §§ 4210.5 and 4210.6.
- 4210.12 If there is no other participating candidate or non-participating candidate who is willing to participate in a debate for a covered office, then the requirements under §§ 4210.5 and 4210.6 shall be waived for that covered office.

**Section 4211, REMITTING FUNDS AND TURNING OVER CAMPAIGN EQUIPMENT, is amended to read as follows:**

**4211 REMITTING FUNDS AND DONATING EQUIPMENT**

- 4211.1 No later than sixty (60) days after a primary election in an election cycle for which a losing participating candidate was on the ballot, the losing participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall also donate any equipment purchased by the campaign in accordance with § 4211.4.
- 4211.2 No later than sixty (60) days after a special election or general election in an election cycle for which a participating candidate was on the ballot, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall donate any equipment purchased by the campaign in accordance with § 4211.4.
- 4211.3 No later than sixty (60) days after a participating candidate's certification is revoked under § 4206.3, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The participating candidate whose certification has been revoked pursuant to § 4206.3 shall donate any equipment purchased by the campaign in accordance with § 4211.4.
- 4211.4 A participating candidate, pursuant to §§ 4211.1, 4211.2 and 4211.3, shall donate any equipment purchased by the campaign to a non-profit organization, within the meaning of Section 501(c)(3) of the Internal Revenue Code that is in good standing in the District of Columbia for a minimum of one (1) calendar year prior to the date of the donation, that is unaffiliated with:
- (a) The candidate or the candidate's immediate family;

- (b) The candidate's principal campaign committee, including the campaign chair and treasurer and their immediate family; and
- (c) Any board of directors or similar governing body on which the candidate, the candidate's immediate family, or the candidate's campaign chair or treasurer sits in its place.

4211.5 If a participating candidate's certification is revoked under §§ 4206.3(b), (c) or, due to fraudulent activities, § 4206.3(e), the participating candidate shall be personally liable for any expended base amount or matching payments.

4211.6 Notwithstanding §§ 4211.1, 4211.2 and 4211.3, a participating candidate may withhold funds from the amount required to be remitted for an additional one hundred eighty (180) days after the 60-day periods if the participating candidate requests an extension in writing and submits documentation of the funds to the Director of Campaign Finance no later than the last day of the 60-day period. The withheld funds shall only be used for the following purposes:

- (a) To repay any authorized expenditures or retire the proper debts that were incurred in connection with the participating candidate's campaign; and
- (b) To repay personal funds of the participating candidate or the participating candidate's immediate family contributed under § 4209.1(f).

4211.7 The Office of Campaign Finance shall notify a participant in writing if it finds that the participant owes unspent campaign funds to the Program. The participant shall promptly pay to the Fund unspent campaign funds from an election; provided, however, that all unspent campaign funds for a participant shall be immediately due and payable to the Fair Elections Program Fund upon a determination by the Director that the participant has delayed the post-election audit process.

4211.8 For the purpose of this section, the term "equipment" means any furniture or electronic or battery-powered equipment purchased by a participating candidate's campaign that cost at least fifty dollars (\$50).

**Section 4212, FILING AND DEADLINES, is amended as follows:**

**The title of Section 4212 is renamed "FILING DEADLINES".**

**Subsections 4212.2 and 4212.3 are amended to read as follows:**

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

- (a) March 10, June 10, August 10, October 10, and December 10 in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office and by January 31 of each year; and
- (b) March 10, April 10, May 10, June 10, August 10, October 10, December 10, and the eighth (8<sup>th</sup>) day next preceding the date of any general or special election, in any year in which there is held an election for which the candidate seeks office and the committee supports a candidate for office; and
- (c) July 31 of each year in which there is no election.

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

- (a) On the tenth (10<sup>th</sup>) day of each month in the ten (10) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office;
- (b) On the tenth (10<sup>th</sup>) day of the October preceding the date of any election for a seat for a covered office; and
- (c) Participating candidates after qualification may also file an optional R&E Report on the twenty-fourth (24<sup>th</sup>) day of each of the four (4) months preceding an election for which the candidate seeks office and the committee supports a candidate for office.

**Section 4213, REPORTING AND DISCLOSURE REQUIREMENTS, is amended by amending Subsections 4213.6 and 4213.7 to read as follows:**

4213.6 The candidate shall report and itemize in each disclosure statement for each receipt of five dollars (\$5.00), or more in the coverage period, the following information:

- (a) The name, address, occupation (including self-employed, retired, homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each qualified small contribution from an individual District resident;
- (b) The name, address, occupation (including self-employed, retired, homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each small dollar contribution from a non-resident individual;

- (c) The receipt of public funds, identifying the type, base amount or matching payments, the amount, and date of payment;
- (d) The receipt of contributions from Fair Election Committees/Member organizations; and
- (e) The receipt of contributions or loans from the candidate or the candidate's immediate family member, reporting the date of receipt, amount, name, address, occupation, and principal place of business.

4213.7 The candidate shall report and itemize in each disclosure statement each expenditure made of five dollars (\$5.00) or more during the reporting period:

- (a) The name and address of each person, including the candidate, who has made purchases on behalf of the committee during the reporting period with the expectation of being reimbursed by the committee;
- (b) The date and amount of each such purchase;
- (c) The name and address of the person or entity from whom the purchase has been made;
- (d) The form of the purchase;
- (e) The purpose of the purchase;
- (f) The name of each person, including the candidate, whom the committee reimbursed for purchases made on behalf of the committee during the reporting period, each purchase being reimbursed, and the amount and form of each reimbursement; and
- (g) Such other information as the Director may require.

**Section 4214, RECORDKEEPING, is amended by amending Subsection 4214.5 to read as follows:**

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

**Chapter 43, THE VERIFICATION PROCESS, is amended as follows:**

**Section 4302, SUPPORTING DOCUMENTATION, is amended by amending Subsection 4302.3 to read as follows:**

- 4302.3 The required documentation of payment by instrument type; must include:
- (a) Check – copy of cancelled check and contribution card;
  - (b) Cash – copy of contribution card;
  - (c) Money Order – copy of money order and contribution card;
  - (d) Credit Card processed online – copy of processing documentation and contribution card information;
  - (e) Credit Card processed by the Campaign – copy of credit card contribution card and card processing documentation; and
  - (f) Debit Card processed by the Campaign – copy of debit cards contribution and card processing documentation.

**Section 4306, AFFIRMATION REQUIREMENTS, is amended by amending Subsection 4306.3 to read as follows:**

- 4306.3 Claims for matching funds will not be matched if the affirmation statement is not included in the campaign's website where credit card contributions are processed online and on any third party fundraising sites use by the campaign.

**Section 4307, DISPOSITION OF PUBLIC FINANCING EQUIPMENT, is amended to read as follows:**

**4307 REQUIREMENTS FOR DONATING EQUIPMENT**

- 4307.1 All equipment purchased with matching funds shall be donated to a non-profit organization pursuant to § 4307.2, within sixty (60) days after a General or Special Election in an election cycle for which a participating candidate was on the ballot. Equipment is defined as any furniture or electronic or battery powered equipment purchased by a participating candidate's campaign that costs at least fifty dollars (\$50).

- 4307.2 Campaign equipment and surplus property shall be donated to a non-profit organization, within the meaning of Section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for minimum of one (1) calendar year prior to the date of the donation and satisfied the following requirements:



- (a) Is unaffiliated with the candidate, the candidate's immediate family; the principal campaign committee; the committee chair and treasurer and their immediate family; and
- (b) Any board of directors or similar governing body on which the candidate, the candidate's immediate family, or committee chair or treasurer sits in its place.

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

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING****Clean Rivers Impervious Surface Area Charge Relief Programs and Determinations of Eligibility for Residential Customer Assistance Programs**

The Director of the Department of Energy and Environment (DOEE or the Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2018 Supp.)); the District of Columbia Water and Sewer Authority Rate Increase Mitigation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 11-111; D.C. Official Code § 34-2202.16b (2018 Supp.)); and Mayor's Order 2018 - 104, dated December 31, 2018, hereby gives notice of the adoption of the following emergency rules to add a new Chapter 37 (Customer Assistance Programs Eligibility Determinations) to Title 20 (Environment), and amend Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation), of the District of Columbia Municipal Regulations (DCMR).

This second emergency and proposed rule is clarifying the eligibility criteria related to the Clean Rivers Impervious Surface Area Charge (CRIAC) nonprofit relief program for certain nonprofit organizations located within the District of Columbia. No changes were made to the eligibility criteria related to two new assistance programs for DC Water residential customers, referred to as the Customer Assistance Program II (CAP2) and the Customer Assistance Program III (CAP3), as published in the first emergency rulemaking.

With regard to the nonprofit relief program, DOEE is proposing amendments to the Section 565 of the rule to clarify that schools and residences on religious properties are not eligible for coverage, to expand the types of eligible nonprofit categories to include all continuing care retirement facilities, and to clarify the process for nonprofit organizations to demonstrate eligibility. Additionally, DOEE is amending Section 565 to include eligibility criteria for nonprofit organizations that are responsible for paying the CRIAC and hold an OTR-granted possessory interest exemption in the eligible nonprofit categories. For purposes of this chapter, possessory interest is defined as the right and intent of a private entity to occupy tax-exempt, publicly owned real property.

DOEE recognizes that there may be eligible properties that have a portion of the property that does not meet the program's eligibility requirements. In order to only provide relief for the eligible portions of a property, DOEE has added a provision to Section 565 to clarify the process of approving an application in part and the process for determining the area which is eligible for relief.

DOEE is also amending Section 565 to clarify the approval process for nonprofit organization's properties where the entire property or a portion of their property is not eligible for relief or no longer meets the eligibility requirements for the program. DOEE will continue to provide relief to previously eligible properties affected by these amendments through the end of Fiscal Year 2019, provided that the other requirements of the program are met.

Response to Comments

The Notice of Emergency and Proposed Rulemaking on the Clean Rivers Impervious Surface Area Charge Relief Programs and Determinations of Eligibility for Residential Customer Assistance Programs was published in the *D.C. Register* on January 11, 2019 at 66 DCR 000526. DOEE received several comments on the proposed regulations and also held a public hearing on February 12, 2019.

Several commenters had comments regarding the potential eligibility of schools for CRIAC relief. DOEE is amending § 565.1(b)(2) to clarify that CRIAC relief is not available under the category of exemptions for certain property of religious institutions if such property is associated with schools, colleges, or universities. This change is made to treat schools, no matter their affiliation, equally.

Other commenters stated that CRIAC relief should be made available to charter schools leasing space from the District Government based on the fact that the District Government pays the CRIAC fee for D.C. public schools. DOEE agrees that if an organization has possessory interest in District-owned property and meets the other program requirements it should be eligible for the program; however, in the case of charter schools, the question of who is responsible for paying the CRIAC fees for a nonprofit is outside of the scope of this rulemaking. DOEE notes that the CRIAC fee is assessed on all schools, and this rule makes all types of schools, no matter their affiliation, ineligible for relief.

Some commenters also stated that properties eligible for CRIAC relief under proposed § 565.1(c)(2) should not be eligible for relief. Specifically, these are real property tax-exempt residences under D.C. Official Code §§ 47-1002(15) and (16), which applies, respectively, to pastoral residences owned by churches or congregations and episcopal residences owned by a church. DOEE agrees that residential properties should not be eligible for the nonprofit relief program; and has amended § 565.1(c)(2) to clarify this issue.

Several commenters noted that the eligible nonprofit exemption categories as proposed resulted in some continuing care retirement facilities being eligible for relief, while others are not. For purposes of consistency, this rule expands CRIAC relief to nonprofit continuing care retirement facilities that possess the requisite license from the Department of Insurance, Securities, and Banking.

In response to concerns expressed in comments regarding the documentation required to demonstrate eligibility as proposed, DOEE is amending the rule in order to obtain the most current documentation to ensure implementation of the program is consistent with the intention of the rulemaking. Specifically, DOEE understands that many nonprofit organizations may have received their tax-exempt determination decades ago and has amended the rule to require the submission of an annual form that outlines the tax-exempt property's use.

Other commenters requested a broad expansion of the nonprofit exemption categories that would be eligible to obtain CRIAC relief. DOEE is expanding the eligibility for CRIAC relief to include continuing care retirement facilities and properties where otherwise eligible

organizations hold possessory interest tax exemption, but except for these additions, and the modifications regarding coverage of religious schools and residences, DOEE has determined that eligibility for CRIAC relief should be limited to those nonprofit entities as originally proposed to ensure that, in light of the appropriations available for the program, meaningful relief is available for eligible organizations and residents.

DOEE also received comments noting that the requirement in proposed § 565.3 for filing of a IRS Form 990 for the “most recent completed tax year” was ambiguous, and potentially led to the inadvertent exclusion of some nonprofits from CRIAC relief, or at a minimum, a delay in their ability to obtain relief. Specifically, it was noted that a nonprofit organization may not be able to provide the filings from the most recently completed tax year when applying for CRIAC relief, which may affect their ability to obtain relief under the program. DOEE agrees and is amending §565.3(a) to require submission of an IRS Form 990 that was filed in the most recent of the last two (2) tax years.

DOEE received a comment that trees planted as a replacement for removing a mature tree should not be counted towards meeting the tree planting requirements in this rule. However, DOEE recognizes that it is costly to remove a full-grown tree, and generally property owners will not pay the cost for removal unless the tree is dead or dying. Additionally, DOEE notes that activity of the type addressed in this comment is already limited by the Urban Forest Preservation Act of 2002, which only allows for the removal of “Special Trees” if a certified arborist has deemed the tree hazardous to life or property or if the species is exempt from protection as a result of being identified as “appropriate for removal.” In such cases, the removal and replanting of trees provide a benefit to the environment, and DOEE does not believe a change to the regulations as proposed is warranted.

Another commenter wanted assurance of DOEE’s support of the offsite mitigation option and assurance that DOEE would not revoke approved benefits merely because a nonprofit chose that option. DOEE is committed to the off-site mitigation option, and when an applicant meets the stormwater mitigation requirement of § 565.5 by opting to have DOEE withhold a portion of the approved relief in order to fund green infrastructure on another property, DOEE will not revoke the approved CRIAC relief based on selection of this option alone.

Another commenter stated that DC Water customers who are receiving RiverSmart Rewards Discounts should be able to apply for CRIAC relief under the residential program no matter their income because they have installed and maintained projects to mitigate stormwater runoff. However, the Council has established by statute the eligibility for residential CRIAC relief based on income as a percentage of Area Median Income or AMI.

Finally, DOEE received a comment requesting an increase in the CRIAC discount provided through the (DC Water) Clean Rivers Imperious Area Charge Incentive Program. This is an issue that would need to be addressed by DC Water as DOEE has no control over this program.

#### Emergency Action Necessary

Emergency action is necessary to allow eligible DC Water Residential Customers and nonprofit organizations to immediately have access to the described benefits. The CRIAC fees have increased significantly over the past few years to pay for the large-scale combined sewer system infrastructure expansion necessary to comply with federally mandated requirements and a judicial consent decree to address combined sewer overflows into the Anacostia and Potomac Rivers and their tributaries. The cost of this work has imposed a significant burden on low income residents, residents on fixed incomes, some moderate-income residents, and on not-for-profit organizations that serve District residents, including charitable nonprofits, houses of worship, and cemeteries. Notwithstanding the environmental benefits of the Clean Rivers Program, it is necessary to adopt this rule immediately to preserve and promote the public welfare, which is being adversely and significantly impacted by the CRIAC fees increases.

The second emergency rulemaking was adopted on May 22, 2019. These emergency rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring September 19, 2019, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Director also gives notice of the intent to take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 37 as follows:**

**CHAPTER 37            CUSTOMER ASSISTANCE PROGRAMS ELIGIBILITY DETERMINATIONS**

- 3700            CUSTOMER ASSISTANCE PROGRAMS**
- 3701            APPLICATION PROCESS**
- 3702            ELIGIBILITY**
- 3703            BENEFITS**
- 3704            DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**
- 3705            ADMINISTRATIVE APPEALS**
- 3799            DEFINITIONS**

**3700            CUSTOMER ASSISTANCE PROGRAMS**

3700.1            This chapter sets forth the process and appeal procedures for the Department’s determination of income eligibility for the CRIAC portion of DC Water’s Customer Assistance Program (CAP) and Customer Assistance Program II (CAP2), and for the Department’s Customer Assistance Program III (CAP3).

3700.2            This chapter also sets forth the Department’s eligibility criteria for the CRIAC benefits under the CAP2 and CAP3 programs.

**3701 APPLICATION PROCESS**

- 3701.1 In order for the Department to determine the financial eligibility of an applicant to receive CAP, CAP2, or CAP3 benefits, a person shall file an application with the Department.
- 3701.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed by the applicant. The application shall state that the making of a false statement in the application, or the signing of the application with knowledge that facts stated in the application are not true, carries criminal penalties in accordance with Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).
- 3701.3 An authorized representative may apply on behalf of an applicant if the applicant provides:
- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
  - (b) The name and address of the person authorized to act on the applicant's behalf.
- 3701.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3701.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 3701.5 The Department may also assist an applicant in the application process who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant's home, if:
- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or
  - (b) The applicant's residence is located in a building or complex of buildings that house many other likely applicants.

**3702 ELIGIBILITY**

- 3702.1 In order to be eligible for a benefit, the applicant household shall:
- (a) Be financially eligible, by meeting the following annual income eligibility requirements:

- (1) For participation in the CRIAC portion of CAP, the income requirements established at 21 DCMR § 4102.1(a)(2), which are that the applicant's annual household income is below sixty percent (60%) of the State Median Income (SMI) for the District of Columbia;
- (2) For participation in the CRIAC portion of CAP2, the income requirements established at 21 DCMR § 4102.2(a)(2) for water and sewer bill benefits, which are that the applicant's annual household income is at or above sixty percent (60%) of the SMI for the District of Columbia and at or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia not capped by the United States median low income limit (USLIL); and
- (3) For participation in CAP3, the applicant's annual household income is above eighty percent (80%) of the AMI for the District of Columbia not capped by the USLIL and at or below one-hundred percent (100%) of the AMI for the District of Columbia; and

- (b) Be responsible for payment of DC Water's water and sewer services bill or the CRIAC; and
- (c) Reside in the District of Columbia.

3702.2 The applicant must be at least eighteen (18) years old or emancipated.

3702.3 A determination of financial eligibility shall be based on the income of the household as defined by the Low Income Home Energy Assistance Program State Plan.

3702.4 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.

3702.5 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the Department may require.

3702.6 The Department may obtain the information used in determining eligibility from:

- (a) A document;
- (b) A telephone conversation or interview for which notes are taken;
- (c) Data from another government agency or utility provider;
- (d) Internet data; and
- (e) Other relevant sources.

3702.7 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

### **3703 BENEFITS**

3703.1 Benefits for CAP and CAP2 will be provided in accordance with the provisions of 21 DCMR § 4102.

3703.2 Households eligible for CAP3 shall receive seventy-five percent (75%) off of the monthly billed CRIAC, subject to the availability of funds.

3703.3 CAP3 benefits will be applied through a credit on the DC assessed water and sewer bill after the Department transfers funds to DC Water for this purpose.

3703.4 The benefits shall be applied for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds.



- 3703.5 Nothing in this chapter shall be interpreted to mean that a CAP2 or CAP3 benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.
- 3703.6 If the Department determines that remaining available funds may be insufficient to provide benefits during a fiscal year, the Department may:
- (a) Suspend the process of taking applications;
  - (b) Suspend the process of awarding benefits; or
  - (c) Revise the level of benefits established by § 3703.2 to provide lower amounts.

#### **3704 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**

- 3704.1 If an applicant is determined ineligible for the CAP, CAP2, or CAP3 program, the Department will provide to the applicant notice of ineligibility, to include:
- (a) A statement of the determination of ineligibility and an explanation of that determination;
  - (b) A statement of the action that the applicant must take, if any, to be found eligible; and
  - (c) Notice of the applicant's right to appeal the determination, as provided in § 3705.
- 3704.2 If the Department determines that a prior eligibility decision for the CAP, CAP2, or CAP3 program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
  - (b) Inform the applicant of the Department's final action or intended action;
  - (c) Provide the applicant with a reasonable opportunity to respond; and
  - (d) Revise or revoke the determination of eligibility.
- 3704.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

**3705 ADMINISTRATIVE APPEALS**

3705.1 With respect to a matter governed by §§ 3701 to 3704 of this chapter, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.

3705.2 The decision of the Director or the Director's designee upon appeal shall become the final action of the Department. An applicant may seek review of that decision with, and request a hearing before, the Office of Administrative Hearings (OAH) within thirty (30) days of the Department's action. Prehearing practice and the conduct of the hearing shall be in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*) and the regulations set forth at Title 1, Chapter 28 of the District of Columbia Municipal Regulations.

**3799 DEFINITIONS**

3799.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

**CAP** – DC Water's Customer Assistance Program that provides eligible single-family and individually-metered residential customers exemptions from their billed water and sewer service charges, Payment-in-Lieu of Taxes and Right-of-Way fees, and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.1.

**CAP2** – DC Water's and DOEE's expanded Customer Assistance Program that provides eligible single family and individually-metered residential customers exemptions from their billed water and sewer service charges and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.2.

**CAP3** – The Department's expanded Customer Assistance Program that provides eligible single-family and individually metered DC Water residential customers credits towards their billed water and sewer services and CRIAC charges that the Department determines to be eligible in accordance with § 3702 of this chapter.

**DC Water** - the District of Columbia Water and Sewer Authority.

**Department** – the District of Columbia Department of Energy and Environment.

**Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended by adding new Sections 564 – 570, and amending Section 599, DEFINITIONS, as follows:**

**564 CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE RELIEF PROGRAM FOR NONPROFIT ORGANIZATIONS**

- 564.1 The provisions in this section and Sections 565 through 570 provide the eligibility criteria, payment guidance, and appeal procedures for the Clean Rivers Impervious Surface Area Charge (CRIAC) Relief Program for Nonprofit Organizations (CRIAC Nonprofit Relief Program).
- 564.2 The purpose of the CRIAC Nonprofit Relief Program is to assist nonprofit organizations in the District with payment of the DC Water CRIAC on eligible properties. The CRIAC is billed monthly for individual properties, defined by the unique Square, Suffix, and Lot, and calculated based on the number of equivalent residential units (ERUs), on certain properties.
- 564.3 Benefits will only be granted for the portion of a nonprofit’s property that meets the requirements of § 565.1 and 565.2, hereinafter referred to as “eligible ERU” or “eligible impervious area” in this chapter.
- 564.4 Benefits granted to a nonprofit organization by the CRIAC Nonprofit Relief Program may not exceed the amount of the CRIAC on the nonprofit organization’s water and sewer bill, when combined with any DC Water Clean Rivers Impervious Surface Area Charge Incentive Discount.
- 564.5 Benefits granted through the CRIAC Nonprofit Relief Program shall be applied as a credit on the water and sewer bill, provided that:
- (a) Nothing in this chapter shall be interpreted to mean that a benefit provided to a nonprofit organization through the CRIAC Nonprofit Relief Program is an entitlement, continuing or otherwise;
  - (b) Benefits provided by the Department under the CRIAC Nonprofit Relief Program are subject to the availability of funds; and
  - (c) If the Department determines that remaining available funds may be insufficient to provide further benefits during a fiscal year, the Department may:
    - (1) Suspend the process of taking applications;
    - (2) Suspend the process of awarding benefits; or

- (3) Lower the level of benefit established by section 568.3 as necessary based on the available funds.

**565 ELIGIBILITY CRITERIA FOR PROPERTIES OF NONPROFIT ORGANIZATIONS**

565.1 To be eligible for relief under the CRIAC Nonprofit Relief Program for the CRIAC assessed on a particular property, an organization shall, with respect to that property:

- (a) Have an active DC Water account and responsibility for paying DC Water's CRIAC; and
- (b) Meet at least one of the following conditions:
  - (1) Have obtained, from the District's Office of Tax and Revenue (OTR), a real property tax exemption, pursuant to:
    - (A) D.C. Official Code § 47-1002(12) (certain cemeteries);
    - (B)
      - (i) For the period from publication of this emergency rule until September 30, 2019, D.C. Official Code §§ 47-1002(13), (14), (15), or (16) (certain property of religious institutions);
      - (ii) From October 1, 2019, D.C. Official Code § 47-1002(13) and (14) (certain property of religious institutions); or
    - (C) D.C. Official Code § 47-1002(8) (certain charitable institutions); or
    - (D) D.C. Official Code § 47-1002(32) (certain continuing care retirement communities); or
  - (2) Maintain a current license, from the Department of Insurance, Securities, and Banking (DISB), as a continuing care retirement facility for a property that is exempt from District real property tax, pursuant to D.C. Official Code §§ 44-151.01 *et seq*; or
  - (3) Have obtained from OTR an exemption from possessory interest tax, pursuant to D.C. Official Code § 47-1005.01, for a use described in D.C. Official Code §§ 47-1002(8), (12), (13), (14), and (32).

565.2 If a portion of the property has a use other than the eligible uses described in § 565.1, or is otherwise excluded from benefits under these rules, to determine the eligible impervious area or eligible ERUs for the remainder of the property, the Department may:

- (a) Use the percent of real property improvements for which OTR has granted real property tax exemption;
- (b) Use the DC Water-calculated amount of eligible ERUs, as available; or
- (c) Estimate the eligible ERUs, using at a minimum, aerial photography and other relevant information, as available.

565.3 In addition to § 565.1 above, for a property to be eligible for the CRIAC Nonprofit Relief Program, the nonprofit organization shall:

- (a) Show significant financial hardship in paying its CRIAC in accordance with § 565.4;
- (b) At the Department's request, allow the Department, or an organization approved by the Department, to visit the site of the nonprofit organization and recommend potential stormwater mitigation project(s) on the site;
- (c) Submit for the Department's approval, a written proposal to mitigate stormwater runoff through one of the following:
  - (1) Install and maintain on the site of the nonprofit organization a stormwater runoff mitigation project that meets the requirements of § 565.5;
  - (2) If a stormwater runoff mitigation project on the site of the nonprofit organization is infeasible, implement or have implemented an alternative, off-site stormwater runoff mitigation measure or activity in the District that meets the requirements of § 565.6;
  - (3) Maintain on the site of the nonprofit organization an existing stormwater mitigation project that meets the requirements of § 565.5; or
  - (4) For a major regulated project, as defined in § 599, maintain compliance with the Stormwater Management Performance Requirements in §§ 520 and 522;
- (d) For any project under paragraphs (c)(1) and (c)(2) of this subsection, complete, implement, or have implemented the stormwater mitigation

project within one (1) year after receiving the Department's approval of the written proposal; and

- (e) Submit to the Department:
  - (1) A copy of the most recently submitted FP-161 Exempt Property Use Report; and
  - (2) If applicable, a copy of the most recent, active Permanent License as a Continuing Care Retirement Community, issued by DISB.

565.4 For eligible organizations, as determined by § 565.1(b), significant financial hardship, as referred to in § 565.3(a), shall be established as follows:

- (a) For an organization that is required to file a U.S. Department of the Treasury, Internal Revenue Service (IRS) form 990, or that has filed said form voluntarily, submit the most recent filed copy of the IRS Form 990, provided that it was filed within the last two (2) completed tax years, and a signed declaration, executed under penalty of perjury, attesting that the annual CRIAC is at least one percent (1%) of the organization's annual revenue, less expenses, as reported on Part I, Line 19 of the IRS Form 990.
- (b) For an organization that, in the most recent completed fiscal year, was not required by the IRS to file, or has not voluntarily filed, an IRS form 990, submit a signed declaration and income statement, consistent with the requirements of an IRS Form 990, executed under penalty of perjury, prepared in accordance with standard accounting practices, documenting that the annual CRIAC is at least one percent (1 %) of the organization's annual revenue, less expenses.
  - (1) The Department will apply best practices, such as testing a subset of signed declarations, to help ensure that the submission and declaration process is valid.
  - (2) For the purposes of this provision, fiscal year is defined as twelve (12) consecutive months ending on the last day of any month used as an annual accounting period by the eligible organization for keeping records and reporting income and expenses.

565.5 For an on-site stormwater mitigation project to qualify under §§ 565.3(c)(1) or (c)(3), the organization must:

- (a) Plant, or have planted after May 1, 2009, one tree per eligible ERU on the property of the nonprofit organization for which the CRIAC benefit is sought; or

- (b) Manage ten percent (10%) of the eligible impervious area through the installation of BMPs that are eligible for a Stormwater Fee Discount as described in § 558.

565.6 For an off-site stormwater mitigation project to qualify under § 565.3(c)(2), the organization must:

- (a) Obtain and retire ten (10) Stormwater Retention Credits (SRCs) per eligible ERU, which may be SRCs obtained prior to the commencements of the CRIAC Nonprofit Relief Program; or
- (b) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per eligible ERU, to fund stormwater mitigation efforts elsewhere in the District. The Department shall use this funding through a Department program to provide stormwater mitigation on behalf of the organization.

565.7 An eligible nonprofit organization may implement a combination of the above stormwater mitigation options, including on-site and off-site, to receive benefits.

565.8 As a requirement of continued eligibility in the CRIAC Nonprofit Relief Program:

- (a) A nonprofit organization that met the requirements of § 565.3(c) in whole or in part through on-site stormwater mitigation must both meet the requirements of § 565.5 and:
  - (1) Properly maintain the tree(s), or maintain the qualifying BMP(s) so that it continues to function as designed and approved; and
  - (2) Allow the Department access to the property to inspect the tree or BMP; or
- (b) A nonprofit organization that met the requirements of § 565.3(c) in whole or in part through off-site stormwater mitigation must, as applicable:
  - (1) Retire ten (10) SRCs per eligible ERU annually; or
  - (2) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per eligible ERU, to fund stormwater mitigation efforts elsewhere in the District through a Department-approved program.

## 566 INITIAL APPLICATION

566.1 In order to obtain CRIAC benefits, a nonprofit organization must submit an application to the Department.

- 566.2 A nonprofit organization applying for benefits will submit a separate application for any non-adjacent property.
- 566.3 The application shall be submitted on such forms, in hard copy or electronically, as the Department may designate.
- 566.4 The Department shall notify the applicant whether the funding request has been approved, denied, or if additional information is needed to make a determination. Incomplete applications shall be returned to the applicant.

**567 RENEWAL APPLICATION**

- 567.1 Renewal applications must be received by the Department at least thirty (30) days, and no more than sixty (60) days, before the expiration of the benefit period described in § 568.1 and stated in the initial award.
- 567.2 Upon receipt of a renewal application, the Department may perform an inspection to verify that the BMP or stormwater mitigation project remains eligible for the discount.
- 567.3 For a renewal applicant who had proposed a stormwater mitigation project, the applicant shall submit proof that the organization made a reasonable and good faith effort, as determined by the Department, to fulfill its proposal.

**568 APPROVAL; AMOUNT AND DURATION OF BENEFITS**

- 568.1 If the Department approves a CRIAC Nonprofit Relief Program application, the benefits shall be available for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds, provided that the nonprofit remains eligible, as described in §§ 565.1 and 565.2.
- 568.2 A nonprofit organization that is approved by the Department to obtain, or continue to obtain, benefits under the CRIAC Nonprofit Relief Program shall obtain a benefit equal to ninety percent (90%) of its CRIAC on eligible ERUs, subject to the limits in §§ 564.3 and 564.4 and the requirements of §§ 565.6 and 565.8.
- 568.3 The Department may calculate a retroactive benefit to account for the period from the start of the fiscal year in which the application or renewal application was received through the date of approval, which would be provided as a one-time credit on the nonprofit's water and sewer bill.



**569 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**

569.1 The Department may:

- (a) Deny an application for a benefit period based on an applicant's failure to meet the eligibility requirements of the CRIAC Nonprofit Relief Program, or deny an application in whole or in part based on lack of available funding;
- (b) Reduce or revoke a benefit for:
  - (1) A tree that the Department determines is unhealthy or dying;
  - (2) The failure of the BMP to retain the stormwater runoff volume for which the discount was approved, or
  - (3) The organization's failure to obtain SRCs; and
- (c) Require reimbursement of any portion of the benefits, based on the organization's:
  - (1) Submission of false or invalid documentation, including:
    - (A) Documents required to be filed under § 565.4 to establish financial hardship; and
    - (B) Other required application materials; or
  - (2) Failure to make a good faith effort to fulfill the stormwater mitigation project required in § 565.3(c) or § 565.5 that generated the CRIAC benefit.

569.2 The Department shall provide notice of a decision to the nonprofit organization, stating the basis for the decision and the organization's right to appeal the Department's decision, as provided in § 570.

569.3 If denial, reduction, or revocation is based on failure to maintain or fulfill the terms of a project as proposed, notice shall also include a statement of:

- (a) Each deficiency;
- (b) Corrective action necessary;
- (c) Deadline for completion of the corrective action, if any; and

(d) The requirement, if any, for an inspection or re-inspection by the Department.

569.4 The Department may extend the period for corrective action for good cause shown.

569.5 The nonprofit organization shall not have a right to appeal a reduction, suspension, or revocation of CRIAC benefit that is based on a lack of available funding.

## **570 ADMINISTRATIVE APPEALS**

570.1 With respect to a matter governed by Sections 564 through 569 of this chapter, an organization adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within fifteen (15) calendar days after receipt of the notice of the action.

570.2 The decision of the Director or the Director's designee upon appeal shall become the final action of the Department. An organization may seek review of that decision with, and request a hearing before, the Office of Administrative Hearings (OAH) within thirty (30) days of the Department's action. Prehearing practice and the conduct of the hearing shall be in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*) and the regulations set forth at Title 1, Chapter 28 of the District of Columbia Municipal Regulations.

### **Section 599, DEFINITIONS, Subsection 599.1, is amended by adding the following terms:**

**CRIAC** - DC Water's Clean Rivers Impervious Surface Area Charge or Clean Rivers Impervious Area Charge.

**Equivalent Residential Unit (ERU)** –A measure of impervious area based on one thousand (1,000) square feet of impervious surface area, taking account of a statistical median of residential properties. The number of ERUs is determined based on the amount of impervious area and the customer's classification as residential, multi-family, or non-residential.

All persons desiring to comment on the proposed regulations should file comments in writing not later than thirty (30) days after the publication of this notice in the *D.C. Register*. All comments should be labeled "Clean Rivers Impervious Surface Area Charge Relief Programs" and filed with the Department of Energy and Environment, Regulatory Review Division, 1200 First Street, N.E., 5<sup>th</sup> Floor, Washington D.C. 20002, Attention: Impervious Area Charge Relief Programs

Comments, or by e-mail to [Matt.Johnson2@dc.gov](mailto:Matt.Johnson2@dc.gov). All comments will be treated as public documents. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will automatically be captured and included as part of the comment that is placed in the public record and made available on the Department's website.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-057  
June 13, 2019

**SUBJECT:** Delegation of Authority – Employee Residency Requirements

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2016 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Human Resources (“**Director**”) is delegated the authority vested in the Mayor by Title I of the Jobs for D.C. Residents Amendment Act of 2007 (“**Act**”), effective February 8, 2008 (D.C. Law 17-108; D.C. Official Code § 1-515.01 *et seq.*), except for the authority under section 106(a)(2) of the Act.
2. The Director may further delegate the authority delegated by this Order to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST:   
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-058  
June 19, 2019

**SUBJECT:** Delegation – Authority to the Directors of the Department of General Services and Department of Parks and Recreation to enter into Agreements Related to Franklin Park

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790; D.C. Official Code § 1-204.22 (6) and (11) (2016 Repl.); the sixteenth proviso of Part A-Summary of Expenses of the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017, D.C. Law 22-16, 64 DCR 6581; Title IV of Division E of the Consolidated Appropriations Act, 2018, approved March 23, 2018, Pub. L. 115-141, 132 Stat. 348; the seventeenth proviso of Part A-Summary of Expenses of the Fiscal Year 2019 Local Budget Act of 2018, effective August 29, 2019, D.C. Law 22-158, 65 DCR 9891; and Title IV of Division D of the Consolidated Appropriations Act, 2019, approved February 15, 2019, Pub. L. 116-6, 133 Stat. 13; and in accordance with Section 2403 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, approved March 12, 2019, Pub. L. 116-9, 133 Stat. 747, and 54 U.S.C. § 101703, it is hereby **ORDERED** that:

1. The Director of the Department of General Services (“DGS”) is delegated the Mayor’s authority to negotiate the terms of and execute a cooperative management agreement with the National Park Service for Franklin Park and to enter into such other agreements and execute such other documents as may be necessary to effectuate the cooperative management agreement, including a construction agreement with NPS.
2. The Director of the Department of Parks and Recreation (“DPR”) and the Director of DGS are delegated the Mayor’s authority to negotiate the terms of agreements with the National Park Service, the Downtown DC Business Improvement District, and such other agencies or entities as the Director of DPR or DGS deems appropriate for the maintenance, operation, and management of Franklin Park, and to execute all documents as may be necessary to effectuate the same. The Directors of DPR and DGS may exercise this authority together or individually.
3. The Directors of DGS and DPR may delegate their authority under this Order to subordinates under their jurisdiction.
4. Mayor’s Order 2019-004, dated January 24, 2019, is rescinded.

5. **EFFECTIVE DATE:** Paragraph 1 of this Order shall be effective *nunc pro tunc* to January 24, 2019. The remainder of this Order shall be effective immediately.



MURIEL BOWSER  
MAYOR

ATTEST:   
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, JUNE 26, 2019  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009**

**Donovan W. Anderson, Chairperson  
Members: Mike Silverstein,  
James Short, Bobby Cato, Rema Wahabzadah**

<b>Protest Hearing (Status)</b> <b>Case # 19-PRO-00025;</b> Dangerously Delicious DC, LLC, t/a Dangerously Delicious, 1339 H Street NE, License #87422, Retailer CR, ANC 6A <b>Application to Renew the License</b>	<b>9:30 AM</b>
<b>Protest Hearing (Status)</b> <b>Case # 19-PRO-00026;</b> Romyo, LLC, t/a Ambassador Restaurant, 1907 9th Street NW, License #90422, Retailer CR, ANC 1B <b>Application to Renew the License</b>	<b>9:30 AM</b>
<b>Protest Hearing (Status)</b> <b>Case # 19-PRO-00027;</b> Meskerem Abebe, LLC, t/a Right Spot, 1917 9th Street NW, License #100631, Retailer CR, ANC 1B <b>Application to Renew the License</b>	<b>9:30 AM</b>
<b>Protest Hearing (Status)</b> <b>Case # 19-PRO-00028;</b> Communal Restaurant, LLC, t/a Communal Restaurant 919 5th Street NW, License #108392, Retailer CR, ANC 6E <b>Application to Renew the License</b>	<b>9:30 AM</b>
<b>Protest Hearing (Status)</b> <b>Case # 19-PRO-00029;</b> Paradise SV, LLC, t/a Pizzeria Paradiso, 4850 Massachusetts Ave NW, License #109295, Retailer CR, ANC 3D <b>Application to Renew the License</b>	<b>9:30 AM</b>
<b>Show Cause Hearing (Status)</b> <b>Case # 19-CC-00027;</b> Ivy City Tavern, Inc., t/a Ivy City Tavern, 1356 Okie Street NE, License #93795, Retailer CT, ANC 5D <b>Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal</b>	<b>9:30 AM</b>

Board's Calendar

June 26, 2019

**Drinking Age**

**Show Cause Hearing (Status)**

**9:30 AM**

**Case # 18-CMP-00078;** Mythology, LLC, t/a Mythology & Lore/Dirty Water  
816 H Street NE, License #95033, Retailer CT, ANC 6A

**Sub-leased the ABC License and Transferred 50% of Ownership without  
Board Approval, Trade Name Change Without Board Approval**

**Show Cause Hearing (Status)**

**9:30 AM**

**Case # 19-CC-00011;** Starlight, Inc., t/a Kogod Liquors, 441 New Jersey Ave  
NW, License #24868, Retailer A, ANC 6C

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age**

**Show Cause Hearing (Status)**

**9:30 AM**

**Case # 18-251-00219 and # 18-CMP-00208**

Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327  
18th Street NW, License #74503, Retailer CT, ANC 1C

**Failed to Maintain Ownership and Control of the Establishment, Failed to  
Follow Security Plan (Two Counts), Allowed a Patron to leave the  
Establishment with an Alcoholic Beverage in an Open Container, Violation  
of Settlement Agreement**

**Show Cause Hearing (Status)**

**9:30 AM**

**Case # 18-AUD-00107;** Laliquras DC, LLC, t/a Laliquras Indian & Nepali  
Bistro, 4221 Connecticut Ave NW, License #95042, Retailer CR, ANC 3F

**Failed to File Quarterly Statement**

**Show Cause Hearing\***

**11:00 AM**

**Case # 18-CIT-00457;** Ambi, Inc., t/a Quality Convenience Store, 2922 Martin  
Luther King, Jr Ave SE, License #83074, Retailer B, ANC 8C

**No ABC Manager on Duty**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Show Cause Hearing\***

**1:30 PM**

**Case # 19-CC-00024;** Whole Foods Market Group, Inc., t/a Fresh Fields Whole  
Foods Market, 1440 P Street NW, License #60167, Retailer B, ANC 2F

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age**



Board's Calendar

June 26, 2019

**Fact Finding Hearing\***

**2:30 PM**

**Case # 19-251-00071;** Brooklyn on U, LLC, t/a Brooklyn, 1212 U Street NW

License #111411, Retailer CR, ANC 1B

**Unlawful Entry, Simple Assault, Destruction of Property and an Assault on a Police Officer**

**Fact Finding Hearing\***

**3:30 PM**

**Case # 19-251-00068;** 1336 U Street, LLC, t/a Hawthorne, 1336 U Street NW

License #99603, Retailer CT, ANC 1B

**Simple Assault, Violation of Settlement Agreement**

**Fact Finding Hearing\***

**4:30 PM**

Voodoo Brewing Co. Inc., t/a Voodoo Brewing, 625 & 631 T Street NW

License #113780, Retailer CT, ANC 1B

**Review of License Application**

**\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
CANCELLATION AGENDA**

**WEDNESDAY, JUNE 26, 2019  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-073644 – **Queen of Sheba** – C – Restaurant – 1503 9<sup>th</sup> Street NW  
[Licensee did not renew.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JUNE 26, 2019 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 7C. SMD 7C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *A-1 Grocery*, 615 Division Avenue NE, Retailer B, License No. 112305.

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2. Review Application for Safekeeping of License – Original Request. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Hotel Arboretum*, 1917 Bladensburg Road NE, Retailer CH, License No. 082836.

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3. Review Application for Change of Hours for Sidewalk Café. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Cafe*: 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 for Sidewalk Café*: 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 7<sup>th</sup> Street NW, Retailer CR, License No. 019105.

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4. Review Application for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday 9am to 2am, Monday-Thursday 12pm to 2am, Friday 12pm to 3am, Saturday 9am to 3am. *Approved Hours of Live Entertainment*: Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm-3am. *Proposed Hours of Operation*: Sunday-Thursday 7am to 1am, Friday-Saturday 7am to 3am. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 8am to 1am, Friday-Saturday 8am to 3am. *Proposed Hours of Live Entertainment*: Friday-Saturday 6pm-3am. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Friendship Macaron*, 2434 18<sup>th</sup> Street NW, Retailer CR, License No. 113227.

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5. Review request to remove Cover Charge endorsement from license. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Friendship Macaron*, 2434 18<sup>th</sup> Street NW, Retailer CR, License No. 113227.
- 

6. Review Request to increase authorized seating and Total Occupancy Load from 40 to 62, in accordance with Certificate of Occupancy and Settlement Agreement. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *The Green Zone*, 2226 18<sup>th</sup> Street NW, Retailer CT, License No. 106839.
- 

7. Review Request for approval to provide a gift of a cooler and CO2 tank rental that does not exceed \$500 in value to Dixie Liquor, 3429 M Street NW (ABRA-112906). ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Hop and Wine Beverages*, 1344 4<sup>th</sup> Street NE, Wholesaler A, License No. 086140.
- 

**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS****DC MAYOR'S COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS**

Wednesday, June 19, 2019, 6:30 pm  
441 4<sup>th</sup> Street NW Room 721 North  
Washington, DC 20001

## Agenda

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of April 2019 Meeting Minutes

Presentation: Tiwana Fields Coleman, Diversity Program Manager at the National Security Agency

Executive Reports and Business Items

1. Director's Report, Director Ben de Guzman, MOAPIA
2. Commission Task Forces

Miscellaneous Items

Meeting Adjournment

Next Meeting:

Wednesday, July 17, 2019, 6:30 pm

MOAPIA,

441 4<sup>TH</sup> St NW Room 721 North

Washington DC

Questions:

John Tinpe Chairman, [John.Tinpe@dcbc.dc.gov](mailto:John.Tinpe@dcbc.dc.gov)

Ben Takai, Vice Chair & Secretary [BenTakai@dcbc.dc.gov](mailto:BenTakai@dcbc.dc.gov)

Henry Duong, MOAPIA [Henry.Duong@dc.gov](mailto:Henry.Duong@dc.gov)

[www.apia.dc.gov](http://www.apia.dc.gov)

**BRIDGES PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**

Bridges Public Charter School intends to enter into a sole source contract with The Literacy Lab for tutors to be placed within the school. These tutors are serving as effective reading assistants specifically equipped to promote educational achievement.

- Bridges Public Charter School establishes the sole source with The Literacy Lab intended for the low cost and high quality initiatives in reading as a fundamental that will lead to student achievement.
  - For further information regarding this notice, contact [bids@bridgespcs.org](mailto:bids@bridgespcs.org) no later than **4:00 pm Monday, July 1, 2019**.

**BRIDGES PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**

Bridges Public Charter School intends to enter into a sole source contract with The National Geographic for ELA Literacy & Reading within the school. This curriculum specifically equips and promotes comprehension and reading educational achievement.

- Bridges Public Charter School establishes the sole source with The National Geographic intended for the low cost and high quality initiatives in reading as a fundamental that will lead to student success.
  - For further information regarding this notice, contact [bids@bridgespcs.org](mailto:bids@bridgespcs.org) no later than **4:00 pm Monday, July 1, 2019**.

**D.C. CRIMINAL CODE REFORM COMMISSION****NOTICE OF PUBLIC MEETING**

**WEDNESDAY, JUNE 26, 2019 AT 10:00 AM**  
**441 4<sup>TH</sup> STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

D.C. Criminal Code Reform Commission  
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001  
(202) 442-8715 [www.ccrdc.dc.gov](http://www.ccrdc.dc.gov)

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, June 26, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11<sup>th</sup> Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or [richard.schmechel@dc.gov](mailto:richard.schmechel@dc.gov).

**MEETING AGENDA**

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Comments on the recommendations for Section 214 and Chapter 3 in the First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
  - (A) First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
  - (B) Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.
- IV. Adjournment.



**D.C. BILINGUAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY19.20:

- NSLP-Produce Services
- NSLP-Grocery/Paper Product Services

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Monday July 8, 2019**. Proposals should be emailed to [bids@dcbilingual.org](mailto:bids@dcbilingual.org) or at **33 Riggs Rd NE, Washington, DC 20011**

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR 2020****Building and Sustaining Quality Early Care and Education Grant****Request for Application (RFA) Release Date: July 10, 2019 12 p.m.**

As authorized by the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF), and CCDF through the Child Care and Development Block Grant Act of 2014, effective November 19, 2014 ((P.L. 113-186; 42 U.S.C. 9858 et seq.), the Office of the State Superintendent of Education (OSSE) – Division of Early Learning, is soliciting grant applications for the Building and Sustaining Quality Early Care and Education Grant. The goal of this grant is to build the capacity of DC’s early care and education system to expand and enhance quality services for young children and their families. This grant is supported through local funds and federal funds.

OSSE/DEL is combining three previous grants (Capital Quality – Quality Facilitators / Quality Rating and Improvement System; DC Child Care Connections – Child Care Resource and Referral; and Shared Services Business Alliance grants) into one grant with three Program Areas to align the strategies and enhance collaboration coordination among interested organizations.

**Eligibility and Selection Criteria:** OSSE will make these grants available through a competitive process. Eligible applications include: not-for-profit, for-profit and faith-based community organizations and agencies. Eligible applicants must have experience in business and financial management, system design, early childhood and a working knowledge of the District’s early childhood landscape. Additionally, eligible applicants must demonstrate knowledge of child development facility licensing regulations and knowledge of child development and developmentally-appropriate practice in early childhood education.

Applications will be scored on the following selection criteria: (1) information about the organization; (2) organizational knowledge, including but not limited to, experience in each program area to which your organization is applying, organizational networks, and collaboration with government stakeholders; (3) process to provide and monitor services, including but not limited to, implementation of the program, communications strategy, process for continuous learning, and development of work plan and data collection and evaluation plans; and (4) detailed planned expenditures: financial management and proposed budget.

Interested applicants are encouraged to attend an EGMS training on **June 26** as well as a Pre-Application meeting (online session **July 23** or in-person meeting **July 31**).

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 (online: July 23, 1:00 – 4:00 p.m. OR in-person: July 31, 9:00 a.m. – 12:00 p.m.): Applicants are encouraged to attend an online (RSVP here: <https://www.eventbrite.com/e/building-sustaining-quality-early-care-and-education-grant-pre-application-online-webinar-tickets-62353643426>) or in-person (RSVP here: <https://www.eventbrite.com/e/building-sustaining-quality-early-care-and-education-grant-pre-application-in-person-meeting-tickets-62353694579>) 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 four years, ending on Sept. 30, 2023, 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 developing and implementing the Building and Sustaining Quality Early Care and Education Grant is \$3,150,000 for the first year for implementation of all three program areas. The amount in subsequent years may vary based on the scaling up of the District's QRIS. The maximum grant amount is broken down by program area. Eligible applicants may apply for any amount up to the full amount for which they are eligible but may be awarded amounts less than requested. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant's submission.

Year 1 funding amounts:

1. Program Area One: QRIS: \$1,530,000 in Year 1: The award amount will increase each year as OSSE continues to add new child development facilities to the QRIS system, which will in turn require additional quality facilitators.
2. Program Area Two: CCR&R: \$1,120,000 each year.
3. Program Area Three: Shared Services Business Alliance: \$500,000 in Year 1. The award amount will decrease in subsequent years as fees for services are phased in.

Applicants may submit an application for one, two or all three Program Areas. Applicants applying for more than one Program Area must apply as a consortium, meaning that one primary applicant will manage the grant and will contract directly with other organizations/partners. OSSE expects to award one primary applicant or single, non-consortium applicant to cover each of the three Program Areas or one to two consortium(s) to cover 2-3 Program Areas. Ultimately, OSSE will award grants to applicants so that all three Program Areas will be implemented. Entities may apply as part of more than one consortium.

**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 21, 2019 at 3pm. OSSE estimates that it will award grants by September 1, 2019; however this date may change.

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](#).

For additional information regarding this grant competition, please contact:

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](mailto: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](mailto:Rebecca.Shaw@dc.gov)

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS

**Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Madeleine G. Stirling  
Single-Member District **2F05**

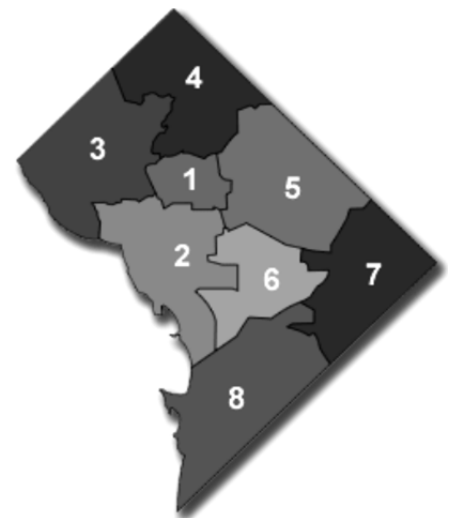
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of MAY 31, 2019**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	49,371	3,127	631	247	193	12,416	<b>65,985</b>
<b>2</b>	33,423	5,933	259	250	167	11,818	<b>51,850</b>
<b>3</b>	40,781	6,296	362	219	149	11,955	<b>59,762</b>
<b>4</b>	51,259	2,265	541	138	174	9,582	<b>63,959</b>
<b>5</b>	56,136	2,571	619	206	254	10,609	<b>70,395</b>
<b>6</b>	60,265	8,082	530	375	253	15,506	<b>85,011</b>
<b>7</b>	50,912	1,381	446	104	207	7,668	<b>60,718</b>
<b>8</b>	49,532	1,582	487	111	210	8,473	<b>60,395</b>
<b>Totals</b>	391,679	31,237	3,875	1,650	1,607	88,027	<b>518,075</b>
<b>Percentage By Party</b>	<b>75.60%</b>	<b>6.03%</b>	<b>.75%</b>	<b>.32%</b>	<b>.31%</b>	<b>16.99%</b>	<b>100.00%</b>

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
**VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS**  
AS OF THE END OF MAY 31, 2019

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
1015 HALF STREET, SE SUITE 750  
WASHINGTON, DC 20003  
(202) 727-2525  
<http://www.dcboe.org>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 1 REGISTRATION SUMMARY**  
**As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,851	39	9	6	7	324	2,236
22	4,135	443	26	21	14	1,107	5,746
23	3,187	246	46	17	16	863	4,375
24	2,929	278	27	31	10	867	4,142
25	4,203	460	50	25	11	1,148	5,897
35	4,009	212	59	22	11	910	5,223
36	4,608	250	47	18	20	1,081	6,024
37	3,932	189	40	20	25	945	5,151
38	3,118	149	41	15	13	805	4,141
39	4,369	182	72	16	13	1,007	5,659
40	4,029	197	83	14	14	1,071	5,408
41	3,941	210	75	19	19	1,109	5,373
42	1,926	98	26	9	10	513	2,582
43	1,928	71	24	8	7	398	2,436
137	1,206	103	6	6	3	268	1,592
<b>TOTALS</b>	<b>49,371</b>	<b>3,127</b>	<b>631</b>	<b>247</b>	<b>193</b>	<b>12,416</b>	<b>65,985</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of MAY 31, 2019**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	995	181	8	9	9	558	<b>1,760</b>
<b>3</b>	1,830	376	17	15	12	716	<b>2,966</b>
<b>4</b>	2,190	559	11	13	11	871	<b>3,655</b>
<b>5</b>	2,195	612	15	24	12	847	<b>3,705</b>
<b>6</b>	2,515	797	17	20	18	1,343	<b>4,710</b>
<b>13</b>	1,391	232	7	8	6	446	<b>2,090</b>
<b>14</b>	3,143	479	27	27	10	1,038	<b>4,724</b>
<b>15</b>	3,267	394	38	28	13	987	<b>4,727</b>
<b>16</b>	3,665	470	29	28	16	1,031	<b>5,239</b>
<b>17</b>	5,210	657	35	43	25	1,610	<b>7,580</b>
<b>129</b>	2,618	441	13	13	13	995	<b>4,093</b>
<b>141</b>	2,659	338	21	10	11	707	<b>3,746</b>
<b>143</b>	1,745	397	21	12	11	669	<b>2,855</b>
<b>TOTALS</b>	<b>33,423</b>	<b>5,933</b>	<b>259</b>	<b>250</b>	<b>167</b>	<b>11,818</b>	<b>51,850</b>



**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of MAY 31, 2019**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>7</b>	1,367	404	11	9	5	605	<b>2,401</b>
<b>8</b>	2,510	617	24	8	9	840	<b>4,008</b>
<b>9</b>	1,287	489	8	10	8	525	<b>2,327</b>
<b>10</b>	1,977	394	20	13	10	723	<b>3,137</b>
<b>11</b>	3,716	822	44	46	19	1,369	<b>6,016</b>
<b>12</b>	504	172	1	5	4	222	<b>908</b>
<b>26</b>	3,168	372	23	15	9	935	<b>4,522</b>
<b>27</b>	2,570	246	21	12	2	595	<b>3,446</b>
<b>28</b>	2,704	465	36	15	15	857	<b>4,092</b>
<b>29</b>	1,443	216	14	11	9	438	<b>2,131</b>
<b>30</b>	1,306	202	11	4	3	325	<b>1,851</b>
<b>31</b>	2,547	304	20	11	12	596	<b>3,490</b>
<b>32</b>	2,891	288	26	8	10	630	<b>3,853</b>
<b>33</b>	3,055	266	28	8	5	707	<b>4,069</b>
<b>34</b>	4,189	430	35	14	9	1,199	<b>5,876</b>
<b>50</b>	2,311	275	17	11	11	564	<b>3,189</b>
<b>136</b>	939	72	8	2	2	275	<b>1,298</b>
<b>138</b>	2,297	262	15	17	7	550	<b>3,148</b>
<b>TOTALS</b>	<b>40,781</b>	<b>6,296</b>	<b>362</b>	<b>219</b>	<b>149</b>	<b>11,955</b>	<b>59,762</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 4 REGISTRATION SUMMARY**  
**As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,452	67	28	11	6	412	2,976
46	2,949	102	33	10	15	524	3,633
47	3,653	146	41	10	17	781	4,648
48	2,897	131	34	4	5	587	3,658
49	944	47	15	4	9	225	1,244
51	3,431	506	25	11	10	660	4,643
52	1,268	144	9	3	5	237	1,666
53	1,281	75	23	3	4	260	1,646
54	2,457	91	30	4	8	473	3,063
55	2,554	78	20	4	19	452	3,127
56	3,319	100	36	17	12	676	4,160
57	2,587	71	29	8	10	538	3,243
58	2,337	65	22	5	5	399	2,833
59	2,673	82	25	10	7	433	3,230
60	2,290	75	26	7	10	648	3,056
61	1,680	57	15	6	5	319	2,082
62	3,246	128	19	4	4	413	3,814
63	3,953	145	58	4	14	730	4,904
64	2,409	70	21	5	7	393	2,905
65	2,879	85	32	8	2	422	3,428
<b>Totals</b>	<b>51,259</b>	<b>2,265</b>	<b>541</b>	<b>138</b>	<b>174</b>	<b>9,582</b>	<b>63,959</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 5 REGISTRATION SUMMARY  
As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,756	228	67	20	20	1,055	6,146
44	3,026	238	33	14	17	706	4,034
66	4,826	120	45	15	17	701	5,724
67	2,942	102	23	7	8	457	3,539
68	2,035	168	23	11	12	423	2,672
69	2,175	78	20	5	11	317	2,606
70	1,559	70	25	1	4	259	1,918
71	2,525	75	23	8	10	405	3,046
72	4,582	161	43	16	30	806	5,638
73	2,036	103	23	8	8	382	2,560
74	5,112	287	61	22	22	1,106	6,610
75	4,327	245	49	27	21	914	5,583
76	1,849	114	27	10	11	447	2,458
77	3,088	124	35	10	13	606	3,876
78	3,163	108	43	8	15	555	3,892
79	2,234	86	25	4	13	440	2,802
135	3,240	185	39	15	17	659	4,155
139	2,661	79	15	5	5	371	3,136
<b>TOTALS</b>	<b>56,136</b>	<b>2,571</b>	<b>619</b>	<b>206</b>	<b>254</b>	<b>10,609</b>	<b>70,395</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 6 REGISTRATION SUMMARY**  
**As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,985	655	42	33	19	1,455	7,189
18	5,179	400	45	22	18	1,232	6,896
21	1,252	67	10	8	1	269	1,607
81	4,871	392	51	21	21	1,036	6,392
82	2,661	279	25	15	5	658	3,643
83	6,415	858	47	52	29	1,746	9,147
84	2,049	424	19	13	11	572	3,088
85	2,829	527	19	15	7	777	4,174
86	2,303	267	18	10	8	456	3,062
87	2,799	301	20	9	18	640	3,787
88	2,177	307	26	10	8	513	3,041
89	2,774	640	25	23	11	818	4,291
90	1,676	237	15	9	15	508	2,460
91	4,409	455	36	24	21	1,029	5,974
127	4,425	332	48	24	23	974	5,826
128	2,715	247	27	13	8	671	3,681
130	799	322	6	4	3	283	1,417
131	3,894	1,080	35	48	20	1,278	6,355
142	2,053	292	16	22	7	591	2,981
<b>TOTALS</b>	<b>60,265</b>	<b>8,092</b>	<b>530</b>	<b>375</b>	<b>253</b>	<b>15,506</b>	<b>85,011</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 7 REGISTRATION SUMMARY**  
**As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,511	87	17	5	6	304	1,930
92	1,626	37	12	1	5	259	1,940
93	1,689	44	20	3	9	266	2,031
94	2,097	60	22	8	10	302	2,499
95	1,763	55	13	2	4	287	2,124
96	2,541	63	18	0	10	390	3,022
97	1,435	53	14	1	6	243	1,752
98	2,035	49	23	6	16	307	2,436
99	1,680	52	16	9	15	324	2,096
100	2,653	47	18	4	9	364	3,095
101	1,666	41	18	7	4	210	1,946
102	2,555	66	18	4	14	358	3,015
103	3,704	81	38	10	12	553	4,398
104	3,387	92	37	3	21	540	4,080
105	2,547	77	20	7	10	426	3,087
106	2,955	65	25	5	12	412	3,474
107	1,883	57	12	3	8	271	2,234
108	1,101	31	5	0	3	147	1,287
109	980	41	2	3	1	115	1,142
110	3,915	102	23	8	12	473	4,533
111	2,633	64	37	5	6	447	3,192
113	2,335	60	20	2	8	310	2,735
132	2,221	57	18	8	6	360	2,670
<b>TOTALS</b>	<b>50,912</b>	<b>1,381</b>	<b>446</b>	<b>104</b>	<b>207</b>	<b>7,668</b>	<b>60,718</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 8 REGISTRATION SUMMARY**  
**As Of MAY 31, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,312	66	17	1	12	370	2,778
114	3,991	160	49	18	27	765	5,010
115	2,929	95	31	6	11	663	3,735
116	4,350	101	42	7	15	720	5,235
117	2,313	53	22	7	10	399	2,804
118	2,966	84	40	4	17	476	3,587
119	2,823	112	34	8	16	511	3,504
120	2,212	51	13	4	5	338	2,623
121	3,667	83	27	10	7	552	4,346
122	1,899	55	22	1	8	311	2,296
123	2,587	213	28	19	19	495	3,361
124	2,811	75	23	5	11	413	3,338
125	4,777	113	42	5	19	833	5,789
126	4,239	155	50	10	17	830	5,301
133	1,377	45	9	1	0	193	1,625
134	2,316	58	25	2	4	321	2,726
140	1,963	63	13	3	12	283	2,337
<b>TOTALS</b>	<b>49,532</b>	<b>1,582</b>	<b>487</b>	<b>111</b>	<b>210</b>	<b>8,473</b>	<b>60,395</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 4/30/2019 and 5/31/2019*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>392,392</b>	<b>31,324</b>	<b>3,883</b>	<b>1,628</b>	<b>1,622</b>	<b>87,918</b>	<b>518,767</b>
Board of Elections Over the Counter	7	2	1	0	0	0	<b>10</b>
Board of Elections by Mail	39	5	0	0	0	13	<b>57</b>
Board of Elections Online Registration	19	2	0	0	0	15	<b>36</b>
Department of Motor Vehicle	564	90	5	8	1	416	<b>1,084</b>
Department of Disability Services	0	0	0	0	0	0	<b>0</b>
Office of Aging	0	0	0	0	0	0	<b>0</b>
Federal Postcard Application	0	0	0	0	0	0	<b>0</b>
Department of Parks and Recreation	0	0	0	0	0	0	<b>0</b>
Nursing Home Program	0	0	0	0	0	0	<b>0</b>
Dept. of Youth Rehabilitative Services	3	0	0	0	0	1	<b>4</b>
Department of Corrections	0	0	0	0	0	0	<b>0</b>
Department of Human Services	27	2	0	0	1	10	<b>40</b>
Special / Provisional	0	0	0	0	0	0	<b>0</b>
All Other Sources	105	3	0	0	0	71	<b>179</b>
<b>+Total New Registrations</b>	<b>764</b>	<b>104</b>	<b>6</b>	<b>8</b>	<b>2</b>	<b>526</b>	<b>1,410</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	217	19	3	1	1	70	<b>311</b>
Administrative Corrections	7	0	0	11	0	1	<b>19</b>
<b>+TOTAL ACTIVATIONS</b>	<b>224</b>	<b>19</b>	<b>3</b>	<b>12</b>	<b>1</b>	<b>71</b>	<b>330</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	512	61	6	8	1	158	<b>746</b>
Moved Out of District (Deleted)	1	1	0	0	0	0	<b>2</b>
Felon (Deleted)	17	2	0	0	1	5	<b>25</b>
Deceased (Deleted)	257	11	5	0	1	27	<b>301</b>
Administrative Corrections	970	113	13	3	8	433	<b>1,540</b>
<b>-TOTAL DEACTIVATIONS</b>	<b>1,757</b>	<b>188</b>	<b>24</b>	<b>11</b>	<b>11</b>	<b>623</b>	<b>2,614</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	
+ Changed To Party	395	92	30	25	8	487	
- Changed From Party	-339	-114	-23	-12	-15	-352	
<b>ENDING TOTALS</b>	<b>391,679</b>	<b>31,237</b>	<b>3,875</b>	<b>1,650</b>	<b>1,607</b>	<b>88,027</b>	<b>518,075</b>

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF AN APPLICATION  
TO PERFORM VOLUNTARY CLEANUP

1150 First Street, NE  
Case No. VCP2019-062

Pursuant to § 601(a) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1150 First Street, NE., Washington, DC 20002, is CP VII 1150 FIRST, LLC, 1330 Connecticut Avenue NW, Suite 320, Washington DC 20036.

The application identifies the presence of petroleum compound, metals and volatile Organic Compound (VOCs), in soil and groundwater; polycyclic Aromatic Hydrocarbons (PAHs) in soil. The proposed redevelopment plan involves mass excavation to an approximate depth of thirty five (35) feet below ground surface; applicant intends to perform remediation action to address site specific chemicals of concern.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6C06) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program  
Department of Energy and Environment (DOEE)  
1200 First Street, NE, 5<sup>th</sup> Floor  
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 499-0437. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP office at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2019-062 in any correspondence related to this application.



**DEPARTMENT OF HEALTH (DC HEALTH)****PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

Due to schedule conflict, the Board’s next regular meeting, previously set for Tuesday, July 9, 2019, will be moved to Tuesday, June 25, 2019, from 2:30 PM to 5:30 PM. The meeting will be open to the public from 2:30 PM until 3:00 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 3:00 PM to 5:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The Board meets on a quarterly basis on the second Tuesday of each quarter starting in January at the time noted above. Following the June 25 meeting, the next meeting will be held as previously scheduled on Tuesday, October 8, 2019.

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agendas.

**DEPARTMENT OF HEALTH (DC HEALTH)****PUBLIC NOTICE**

The District of Columbia Board of Respiratory Care (“Board”) hereby gives notice of a cancellation of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board will take a recess in August and therefore not meet on August 12, 2019. In October, the Board will resume its regular bi-monthly meeting; however, due to conflict with Columbus Day on October 14, 2019, the next meeting will instead be held on Tuesday, October 15, 2019 from 9:00 AM – 11:00 AM. The meeting will be open to the public from 9:00 AM until 9:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b) (2016 Repl.)), the meeting will be closed from 9:30 AM to 11:00 AM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The remaining meeting for 2019 will be held on Monday, December 9, 2019, from 9:00 AM to 11:00 AM.

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Health Professional Licensing Administration website at <http://doh.dc.gov/events> and to view additional information and agenda.

**DEPARTMENT OF HEALTH (DC HEALTH)****PUBLIC NOTICE**

The District of Columbia Board of Veterinary Medicine (“Board”) hereby gives notice of a cancellation of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2016 Repl.)

The Board will take a recess in July and therefore not meet on July 18, 2019. The Board will resume its regular monthly meeting on Thursday, August 15, 2019. The meeting will be open to the public from 9:30 am until 10:00 am to discuss various agenda items and any comments and/or concerns from the public. In accordance with section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-575(b), the meeting will be closed from 10:00 am to 12:30 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The Board’s subsequent meetings will be held on a monthly basis on the third Thursday of each month.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HEALTH (DC HEALTH)****NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following corrected notice 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 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, July 16, 2019, from 10:00 a.m. until 12:00 p.m.  
At 899 North Capitol St., NE, 2<sup>nd</sup> Floor, Room 216  
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp)

Please monitor the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp) for updates. Phone inquiries will not be accepted regarding this topic.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES  
ECONOMIC SECURITY ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY (NOFA): SNAP E&T-2020-01**

**FY2020 GRANTS TO COMMUNITY-BASED ORGANIZATIONS FOR SNAP  
EMPLOYMENT AND TRAINING PROGRAM (SNAP E&T)**

**Program Description**

The Department of Human Services (DHS), Economic Security Administration (ESA), is the lead agency in the District of Columbia for the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program, as authorized by the Food and Nutrition Act of 2008 (Pub. L. No 110-246, §6(d)(4), as amended; 7 U.S.C. §2015(d)(4), (herein referred to as the Act). The purpose of SNAP E&T is to provide SNAP recipients opportunities to gain skills, training or experience that will improve their employment prospects and reduce their reliance on public benefits.

**Purpose/Description of Project**

This Request for Applications (RFA) seeks to identify potential applicants that can provide allowable SNAP E&T services to SNAP recipients. Awardees will provide job training, employment programs and supportive social services to SNAP recipients residing in the District of Columbia. Services include job training, case management, housing assistance, life skills training, mentoring, and substance abuse counseling. These services shall also include assistance with transportation, clothing, licenses, identification, etc., all of which may assist SNAP E&T customers in overcoming barriers to employment. The scope of allowable services is outlined in Section II of the RFA and includes outreach, planning, administration, and operation of an allowable SNAP E&T component. It also includes participant expenses, such as transportation, dependent care, licenses, uniforms and tools for a job, test fees, books, and tuition expenses. The entire cost of allowable expenditures must be borne initially by the grantee. DHS will reimburse awardees .40 cents for every dollar expended on allowable SNAP E&T programs and activities. DHS will retain .10 cents of the federal reimbursement for every dollar expended for program administration. All costs must be reasonable and necessary to carry out SNAP E&T programs and services.

**Eligible Organizations/ Entities**

Applications are requested from nonprofit entities and government agencies located in the District of Columbia that have demonstrated experience working with individuals and families receiving public benefits. Eligible organizations include community-based organizations, educational institutions, and faith-based organizations. Applications are also encouraged from collaborations of eligible organizations, provided that a lead organization is clearly identified.

**Review Factors**

All applications will be objectively reviewed by an independent panel of reviewers and scored against the criteria specified in the Request for Applications (RFA).

**Length of Grant Award**

The award period for the grant will be from October 1, 2019 through September 30, 2020 at which time all funds must be invoiced.

**Available Funding**

Grantees will be awarded funding based on the capacity to meet the requirement of the program.

**Anticipated Number of Grant Awards**

ESA intends to issue multiple awards to organizations that will provide allowable SNAP E&T services to SNAP E&T participants.

**Request for Application (RFA) Release**

The RFA will be released on **June 24, 2019**. The RFA will be posted on the Office of Partnerships and Grant Services website (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>) under the District Grants Clearinghouse.

**Deadline for Applications**

**The deadline for submission is July 12, 2019 at 2:00 p.m.** Late or incomplete applications will not be forwarded for review.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****School Books**

KIPP DC is soliciting proposals from qualified vendors for School Books. The RFP(s) can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM EST, on July 2, 2019. Questions can be addressed to [jessica.gray@kippdc.org](mailto:jessica.gray@kippdc.org) and [tania.honig-silbiger@kippdc.org](mailto:tania.honig-silbiger@kippdc.org).

**MARY MCLEOD BETHUNE DAY ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Grocery Items, Bread Items, Fresh Produce Items, Dairy Items and Paper Goods**

Mary McLeod Bethune Day Academy Public Charter School is advertising the opportunity to a distributor to bid on the delivery of grocery items or bread items or fresh produce items or dairy items or paper goods to children enrolled at the school for the 2019-2020 school year with a possible extension of (2) one year renewals. All items 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 Invitation for Bid (IFB) or Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on from **Don Cole at 202-459-4710 or D.Cole@MMBethune.org**

Proposals will be accepted at 1404 Jackson Street Ne Washington, DC 20017 on **July 12, 2019**, not later than **3:00 PM**.

**All bids not addressing all areas as outlined in the IFB or RFP will not be considered.**



**MARY MCLEOD BETHUNE DAY ACADEMY PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

Mary McLeod Bethune Day Academy Public Charter School is seeking bids from prospective vendors to provide;

**ROOFING;** Mary McLeod Bethune Day Academy Public Charter School seeks one or more qualified contractor(s) to install a new roof. Bidders can bid on the aforementioned project. The competitive Request for Proposal can be obtained from Don Cole at [d.cole@mmbethune.org](mailto:d.cole@mmbethune.org). Proposals are due no later than 3:00 P.M., EST, July 12, 2019.

**STUDENT TRAVEL:** Mary McLeod Bethune Day Academy seeks a qualified vendor to provide educational trip packages to Costa Rica for approximately 24 students and 6 adult chaperones for 6 days and 5 nights in the second week of June, 2019. Pricing should be inclusive of all air travel, ground transportation, hotel accommodations, educational experiences, and at least two meals per day. Please email rates, itineraries, and proposals to [purchasing@mmbethune.org](mailto:purchasing@mmbethune.org). Proposals are due no later than 3:00 P.M., EST, July 12, 2019.

**JANITORIAL SERVICES:** Mary McLeod Bethune PCS is advertising the opportunity to bid on Janitorial services at the school for the 2014-2015 school year with a possible extension of (2) one-year renewals. All services must meet at a minimum, but are not restricted to, the custodial services contract. Additional specifications outlined in the Request for Proposals (RFP) such as, days of service, etc. may be obtained from Don Cole at [d.cole@mmbethune.org](mailto:d.cole@mmbethune.org).

**SPECIAL EDUCATION RELATED SERVICES:** Mary McLeod Bethune Day Academy Public Charter School seeks one or more qualified vendors to provide special education related occupational health, speech and language, and physical therapy services children enrolled at the school for the 2019-2020 school year with possible (2) one-year renewals. All services must meet, at a minimum, IDEA related services requirements. All service providers must be licensed by the District of Columbia. Specific proposal for bids and all necessary criteria may be obtained by emailing [purchasing@mmbethune.org](mailto:purchasing@mmbethune.org).

**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 Investor Engagement Grant**

- Grant Identification No.:** DMPED – BD019–2322
- Background Information:** The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Investor Engagement Grant. Funding for this program is authorized from the [funding source/legislation] and any subsequent emergency and permanent legislation.
- Purpose of Grant Program:** The purpose of the Investor Engagement Grant is to enable the grantee to conduct an investor gap analysis and curate a program to introduce the Washington DC ecosystem to potential seed, angel, and venture capital investors.
- Length of Award:** **Date of grant execution through September 30, 2020.**
- Anticipated Number of Awards:** DMPED will award one (1) grant up to \$100,000 to conduct market assessment and investor engagement. 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 applicant will have experience with and knowledge of the Washington DC entrepreneurial landscape. Applicants should also be familiar with the local investment landscape and how to successfully market and grow it. A demonstrated commitment and knowledge of the capital needs of underrepresented entrepreneurs in the Washington, DC region, is preferred though not required. 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 July 8, 2019. The RFA will be posted on DMPED's website ([www.dmped.dc.gov](http://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](mailto:dmpedgrants@dc.gov)  
202.724.8111
- Deadline for Electronic Submission:** Applicants must submit a completed online application to DMPED via the Giftsonline system by **Wednesday, July 31, 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.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## PUBLIC NOTICE

**FORMAL CASE NO. 1156, APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR AUTHORITY TO IMPLEMENT A MULTIYEAR RATE PLAN FOR ELECTRIC DISTRIBUTION SERVICE,**

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Code Sections 34-901 and 34-909, that on May 30, 2019, Potomac Electric Power Company (“Pepco”) filed an Application requesting authority to increase existing distribution rates by \$162 million through the implementation of a Multiyear Rate Plan (“MRP”) for the years 2020 through 2022. Pepco requests authority to earn an 7.81% rate of return, including a return on common equity of 10.30%. Pepco represents that its application would translate to an increase in distribution rates of approximately \$8.57 in 2020, \$3.69 in 2021, and \$3.19 in 2022 for a typical residential customer who uses 692 kWh per month.

Should the Commission reject Pepco’s MRP, Pepco’s Application request authority to increase existing distribution rates by \$88.6 million using the test period ending June 30, 2019 that includes six months of actual data and six months of forecasted data, which would translate to an increase in distribution rates of approximately \$9.55 for a typical residential customer who uses 692 kWh per month.

The proposed changes in distribution rates for the MRP if the Commission were to fully grant Pepco’s MRP proposal are estimated to be as follows:

	Present	Proposed RY1	Proposed RY2	Proposed RY3
<b>Residential</b>				
<b>Customer</b>	\$ 15.09	\$ 18.56	\$ 20.18	\$ 21.60
	\$ 15.09	\$ 18.56	\$ 20.18	\$ 21.60
<b>Winter</b>				
1st 400 kwh	\$ 0.00800	\$ 0.01288	\$ 0.01495	\$ 0.01691
Excess of 400 kwh	\$ 0.01594	\$ 0.02630	\$ 0.03064	\$ 0.03471
<b>Summer</b>				
1st 400 kwh	\$ 0.00800	\$ 0.01288	\$ 0.01495	\$ 0.01691
Excess of 400 kwh	\$ 0.02283	\$ 0.03541	\$ 0.04094	\$ 0.04612
<b>MMA</b>				
<b>Customer</b>	\$ 11.84	\$ 13.91	\$ 14.90	\$ 15.79
	\$ 11.84	\$ 13.91	\$ 14.90	\$ 15.79
<b>Winter</b>				
1st 400 kwh	\$ 0.00891	\$ 0.00912	\$ 0.00988	\$ 0.01050
Excess of 400 kwh	\$ 0.01774	\$ 0.01654	\$ 0.01782	\$ 0.01884
<b>Summer</b>				
1st 400 kwh	\$ 0.00891	\$ 0.00912	\$ 0.00988	\$ 0.01050
Excess of 400 kwh	\$ 0.02542	\$ 0.03003	\$ 0.03282	\$ 0.03523
<b>GSLV ND</b>				
<b>Customer</b>	\$ 27.42	\$ 32.10	\$ 34.33	\$ 36.33
Summer kWh	\$ 0.04173	\$ 0.04851	\$ 0.05237	\$ 0.05594
Winter kWh	\$ 0.03266	\$ 0.04231	\$ 0.04564	\$ 0.04878
<b>GS LV D</b>				
<b>Customer</b>	\$ 35.17	\$ 38.75	\$ 38.75	\$ 38.75
kW	\$ 8.06	\$ 9.43	\$ 10.10	\$ 10.66
Summer kWh	\$ 0.02807	\$ 0.03460	\$ 0.03819	\$ 0.04174
Winter kWh	\$ 0.02127	\$ 0.02595	\$ 0.02859	\$ 0.03124
<b>GS 3A (GS HV)</b>				
<b>Customer</b>	\$ 89.41	\$ 89.41	\$ 89.41	\$ 89.41
kW	\$ 10.82	\$ 10.82	\$ 10.82	\$ 10.82
Summer kWh	\$ 0.02054	\$ 0.01907	\$ 0.01987	\$ 0.02063
Winter kWh	\$ 0.01476	\$ 0.01240	\$ 0.01289	\$ 0.01338

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	Present	Proposed RY1	Proposed RY2	Proposed RY3
<b>T</b>				
Customer	\$ 27.42	\$ 32.10	\$ 34.33	\$ 36.33
Summer kWh	\$ 0.06223	\$ 0.05741	\$ 0.06209	\$ 0.06642
Winter kWh	\$ 0.04853	\$ 0.06308	\$ 0.06824	\$ 0.07309
<b>GT LV</b>				
Customer	\$ 456.76	\$ 940.60	\$ 1,424.44	\$ 1,908.28
Summer kWh	\$ 0.00958	\$ 0.01449	\$ 0.01601	\$ 0.01747
Winter kWh	\$ 0.00958	\$ 0.01550	\$ 0.01711	\$ 0.01867
kW	\$ 11.88	\$ 13.77	\$ 14.47	\$ 15.07
<b>MGT LV</b>				
Customer	\$ 456.76	\$ 237.00	\$ 237.00	\$ 237.00
Summer kWh	\$ 0.00958	\$ 0.01482	\$ 0.01675	\$ 0.01865
Winter kWh	\$ 0.00958	\$ 0.01482	\$ 0.01673	\$ 0.01863
kW	\$ 11.88	\$ 15.17	\$ 16.26	\$ 17.24
<b>GT 3A (GS HV Other)</b>				
Customer	\$ 187.64	\$ 197.49	\$ 197.49	\$ 197.49
Summer kWh	\$ 0.00454	\$ 0.00526	\$ 0.00606	\$ 0.00685
Winter kWh	\$ 0.00453	\$ 0.00486	\$ 0.00558	\$ 0.00631
kW	\$ 8.86	\$ 10.27	\$ 10.96	\$ 11.58
<b>GT 3B (GS HV 69kV)</b>				
Customer	\$ 423.38	\$ 311.66	\$ 311.66	\$ 311.66
kWh				
kW Summer	\$ 1.79	\$ 1.84	\$ 1.95	\$ 2.05
kW Winter	\$ 1.92	\$ 2.23	\$ 2.37	\$ 2.50
<b>RT (Metro)</b>				
Customer	\$ 6,216.22	\$ 7,203.15	\$ 7,673.12	\$ 8,096.09
<b>SL-E</b>				
Customer - Metered Accounts	\$ 17.19	\$ 19.85	\$ 22.51	\$ 25.17
Customer - Unmetered Accounts	\$ 14.70	\$ 16.97	\$ 19.25	\$ 21.52
kWh	\$ 0.00615	\$ 0.00867	\$ 0.00972	\$ 0.01065
<b>OL LED</b>				
Customer	\$ 8.76	\$ 8.76	\$ 8.76	\$ 8.76
kWh	\$ 0.00895	\$ 0.00895	\$ 0.00895	\$ 0.00895
<b>TS</b>				
Customer	\$ 8.03	\$ 4.26	\$ 4.26	\$ 4.26
kWh	\$ 0.02203	\$ 0.02775	\$ 0.02934	\$ 0.03077
<b>SL-S</b>				
Fixed - OVERHEAD INCANDESCENT Without GLOBE	\$ 2.492	\$ 3.128	\$ 3.453	\$ 3.745
Fixed - OVERHEAD INCANDESCENT With GLOBE	\$ 3.639	\$ 4.568	\$ 5.042	\$ 5.468
Fixed - OVERHEAD MERCURY VAPOR 175 WATT	\$ 7.756	\$ 9.735	\$ 10.746	\$ 11.655
Fixed - OVERHEAD MERCURY VAPOR 250 WATT	\$ 8.861	\$ 11.122	\$ 12.277	\$ 13.316
Fixed - OVERHEAD METAL HALIDE 400 WATT	\$ 29.990	\$ 37.643	\$ 41.550	\$ 45.067
Fixed - UNDERGROUND INCANDESCENT With GLOBE	\$ 34.870	\$ 43.768	\$ 48.311	\$ 52.400
Fixed - UNDERGROUND MERCURY VAPOR 250 WATT	\$ 35.171	\$ 44.146	\$ 48.728	\$ 52.852
Fixed - UNDERGROUND MERCURY VAPOR 400 WATT	\$ 41.242	\$ 51.766	\$ 57.139	\$ 61.975
Fixed - UNDERGROUND HIGH PRESSURE SODIUM 150 WATT	\$ 30.843	\$ 38.714	\$ 42.732	\$ 46.348
Fixed - UNDERGROUND METAL HALIDE 100 WATT	\$ 26.578	\$ 33.360	\$ 36.823	\$ 39.939
Fixed - UNDERGROUND METAL HALIDE 175 WATT	\$ 29.990	\$ 37.643	\$ 41.550	\$ 45.067
Fixed - UNDERGROUND METAL HALIDE 400 WATT	\$ 29.990	\$ 37.643	\$ 41.550	\$ 45.067
O&M - OVERHEAD INCANDESCENT Without GLOBE	\$ 0.039	\$ 0.049	\$ 0.054	\$ 0.059
O&M - OVERHEAD INCANDESCENT With GLOBE	\$ 0.860	\$ 1.079	\$ 1.192	\$ 1.292
O&M - OVERHEAD MERCURY VAPOR 175 WATT	\$ 0.767	\$ 0.963	\$ 1.063	\$ 1.153
O&M - OVERHEAD MERCURY VAPOR 250 WATT	\$ 0.777	\$ 0.975	\$ 1.077	\$ 1.168
O&M - OVERHEAD METAL HALIDE 400 WATT	\$ 1.253	\$ 1.573	\$ 1.736	\$ 1.883
O&M - UNDERGROUND INCANDESCENT With GLOBE	\$ 1.576	\$ 1.978	\$ 2.183	\$ 2.368
<b>TN</b>				
Customer	\$ 15.43	\$ 15.43	\$ 15.43	\$ 15.43
Summer kWh	\$ 0.01288	\$ 0.01200	\$ 0.01165	\$ 0.01132
Winter kWh	\$ 0.01288	\$ 0.01200	\$ 0.01165	\$ 0.01132
O&M - UNDERGROUND METAL HALIDE 175 WATT	\$ 1.253	\$ 1.573	\$ 1.736	\$ 1.883
O&M - UNDERGROUND METAL HALIDE 400 WATT	\$ 1.253	\$ 1.573	\$ 1.736	\$ 1.883

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If granted in full, the average monthly effects of the proposed rates will be:

**Multiyear Rate Plan - Rate Year 1**

<u>Rate Schedule**</u>	<u>Average Monthly Usage</u>	<u>Monthly Bill Change (Distribution Only)*</u>		<u>Monthly Increase for Standard Offer Service Customers (Total Bill)*</u>	
		<u>Percent Change</u>	<u>Dollar Amount</u>	<u>Percent Change</u>	<u>Dollar Amount</u>
		Residential Service	692	26.50%	\$ 8.57
Master Metered Apartment Service	463	12.15%	\$ 2.57	4.71%	\$ 2.57
General Service – Non-Demand	1,104	13.44%	\$ 11.39	7.17%	\$ 11.39
Temporary Service	7,176	10.00%	\$ 51.20	5.19%	\$ 51.20
General Service – Low Voltage	10,260	15.14%	\$ 104.44	7.19%	\$ 104.44
General Service - Primary Service	17,850	-0.04%	\$ (0.42)	-0.01%	\$ (0.42)
Time Metered Medium General Service – Low Voltage	77,115	13.12%	\$ 625.11	5.92%	\$ 625.11
Time Metered General Service – Low Voltage	567,240	12.36%	\$ 4,047.72	5.37%	\$ 4,047.72
Time Metered General Service – Primary Service	1,256,904	10.14%	\$ 4,643.55	3.43%	\$ 4,643.55
Time Metered General Service – High Voltage	15,954,659	2.99%	\$ 7,240.96	0.42%	\$ 7,240.96
Rapid Transit Service	287,006	9.88%	\$ 986.93	2.67%	\$ 986.93
Street Lighting Service	236,044	12.52%	\$ 598.19	3.10%	\$ 598.19
Traffic Signal Service	290,611	17.10%	\$ 1,657.11	5.77%	\$ 1,657.11
Telecommunications Network Service	416	-2.14%	\$ (0.37)	-0.83%	\$ (0.37)

\* The effect of the proposed rates on any particular customer is dependent upon the actual usage of the customer. Changes shown are for customers with average monthly usage per the Company's Application.

\*\* OL LED is not modeled separately as there are currently no customers on this rate.

**Multiyear Rate Plan - Rate Year 2**

<u>Rate Schedule**</u>	<u>Average Monthly Usage</u>	<u>Monthly Bill Change (Distribution Only)*</u>		<u>Monthly Increase for Standard Offer Service Customers (Total Bill)*</u>	
		<u>Percent Change</u>	<u>Dollar Amount</u>	<u>Percent Change</u>	<u>Dollar Amount</u>
		Residential Service	692	8.96%	\$ 3.69
Master Metered Apartment Service	463	6.78%	\$ 1.60	2.81%	\$ 1.60
General Service – Non-Demand	1,104	2.91%	\$ 2.90	1.67%	\$ 2.90
Temporary Service	7,176	6.71%	\$ 37.80	3.64%	\$ 37.80
General Service – Low Voltage	10,260	6.68%	\$ 53.06	3.41%	\$ 53.06
General Service - Primary Service	17,850	3.36%	\$ 34.98	1.24%	\$ 34.98
Time Metered Medium General Service – Low Voltage	77,115	1.94%	\$ 109.26	0.96%	\$ 109.26
Time Metered General Service – Low Voltage	567,240	-0.67%	\$ (263.07)	-0.32%	\$ (263.07)
Time Metered General Service – Primary Service	1,256,904	5.10%	\$ 2,581.23	1.84%	\$ 2,581.23
Time Metered General Service – High Voltage	15,954,659	1.71%	\$ 4,259.26	0.25%	\$ 4,259.26
Rapid Transit Service	287,006	4.28%	\$ 469.97	1.24%	\$ 469.97
Street Lighting Service	236,044	4.63%	\$ 248.66	1.25%	\$ 248.66
Traffic Signal Service	290,611	4.08%	\$ 462.94	1.53%	\$ 462.94
Telecommunications Network Service	416	-0.87%	\$ (0.15)	-0.33%	\$ (0.15)

\* The effect of the proposed rates on any particular customer is dependent upon the actual usage of the customer. Changes shown are for customers with average monthly usage per the Company's Application.

\*\* OL LED is not modeled separately as there are currently no customers on this rate.

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**Multiyear Rate Plan - Rate Year 3**

<u>Rate Schedule**</u>	<u>Average Monthly Usage</u>	<u>Monthly Bill Change (Distribution Only)*</u>		<u>Monthly Increase for Standard Offer Service Customers (Total Bill)*</u>	
		<u>Percent Change</u>	<u>Dollar Amount</u>	<u>Percent Change</u>	<u>Dollar Amount</u>
		Residential Service	692	7.09%	\$ 3.19
Master Metered Apartment Service	463	5.29%	\$ 1.33	2.27%	\$ 1.33
General Service – Non-Demand	1,104	1.69%	\$ 1.80	1.00%	\$ 1.80
Temporary Service	7,176	5.86%	\$ 35.22	3.27%	\$ 35.22
General Service – Low Voltage	10,260	5.83%	\$ 49.43	3.07%	\$ 49.43
General Service - Primary Service	17,850	2.24%	\$ 23.82	0.84%	\$ 23.82
Time Metered Medium General Service – Low Voltage	77,115	0.59%	\$ 35.87	0.30%	\$ 35.87
Time Metered General Service – Low Voltage	567,240	-1.93%	\$ (812.75)	-0.96%	\$ (812.75)
Time Metered General Service – Primary Service	1,256,904	3.62%	\$ 1,950.39	1.36%	\$ 1,950.39
Time Metered General Service – High Voltage	15,954,659	1.28%	\$ 3,249.43	0.19%	\$ 3,249.43
Rapid Transit Service	287,006	3.70%	\$ 422.97	1.10%	\$ 422.97
Street Lighting Service	236,044	3.98%	\$ 223.64	1.11%	\$ 223.64
Traffic Signal Service	290,611	3.51%	\$ 415.14	1.35%	\$ 415.14
Telecommunications Network Service	416	-0.83%	\$ (0.14)	-0.32%	\$ (0.14)

\* The effect of the proposed rates on any particular customer is dependent upon the actual usage of the customer.

Changes shown are for customers with average monthly usage per the Company's Application.

\*\* OL LED is not modeled separately as there are currently no customers on this rate.

Pepco’s rate filing is available for inspection at the Public Service Commission’s Office of the Commission Secretary, 1325 “G” Street, NW, Suite 800, Washington, D.C. 20005 between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Pepco’s Application can be reviewed on the Commission’s website at [www.dcpssc.org](http://www.dcpssc.org). Once at the website, open the “eDocket” tab, click on “Search database” and input “FC 1156” as the case number and “1” as the item number. Pepco’s rate filing may also be inspected at the following public libraries:

<b>Ward</b>	<b>Name and Address</b>
Main	Martin Luther King Memorial Library 9 <sup>th</sup> & “G” Streets, NW – closed for renovation  Interim Service at 1990 K St. N.W.
Ward 1	Mount Pleasant Library 16 <sup>th</sup> & Lamont Street, NW
Ward 2	Southwest Library Wesley Place & “K” Street, SW
Ward 3	Cleveland Park Library Connecticut Avenue & Macomb Street, NW
Ward 4	Petworth Library

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Georgia Avenue & Upshur Street, NW

Ward 5 Woodridge Library  
Rhode Island Avenue & 18<sup>th</sup> Street, NE

Ward 6 Southeast Library  
7<sup>th</sup> & "D" Streets, SE

Ward 7 Capitol View Library  
Central Avenue & 50<sup>th</sup> Street, SE

Ward 8 Washington-Highlands Library  
Atlantic Street & South Capitol Terrace, SW

By Order No. 19956, the Commission directed that any person desiring to intervene in the proceeding shall file a petition to intervene with the Commission no later than June 19, 2019, with any oppositions to be filed by June 24, 2019. All petitions shall conform to the requirements of the Commission's Rules of Practice and Procedure as set forth in Chapter 1, Section 106 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 106). All petitions for intervention and any written comments on Pepco's Application should be sent to Ms. Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 "G" Street, NW 8<sup>th</sup> Floor, Washington, D.C. 20005.

Pursuant to 15 DCMR § 129, the Commission will hold a Status Conference in this proceeding at **10:00 a.m.** on **June 28, 2019** in the Commission's Hearing Room, 1325 "G" Street, NW 8<sup>th</sup> Floor, Washington, D.C. 20005. Parties shall be prepared to discuss proposed issues and procedural schedules and any other preliminary matters including whether the Application should be separated into two cases, one addressing a traditional rate case, and the other addressing an MRP and performance-based rate plan.



**REAL PROPERTY TAX APPEALS COMMISSION****NOTICE OF ADMINISTRATIVE MEETINGS**

The District of Columbia Real Property Tax Appeals Commission will hold its 2019 Administrative Meetings on the following dates:

- Thursday, August 29, 2019 at 1:00 p.m.
- Tuesday, September 24, 2019 at 4:00 p.m.;
- Tuesday, November 5, 2019 at 4:00 p.m.; and
- Tuesday, December 17, 2019 at 4:00 p.m.

All meetings will be held in the Commission offices located at 441 4<sup>th</sup> Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov> prior to each meeting.

For additional information, contact: Carlynn Fuller, Executive Director, at (202) 727-3596.

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. APPEALING YOUR REAL PROPERTY TAX ASSESSMENT**
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VII. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

For the August 29<sup>th</sup> meeting, the deadline is Friday, August 16, 2019

For the September 24<sup>th</sup> meeting the deadline is Friday, September 20, 2019

For the November 5<sup>th</sup> meeting, the deadline is Friday, November 1, 2019

For the December 17<sup>th</sup> meeting, the deadline is Friday, December 13, 2019

Written statements should be submitted to:

Carlynn Fuller, Executive Director  
Real Property Tax Appeals Commission  
441 4<sup>th</sup> Street NW, Suite 360N  
Washington, D.C. 20001  
202-727-6860  
Email: [Carlynn.fuller@dc.gov](mailto:Carlynn.fuller@dc.gov)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19991 of James Anderson**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to construct a two-story, rear addition and to convert an existing attached principal dwelling into a two-unit flat in the RF-1 Zone at premises 318 Seaton Place, N.E. (Square 3567, Lot 42).

**HEARING DATE:** June 5, 2019

**DECISION DATES:** April 24, 2019 (Expedited Review calendar) and June 5, 2019

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 4.)

Notice of the Application and Public Hearing. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "Board" or "BZA") Expedited Review calendar for decision as a result of the applicant's waiver of its right to a hearing. The Board referred the application to the appropriate agencies and provided proper and timely notice of the public meeting in accordance with Subtitle Y § 402.1. At the public meeting of April 24, 2019, the Board removed this application from the Expedited Review calendar and scheduled it for a public hearing, pursuant to Subtitle Y § 401.6.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 23, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibits 42 and 44.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 39.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 38.)

Persons in Support. The Board received a letter in support from Eckington Civic Association and 11 letters in support from neighbors. (Exhibits 34 and 41.)

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to construct a two-story, rear addition and to convert an existing attached principal dwelling into a two-unit flat in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, 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, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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 48, AS UPDATED BY EXHIBIT 52.**

**VOTE:**       **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull 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:** June 7, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

**BZA APPLICATION NO. 19991**

**PAGE NO. 2**

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20012 of Andrew Engel**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2, under Subtitle E § 5203 from the height requirements of Subtitle E § 303.3, and from the apartment house expansion requirements of Subtitle U § 320.2(m), to construct a third-story addition rear addition to an apartment house in the RF-1 Zone at premises 539 Randolph Street N.W. (Square 3232, Lot 102).

**HEARING DATE:** June 12, 2019  
**DECISION DATE:** June 12, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 39 (Revised); Exhibit 2 (Original).)<sup>1</sup>

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 13, 2019, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibits 14 and 15.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 34.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 33.)

Persons in Support. The Board received 5 letters in support from neighbors. (Exhibit 12.)

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<sup>1</sup> The Applicant amended the original application to add a request for special exception relief from the requirement of Subtitle U § 320.2(m), as recommended by the Office of Planning.

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2, under Subtitle E § 5203 from the height requirements of Subtitle E § 303.3, and from the apartment house expansion requirements of Subtitle U § 320.2(m), to construct a third-story addition rear addition to an apartment house in the RF-1 Zone

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, 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, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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<sup>2</sup> AT EXHIBIT 10.**

**VOTE: 3-0-2** (Frederick L. Hill, Lorna L. John, and Anthony J. Hood to APPROVE; Lesylleé M. White and Carlton E. Hart not participating.)

### BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** June 13, 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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<sup>2</sup> In granting the certified relief, the Board 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.

**BZA APPLICATION NO. 20012**

**PAGE NO. 2**

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20024 of DC Department of General Services**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703 from the minimum parking requirements of Subtitle C § 701.5, to make several improvements to an existing public park in the R-1-B Zone at premises 3950 37th Street, N.W. (Square 1905, Lot 802).

**HEARING DATE:** June 5, 2019

**DECISION DATE:** June 5, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 2.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3F.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 21, 2019, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 29.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 31.)

DDOT Report. The District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the application. (Exhibit 32.) DDOT recommended conditions requiring implementation of the Applicant's transportation demand management plan and loading management plan. Both conditions were adopted by the Board.

Persons in Support / Opposition. No one testified or submitted correspondence in support of or in opposition to the application.

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 703 from the minimum parking requirements of Subtitle C § 701.5, to make several improvements to an existing public park in the R-1-B Zone.



Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, 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, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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<sup>1</sup> AT EXHIBIT 27B – UPDATED PLANS AND EXHIBIT 27C – LANDSCAPE PLANS; SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the Transportation Demand Management plan proposed in the May 14, 2019 Gorove/Slade Memorandum (Exhibit 27E):
  - a. Provide signs to direct patrons of the Hearst Park to the nearest two Metrorail Stations (Tenleytown-AU and Cleveland Park), subject to DDOT approval;
  - b. Install eight additional short-term bicycle parking spaces beyond the six required by the Zoning Regulations, for a total of 14 spaces.
2. The Applicant shall implement the following Loading Management Plan (Exhibit 27E):
  - a. No deliveries or trash pick-up will occur during school drop-off or pick-up hours to limit the number of vehicles near the school during peak hours;
  - b. Trash collection will employ curbside pickup along the southern frontage of the pool house along Quebec Street, N.W. utilizing the materials lift. All mail and parcel deliveries not requiring the materials lift can be accommodated using on-street parking on 37<sup>th</sup> Street, N.W. or Quebec Street;
  - c. Trucks utilizing the on-street parking for loading activities will not be allowed to idle and must follow all District of Columbia guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.

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<sup>1</sup> In granting the certified relief, the Board 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.

**VOTE: 5-0-0** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Michael G. Turnbull 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:** June 7, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 20024

PAGE NO. 3

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20029 of 2905 P Street LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 1204, and from the nonconforming structure requirements of Subtitle C § 202.2, to remove an existing second-story addition and to construct a two-story rear addition to an existing semi-detached principal dwelling unit in the R-20 Zone at premises 2905 P Street, N.W. (Square 1268, Lot 813).

**HEARING DATE:** Applicant waived the right to a public hearing

**DECISION DATE:** June 12, 2019 (Expedited Review Calendar)

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 31 (Revised); Exhibit 4 (Original).)

Expedited Review. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "Board" or "BZA") expedited review calendar for decision as a result of the applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do under Subtitle Y §§ 401.7 and 401.8.

Notice of the Application and Public Meeting. The Board referred the application to the appropriate agencies and provided proper and timely notice of the public meeting in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2E.

ANC Report. The ANC did not submit a report to the record.

OP Report. The Office of Planning ("OP") submitted a timely report, dated May 31, 2019, in support of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report, dated May 31, 2019, expressing no objection to the approval of the application. (Exhibit 35.)

Persons in Support. Three letters of support, two from adjacent neighbors and one from another neighbor, were submitted to the record. (Exhibits 9, 11-13 and 29.) OP stated in its report that the Old Georgetown Board had granted approval to the proposed design of the application. (Exhibit 36.)

Persons in Opposition. No persons submitted correspondence in opposition to the application.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 1204, and from the nonconforming structure requirements of Subtitle C § 202.2, to remove an existing second-story addition, and to construct a two-story rear addition to an existing semi-detached principal dwelling unit in the R-20 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, 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, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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<sup>1</sup> AT EXHIBIT 32.**

**VOTE: 3-0-2** (Anthony J. Hood, Frederick L. Hill, and Lorna L. John to APPROVE; Lesylleé M. White and Carlton E. Hart not participating.)

### **BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** June 13, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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<sup>1</sup> In granting the certified relief, the Board 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 14-12E**

**(Clarion Gables Multifamily Trust, L.P. and EAJ 1309 5<sup>th</sup> Street, LLC –  
2<sup>nd</sup>-Stage PUD @ Square 3591, Lots 808, 809, and 7020-7033)  
June 6, 2019**

**THIS CASE IS OF INTEREST TO ANC 5D**

On June 3, 2019, the Office of Zoning received an application from Clarion Gables Multifamily Trust, L.P. and EAJ 1309 5<sup>th</sup> Street, LLC (together, the “Applicant”) for approval of a second-stage planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lots 808, 809, and 7020-7033 in Square 3591 in northeast Washington, D.C. (Ward 5), on property located at 1329 5<sup>th</sup> Street, N.E. (The original approval referenced Lot 800 in Square 3591. It has since been subdivided to create Record Lot 5, which has been divided into several A&T lots, including those comprising the property in this case.) The property is currently zoned, for the purpose of this project, C-3-C through a PUD-related Map amendment. The underlying zone is PDR-1.

The Applicant proposes to construct an 11-story, mixed-use building (the “North Building”), which will consist of street-activating, ground-floor retail/commercial and “PDR/Maker” uses; a ground-floor residential lobby and residential amenity uses; upper-story multifamily residential uses; a new urban plaza that separates the North Building from the existing South Structure; and three-and-a-half levels of below-grade parking.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF CLOSED MEETINGS**

**TIME AND PLACE:**                      **Monday, July 8, 2019, @ 6:00 p.m.**  
   **Monday, July 29, 2019, @ 6:00 p.m.**  
   **Jerrily R. Kress Memorial Hearing Room**  
   **441 4<sup>th</sup> Street, N.W., Suite 220**  
   **Washington, D.C. 20001**

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

On Mondays, July 8 and 29, 2019, the Zoning Commission, in accordance with § 406 of the District of Columbia Administrative Procedure Act (“Act”)(D.C. Official Code § 2-576), hereby provides notice it will hold a closed meetings at the times and place noted above, regarding cases noted on the agendas for the meetings to be held on those evenings in order to receive legal advice from its counsel, per § 405(b)(4), and to deliberate, but not voting, on the contested cases, per § 405(b)(13) of the Act (D.C. Official Code § 2-575(b)(4) and (13)).

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



**District of Columbia REGISTER – June 21, 2019 – Vol. 66 - No. 25 007341 – 007593**