

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 23-78, Fiscal Year 2020 Local Budget Act of 2019
- D.C. Council passes Resolution 23-175 to authorize the Chairman of the D.C. Council to appoint a firm to investigate the conduct of Councilmember Jack Evans
- D.C. Council passes Resolution 23-191, Fiscal Year 2020 District Government Employee Pay Schedules Emergency Declaration Resolution of 2019
- Office of the State Superintendent of Education announces availability of grants for improving attendance and achievement levels of elementary school students
- Department of Energy and Environment announces funding availability for designing and implementing a subscriber management system for the Solar for All Program
- Department of Health Care Finance establishes regulations for managing the District's Health Information Exchange system

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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AN ACT

**D.C. ACT 23-73**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 10, 2019**

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

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

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

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

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

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

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

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

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

"(B) Estimates the percent of final design the Project has reached and the

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projected date that the Project will reach 100% design;

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(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

\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia

July 2, 2019

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AN ACT  
**D.C. ACT 23-78**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 15, 2019**

To adopt the local portion of the budget of the District of Columbia government for the fiscal year ending September 30, 2020.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2020 Local Budget Act of 2019".

Sec. 2. Adoption of the local portion of the Fiscal Year 2020 budget.

The following expenditure levels are approved and adopted as the local portion of the budget for the government of the District of Columbia for the fiscal year ending September 30, 2020.

**DISTRICT OF COLUMBIA BUDGET FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 2020**

The following amounts are appropriated for the District of Columbia government for the fiscal year ending September 30, 2020 ("Fiscal Year 2020"), out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this act, the total amount appropriated in this act for operating expenses for the District of Columbia for Fiscal Year 2020 shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$15,381,199,000 (of which \$8,567,859,000 shall be from local funds, \$566,311,000 shall be from dedicated taxes, \$1,092,121,000 shall be from federal grant funds, \$2,245,178,000 shall be from Medicaid payments, \$770,954,000 shall be from other funds, \$8,350,000 shall be from private funds, \$136,718,000 shall be from funds requested to be appropriated by the Congress as federal payments pursuant to the Fiscal Year 2020 Federal Portion Budget Request Act of 2019, enacted on June 19, 2019 (D.C. Act 23-69; 66 DCR \_\_\_\_ ) (the "Fiscal Year 2020 Federal Portion Budget Request Act of 2019"), and \$1,993,707,000 shall be from enterprise and other funds); provided further, that of the local funds, such amounts as may be necessary may be derived from the General Fund balance; provided further, that of these funds the intra-District authority shall be

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\$630,575,000; provided further, that amounts appropriated under this act may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs; provided further, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*); provided further, that local funds are appropriated, without regard to fiscal year, in such amounts as may be necessary to pay vendor fees, including legal fees, that are obligated in this fiscal year, to be paid as a fixed percentage of District revenue recovered from third parties on behalf of the District under contracts that provide for payment of fees based upon and from such District revenue as may be recovered by the vendor; provided further, that amounts appropriated pursuant to this act as operating funds may be transferred to enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this act; provided further, that there may be reprogrammed or transferred for operating expenses any local funds transferred or reprogrammed in this or the 4 prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this act, except, that there may not be reprogrammed for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects; provided further, that the local funds (including dedicated tax) and other funds appropriated by this act may be reprogrammed and transferred as provided in subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code, or as otherwise provided by law, through November 15, 2020; provided further, that local funds and other funds appropriated under this act may be expended by the Mayor for the purpose of providing food and beverages, not to exceed \$30 per employee per day, to employees of the District of Columbia government while such employees are deployed in response to a declared snow or other emergency; provided further, that during Fiscal Year 2020 and any subsequent fiscal year, notwithstanding any other provision of law, the District of Columbia may expend funds, certified as available by the Chief Financial Officer of the District of Columbia, as necessary to pay termination costs of multiyear contracts entered into by the District of Columbia to design, construct, improve, maintain, operate, manage, or finance infrastructure projects procured pursuant to the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), and such termination costs may be paid from appropriations available for the performance of such contracts or the payment of termination costs or from other appropriations then available for any other purpose, not including the emergency case reserve fund (D.C. Official Code § 1-204.50a(a)) or the contingency cash reserve fund (D.C. Official Code § 1-204.50a(b)), which, once allocated to these costs, shall be deemed appropriated for the purposes of paying termination costs of such contracts and shall retain appropriations authority and remain available until expended; provided further, that any unspent amount remaining in a non-lapsing fund described below at the end of Fiscal Year 2019 is to be continually available, allocated, appropriated, and expended for the purposes of such fund in Fiscal Year 2020 in addition to any amounts deposited in and appropriated to such fund

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in Fiscal Year 2020; provided further, that the Chief Financial Officer shall take such steps as are necessary to assure that the foregoing requirements are met, including the apportioning by the Chief Financial Officer of the appropriations and funds made available during Fiscal Year 2020.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$919,946,000 (including \$804,957,000 from local funds, \$260,000 from dedicated taxes, \$30,779,000 from federal grant funds, \$83,399,000 from other funds, and \$552,000 from private funds), to be allocated as follows; provided, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District:

- (1) Board of Elections. - \$9,608,000 from local funds
- (2) Board of Ethics and Government Accountability. - \$2,778,000 (including \$2,625,000 from local funds and \$153,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Lobbyist Administration and Enforcement Fund, the Open Government Fund, and the Ethics Fund;
- (3) Captive Insurance Agency. - \$3,041,000 (including \$2,152,000 from local funds and \$889,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Captive Trust Fund, the Medical Captive Insurance Claims Reserve Fund, and the Subrogation Fund;
- (4) Contract Appeals Board. - \$1,824,000 from local funds;
- (5) Council of the District of Columbia. - \$28,217,000 from local funds; provided, that not to exceed \$25,000 of this amount shall be available for the Chairman for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that all funds deposited, without regard to fiscal year, into the Council Technology Projects Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;
- (6) Department of General Services. - \$335,785,000 (including \$326,254,000 from local funds, \$260,000 of dedicated taxes, and \$9,271,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Eastern Market Enterprise Fund and the West End Library and Fire Station Maintenance Fund;
- (7) Department of Human Resources. - \$11,812,000 (including \$11,363,000 from local funds and \$448,000 from other funds);
- (8) Executive Office of the Mayor. - \$18,013,000 (including \$13,921,000 from local funds and \$4,093,000 from federal grant funds); provided, that not to exceed \$25,000 of such amount, from local funds, shall be available for the Mayor for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973,

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approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that all funds deposited, without regard to fiscal year, into the Emancipation Day Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(9) Expenditure Commission. - \$1,000,000 from local funds;

(10) Mayor's Office of Legal Counsel. - \$1,657,000 from local funds;

(11) Metropolitan Washington Council of Governments. - \$554,000 from local funds;

(12) Office of Advisory Neighborhood Commissions. - \$1,500,000 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Office of Advisory Neighborhood Commission Security Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(13) Office of Campaign Finance. - \$7,533,000 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Fair Elections Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(14) Office of Contracting and Procurement. - \$25,753,000 (including \$24,187,000 from local funds and \$1,566,000 from other funds);

(15) Office of Disability Rights. - \$1,838,000 (including \$1,187,000 from local funds and \$651,000 from federal grant funds);

(16) Office of Employee Appeals. - \$2,236,000 from local funds;

(17) Office of Finance and Resource Management. - \$28,742,000 (including \$28,468,000 from local funds and \$273,000 from other funds);

(18) Office of Risk Management. - \$4,713,000 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Subrogation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(19) Office of the Attorney General for the District of Columbia. - \$110,015,000 (including \$74,576,000 from local funds, \$22,512,000 from federal grant funds, \$12,375,000 from other funds, and \$552,000 from private funds); provided, that not to exceed \$25,000 of this amount, from local funds, shall be available for the Attorney General for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that local and other funds appropriated under this act may be used to pay expenses for District government attorneys at the Office of the Attorney General for the District of Columbia to obtain professional credentials, including bar dues and court admission fees, that enable these attorneys to practice law in other state and federal jurisdictions and appear outside the District in state and federal courts; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Child Support-Temporary Assistance for Needy Family Fund, the Child Support Reimbursements and Fees Fund, the Child Support-Interest Income Fund, the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund, and the Litigation Support Fund; provided further, that this amount may be further increased by amounts deposited into the

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Attorney General Restitution Fund and the Vulnerable and Elderly Person Exploitation Restitution Fund, which shall be continually available, without regard to fiscal year, until expended;

(20) Office of the Chief Financial Officer. - \$188,980,000 (including \$144,908,000 from local funds, \$450,000 from federal grant funds, and \$43,622,000 from other funds); provided, that not to exceed \$10,600 of such amount, from local funds, shall be available for the Chief Financial Officer for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that amounts appropriated by this act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Recorder of Deeds Automation Fund and the Other Post-Employment Benefits Fund;

(21) Office of the Chief Technology Officer. - \$88,955,000 (including \$75,255,000 from local funds and \$13,700,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the DC-NET Services Support Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(22) Office of the City Administrator. - \$10,968,000 from local funds; provided, that not to exceed \$10,600 of such amount, from local funds, shall be available for the City Administrator for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10);

(23) Office of the District of Columbia Auditor. - \$5,552,000 from local funds;

(24) Office of the Inspector General. - \$19,194,000 (including \$16,120,000 from local funds and \$3,073,000 from federal grant funds);

(25) Office of the Secretary. - \$4,590,000 (including \$3,490,000 from local funds and \$1,100,000 from other funds);

(26) Office of the Senior Advisor. - \$3,464,000 from local funds;

(27) Public Employee Relations Board. - \$1,321,000 from local funds;

(28) Statehood Initiatives. - \$245,000 from local funds; provided, that all funds deposited, without regard to fiscal year, into the New Columbia Statehood Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020; and

(29) Uniform Law Commission. - \$60,000 from local funds.

**ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, \$745,512,000 (including \$375,089,000 from local funds, \$32,196,000 from dedicated taxes, \$97,211,000 from federal grant funds, \$240,304,000 from other funds, and \$712,000 from private funds), to be allocated as follows:

(1) Alcoholic Beverage Regulation Administration. - \$9,128,000 (including



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\$1,170,000 from dedicated taxes and \$7,958,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Alcoholic Beverage Regulation Administration Fund and the Dedicated Taxes Fund;

(2) Business Improvement Districts Transfer. - \$55,000,000 from other funds.

(3) Commission on the Arts and Humanities. - \$34,869,000 (including \$2,996,000 from local funds, \$31,026,000 from dedicated taxes, \$714,000 from federal grant funds, and \$133,000 from other funds); provided, that all dedicated taxes shall be deposited into the Arts and Humanities Fund; provided, further that all funds deposited, without regard to fiscal year, into the Arts and Humanities Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020; provided further, that funds in the available fund balance of the Arts and Humanities Fund may be obligated in Fiscal Year 2020, pursuant to grant awards, through September 30, 2023, and that such funds so obligated are authorized for expenditure and shall remain available for expenditure until September 30, 2023;

(4) Department of Consumer and Regulatory Affairs. - \$67,844,000 (including \$27,502,000 from local funds and \$40,342,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Basic Business License Fund, the Green Building Fund, the Real Estate Guaranty and Education Fund, the Nuisance Abatement Fund, the Occupational and Professional Licensing Administration-Special Account, the Corporate Recordation Fund, the Re-Appraisal Fee Fund, the Vending Regulation Fund, and the DC Combat Sports Commission Fund;

(5) Department of Employment Services. - \$144,216,00 (including \$60,401,000 from local funds, \$33,253,000 from federal grant funds, \$49,870,000 from other funds, and \$690,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Workers' Compensation Administration Fund, the Unemployment Insurance Administrative Assessment Tax Fund, the Unemployment Insurance Interest/Penalties Fund, the Workers' Compensation Special Fund, the Reed Act Fund, and the Universal Paid Leave Implementation Fund;

(6) Department of Housing and Community Development. - \$96,775,000 (including \$31,556,000 from local funds, \$61,528,000 from federal grant funds, and \$3,692,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Negotiated Employee Affordable Housing Fund, the Department of Housing and Community Development Unified Fund, the Home Again Revolving Fund, the Home Purchase Assistance Program-Repayment Fund, and the Housing Preservation Fund; provided further, that all funds deposited, without regard to fiscal year, into the Rental Housing Registration Fund are authorized for expenditure by the Department of Housing and Community Development starting at the beginning of the applicable time period set forth section in 203c(d)

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of the Rental Housing Act of 1985, effective October 30, 2018 (D.C. Law 22-168, D.C. Code § 42-3502.03e(d)), and shall remain available for expenditure by the Department of Housing and Community Development until September 30, 2020;

(7) Department of Insurance, Securities, and Banking. - \$27,912,000 (including \$139,000 from federal grant funds and \$27,773,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Insurance Regulatory Trust Fund, the Foreclosure Mediation Fund, and the Capital Access Fund;

(8) Department of Small and Local Business Development. - \$16,425,000 (including \$15,953,000 from local funds and \$471,000 from federal grant funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Small Business Capital Access Fund, the Streetscape Business Development Relief Fund, and the Ward 7 and Ward 8 Entrepreneur Grant Fund;

(9) Housing Authority Subsidy. - \$145,361,000 from local funds; provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the DCHA Rehabilitation and Maintenance Fund and the Tenant-Based Rental Assistance Fund;

(10) Housing Production Trust Fund Subsidy. - \$38,645,000 from local funds;

(11) Office of Cable Television, Film, Music, and Entertainment. - \$14,905,000 (including \$1,699,000 from local funds and \$13,206,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: Film, Television, and Entertainment Rebate Fund and the OCTFME Special Account;

(12) Office of Planning. - \$14,419,000 (including \$13,684,000 from local funds, \$525,000 from federal grant funds, \$200,000 from other funds, and \$10,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Historic Landmark-District Protection and Historic District Filing Fees (Local) Fund and the Historical Landmark-District Protection and Historic District Filing Fees (O-Type) Fund;

(13) Office of the Deputy Mayor for Planning and Economic Development. - \$43,138,000 (including \$26,585,000 from local funds and \$16,552,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Industrial Revenue Bond Account, the H Street Retail Priority Area Grant Fund, the Soccer Stadium Financing Fund, the Economic Development Special Account, the Walter Reed Redevelopment Fund, the Walter Reed Reinvestment Fund, and the St. Elizabeth's East Campus Redevelopment Fund;

(14) Office of the People's Counsel. - \$10,004,000 (including \$689,000 from local funds and \$9,315,000 from other funds); provided, that all funds deposited, without regard

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to fiscal year, into the Office of People's Counsel Agency Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(15) Office of the Tenant Advocate. - \$4,184,000 (including \$3,524,000 from local funds and \$660,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Rental Housing Registration Fund are authorized for expenditure by the Office of the Tenant Advocate until the end of the applicable time period set forth section in 203c(d) of the Rental Housing Act of 1985, effective October 30, 2018 (D.C. Law 22-168, D.C. Code § 42-3502.03e(d)), and shall remain available for expenditure by the Office of the Tenant Advocate until such time;

(16) Office of Zoning. - \$3,311,000 from local funds;

(17) Public Service Commission. - \$16,286,000 (including \$581,000 from federal grant funds, \$15,693,000 from other funds, and \$12,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Public Service Commission Agency Fund and the PJM Settlement Fund;

(18) Real Property Tax Appeals Commission. - \$1,784,000 from local funds; and

(19) Rental Housing Commission - \$1,398,000 from local funds.

**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, \$1,409,282,000 (including \$1,189,129,000 from local funds, \$159,053,000 from federal grant funds, \$150,000 from Medicaid payments, \$57,771,000 from other funds, \$413,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for the District of Columbia National Guard" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019, \$2,150,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment to the Criminal Justice Coordinating Council" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019, and \$615,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019), to be allocated as follows:

(1) Commission on Judicial Disabilities and Tenure. - \$360,000 (including \$35,000 from local funds and \$325,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019);

(2) Corrections Information Council. - \$736,000 from local funds;

(3) Criminal Code Reform Commission. - \$723,000 from local funds;

(4) Criminal Justice Coordinating Council. - \$3,774,000 (including \$1,474,000 from local funds, \$150,000 from federal grant funds, and \$2,150,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment to the Criminal Justice Coordinating Council" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019);

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(5) Department of Corrections. - \$178,810,000 (including \$152,936,000 from local funds, \$283,000 from federal grant funds, and \$25,591,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Correction Trustee Reimbursement Fund, the Inmate Welfare Fund, and the Correction Reimbursement-Juveniles Fund;

(6) Department of Forensic Sciences. - \$28,517,000 (including \$28,057,000 from local funds and \$460,000 from federal grant funds); provided, that all funds deposited, without regard to fiscal year, into the Department of Forensic Sciences Laboratory Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(7) District of Columbia National Guard. - \$14,563,000 (including \$4,938,000 from local funds, \$9,211,000 from federal grant funds, and \$413,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for the District of Columbia National Guard" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available pursuant to this act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved;

(8) District of Columbia Sentencing Commission. - \$1,267,000 from local funds;

(9) Fire and Emergency Medical Services Department. - \$281,520,000 (including \$279,539,000 from local funds and \$1,981,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Fire and Emergency Medical Services Department EMS Reform Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(10) Homeland Security and Emergency Management Agency. - \$137,484,000 (including \$5,497,000 from local funds and \$131,986,000 from federal grant funds);

(11) Judicial Nomination Commission. - \$298,000 (including \$8,000 from local funds and \$290,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019);

(12) Metropolitan Police Department. - \$526,422,000 (including \$515,374,000 from local funds, \$3,662,000 from federal grant funds, and \$7,386,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Asset Forfeiture Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(13) Office of Administrative Hearings. - \$10,435,000 (including \$10,285,000

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from local funds and \$150,000 from Medicaid payments);

(14) Office of Neighborhood Safety and Engagement. - \$7,579,000 from local funds, provided, that the Office of Neighborhood Safety and Engagement is authorized to spend appropriated funds for the purposes set forth in section 101 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411);

(15) Office of Police Complaints. - \$2,791,000 from local funds;

(16) Office of the Chief Medical Examiner. - \$12,945,000 from local funds;

(17) Office of the Deputy Mayor for Public Safety and Justice. - \$1,571,000 from local funds;

(18) Office of Unified Communications. - \$52,251,000 (including \$32,260,000 from local funds, and \$19,991,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Emergency and Non-Emergency Number Telephone Calling Systems Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(19) Office of Victim Services and Justice Grants. - \$54,174,000 (including \$38,052,000 from local funds, \$13,300,000 from federal grant funds, and \$2,822,000 from other funds); provided, that \$11,057,000 shall be made available to award a grant to the District of Columbia Bar Foundation for the purpose of administering the Access to Justice Initiative and the Civil Legal Counsel Projects Program, of which not less than \$300,000 shall be available to fund the District of Columbia Poverty Lawyer Loan Repayment Assistance Program, and of which not less than \$4,500,000 shall be available to fund the Civil Legal Counsel Projects Program; provided further, that the funds authorized for expenditure for the District of Columbia Poverty Lawyer Loan Repayment Assistance Program and the Civil Legal Counsel Projects Program shall remain available for expenditure, without regard to fiscal year, until September 30, 2020; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Crime Victims Assistance Fund, the Domestic Violence Shelter and Transitional Housing Fund, the Community-Based Violence Reduction Fund, and the Private Security Camera Incentive Fund; and

(20) Police Officers' and Firefighters' Retirement System. - \$93,061,000 from local funds.

**PUBLIC EDUCATION SYSTEM**

Public education system, \$2,817,856,000 (including \$2,381,362,000 from local funds, \$5,520,000 from dedicated taxes, \$300,237,000 from federal grant funds, \$27,903,000 from other funds, \$2,834,000 from private funds, \$60,000,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for School Improvement" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019, and \$40,000,000 from federal payment funds requested to be appropriated by Congress under the

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heading "Federal Payment for Resident Tuition Support" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019 for the purposes specified in section 3004(b) of the Scholarships for Opportunity and Results Act, approved April 15, 2011 (125 Stat 200; D.C. Official Code § 38-1853.04(b)), to be allocated as follows:

(1) District of Columbia Public Charter Schools. - \$904,769,000 from local funds; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available for expenditure until September 30, 2020 for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(2)); provided further, that of the amounts made available to District of Columbia public charter schools, \$230,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(6)); provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2020, an amount equal to 35 percent, or for new charter school local education agencies that opened for the first time after December 31, 2019, an amount equal to 45 percent, of the total amount of the local funds appropriations provided for payments to public charter schools in the proposed budget of the District of Columbia for Fiscal Year 2021 (as adopted by the District), and the amount of such payment shall be chargeable against the final amount provided for such payments for Fiscal Year 2021; provided further, that the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school;

(2) District of Columbia Public Charter School Board. - \$11,959,000 (including \$1,800,000 from local funds and \$10,159,000 from other funds);

(3) District of Columbia Public Library. - \$67,263,000 (including \$64,976,000 from local funds, \$1,115,000 from federal grant funds, \$1,155,000 from other funds, and \$17,000 from private funds); provided, that not to exceed \$8,500 of such amount, from local funds, shall be available for the Chief Librarian of the District of Columbia Public Library for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Copies and Printing Fund, the E-Rate Reimbursement Fund, the Library Collections Account, the Books From Birth Fund, and the DCPL Revenue-Generating Activities Fund;

(4) District of Columbia Public Schools. - \$966,328,000 (including \$902,523,000 from local funds, \$15,915,000 from federal grant funds, \$15,238,000 from other funds,

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\$2,652,000 from private funds, and \$30,000,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for School Improvement" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019); provided, that not to exceed \$10,600 of such local funds shall be available for the Chancellor for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2020, an amount equal to 10 percent of the total amount of the local funds appropriations provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for Fiscal Year 2021 (as adopted by the District), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools for Fiscal Year 2021; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the E-Rate Education Fund, the Reserve Officer Training Corps Fund, the Afterschool Program-Copayment Fund, the At-Risk Supplemental Allocation Preservation Fund, the District of Columbia Public Schools Sales and Sponsorship Fund, and the District of Columbia Public Schools' Nonprofit School Food Service Fund; provided further, that the District of Columbia Public Schools is authorized to spend appropriated funds consistent with section 105(c)(5) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5));

(5) District of Columbia State Athletics Commission. - \$1,300,000 (including \$1,200,000 from local funds and \$100,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the State Athletic Activities, Programs, and Office Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(6) Non-Public Tuition. - \$60,010,000 from local funds;

(7) Office of the Deputy Mayor for Education. - \$21,369,000 (including \$21,309,000 from local funds and \$60,000 from private funds); provided, that \$1,650,000 in local funds shall be available for the Workforce Investment Council for activities consistent with the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*), and consistent with the DC Central Kitchen Grants Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; 65 DCR 9388), as amended by the DC Central Kitchen Grants Extension Amendment Act of 2019, passed on 2nd reading on June 18, 2019 (Enrolled version of Bill 23-209), \$500,000 shall remain available for that grant until September 30, 2020;

(8) Office of the State Superintendent of Education. - \$538,960,000 (including \$178,878,000 from local funds, \$5,520,000 from dedicated taxes, \$283,207,000 from federal grant funds, \$1,250,000 from other funds, \$105,000 from private funds, \$30,000,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for School Improvement" in the Fiscal Year 2020 Federal Portion Budget Request Act

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of 2019, and \$40,000,000 from federal payment funds requested to be appropriated by Congress under the heading "Federal Payment for Resident Tuition Support" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019 for the purposes specified in § 3004(b) of the Scholarships for Opportunity and Results Act, approved April 15, 2011 (125 Stat 200; D.C. Official Code § 38-1853.04(b)); provided, that of the amounts provided to the Office of the State Superintendent of Education, \$1,000,000 from local funds shall remain available until June 30, 2020, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Charter School Credit Enhancement Fund, the Student Residency Verification Fund, the Community Schools Fund, the Special Education Enhancement Fund, the Child Development Facilities Fund, the Access to Quality Child Care Fund, the Common Lottery Board Fund, the Healthy Schools Fund, the Healthy Tots Fund, the Statewide Special Education Compliance Fund, the School Safety and Positive Climate Fund, and the Student Enrollment Fund;

(9) Special Education Transportation. - \$94,546,000 from local funds; provided, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency under the direction of the Office of the State Superintendent of Education, on July 1, 2020, an amount equal to 10 percent of the total amount of the local funds appropriations provided for the Special Education Transportation agency in the proposed budget for the District of Columbia for Fiscal Year 2021 (as adopted by the District), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency for Fiscal Year 2021; provided further, that amounts appropriated under this paragraph may be used to offer financial incentives as necessary to reduce the number of routes serving 2 or fewer students;

(10) State Board of Education. - \$2,160,000 from local funds;

(11) Teachers' Retirement System. - \$58,888,000 from local funds; and

(12) University of the District of Columbia Subsidy Account. - \$90,303,000 from local funds; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2020, a tuition-rate schedule that establishes the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area; provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2020, an amount equal to 10 percent of the total amount of the local funds appropriations provided for the University of the District of Columbia in the proposed budget of the District of Columbia for Fiscal Year 2021 (as adopted by the District), and the amount of such payment shall be chargeable against the final



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amount provided for the University of the District of Columbia for Fiscal Year 2021; provided further, that not to exceed \$10,600 of such amount shall be available for the President of the University of the District of Columbia for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10).

**HUMAN SUPPORT SERVICES**

Human support services, \$4,952,689,000 (including \$2,136,801,000 from local funds, \$81,732,000 from dedicated taxes, \$441,772,000 from federal grant funds, \$2,245,028,000 from Medicaid payments, \$41,841,000 from other funds, \$765,000 from private funds, and \$4,750,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Testing and Treatment of HIV/AIDS" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019); to be allocated as follows:

(1) Child and Family Services Agency. - \$218,478,000 (including \$160,315,000 from local funds, \$57,159,000 from federal grant funds, \$1,000,000 from other funds, and \$5,000 from private funds);

(2) Department of Aging and Community Living. - \$52,381,000 (including \$41,999,000 from local funds, \$7,240,000 from federal grant funds, and \$3,142,000 from Medicaid payments);

(3) Department of Behavioral Health. - \$308,491,000 (including \$266,741,000 from local funds, \$200,000 from dedicated taxes, \$35,758,000 from federal grant funds, \$2,844,000 from Medicaid payments, \$2,352,000 from other funds, and \$597,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the Addiction Prevention and Recovery Administration-Choice in Drug Treatment (HCSN) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(4) Department of Disability Services. - \$190,342,000 (including \$138,251,000 from local funds, \$31,880,000 from federal grant funds, \$12,501,000 from Medicaid payments, and \$7,710,000 from other funds); provided that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Randolph Shepherd Unassigned Facilities Fund, the Cost of Care-Non-Medicaid Clients Fund, and the Contribution to Costs of Supports Fund;

(5) Department of Health. - \$255,146,000 (including \$86,917,000 from local funds, \$140,498,000 from federal grant funds, \$22,846,000 from other funds, \$136,000 from private funds, and \$4,750,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Testing and Treatment of HIV/AIDS" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Health Professional Recruitment Fund (Medical Loan Repayment), the Board of Medicine Fund, the Pharmacy Protection Fund, the State Health Planning and Development Agency Fees Fund, the Civil

## ENROLLED ORIGINAL

Monetary Penalties Fund, the State Health Planning and Development Agency Admission Fee Fund, the ICF/MR Fees and Fines Fund, the Human Services Facility Fee Fund, the Communicable and Chronic Disease Prevention and Treatment Fund, and the Animal Education and Outreach Fund;

(6) Department of Health Care Finance. - \$3,124,770,000 (including \$830,016,000 from local funds, \$81,532,000 from dedicated taxes, \$77,000 from federal grant funds, \$2,209,118,000 from Medicaid payments, and \$4,028,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Healthy DC Fund, the Nursing Homes Quality of Care Fund, the Stevie Sellows Fund, the Medicaid Collections-3rd Party Liability Fund, the Bill of Rights (Grievance and Appeals) Fund, the Hospital Provider Fee Fund, the Hospital Fund, and the Individual Insurance Market Affordability and Stability Fund;

(7) Department of Human Services. - \$587,370,000 (including \$400,124,000 from local funds, \$168,822,000 from federal grant funds, \$17,423,000 from Medicaid payments, and \$1,000,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the SSI Payback Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(8) Department of Parks and Recreation. - \$57,542,000 (including \$54,642,000 from local funds and \$2,900,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Recreation Enterprise Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020; provided further, that the Department of Parks and Recreation is authorized to spend appropriated funds from the Recreation Enterprise Fund for the purposes set forth in section 4 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303);

(9) Department of Youth Rehabilitation Services. - \$89,907,000 from local funds; provided, that of the local funds appropriated for the Department of Youth Rehabilitation Services, \$12,000 shall be used to fund the requirements of the Interstate Compact for Juveniles;

(10) Employees' Compensation Fund. - \$25,552,000 from local funds; provided, that such amount shall be deposited into the Employees' Compensation Fund; provided further, that all funds deposited, without regard to fiscal year, into the Employees' Compensation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(11) Not-for-Profit Hospital Corporation Subsidy. - \$22,137,000 from local funds;

(12) Office of Human Rights. - \$6,013,000 (including \$5,647,000 from local funds, \$339,000 from federal grant funds, and \$27,000 from private funds);

(13) Office of the Deputy Mayor for Health and Human Services. - \$1,878,000 from local funds;

(14) Office of Veterans' Affairs. - \$843,000 (including \$838,000 from local funds and \$5,000 from other funds); provided, that all funds deposited, without regard to fiscal year,

## ENROLLED ORIGINAL

into the Office of Veterans Affairs Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

- (15) Office on Asian and Pacific Islander Affairs. - \$904,000 from local funds;
- (16) Office on Latino Affairs. - \$5,453,000 from local funds; and
- (17) Unemployment Compensation Fund. - \$5,480,000 from local funds.

**PUBLIC WORKS**

Public works, \$1,019,922,000 (including \$667,206,000 from local funds, \$84,470,000 from dedicated taxes, \$44,604,000 from federal grant funds, \$220,156,000 from other funds, and \$3,486,000 from private funds), to be allocated as follows:

(1) Department of Energy and Environment. - \$180,253,000 (including \$30,395,000 from local funds, \$30,095,000 from federal grant funds, \$116,277,000 from other funds, and \$3,486,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Storm Water Permit Review Fund, the Sustainable Energy Trust Fund, the Brownfield Revitalization Fund, the Anacostia River Clean Up and Protection Fund, the Wetlands Fund, the Energy Assistance Trust Fund, the Leaking Underground Storage Tank Trust Fund, the Soil Erosion and Sediment Control Fund, the DC Municipal Aggregation Program Fund, the Fishing License Fund, the Renewable Energy Development Fund, the Special Energy Assessment Fund, the Air Quality Construction Permits Fund, the WASA Utility Discount Program Fund, the Pesticide Product Registration Fund, the Storm Water Fees Fund, the Stormwater In-Lieu Fee Payment Fund, the Economy II Fund, the Residential Aid Discount Fund, the Residential Essential Services Fund, the Benchmarking Enforcement Fund, the Product Stewardship Fund, the Rail Safety and Security Fund, the Indoor Mold Assessment Fund, and the Clean Rivers Impervious Area Charge Assistance Fund; provided further, that funds in the available fund balance of the Renewable Energy Development Fund may be obligated in Fiscal Year 2020, pursuant to grant awards, through September 30, 2023, and that such funds so obligated are authorized for expenditure and shall remain available for expenditure until September 30, 2023;

(2) Department of For-Hire Vehicles. - \$19,119,000 (including \$5,895,000 from local funds, and \$13,224,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Taxicab Assessment Act Fund and the Public Vehicles for Hire Consumer Service Fund;

(3) Department of Motor Vehicles. - \$44,731,000 (including \$34,776,000 from local funds and \$9,955,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Motor Vehicle Inspection Station Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(4) Department of Public Works. - \$160,077,000 (including \$150,885,000 from local funds and \$9,191,000 from other funds); provided, that all funds deposited, without regard

## ENROLLED ORIGINAL

to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Solid Waste Disposal Fee Fund and the Super Can Program Fund;

(5) Department of Transportation. - \$146,658,000 (including \$108,641,000 from local funds, \$14,509,000 from federal grant funds, and \$23,508,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Bicycle Sharing Fund, the Performance Parking Program Fund, the Tree Fund, the DDOT Enterprise Fund-Non Tax Revenues Fund, the Sustainable Transportation Fund, the Vision Zero Pedestrian and Bicycle Safety Fund, the Transportation Infrastructure Project Fund, Parking Meter Pay-by-Phone Transaction Fee Fund, and the DC Circulator Fund; provided further, that there are appropriated any amounts received, or to be received, without regard to fiscal year, from the Potomac Electric Power Company, or any of its related companies, successors, or assigns, for the purpose of paying or reimbursing the District Department of Transportation for the costs of designing, constructing, acquiring, and installing facilities, infrastructure, and equipment for use and ownership by the Potomac Electric Power Company, or any of its related companies, successors, or assigns, related to or associated with the undergrounding of electric distribution lines in the District of Columbia, and any interest earned on those funds, which amounts and interest shall not revert to the unrestricted fund balance of the General Fund at the end of a fiscal year or at any other time, but shall be continually available without regard to fiscal year limitation until expended for the designated purposes;

(6) Office of the Deputy Mayor for Operations and Infrastructure. - \$1,304,000 from local funds;

(7) Washington Metropolitan Area Transit Authority. - \$467,622,000 (including \$335,152,000 from local funds, \$84,470,000 from dedicated taxes, and \$48,000,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Dedicated Taxes Fund and the Parking Meter WMATA Fund; provided further, that all funds budgeted without regard to fiscal year for the adult learner transit subsidy program established by section 2(i) of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233(i)), are authorized for expenditure and shall remain available for expenditure until September 30, 2020; provided further, that there are appropriated any amounts deposited, or to be deposited, without regard to fiscal year, into the Washington Metropolitan Area Transit Authority ("WMATA") Dedicated Financing Fund for the purpose of funding WMATA capital improvements, which amounts shall not revert to the unrestricted fund balance of the General Fund at the end of a fiscal year or at any other time, but shall be continually available until expended for the designated purposes; and

(8) Washington Metropolitan Area Transit Commission. - \$158,000 from local funds.

## ENROLLED ORIGINAL

## FINANCING AND OTHER

Financing and Other, \$1,522,285,000 (including \$1,013,315,000 from local funds, \$362,134,000 from dedicated taxes, \$18,465,000 from federal grant funds, \$99,581,000 from other funds, and \$28,790,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019), to be allocated as follows:

- (1) Commercial Paper Program. - \$10,000,000 from local funds;
- (2) Convention Center Transfer. - \$153,227,000 (including \$149,497,000 from dedicated taxes and \$3,730,000 from other funds);
- (3) Debt Service - Issuance Costs. - \$9,000,000 from local funds for the payment of debt service issuance costs;
- (4) District Retiree Health Contribution. - \$47,300,000 from local funds for a District Retiree Health Contribution;
- (5) Emergency Planning and Security Fund. - \$28,790,000 from federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019; provided, that, notwithstanding any other law, obligations and expenditures that are pending reimbursement under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" may be charged to this appropriations heading;
- (6) Highway Transportation Fund. - Transfers. - \$26,298,000 from dedicated taxes;
- (7) John A. Wilson Building Fund. - \$3,807,000 from local funds for expenses associated with the John A. Wilson building;
- (8) Master Equipment Lease/Purchase Program. - \$4,486,000 from local funds;
- (9) Non-Departmental Account. - \$11,289,000 (including \$3,100,000 from local funds and \$8,189,000 from other funds), to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this act, to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget;
- (10) Pay-As-You-Go Capital Fund. - \$284,924,000 (including \$24,745,000 from local funds, \$178,500,000 from dedicated taxes, and \$81,679,000 from other funds) to be transferred to the Capital Fund, in lieu of capital financing;
- (11) Repayment of Loans and Interest. - \$818,232,000 (including \$793,784,000 from local funds, \$18,465,000 from federal grant funds, and \$5,983,000 from other funds), for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90);

**ENROLLED ORIGINAL**

(12) Repayment of Revenue Bonds. - \$7,839,000 from dedicated taxes for the repayment of revenue bonds;

(13) Settlements and Judgments.- \$28,025,000 from local funds for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government; provided, that this amount may be increased by such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government and such sums may be paid from the applicable or available funds of the District of Columbia; and

(14) Workforce Investments Account. - \$89,068,000 from local funds for workforce investments; provided, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Compensation Units 1 and 2 Compensation and Classification Reform Fund and the Workforce Investments Account.

**ENTERPRISE AND OTHER FUNDS**

The amount of \$1,993,707,000 (including \$1,768,436,000 from enterprise and other funds and \$225,271,000 from enterprise and other funds - dedicated taxes), shall be provided to enterprise funds as follows; provided, that, in the event that certain dedicated revenues exceed budgeted amounts, the General Fund budget authority may be increased as needed to transfer all such revenues, pursuant to local law, to the Capital Improvements Program, the Highway Trust Fund, the Washington Convention Center and Sports Authority, and the Washington Metropolitan Area Transit Authority:

(1) Ballpark Revenue Fund. - \$38,067,000 (including \$12,148,000 from enterprise and other funds and \$25,919,000 from enterprise and other funds - dedicated taxes);

(2) District of Columbia Retirement Board. - \$42,836,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board;

(3) District of Columbia Water and Sewer Authority. - \$614,523,000 from enterprise and other funds; provided, that not to exceed \$25,000 of this amount shall be available for representation; provided further, that not to exceed \$15,000 of this amount shall be available for official meetings. For construction projects, \$4,517,663,000, to be distributed as follows: \$908,759,000 for Wastewater Treatment; \$912,208,000 for the Sanitary Sewer System; \$883,131,000 for the Water System; \$122,758,000 for Non Process Facilities; \$1,146,417,000 for the Combined Sewer Overflow Program; \$174,197,000 for the Washington Aqueduct; \$64,388,000 for the Stormwater Program; and \$305,805,000 for the capital equipment program; in addition, \$40,000,000 for Federal payment funds request to be appropriated by the Congress under the heading "Federal Payment to the District of Columbia Water and Sewer Authority" in the Fiscal Year 2020 Federal Portion Budget Request Act of 2019; provided, that the requirements and restrictions that are applicable to General Fund capital improvement projects and that are set forth in this act under the Capital Outlay appropriation heading shall apply to

## ENROLLED ORIGINAL

projects approved under this appropriation account;

(4) Health Benefit Exchange Authority. - \$31,769,000 from enterprise and other funds;

(5) Housing Finance Agency. - \$13,582,000 from enterprise and other funds; provided, that all funds budgeted without regard to fiscal year for the Reverse Mortgage Foreclosure Prevention Program are authorized for expenditure and shall remain available for expenditure until September 30, 2020; provided further, that all funds budgeted without regard to fiscal year for the Public Housing Credit-Building Pilot Program are authorized for expenditure and shall remain available for expenditure until September 30, 2021;

(6) Housing Production Trust Fund. - \$115,680,000 (including \$38,645,000 from enterprise and other funds and \$77,035,000 from enterprise and other funds - dedicated taxes); provided, that all funds deposited, without regard to fiscal year, into the Housing Production Trust Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(7) Not-For-Profit Hospital Corporation. - \$152,137,000 from enterprise and other funds;

(8) Office of Lottery and Gaming. - \$211,974,000 from enterprise and other funds; provided, that, after notification to the Mayor, amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the General Fund and to cover prizes, agent commissions, and gaming-related fees directly associated with unanticipated excess lottery revenues not included in this appropriation;

(9) Other Post-Employment Benefits Trust Administration. - \$9,069,000 from enterprise and other funds;

(10) Repayment of PILOT Financing. - \$57,965,000 enterprise and other funds - dedicated taxes;

(11) Tax Increment Financing (TIF) Program. - \$64,352,000 from enterprise and other funds - dedicated taxes;

(12) Unemployment Insurance Trust Fund. - \$185,382,000 from enterprise and other funds;

(13) University of the District of Columbia. - \$173,857,000 from enterprise and other funds; provided, that these funds shall not revert to the General Fund at the end of a fiscal year or at any other time, but shall be continually available for expenditure until September 30, 2020, without regard to fiscal year limitation; provided further, that all funds deposited, without regard to fiscal year, into the Higher Education Incentive Program Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2020;

(14) Washington Aqueduct. - \$68,712,000 from enterprise and other funds; and

(15) Washington Convention and Sports Authority. - \$213,801,000 from enterprise and other funds.

## ENROLLED ORIGINAL

**RESERVE ACCOUNTS**

(1) Cash Flow Reserve Account. - All funds deposited, without regard to fiscal year, into the Cash Flow Reserve Account, established pursuant to D.C. Official Code § 47-392.02(j-2), are authorized for expenditure and shall remain available for expenditure until September 30, 2020.

(2) Fiscal Stabilization Reserve Account. - All funds deposited, without regard to fiscal year, into the Fiscal Stabilization Reserve Account, established pursuant to D.C. Official Code § 47-392.02(j-1), are authorized for expenditure and shall remain available for expenditure until September 30, 2020.

**CAPITAL OUTLAY**

For capital construction projects, an increase of \$2,440,463,000 of which \$2,097,696,000 shall be from local funds, \$5,000,000 shall be from private grant funds, \$60,772,000 shall be from local transportation funds, \$51,792,000 shall be from the District of Columbia Highway Trust Fund, and \$225,203,000 shall be from federal grant funds, and a rescission of \$462,480,000 of which \$399,489,000 shall be from local funds, \$1,531,000 shall be from local transportation funds, \$28,476,000 shall be from the District of Columbia Highway Trust Fund, and \$32,984,000 shall be from federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,977,983,000, to remain available until expended; provided, that all funds provided by this act shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this act may be increased by the amount transferred from funds appropriated in this act as Pay-As-You-Go Capital funds.

**Sec. 3. Local portion of the budget.**

The budget adopted pursuant to this act constitutes the local portion of the annual budget for the District of Columbia government under section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

**Sec. 4. Fiscal impact statement.**

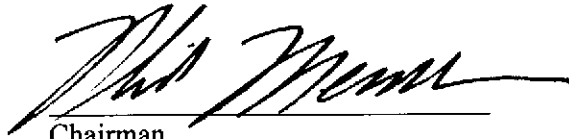
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 5. Effective date.**

As provided in section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(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.



ENROLLED ORIGINAL



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
July 15, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-79**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To officially designate a portion of the public alley system within Square 1090, bounded by 16th Street, S.E., D Street, S.E., 17th Street, S.E., and E Street, S.E., as Adelaide Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adelaide Alley Designation Act of 2019".

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03 and 9-204.21) ("Act"), and notwithstanding the requirements of section 421(b), (e), and (f) of the Act (D.C. Official Code § 9-204.21(b), (e), and (f)), the Council officially designates a portion of the public alley system within Square 1090, as shown on the Surveyor's plat included in the committee report, bounded by 16th Street, S.E., D Street, S.E., 17th Street, S.E., and E Street, S.E., as "Adelaide Alley".

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

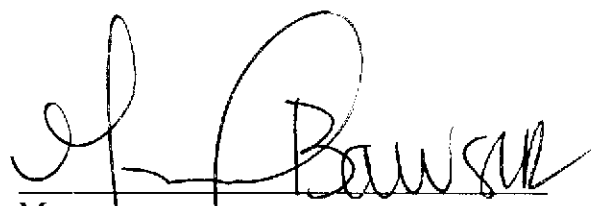
ENROLLED ORIGINAL

(87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
July 16, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-80**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To approve, on an emergency basis, Modification No. 03 to Contract No. DCAM-17-NC-0007 with Security Assurance Management, Inc., for security guard services, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCAM-17-NC-0007 Approval and Payment Authorization Emergency Act of 2019".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification No. 03 to Contract No. DCAM-17-NC-0007 with Security Assurance Management, Inc., for security guard services, and authorizes payment in the not-to-exceed amount of 4,009,978.04 for the goods and services received and to be received under the modification.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

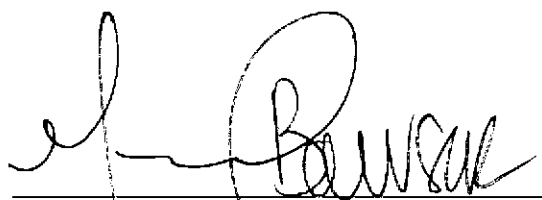
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
July 16, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-81**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2019".

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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


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


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
July 16, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-82**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To approve, on an emergency basis, Modification Nos. 6, 9, and 10 to Contract No. CW47840 with Change and Innovation Agency, LLC, for business process redesign and maintenance services, and to authorize payment in the not-to-exceed amount of \$1,454,704.08 for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW47840 Approval and Payment Authorization Emergency Act of 2019".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 6, 9, and 10 to Contract No. CW47840 with Change and Innovation Agency, LLC, for business process redesign and maintenance services, and authorizes payment in the not-to-exceed amount of \$1,454,704.08 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

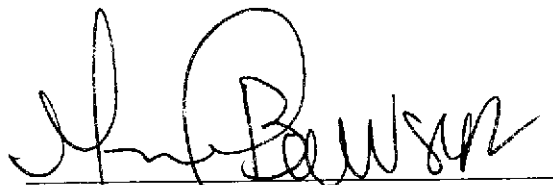


ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
July 16, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-83**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To amend, on an emergency basis, part B of the Department of Health Functions Clarification Amendment Act of 2001 to exempt the tobacco bar and retail store located at 1132 19th Street, N.W., from the revenue requirements needed to gain an exemption from the indoor smoking prohibition from the Department of Health.

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

Sec. 2. Part B of the Department of Health Functions Clarification Amendment Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01 *et seq.*), is amended as follows:

(a) Section 4915(5) (D.C. Official Code § 7-741.01(5)) is amended by striking the period and inserting the phrase "; except, that no total annual revenue requirement shall apply to the establishment located at 1132 19th Street, N.W." in its place.

(b) Section 4917(a)(1) (D.C. Official Code § 7-741.03(a)(1)) is amended by striking the phrase "other establishment;" and inserting the phrase "other establishment; except, that no total revenue requirement shall apply to the establishment located at 1132 19th Street, N.W." in its place.

Sec. 3. Fiscal impact statement.

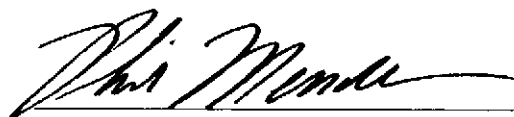
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

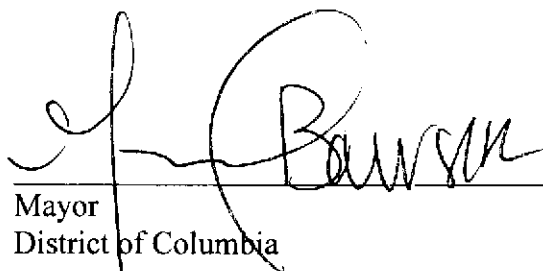
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
July 16, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-84**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JULY 16, 2019**

To require, on an emergency basis, the Mayor to establish a pilot program through which a close relative of a child may be eligible to receive subsidy payments for the care and custody of the child, to establish eligibility requirements for the subsidy, to require the Mayor to issue a report to Council evaluating the pilot program, to authorize the Mayor to issue rules to implement provisions of the pilot program, and to provide that there is no entitlement to a subsidy and the payment of any subsidy is subject to the availability of appropriations; and to amend the District of Columbia Public Assistance Act of 1982 to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Close Relative Caregiver Subsidy Pilot Program Establishment Emergency Amendment Act of 2019."

TITLE I. CLOSE RELATIVE CAREGIVER PILOT PROGRAM.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Agency" means the Child and Family Services Agency established by section 301a of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.01a).

(2) "Close relative" means an adult who is a brother, sister, aunt, uncle, nephew, niece, or cousin of a child and related to the child by blood, marriage, domestic partnership, or adoption.

(3) "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.

(4) "Temporary Assistance for Needy Families" or "TANF" means the Temporary Assistance for Needy Families program established by section 201(5) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.01(5)).

## ENROLLED ORIGINAL

Sec. 102. Establishment of a pilot program to provide subsidies for close relative caregivers.

(a) By December 31, 2019, the Mayor shall establish a pilot program through which eligible close relative caregivers may receive subsidy payments for the care and custody of a child residing in their home ("Pilot Program").

(b) The Pilot Program shall continue through September 30, 2023.

Sec. 103. Eligibility.

(a) A close relative may be eligible to receive subsidy payments under the Pilot Program if:

(1) The close relative has been the child's primary caregiver for at least the previous 6 months;

(2) The child has resided in the close relative's home for at least the previous 6 months;

(3) The child's parent has not resided in the close relative's home for at least the previous 6 months; provided, that a parent may reside in the home without disqualifying the close relative from receiving a subsidy if:

(A) The parent has designated the close relative to be the child's standby guardian pursuant to D.C. Official Code § 16-4806;

(B) The parent is a minor enrolled in school; or

(C) The parent is a minor with a medically verifiable disability under criteria that shall be prescribed by the Mayor pursuant to section 106;

(4) The close relative and all adults residing in the close relative's home have submitted to a criminal background check;

(5) The close relative's household income is under 200 percent of the federally-defined poverty level;

(6) The close relative is a resident of the District as defined by section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03);

(7) The close relative has applied for TANF benefits for the child;

(8) The close relative has entered into a subsidy agreement that includes a provision that no payments received under the agreement shall inure to the benefit of the child's parent but shall be solely for the benefit of the child;

(9) The close relative is not currently receiving a guardianship or adoption subsidy for the child;

(10) The close relative has provided a signed statement, sworn under penalty of perjury, that the information provided to establish eligibility pursuant to this section, or any rules promulgated pursuant to section 106, is true and accurate to the best belief of the close relative applicant; and

(11) The close relative has met any additional requirements prescribed by the Mayor pursuant to rules issued under section 106.

(b) The Mayor may waive the eligibility requirements established in subsection (a)(1) and (2) of this section if:

## ENROLLED ORIGINAL

(1) The Agency determines that the child is at risk of removal from the parent, guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07);

(2) The parent, guardian, or custodian permits the close relative to be the child's primary caregiver; and

(3) The parent, guardian, or custodian permits the child to reside with the close relative.

(c)(1) The Mayor shall recertify the eligibility of each close relative receiving a subsidy on at least an annual basis.

(2) For the purposes of the recertification, a close relative may be required to provide a signed statement, sworn under penalty of perjury, that the information provided to establish continued eligibility pursuant to this section, or any rules promulgated pursuant to section 106, remains true and accurate to the best belief of the close relative.

(d)(1) The Mayor shall terminate subsidy payments to a close relative if, at any time:

(A) The Mayor determines the close relative no longer meets the eligibility requirements established by this section, or by rules issued under section 106; or

(B) There is a substantiated finding of child abuse or neglect against the close relative caregiver resulting in the removal of the child from the close relative's home.

(2) A close relative whose subsidy payments have been terminated as a result of the removal of the child from the close relative's home may reapply for subsidy payments if the child has been returned to the close relative's home.

(e) Eligibility for subsidy payments under this section may continue until the child reaches 18 years of age.

(f) An applicant whose application for a subsidy has been denied or whose subsidy has been terminated shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); provided, that a close relative shall not be entitled to a hearing if the denial or termination of a subsidy is based on the unavailability of appropriated funds.

(g) Any statement made pursuant to this section made with knowledge that the information set forth therein is false shall be subject to prosecution as a false statement under section 404(a) 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(a)).

#### Sec. 104. Subsidies.

(a) All subsidies established under the Pilot Program shall be subject to the availability of appropriations. Nothing in this act shall be construed as creating an entitlement to a subsidy for any person.

(b) The amount of subsidy shall be based on the amount of the subsidy that a grandparent caregiver is eligible to receive pursuant to section 104 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.04).

## ENROLLED ORIGINAL

(c) The amount of a subsidy a close relative caregiver is eligible to receive under the Pilot Program shall be offset by any amount a close relative receives as TANF or Supplemental Security Income for the child.

(d) The Mayor may give priority to the application of a close relative for a subsidy if the Agency determines that the child is at risk of removal from the parent, guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07).

## Sec. 105. Reports.

Beginning February 28, 2021, and on an annual basis thereafter, the Mayor shall issue a report to the Council regarding the Pilot Program. At a minimum, the report shall include:

- (1) The number of applications filed for the subsidy;
- (2) The number of subsidies awarded;
- (3) The number of families receiving both the subsidy and TANF;
- (4) The number of applications denied for failure to meet eligibility criteria;
- (5) The number of applications denied for lack of appropriated funding;
- (6) An estimate of the number of close relative caregivers whose income is less than 200 percent of the federally-defined poverty level but who have not applied for the subsidy;
- (7) The number of subsidies terminated by the Mayor pursuant to section 103(d) or voluntarily by the close relative caregiver;
- (8) The number of substantiated cases of fraud and a comparison of this figure to the proportion of cases of fraud involving other benefit programs, including TANF, Food Stamps, and Medicaid;
- (9) The number of children removed from households receiving a subsidy under the program established by section 102 due to a substantiated allegation of child abuse or neglect; and
- (10) Any legislative, policy, or administrative recommendations of the Family Court of the Superior Court of the District of Columbia or of agencies designated by the Mayor to execute the provisions of this act that are intended to enhance the effectiveness of the Pilot Program.

## Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

## Sec. 107. Construction.

(a) Nothing in this act shall be construed as relieving the parent of a child from any child support order regarding the child for whom a close relative caregiver is receiving a subsidy under this act.

(b) Nothing in this act shall be construed to create a new cause of action or to limit the rights or remedies available to parents in custody or guardianship actions.

ENROLLED ORIGINAL

TITLE II. CONFORMING AMENDMENT.

Sec. 201. Section 511(a) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.11(a)), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place;

(c) A new paragraph (10) is added to read as follows:

“(10) Disregard any subsidy received under the pilot program established by section 102 of the Close Relative Caregiver Subsidy Pilot Program Establishment Emergency Amendment Act of 2019, passed on emergency basis on June 25, 2019 (Enrolled version of Bill 23-357).”.

TITLE III. GENERAL PROVISIONS.

Sec. 301. 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. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a 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  
July 16, 2019



## ENROLLED ORIGINAL

## A RESOLUTION

23-153

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

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

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

Sec. 2. (a) In May, the Council enacted the Legitimate Theater Sidewalk Café Authorization Emergency Amendment Act of 2019, effective June 17, 2019 (D.C. Act 23-58; 66 DCR 7341), to authorize legitimate theaters to operate sidewalk cafés (“emergency legislation”).

(b) The Legitimate Theater Sidewalk Café Authorization Temporary Amendment Act of 2019, passed on 2nd reading on June 25, 2019 (Enrolled version of Bill 23-306) (“temporary legislation”) must be transmitted to Congress for the 30-day review period required by 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 is not projected to become law until after expiration of the emergency legislation.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Legitimate Theater Sidewalk Café Authorization Congressional Review Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-154

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to extend the jurisdiction of the Office of Administrative Hearings to adjudicated cases involving certain civil violations relating to fare evasion and other unlawful conduct on passenger vehicles; to amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules - subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court for the District of Columbia to the list of entities that shall receive from the Metropolitan Police Department

## ENROLLED ORIGINAL

information related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fine and adjudicated by the Office of Administrative Hearings and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Firearms Safety Omnibus Clarification Congressional Review Emergency Declaration Resolution of 2019".

Sec. 2. (a) On May 7, 2019, the Council passed the Firearms Safety Omnibus Clarification Emergency Amendment Act of 2019, effective May 16, 2019 (D.C. Act 23-49; 66 DCR 6310) ("emergency act"), which is set to expire on August 14, 2019, during the Council's summer recess.

(b) On June 25, 2019, the Council passed the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2019, passed on 2nd reading on June 25, 2019 (Enrolled version of Bill 23-287) ("temporary act"). This bill is pending Mayoral review.

(c) This congressional review emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

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 Firearms Safety Omnibus Clarification Congressional Review Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-168

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Ms. Dionna Lewis to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019”.

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

Ms. Dionna Lewis  
(Ward 7)

as a member of the Office of Employee Appeals, established by section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-606.01), for a term to end April 6, 2025.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-169

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Mr. Gabriel T. Robinson as the Director of the Department of Motor Vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Department of Motor Vehicles Gabriel T. Robinson Confirmation Resolution of 2019”.

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

Mr. Gabriel T. Robinson  
(Ward 5)

as the Director of the Department of Motor Vehicles, established by section 1822 of the Department of Motor Vehicles Establishment Act of 1988, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-901), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-170

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Ms. Priya Jayachandran as a member of the Green Finance Authority Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2019”.

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

Ms. Priya Jayachandran  
(Ward 3)

as a member with experience in affordable housing or community development of the Green Finance Authority Board, established by section 201 of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.21), for a one-year term.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-171

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Mr. Todd Monash as a member of the Green Finance Authority Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Green Finance Authority Board Todd Monash Confirmation Resolution of 2019”.

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

Mr. Todd Monash  
(Ward 3)

as a member with experience at a financial institution operating within the District of the Green Finance Authority Board, established by section 201 of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.21), for a 2-year term.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Mr. Ricardo Nogueira as a member of the Green Finance Authority Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2019”.

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

Mr. Ricardo Nogueira  
(Ward 1)

as a member with experience at a financial institution operating within the District of the Green Finance Authority Board, established by section 201 of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.21), for a 2-year term.

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

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

23-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Ms. Felice Smith to the Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Ethics and Government Accountability Felice Smith Confirmation Resolution of 2019".

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

Ms. Felice Smith  
(Ward 5)

as a member of the Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02), for a term to end July 1, 2024.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-175

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To authorize the Committee of the Whole to hold certain hearings and roundtables during the Council's summer 2019 recess and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to authorize the University of the District of Columbia to submit grant budget modifications during the Council's summer 2019 recess; to authorize the Chairman to appoint O'Melveny & Myers to investigate the conduct of Councilmember Jack Evans; to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to abolish the Committee on Finance and Revenue, assign jurisdiction over certain agencies and matters to other Council committees, provide for an ad hoc committee to be established at the request of the Chairman, and permit an ad hoc committee to proceed in closed session; and to amend the Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019 to no longer provide for the membership of the Committee on Finance and Revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 23 Rules and Investigation Authority Amendment Resolution of 2019."

Sec. 2. Recess rules.

(a) The Committee of the Whole is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, on a contract, reprogramming, budget modification, measure, or proposed action by the Mayor during the period from July 15 through September 15, 2019.

(b) The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(1) Section 306(b) is amended by adding a new paragraph (5) to read as follows:

"(5) A request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be transmitted to the Secretary from July 15 through September 15, 2019."

(2) Section 711 is amended as follows:

## ENROLLED ORIGINAL

(A) The existing text is designated as subsection (a).

(B) A new subsection (b) is added to read as follows:

“(b) Notwithstanding subsection (a) of this section, a request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be submitted, and the time period for the request may be counted, from July 15 through September 15, 2019.”.

(c) This section shall expire on September 16, 2019.

Sec. 3. Authorization of investigation.

(a)(1) The Council authorizes the Chairman to appoint O’Melveny & Myers (the “Law Firm”) to investigate the conduct of Councilmember Jack Evans in accordance with the scope set forth in paragraph (2).

(2) The scope of the investigation authorized pursuant to paragraph (1) of this subsection shall be whether, from January 1, 2014 to the present, the official and outside activities of Councilmember Jack Evans relating to NSE Consulting LLC (including the establishment of that entity), any client of NSE Consulting LLC, or any other entity by which Councilmember Evans was employed or for which he consulted, violated the Code of Conduct as that term is defined in section 101(7) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(7)), or the Rules of Organization and Procedure for the Council of the District of Columbia (“Council Rules”), including those provisions of the Code of Conduct or the Council Rules that relate to conflicts of interest, outside activities, use of government resources, or use of confidential information.

(b) In furtherance of the investigation authorized by subsection (a) of this section, the Council authorizes the Law Firm to issue subpoenas on behalf of the Council to compel the attendance of witnesses, to obtain testimony, or to require the production of documents or other information or tangible items. Notwithstanding Council Rule 612, a report to the Secretary to the Council before issuing a subpoena as part of the investigation shall not be required.

(c) The Law Firm may take testimony of witnesses by oral, written, or videotaped depositions.

(d) Notwithstanding Council Rule 306, the Law Firm may conduct any investigative activities, including transmitting any report to the Council, during a period of Council recess.

(e) Upon completion of its investigation, the Law Firm shall file a report containing findings on the allegations investigated pursuant to subsection (a) of this section with the Secretary to the Council, along with all records obtained during the investigation that support the findings.

Sec. 4. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

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(a) Section 232 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the operation of business improvement districts (“BIDs”) and oversight of BIDs, but not including the establishment of BIDs” and inserting the phrase “the operation of business improvement districts (“BIDs”) and oversight of BIDs; the establishment of business improvement districts; matters relating to taxation and revenue for the operation of the government of the District of Columbia; industrial-revenue bonds” in its place.

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

(A) Add the following agencies to the list of agencies that come within the purview of the Committee on Business and Economic Development, to be inserted in alphabetical order within the existing list:

“Combat Sports Commission

“Destination DC

“District of Columbia Lottery and Charitable Games

“Multistate Tax commission

“Office of the Chief Financial Officer (not including the Office of Budget and Planning)”.

(B) Remove the following agencies from the list of agencies that come within the purview of the Committee on Business and Economic Development:

“Commission on Fashion Arts and Events

“District of Columbia Boxing and Wrestling Commission

“Office of Cable Television, Film, Music and Entertainment”.

(b) Section 234 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters regarding returning citizens” and inserting the phrase “matters regarding returning citizens; and the Washington Metropolitan Area Transit Authority” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Facilities and Procurement, to be inserted in alphabetical order within the existing list:

“Washington Metropolitan Area Transit Authority

“Washington Metrorail Safety Commission”.

(c) Section 235 is repealed.

(d) Section 236 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters relating to the general operations and services of government” and inserting the phrase “matters relating to the general operations and services of government; general-obligation bond acts and revenue anticipation notes; and tourism and cultural affairs” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Government Operations, to be inserted in alphabetical order within the existing list:

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“Board of Review of Anti-Deficiency Violations

“Commission on Fashion Arts and Events

“Office of Cable Television, Film, Music and Entertainment”.

(e) Section 239(b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Housing and Neighborhood Revitalization, to be inserted in alphabetical order within the existing list:

“Real Property Tax Appeals Commission for the District of Columbia”.

(f) Section 651(b) is amended to read as follows:

“(b) An ad hoc committee shall be established:

“(1) If a Councilmember is censured by BEGA;

“(2) By request of any 5 members of the Council; or

“(3) By request of the Chairman.”.

(g) Section 653 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “members of the Council” and inserting the phrase “members of the Council or by the Chairman” in its place.

(2) Subsection (c) is amended by striking the phrase “in executive session in accordance with Rule 504” and inserting the phrase “in a closed session in accordance with Rules 371 through 376” in its place.

Sec. 5. Section 3(4) of the Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019, effective January 2, 2019 (Res. 23-2; 66 DCR 398), is repealed.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-176

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To approve the sublease agreement between Old Congress Heights School Redevelopment Company, LLC, and the University of the District of Columbia to sublease the property located at 3100 Martin Luther King Jr. Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “University of the District of Columbia Sublease Agreement with the Old Congress Heights School Redevelopment Company, LLC, Approval Resolution of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the sublease agreement between the Old Congress Heights School Redevelopment Company, LLC, Inc., and the University of the District of Columbia to sublease the property located at 3100 Martin Luther King Jr. Avenue, S.E., for a total of \$2,082,000 in rent and \$919,545 in operating costs for the first year, with the amounts increasing every year thereafter.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the University of the District of Columbia Board of Trustees and to the President of the University.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-177

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To approve Contract No. CFOPD-19-C-041 with Intralot, Inc., to provide sports wagering, lottery gaming systems, and related services to the Office of the Chief Financial Officer, Office of Lottery and Gaming.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sports Wagering, Lottery Gaming Systems, and Related Services Contract No. CFOPD-19-C-041 Approval Resolution of 2019.”

Sec. 2. Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and the Sports Wagering Procurement Practices Reform Exemption Act of 2019, effective April 18, 2019 (D.C. Law 23-1; 66 DCR 2451), the Council approves Contract No. CFOPD-19-C-041 with Intralot, Inc., to provide sports wagering, lottery gaming systems, and related services to the Office of the Chief Financial Officer, Office of Lottery and Gaming, for a 5-year base period in the not-to-exceed amount of \$215,000,000.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Chief Financial Officer.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-178

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide an abatement of real property taxes for property located at 1201-1215 Good Hope Road, S.E., and known for tax and assessment purposes as Lot 1017, 847, 867, 866, and 864 in Square 5769.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “MLK Gateway Real Property Tax Abatement Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Council approved the MLK Gateway Disposition Approval Resolution of 2017, effective December 5, 2017 (Res. 22-319; 65 DCR 33) (“2017 approval resolution”), authorizing the Mayor to dispose of District-owned real property known as MLK Gateway, located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866, and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E., known for tax and assessment purposes as Lot 829 in Square 577.

(b) The selected development team of MLK Gateway Partner, LLC, comprised of the Menkiti Group and Enlightened, Inc. (“Developer”), has worked to meet the deadlines set forth in the schedule of performance of the Land Disposition Agreement with the District.

(c) The Developer has pursued parallel approvals for both the historic retail storefronts with the new office addition at 1201-1215 Good Hope Road, S.E., (“GHR Property”), and a new office building with street-level retail on Lot 829, Square 577.

(d) The Developer is seeking New Market Tax Credits to support the financing of the redevelopment project, which must be used prior to the end of summer 2019. These credits typically become available in January of each year. However, the issuance of these credits was delayed by the government shutdown at the end of last year.

(e) The Developer has identified a gap in its financing, which if not resolved will prevent the closing on the GHR Property from taking place prior to the expiration of the Council’s approval in the 2017 approval resolution of the disposition of the GHR Property.

(f) The Executive has committed, in writing, to fund the tax abatement.

(g) Without immediate approval of the tax abatement, which will resolve the financing gap, the redevelopment project will be unable to move forward.



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(h) Permanent legislation will be introduced and there will be hearing in the fall.

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 MLK Gateway Real Property Tax Abatement Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-180

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to officially designate a portion of the public alley system within Square 1090, bounded by 16th Street, S.E., D Street, S.E., 17th Street, S.E., and E Street, S.E., as Adelaide Alley.

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

Sec. 2. (a) On June 25, 2019, the Council passed on final reading the Adelaide Alley Designation Act of 2019, passed on 2nd reading on June 25, 2019 (Enrolled version of Bill 23-22) (“Designation Act”), which has been transmitted to the Mayor for her signature, with a response due on July 16, 2019.

(b) The Designation Act would officially name a portion of the public alley system within Square 1090, bounded by 16th Street, S.E., D Street, S.E., 17th Street, S.E., and E Street, S.E., (“public alley”) as Adelaide Alley.

(c) Once the public alley is officially named, the Department of Consumer and Regulatory Affairs (“DCRA”) will be able to issue official addresses to lots in the public alley.

(d) The Mayor, Council, and Zoning Commission have all committed to increasing density to address the ongoing affordable housing crisis in the District, including through the Zoning Commission’s 2016 changes to the Zoning Code that facilitate development of new housing in alleys.

(e) At least one housing development project is planned for a lot in the public alley, which cannot begin construction until DCRA issues a construction permit. However, DCRA has adopted a policy of not issuing construction permits for projects that do not have an official address.

(f) Emergency legislation is necessary to allow DCRA to issue construction permits for projects in the public alley before the Designation Act becomes effective.

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 Adelaide Alley Designation Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-181

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be, subject to an adverse immigration action, to make short-term plans for a child without terminating or limiting that person's parental or custodial rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Standby Guardian Emergency Declaration Resolution of 2019".

Sec. 2. (a) According to the American Immigration Council:

(1) 25,000 undocumented immigrants comprised 26% of the immigrant population and 3.9% of the District's total population in 2014;

(2) 23,979 people in the District, including 8,912 born in the United States, lived with at least one undocumented family member between 2010 and 2014; and

(3) During the same period, 7% of children in the District were United States citizens living with at least one undocumented family member (7,572 children in total).

(b) The President has made immigration detention and deportation a signature issue of his administration and despite the District's designation as a sanctuary city, there continues to be apprehensions and detainments, including inside the District of Columbia Superior Court building.

(c) Over the last year, organizations that work with detained individuals in the District have seen a 40% increase in the number of District residents being held in immigration detention centers.

(d) On June 17, 2019, President Donald Trump tweeted, "Next week ICE will begin the process of removing the millions of illegal aliens who have illicitly found their way into the United States. They will be removed as fast as they come in."

(e) According to ABC News, on June 18, 2019, an official from the President's administration said that enforcing final deportation orders "is a top priority."

(f) On the evening of June 22, 2019, the U.S. Immigration and Customs Enforcement ("ICE") performed raids in Adams Morgan and Columbia Heights. ICE visited several restaurants undercover to scope them out, gain access to the back of the kitchen, and interrogate

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workers. In connection to these raids, two parents who are District residents were detained by ICE and are being held in a local detention center.

(g) On June 25, 2019, there was an additional ICE raid at the Mount Pleasant Library.

(h) When District residents are apprehended and detained, they are transported to detention centers outside of the District, as the District does not have any immigrant detention centers within its jurisdiction. It can often take many days for family members to learn the whereabouts of the detained residents.

(i) Currently, there is no formal mechanism available to residents of the District who are parents, legal guardians, or legal custodians to designate another adult to take care of a child in the event that the parent, legal guardian, or legal custodian is subject to an adverse immigration action. As a result, children of detained residents may be left in limbo without anyone to ensure their wellbeing when their parent, legal guardian, or legal custodian is detained.

(j) There exists an immediate need for the District to enact legislation to extend the standby guardianship laws to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in advance of an adverse immigration action.

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 Standby Guardian Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-184

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to amend the Food Production and Urban Gardens Program Act of 1986 to clarify that, under the Urban Farming Land Lease Program, the District may enter into a lease agreement with a qualified applicant to create and maintain an urban farm on vacant land and to authorize the Department of Energy and Environment to waive soil testing requirements for a lessee who agrees not to grow produce in the site soil of the leased property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Urban Farming Land Lease Emergency Declaration Resolution of 2019”.

Sec. 2. (a) Expanding urban farming in the District will increase the amount of fresh, healthy, locally-grown produce that is available to District residents and create opportunities for employment and entrepreneurship in the agricultural sector.

(b) The Urban Farming Land Lease Program (“Program”), currently operated by the Department of General Services (“DGS”), aims to increase urban farming in the District by allowing urban farmers to lease vacant public land to create and maintain urban farms.

(c) The Fiscal Year 2020 Budget Support Act of 2019 moves implementation of the Program from DGS to the Department of Energy and Environment (“DOEE”).

(d) Recently, there have been significant delays to the implementation of the Program due to the statutory requirements for soil testing. Under current law, lessees must prove that the soil has been tested for, and found to be substantially free of, contamination from arsenic, lead, and heavy metals, regardless of how the lessees intend to use the land.

(e) In March 2019, 2 farmers were awarded leases for public land under the Program; however, neither has received even a draft lease for review because DGS has not yet established soil testing standards. Neither farmer intends to grow food in the site soil, but instead plans to use hydroponic towers, raised beds, or other techniques to grow food. DGS has stated that the leases may be delayed by close to one year as the agency finalizes soil testing standards.

(f) As neither of the lessees’ operations will be affected by contaminated site soil, emergency legislation is needed to authorize DOEE to waive the soil testing requirement when

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the lessee does not use the site soil; provided, that the lease agreement includes a provision stating that the lessee will not plant in or use the site soil on the leased property. This emergency legislation will allow Program lessees, for whom DOEE determines soil testing is unnecessary, to move forward with their leases without further delay while the soil testing standards are being finalized.

(g) Emergency legislation is also needed to clarify changes made to the Program in the Fiscal Year 2020 Budget Support Act of 2019 in order to prevent additional delays in the Program's implementation after it is transferred to DOEE on October 1, 2019. Specifically, emergency legislation is needed to clarify that the land leases would be with the District, not DOEE, and to provide that DOEE will consult with DGS to identify vacant public land.

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 Urban Farming Land Lease Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

23-185

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2018-LRSP-02A with Randle Hill, LLC for program units at the Randle Hill Apartments, located at 3300-3368 6th Street, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2018-LRSP-02A Approval and Payment Authorization Emergency Declaration Resolution of 2019".

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In 2017, DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 7 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long-term subsidy contract with Randle Hill, LLC under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at 3300-3368 6th Street, S.E.

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(d) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Randle Hill, LLC with respect to the payment of a rental subsidy and allows the owner to lease the rehabilitated units at the Randle Hill Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

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 Local Rent Supplement Program Contract No. 2018-LRSP-02A Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the ALTSC with Randle Hill, LLC to provide an operating subsidy in support of 20 affordable housing units in an initial amount not to exceed \$305,472 annually.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

23-186

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposed rehabilitation of Randle Hill Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Randle Hill Apartments Mortgage Revenue Bonds Emergency Declaration Resolution of 2019”.

Sec. 2. (a) Randle Hill Apartments (“Property”) will consist of 17 buildings, containing a total of approximately 195 residential rental units after the planned rehabilitation is completed. The Property is expected to be located at 3300 6th Street, S.E., in Ward 8.

(b) The District of Columbia Housing Finance Agency (“Agency”) seeks to close this transaction with the developer before September 30, 2019. Under the Agency’s statute, a proposal must be submitted to the Council for a 30-day review period, which the Council may waive by affirmatively approving the proposed project before the end of the 30-day review period. In view of the pending Council recess, this proposed rehabilitation project will not complete its 30-day Council review period until October 3, 2019.

(c) There is an existing note on the property that is due shortly after September 2019 and will be refinanced as part of the closing of the transaction. A delay in closing on the project after September 30, 2019, would result in a default on this note and may put the project in jeopardy of not closing.

(d) Existing tenants have been informed that rehabilitation of the existing units will begin at the end of August 2019 and they have already commenced the income qualification process. Closing after September 30, 2019, would result in the tenants being burdened with having to undergo a recertification process related to their income qualification that may result in a delay to the rehabilitation project.

(e) The tenants and the developer have started making arrangements related to the relocation process, which is expected to be completed by the end of August 2019, in order to accommodate the rehabilitation project. The tenants are also making arrangements with respect to schools their children will attend. Closing after September 30, 2019, may cause disruptions to families with school-aged children.

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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 District of Columbia Housing Finance Agency Randle Hill Apartments Mortgage Revenue Bonds Emergency Approval Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To approve, on an emergency basis, the District of Columbia Housing Finance Agency’s issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$31,250,000 for the purpose of financing Randle Hill Apartments.

BE IT RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Randle Hill Apartments Mortgage Revenue Bonds Emergency Approval Resolution of 2019”.

Sec. 2. Pursuant to section 207(b)(3) of the District of Columbia Housing Finance Agency Act, effective October 5, 1985 (D.C. Law 6-44; D.C. Official Code §42-2702.07(b)(3)) (“HFA Act”), the Council approves the proposal of the District of Columbia Housing Finance Agency (“Agency”) for the issuance of a principal amount not to exceed \$31,250,000 in Multi-Family Housing Revenue Bonds, for the acquisition and rehabilitation financing of the Randle Hill Apartments, expected to be located at 3300 6th Street, S.E., in Ward 8, the financing of which has been determined by the Agency, by enactment of an eligibility resolution dated June 11, 2019, to be a housing undertaking that meets the requirements of the HFA Act.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Executive Director of the District of Columbia Housing Finance Agency.

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 resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-188

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to amend the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the analysis of the root causes of youth crime and prevalence of adverse childhood experiences report to March 31, 2020, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; and to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify that amendments to section 3c of the act apply to all proceedings pending in any District of Columbia court that were initiated under that section, regardless of when those proceedings were initiated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Criminal Justice Coordinating Council Information Sharing Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Council passed the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 63 DCR 15312) (“CYJAA”), on November 1, 2016. Section 304 of the CYJAA requires that the Criminal Justice Coordinating Council “submit a report to the Mayor and the Council containing an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth.”

(b) The Criminal Justice Coordinating Council has encountered difficulties obtaining the data necessary to complete the report from the Office of the State Superintendent of Education, the Department of Health Care Finance, the Department of Human Services, and the Child and Family Services Agency.

**ENROLLED ORIGINAL**

(c) This emergency legislation is necessary to ensure that the Criminal Justice Coordinating Council can receive that data. The data sharing required by the legislation is limited to this report only.

(d) This emergency legislation also clarifies one other section of the CYJAA – the Incarceration Reduction Amendment Act of 2016 (“IRAA”) – to provide that the most recent amendment to the IRAA, as well as the accompanying legislative intent for that amendment, shall apply to any IRAA proceeding currently pending in a District of Columbia court, including appeals. Although this was the Council’s intent in passing IRAA, it is now necessary to affirm that intent, as the Council has subsequently amended IRAA once, and legislation to do so again is currently pending in the Committee on the Judiciary and Public Safety. For example, one eligible inmate’s IRAA petition was denied under the first iteration of IRAA and is now on appeal. It is the Council’s intent that the amendment to IRAA passed in D.C. Law 22-313 should be applied when the court reviews the denial on appeal. Similarly, for petitions currently pending that were filed under the first iteration of IRAA, the amendment to the IRAA contained in D.C. Law 22-313 applies to those petitions.

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 Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-189

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve an amended term sheet for the disposition of District-owned real property known as MLK Gateway, located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866 and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E., known for tax and assessment purposes as Lot 829 in Square 5770.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “MLK Gateway Term Sheet Amendment Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Council approved the MLK Gateway Disposition Approval Resolution of 2017, effective December 5, 2017 (Res. 22-319; 65 DCR 33), which was accompanied by a term sheet, dated August 31, 2017, that was executed by the Deputy Mayor for Planning and Economic Development and the proposed developer. The term sheet outlined certain terms and conditions of the disposition of real property located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866 and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E., known for tax and assessment purposes as Lot 829 in Square 5770 (“Property”).

(b) The selected development team of MLK Gateway Partner, LLC, comprised of the Menkiti Group and Enlightened, Inc. (“Developer”), has worked diligently to meet the deadlines set forth in the schedule of performance of the Land Disposition Agreement with the District.

(c) The Developer has pursued parallel approvals for both the historic retail storefronts with the new office addition at 1201-1215 Good Hope Road, S.E., (“GHR Property”) and a new office building with street-level retail at 1909 MLK Jr. Avenue, S.E., (“MLK Property”).

(d) The Developer has recently purchased property adjacent to the MLK Property, which will allow for a larger and more desirable project. Because the MLK Property will now be part of a larger land assemblage, the developer has requested that the MLK Property be conveyed by a fee simple deed.

**ENROLLED ORIGINAL**

(e) The Developer has completed the building plans for the GHR Property and has applied for building permits. Building plans for the MLK Property are in the process of re-design based upon the larger proposed project.

(f) Pursuant to section 1(b-4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b-4)), the Mayor has submitted an amended term sheet, in redline form, that reflects certain changes related to the business terms of the transaction of the Property.

(g) The Developer is seeking New Market Tax Credits to support the development of the project which must be used prior to the end of summer 2019.

(h) Closing of the Property cannot occur without Council approval of the amended term sheet.

(i) Without immediate Council approval of the amended term sheet, the project will be unable to access critical financing and will be unable to move forward.

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 MLK Gateway Term Sheet Amendment Emergency Approval Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-190

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To approve, on an emergency basis, an amended term sheet for the disposition of District-owned real property known as MLK Gateway, located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866 and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E., known for tax and assessment purposes as Lot 829 in Square 5770.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “MLK Gateway Term Sheet Amendment Emergency Approval Resolution of 2019”.

Sec. 2. (a) The Council approved the MLK Gateway Disposition Approval Resolution of 2017, effective December 5, 2017 (D.C. Res. 22-319; 65 DCR 33), which was accompanied by a term sheet, dated August 31, 2017, that was executed by the Deputy Mayor for Planning and Economic Development and the proposed developer. The term sheet outlined certain terms and conditions of the disposition of real property located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866 and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E., known for tax and assessment purposes as Lot 829 in Square 5770 (“Property”).

(b) Pursuant to section 1(b-4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b-4)), the Mayor submitted to the Council, along with this resolution, an amended term sheet, in redline form, that reflects certain changes related to the business terms of the transaction of the Property (“amended term sheet”).

(c) The Council approves the amended term sheet.

Sec. 3. Fiscal impact statement.

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



**ENROLLED ORIGINAL**

Sec. 4. Transmittal.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-191

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve the proposed compensation system changes submitted by the Mayor for certain Career, Educational, Excepted, Management Supervisory, Legal, and Executive Services employees not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2020 District Government Employee Pay Schedules Emergency Declaration Resolution of 2019".

Sec. 2. (a) There exists an immediate need to approve the proposed Fiscal Year 2020 cost of living and pay parity salary increases submitted by the Mayor, which includes a salary increase for most current non-union Career, Excepted, Management Supervisory, Legal, and Executive Services employees; Educational Service employees of the Office of the State Superintendent of Education; and non-instructional and "When-Actually-Employed" (WAE) instructional Educational Service employees of the District of Columbia Public Schools.

(b) The Mayor is proposing that the salary increases be made effective for current employees effective October 13, 2019.

(c) In order to implement the salary increases, the Department of Human Resources and the Office of the Chief Financial Officer must carry out a number of lengthy administrative and technological actions.

(d) It is important that the salary increases be approved as soon as possible so that the Department of Human Resources and the Office of the Chief Financial Officer can promptly begin to carry out and complete these actions and District government employees can benefit in a timely manner from the additional income they will receive based on the updated salary schedules.

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 Fiscal Year 2020 District Government Employee Pay Schedules Emergency Approval Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-193

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve the negotiated compensation and working conditions collective bargaining agreement submitted by the Mayor for employees of the District of Columbia Public Schools, who are represented by the Council of School Officers, Local #4, American Federation of School Administrators, AFL-CIO.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Collective Bargaining Agreement between the District of Columbia Public Schools and the Council of School Officers, Local #4, American Federation of School Administrators, AFL-CIO, Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve the negotiated compensation and working conditions collective bargaining agreement submitted by the Mayor for employees of the District of Columbia Public Schools, who are represented by the Council of School Officers (“CSO”).

(b) The District of Columbia negotiated a compensation and working conditions agreement (“negotiated agreement”) for District of Columbia Public Schools (“DCPS”) employees represented by the CSO that requires certain compensation increases over a period of 3 years. The negotiated agreement provides for a retroactive 3% wage increase for Fiscal Year 2018, effective beginning the 1st full pay period commencing on or after October 1, 2017. The negotiated agreement also provides for a 2% wage increase for Fiscal Year 2019, retroactive in part, commencing on or after October 1, 2018, and a 3% increase for Fiscal Year 2020, effective beginning the 1st full pay period commencing on or after October 1, 2019.

(c) The negotiation of this agreement significantly increases compensation for DCPS employees, including principals and assistant principals. DCPS values a positive work environment and opportunities for professional growth for its school leadership and related service providers. The contract builds on DCPS’ strong system of support by providing the CSO bargaining units with additional professional compensation and benefits. The contract also cements the District’s national leadership concerning advances in pay for principals, assistant principals, and related service providers.

**ENROLLED ORIGINAL**

(e) Failure to immediately effectuate the terms of the negotiated agreement may result in undermining the confidence of union members in the District government and its leadership, and jeopardize the future relationship between labor and management who have united in the belief that their collaboration is the fastest path to guaranteeing that DCPS students achieve at high levels and reach their full potential.

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 Collective Bargaining Agreement between the District of Columbia Public Schools and Council of School Officers, Local #4, American Federation of School Administrators, AFL-CIO, Emergency Approval Resolution of 2019 be adopted on an emergency basis.

ENROLLED ORIGINAL

## A RESOLUTION

23-195

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To declare the existence of an emergency with respect to the need to approve the negotiated memoranda of agreement submitted by the Mayor for employees of the Office of the State Superintendent of Education, Division of Student Transportation, who are represented by Teamsters Local 639 and American Federation of State, County and Municipal Employees, District Council 20, Local 1959.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Memoranda of Agreement for FY 2020 Wages between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters 639 and American Federation of State, County and Municipal Employees, District Council 20, Local 1959 Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve the negotiated memoranda of agreement submitted by the Mayor for the Office of the State Superintendent of Education, Division of Student Transportation (OSSE-DST) employees who are represented by the Teamsters Local 639 (Teamsters) and American Federation of State, County and Municipal Employees, District Council 20, Local 1959 (“AFSCME”).

(b) The District-negotiated “Memoranda of Agreement for FY 2020 Wages” will achieve pay parity between full-time Teamsters and part-time AFSCME employees. These employees will be placed on the same pay schedules for Fiscal Year 2020.

The revised Fiscal Year 2020 pay schedules under these memoranda of agreement reflect the combination and alignment of the Fiscal Year 2020 pay schedules that were already approved by the Council as part of the negotiated compensation collective bargaining agreements through Fiscal Year 2020 for Teamsters Local 639 and AFSCME, District Council 20, Local 1959.

(e) Failure to immediately effectuate the terms of the negotiated Memoranda of Agreement may result in undermining the confidence of union members in the District government and its leadership, and jeopardize the future relationship between labor and management who have united in the belief that their collaboration is the fastest path to guaranteeing that students are transported safely.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Memoranda of Agreement for FY 2020 Wages between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters 639 and American Federation of State, County and Municipal Employees, District Council 20, Local 1959 Emergency Approval Resolution of 2019 be adopted on an emergency basis.

**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**

- |         |   |
|---------|---|
| B23-390 | Urban Farming Land Lease Amendment Act of 2019<br><br>Intro. 7-9-19 by Councilmember Cheh and referred to the Committee on Transportation and the Environment   |
| <hr/>   |   |
| B23-391 | Public Housing Rehabilitation Oversight Task Force Act of 2019<br><br>Intro. 7-9-19 by Councilmembers Bonds, T. White, Nadeau, Cheh, Allen, Todd, R. White, and Chairman Mendelson and referred to the Committee on Housing and Neighborhood Revitalization                             |
| <hr/>   |   |
| B23-392 | Students' Right to Home or Hospital Instruction Act of 2019<br><br>Intro. 7-9-19 by Councilmembers Grosso, Todd, T. White, Nadeau, Cheh, and R. White and referred sequentially to the Committee on Education and the Committee of the Whole with comments from the Committee on Health |
| <hr/>   |   |
| B23-393 | Safe Passage to School Expansion Act of 2019<br><br>Intro. 7-9-19 by Councilmembers Grosso, Todd, T. White, Nadeau, Cheh, and R. White and referred sequentially to the Committee on Transportation and the Environment and the Committee of the Whole                                  |
-

- B23-394      Tenant and Homeowner Accountability and Protection Amendment Act of 2019
- Intro. 7-9-19 by Councilmembers Nadeau, Bonds, and Cheh and referred to the Committee of the Whole
- 
- B23-395      First Responder Legacy Preference Amendment Act of 2019
- Intro. 7-9-19 by Councilmembers Allen, Bonds, Grosso, Todd, Cheh, Evans, Nadeau, R. White, and Chairman Mendelson and referred to the Committee on Labor and Workforce Development
- 
- B23-396      District Waterway Management Act of 2019
- Intro. 7-9-19 by Councilmembers Allen, Evans, R. White, Cheh, Gray, McDuffie, Bonds, Grosso, and Nadeau and referred sequentially to the Committee on Government Operations and the Committee of the Whole
- 
- B23-397      Public Safety Facilities Modernization Act of 2019
- Intro. 7-9-19 by Councilmembers Todd, Cheh, Grosso, Evans, Bonds, and T. White and referred to the Committee on Facilities and Procurement
- 
- B23-398      Lemonade Stand Amendment Act of 2019
- Intro. 7-9-19 by Councilmembers Todd, Allen, Silverman, R. White, Nadeau, Bonds, Cheh, Grosso, Gray, McDuffie, T. White, Evans, and Chairman Mendelson and referred to the Committee of the Whole
- 
- B23-399      O Street Wall Protection Act of 2019
- Intro. 7-9-19 by Councilmembers Gray, Cheh, Grosso, Todd, Bonds, Evans, Silverman, R. White, and Chairman Mendelson and referred to the Committee of the Whole
-



- B23-400 Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2019
- Intro. 7-9-19 by Councilmembers McDuffie, Cheh, R. White, Grosso, Gray, Silverman, Bonds, Todd, Evans, and Allen and referred to the Committee on Labor and Workforce Development
- 
- B23-401 District of Columbia Clean Slate Amendment Act of 2019
- Intro. 7-9-19 by Councilmember McDuffie and referred to the Committee on Judiciary and Public Safety
- 
- B23-402 Standby Guardian Amendment Act of 2019
- Intro. 7-9-19 by Councilmembers Nadeau, Todd, Cheh, Allen, Grosso, R. White, Bonds, T. White, Evans, Silverman, Gray, McDuffie, and Chairman Mendelson and referred to the Committee on Human Services
- 
- B23-403 MLK Gateway Real Property Tax Abatement Amendment Act of 2019
- Intro. 7-9-19 by Councilmember McDuffie and referred to the Committee on Business and Economic Development
- 
- B23-404 Deputy Mayor for Planning and Economic Development Limited Grant Making Authority for Check IT Enterprises Amendment Act of 2019
- Intro. 7-11-19 by Councilmember R. White and referred to the Committee on Business and Economic Development
- 
- B23-405 Motor Vehicle Insurance Modernization Amendment Act of 2019
- Intro. 7-12-19 by Chairman Mendelson and Councilmember McDuffie and referred to the Committee on Business and Economic Development with comments from the Committee on Transportation and the Environment
-

**PROPOSED RESOLUTIONS**

PR23-440      Sense of the Council Condemning the Inhumane Treatment of Children and Adults Detained in Federal Immigration Facilities Resolution of 2019

Intro. 7-9-19 by Councilmembers Cheh, Allen, R. White, Nadeau, Gray, T. White, Todd, Bonds, Grosso, Silverman, McDuffie, Evans, and Chairman Mendelson and Retained by the Council

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PR23-441      Wildlife Protection Infractions Approval Resolution of 2019

Intro. 7-9-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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PR23-442      Adams Morgan Moratorium Zone Approval Resolution of 2019

Intro. 7-9-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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PR23-443      Paint Stewardship Program Infractions Approval Resolution of 2019

Intro. 7-11-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

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**NOTICE OF INVESTIGATION BY THE COUNCIL OF THE DISTRICT OF COLUMBIA**

Pursuant to Rules of Organization and Procedure for the Council of the District of Columbia Council Period 23, Section 602, notice is given by the Secretary to the Council, Nyasha Smith, that the Council of the District of Columbia approved Res. 23-175 on July 9, 2019, authorizing the Chairman to appoint the law firm of O'Melveny and Myers to investigate the conduct of Councilmember Jack Evans in accordance with the scope outlined therein. The text of the resolution follows:

## A RESOLUTION

23-175

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To authorize the Committee of the Whole to hold certain hearings and roundtables during the Council's summer 2019 recess and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to authorize the University of the District of Columbia to submit grant budget modifications during the Council's summer 2019 recess; to authorize the Chairman to appoint O'Melveny & Myers to investigate the conduct of Councilmember Jack Evans; to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to abolish the Committee on Finance and Revenue, assign jurisdiction over certain agencies and matters to other Council committees, provide for an ad hoc committee to be established at the request of the Chairman, and permit an ad hoc committee to proceed in closed session; and to amend the Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019 to no longer provide for the membership of the Committee on Finance and Revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 23 Rules and Investigation Authority Amendment Resolution of 2019."

Sec. 2. Recess rules.

(a) The Committee of the Whole is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, on a contract, reprogramming, budget modification, measure, or proposed action by the Mayor during the period from July 15 through September 15, 2019.

(b) The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(1) Section 306(b) is amended by adding a new paragraph (5) to read as follows:

“(5) A request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be transmitted to the Secretary from July 15 through September 15, 2019.”.

(2) Section 711 is amended as follows:

(A) The existing text is designated as subsection (a).

(B) A new subsection (b) is added to read as follows:

“(b) Notwithstanding subsection (a) of this section, a request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be submitted, and the time period for the request may be counted, from July 15 through September 15, 2019.”.

(c) This section shall expire on September 16, 2019.

Sec. 3. Authorization of investigation.

(a)(1) The Council authorizes the Chairman to appoint O'Melveny & Myers (the "Law Firm") to investigate the conduct of Councilmember Jack Evans in accordance with the scope set forth in paragraph (2).

(2) The scope of the investigation authorized pursuant to paragraph (1) of this subsection shall be whether, from January 1, 2014 to the present, the official and outside activities of Councilmember Jack Evans relating to NSE Consulting LLC (including the establishment of that entity), any client of NSE Consulting LLC, or any other entity by which Councilmember Evans was employed or for which he consulted, violated the Code of Conduct as that term is defined in section 101(7) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(7)), or the Rules of Organization and Procedure for the Council of the District of Columbia ("Council Rules"), including those provisions of the Code of Conduct or the Council Rules that relate to conflicts of interest, outside activities, use of government resources, or use of confidential information.

(b) In furtherance of the investigation authorized by subsection (a) of this section, the Council authorizes the Law Firm to issue subpoenas on behalf of the Council to compel the attendance of witnesses, to obtain testimony, or to require the production of documents or other information or tangible items. Notwithstanding Council Rule 612, a report to the Secretary to the Council before issuing a subpoena as part of the investigation shall not be required.

(c) The Law Firm may take testimony of witnesses by oral, written, or videotaped depositions.

(d) Notwithstanding Council Rule 306, the Law Firm may conduct any investigative activities, including transmitting any report to the Council, during a period of Council recess.

(e) Upon completion of its investigation, the Law Firm shall file a report containing findings on the allegations investigated pursuant to subsection (a) of this section with the Secretary to the Council, along with all records obtained during the investigation that support the findings.

Sec. 4. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Section 232 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "the operation of business improvement districts ("BIDs") and oversight of BIDs, but not including the establishment of BIDs" and inserting the phrase "the operation of business improvement districts ("BIDs") and oversight of BIDs; the establishment of business improvement districts; matters relating to taxation and revenue for the operation of the government of the District of Columbia; industrial-revenue bonds" in its place.

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

(A) Add the following agencies to the list of agencies that come within the purview of the Committee on Business and Economic Development, to be inserted in alphabetical order within the existing list:

“Combat Sports Commission

“Destination DC

“District of Columbia Lottery and Charitable Games

“Multistate Tax commission

“Office of the Chief Financial Officer (not including the Office of Budget and Planning)”.

(B) Remove the following agencies from the list of agencies that come within the purview of the Committee on Business and Economic Development:

“Commission on Fashion Arts and Events

“District of Columbia Boxing and Wrestling Commission

“Office of Cable Television, Film, Music and Entertainment”.

(b) Section 234 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters regarding returning citizens” and inserting the phrase “matters regarding returning citizens; and the Washington Metropolitan Area Transit Authority” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Facilities and Procurement, to be inserted in alphabetical order within the existing list:

“Washington Metropolitan Area Transit Authority

“Washington Metrorail Safety Commission”.

(c) Section 235 is repealed.

(d) Section 236 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters relating to the general operations and services of government” and inserting the phrase “matters relating to the general operations and services of government; general-obligation bond acts and revenue anticipation notes; and tourism and cultural affairs” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Government Operations, to be inserted in alphabetical order within the existing list:

“Board of Review of Anti-Deficiency Violations

“Commission on Fashion Arts and Events

“Office of Cable Television, Film, Music and Entertainment”.

(e) Section 239(b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Housing and Neighborhood Revitalization, to be inserted in alphabetical order within the existing list:

“Real Property Tax Appeals Commission for the District of Columbia”.

(f) Section 651(b) is amended to read as follows:

“(b) An ad hoc committee shall be established:

“(1) If a Councilmember is censured by BEGA;

“(2) By request of any 5 members of the Council; or

“(3) By request of the Chairman.”.

(g) Section 653 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “members of the Council” and inserting the phrase “members of the Council or by the Chairman” in its place.

(2) Subsection (c) is amended by striking the phrase “in executive session in accordance with Rule 504” and inserting the phrase “in a closed session in accordance with Rules 371 through 376” in its place.

Sec. 5. Section 3(4) of the Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019, effective January 2, 2019 (Res. 23-2; 66 DCR 398), is repealed.

Sec. 6. This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
6/28/2019

**\*\*CORRECTION**

Notice is hereby given that:

License Number: ABRA-113664

License Class/Type: C Restaurant

Applicant: BSF Franchise, LLC

Trade Name: Bombay Street Food 2

ANC: 6B04

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

524 8TH ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
8/12/2019

A HEARING WILL BE  
8/26/2019

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

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

**\*\*Hours of Sidewalk Café Operation**

**\*\*Hours of Sales Sidewalk Café**

Sunday:	8am – 11pm	8am – 11pm
Monday	8am – 11pm	8am – 11pm
Tuesday:	8am – 11pm	8am – 11pm
Wednesday:	8am – 11pm	8am – 11pm
Thursday:	8am – 11pm	8am – 11pm
Friday:	8am – 1am	8am – 11pm
Saturday:	8am – 1am	8am – 11pm

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
6/28/2019

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-113664

License Class/Type: C Restaurant

Applicant: BSF Franchise, LLC

Trade Name: Bombay Street Food 2

ANC: 6B04

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

524 8TH ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
8/12/2019

A HEARING WILL BE  
8/26/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: July 19, 2019  
Protest Petition Deadline: September 3, 2019  
Roll Call Hearing Date: September 16, 2019

License No.: ABRA-106040  
Licensee: DBGA, LLC  
Trade Name: Dacha Navy Yard  
License Class: Retailer's Class "C" Tavern  
Address: 79 Potomac Avenue, S.E.  
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 September 16, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

To add an Entertainment Endorsement to provide Live Entertainment both indoors and outdoors.

**CURRENT HOURS OF OPERATION INSIDE THE PREMISES**

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

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

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

**CURRENT HOURS OF OPERATION FOR SIDEWALK CAFÉ/SUMMER GARDEN**

Sunday through Tuesday 7am – 11pm, Wednesday and Thursday 7am – 12am,  
Friday and Saturday 7am – 2am

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ/SUMMER GARDEN**

Sunday through Tuesday 8am – 11pm, Wednesday and Thursday 8am – 12am,  
Friday and Saturday 8am – 2am

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

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

**PROPOSED HOURS OF LIVE ENTERTAINMENT (OUTDOORS)**

Sunday through Thursday 8am – 10:30pm, Friday and Saturday 8am – 12am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: July 19, 2019  
Protest Petition Deadline: September 3, 2019  
Roll Call Hearing Date: September 16, 2019

License No.: ABRA-088870  
Licensee: Joel Mireles Castillo  
Trade Name: Dulcinea Bar and Grill  
License Class: Retailer’s Class “C” Restaurant  
Address: 2618 Georgia Ave, N.W.  
Contact: Joel Castillo: (202) 265-0868

WARD 1

ANC 1B

SMD 1B03

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 September 16, 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**

Request to add a Summer Garden with 13 seats.

**HOURS OF OPERATION**

Sunday through Thursday 7am – 10pm, Friday and Saturday 7am – 11pm

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

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

**PROPOSED HOURS OF OPERATION FOR OUTDOOR SUMMER GARDEN**

Sunday through Thursday 7am – 10pm, Friday and Saturday 7am – 11pm

**PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTDOOR SUMMER GARDEN**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
7/19/2019

Notice is hereby given that:

License Number: ABRA-113885

License Class/Type: C Restaurant

Applicant: El Camino, LLC

Trade Name: El Camino

ANC: 5E07

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

108 RHODE ISLAND AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
9/3/2019

A HEARING WILL BE  
9/16/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11 am - 1 am	11 am - 1 am
Monda	11 am - 1 am	11 am - 1 am
Tuesda	11 am - 1 am	11 am - 1 am
Wednesday:	11 am - 1 am	11 am - 1 am
Thursday:	11 am - 1 am	11 am - 1 am
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
7/19/2019

Notice is hereby given that:

License Number: ABRA-104701

License Class/Type: C Restaurant

Applicant: M & S INC.

Trade Name: GLO - LALIBELA ETHIOPIA RESTAURANT & LOUNGE

ANC: 6E01

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

1608 7TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
9/3/2019

A HEARING WILL BE  
9/16/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	11 am - 2 am	9 pm - 2 am
Monday:	7 am - 2 am	11 am - 2 am	9 pm - 2 am
Tuesday:	7 am - 2 am	11 am - 2 am	9 pm - 2 am
Wednesday:	7 am - 2 am	11 am - 2 am	9 pm - 2 am
Thursday:	7 am - 2 am	11 am - 2 am	9 pm - 2 am
Friday:	7 am - 3 am	11 am - 3 am	9 pm - 3 am
Saturday:	7 am - 3 am	11 am - 3 am	9 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
7/19/2019

Notice is hereby given that:

License Number: ABRA-087362

License Class/Type: D Restaurant

Applicant: Zeni, LLC

Trade Name: Habesha Market & Carry-Out Restaurant

ANC: 1B02

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

1919 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
9/3/2019

A HEARING WILL BE  
9/16/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 5 am	10 am - 2 am	-
Monday:	8 am - 5 am	8 am - 2 am	-
Tuesday:	8 am - 5 am	8 am - 2 am	-
Wednesday:	8 am - 5 am	8 am - 2 am	-
Thursday:	8 am - 5 am	8 am - 2 am	-
Friday:	8 am - 5 am	8 am - 3 am	-
Saturday:	8 am - 5 am	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
7/19/2019

Notice is hereby given that:

License Number: ABRA-060462

License Class/Type: C Arena

Applicant: Levy Premium Foodservice Limited Partnership

Trade Name: Levy @ DC United

ANC: 6D05

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

100 POTOMAC AVE SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
9/3/2019

A HEARING WILL BE  
9/16/2019

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

ENDORSEMENT(S): Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: July 19, 2019  
Protest Petition Deadline: September 3, 2019  
Roll Call Hearing Date: September 16, 2019  
Protest Hearing Date: November 6, 2019

License No.: ABRA-114330  
Licensee: Peruvian Brothers, LLC  
Trade Name: Peruvian Brothers  
License Class: Retailer's Class "C" Tavern  
Address: 1280 4<sup>th</sup> Street, N.E.  
Contact: Risa Hirao, Esq.: (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 September 16, 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 **November 6, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Tavern with a seating capacity of 99 and Total Occupancy Load of 99. Summer Garden with 183 seats. The location is a market in which the licensee is also requesting to utilize shared culinary space.

**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****NOTICE OF PUBLIC HEARING****\*\*CORRECTION**

Placard Posting Date: June 28, 2019  
Protest Petition Deadline: August 12, 2019  
Roll Call Hearing Date: August 26, 2019  
Protest Hearing Date: October 23, 2019

License No.: ABRA-114225  
Licensee: Chef AmyB, LLC  
Trade Name: Piccolina  
License Class: Retailer's Class "C" Restaurant  
Address: 963 Palmer Alley, N.W.  
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 26, 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 23, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Restaurant with a seating capacity of 25 and a Total Occupancy Load of 70. Summer Garden with 20 seats.

**HOURS OF OPERATION FOR INSIDE PREMISES**

Sunday through Saturday 7:30am – 10pm

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

Sunday through Saturday \*\*10:30am – 10pm

**HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN**

Sunday through Saturday 7:30am – 9:30pm

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

Sunday through Saturday \*\*10:30am – 9:30pm

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

Placard Posting Date: June 28, 2019  
Protest Petition Deadline: August 12, 2019  
Roll Call Hearing Date: August 26, 2019  
Protest Hearing Date: October 23, 2019

License No.: ABRA-114225  
Licensee: Chef AmyB, LLC  
Trade Name: Piccolina  
License Class: Retailer's Class "C" Restaurant  
Address: 963 Palmer Alley, N.W.  
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 26, 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 23, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Restaurant with a seating capacity of 25 and a Total Occupancy Load of 70. Summer Garden with 20 seats.

**HOURS OF OPERATION FOR INSIDE PREMISES**

Sunday through Saturday 7:30am – 10pm

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

Sunday through Saturday \*\*8am – 10pm

**HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN**

Sunday through Saturday 7:30am – 9:30pm

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

Sunday through Saturday \*\*8am – 9:30pm

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

Placard Posting Date: July 19, 2019  
Protest Petition Deadline: September 3, 2019  
Roll Call Hearing Date: September 16, 2019  
Protest Hearing Date: November 6, 2019

License No.: ABRA-114288  
Licensee: Quilox, LLC  
Trade Name: Quilox Restaurant and Lounge  
License Class: Retailer's Class "C" Restaurant  
Address: 7303 Georgia Avenue, N.W.  
Contact: Helga Tanwani: (443) 985-1279

WARD 4

ANC 4B

SMD 4B01

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 September 16, 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 **November 6, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New C Restaurant serving a combination of American, African and Caribbean cuisine with a Seating Capacity of 49, and a Total Occupancy Load of 49. The License will include an Entertainment Endorsement.

**HOURS OF OPERATION**

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

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

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

**HOURS OF LIVE ENTERTAINMENT**

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: June 28, 2019  
Protest Petition Deadline: August 12, 2019  
Roll Call Hearing Date: August 26, 2019  
Protest Hearing Date: October 23, 2019

License No.: ABRA-114149  
Licensee: Riggs F&B LLC  
Trade Name: Riggs Washington DC  
License Class: Retailer's Class "C" Hotel  
Address: 900 F Street, N.W.  
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 26, 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 23, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Hotel with 181 hotel rooms. Summer Garden with 132 seats and Sidewalk Café with 48 seats. \*\*Licensee is requesting an Entertainment Endorsement to include Dancing indoors only.

**HOURS OF OPERATION FOR INSIDE PREMISES**

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

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

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

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES**

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

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉ**

Sunday through Saturday 8am – 12am

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

Placard Posting Date: June 28, 2019  
Protest Petition Deadline: August 12, 2019  
Roll Call Hearing Date: August 26, 2019  
Protest Hearing Date: October 23, 2019

License No.: ABRA-114149  
Licensee: Riggs F&B LLC  
Trade Name: Riggs Washington DC  
License Class: Retailer's Class "C" Hotel  
Address: 900 F Street, N.W.  
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 26, 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 23, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Hotel with 181 hotel rooms. Summer Garden with 132 seats and Sidewalk Café with 48 seats. Licensee is requesting an Entertainment Endorsement to include Dancing. **\*\*Live Entertainment will occur both indoors and outdoors, but Dancing will occur in the interior of the premises only.**

**HOURS OF OPERATION FOR INSIDE PREMISES**

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

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

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

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES**

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

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉ**

Sunday through Saturday 8am – 12am

**\*\*HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDEN**

Sunday through Saturday 8am – 11pm

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request submitted by Maya Angelou Public Charter School (Maya Angelou PCS) on June 21, 2019 to amend its goals and academic achievement expectations.

Maya Angelou PCS is a two-campus local education agency that is currently in its twentieth year of operation educating students in grades 9-12 at its high school campus and adult students at its Young Adult Learning Center. The school seeks to amend its goals and academic achievement expectations by modifying the in-seat attendance goal for its high school campus. Maya Angelou PCS's current high school attendance goal states that the school will have an 85.0% in-seat attendance rate annually. However, per the school's amendment request, Maya Angelou PCS proposes to change its attendance goal to a 65.0% in-seat attendance rate.

A public hearing will be held on July 15, 2019 and a vote will be held on September 16, 2019 at 6:30 p.m.

**How to Submit Public Comment:**

1. Submit written comment one of the following ways:
  - a. E-mail: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - b. Postal mail: Attn: Public Comment, \*DC Public Charter School Board, 3333 14<sup>th</sup> ST. NW., Suite 210, Washington, DC 20010
  - c. Hand Delivery/Courier\*: Same as postal address above
  
2. Sign up to testify in-person at the public hearing on July 15, 2019 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Friday, July 12.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, SEPTEMBER 18, 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**

20033            **Application of Matthew and Claire Portolese**, pursuant to 11  
ANC 6B           DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E  
                         § 5201 from the nonconforming structure requirements of C § 202.2,  
                         and pursuant to Subtitle X, Chapter 10, for area variances from the lot  
                         occupancy requirements of Subtitle E § 504.1, and the rear yard  
                         requirements of Subtitle E § 506.1, to construct a two-story rear  
                         addition to an existing, attached principal dwelling unit in the RF-3  
                         Zone at the premises at 302 South Carolina Avenue, S.E. (Square 794,  
                         Lot 39).

**WARD SIX**

20091            **Application of Amani Enterprises, LLC**, pursuant to 11 DCMR  
ANC 6C           Subtitle X, Chapter 9, for a special exception under Subtitle H § 1200  
                         from the designated use requirements of Subtitle H §1107.1(h)(2), to  
                         operate an establishment that has as a principal use the administration  
                         of massage in an existing mixed-use office building in the NC-11 Zone  
                         at premises 609 H Street N.E. (Square 859, Lot 837).

**WARD SIX**

20092            **Application of James J. Hogan Jr.**, pursuant to 11 DCMR Subtitle X,  
ANC 6C           Chapter 9, for special exceptions under Subtitle F § 5201 from the lot  
                         occupancy requirements of Subtitle F § 504.1, and from the  
                         nonconforming structure requirements of Subtitle C § 202.2, to  
                         construct a one-story rear addition to an existing accessory structure in  
                         the RA-7 Zone at premises 224 C Street N.E. (Square 756, Lot 804).

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**WARD ONE**

20094  
ANC 1A      **Application of Kevin Meurer**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203 from the upper floor addition requirements of Subtitle E § 206.1, to construct a second and third-story addition to an existing semi-detached flat in the RF-1 Zone at premises 3014 13th Street N.W. (Square 2849, Lot 34).

**WARD FIVE**

20095  
ANC 5E      **Application of Mi Casa, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the zone boundary line provisions of Subtitle A § 207.2, and pursuant to Subtitle X, Chapter 10, for variances from the loading requirements of Subtitle C § 901.1, and from the zone boundary line requirements of Subtitle A § 207.1, to raze the existing detached principal dwelling unit, subdivide eight lots, and to construct a mixed use building with 24 residential units, retail space and non-profit office space in the MU-4 and RF-1 Zones at premises 14 Florida Avenue N.W. (Square 615, Lots 75, 148, 149, 150, 151, 152, 806, and 825).

**WARD SIX**

20106  
ANC 6B      **Application of Jorge Ventura**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story, principal dwelling unit addition on an existing retail use building in the RF-1 Zone at premises 328 Kentucky Avenue, S.E. (Square 1039S, Lot 17).

**WARD TWO**

20108  
ANC 2E      **Application of 1238 Wisconsin Owner LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle G § 1201.1, from the rear yard requirements of Subtitle G § 405.2, to expand and renovate an existing mixed-use building in the MU-4 Zone at premises 1238 Wisconsin Avenue, N.W. (Square 1218, Lot 102).

**WARD SIX**

20109  
ANC 6E      **Application of Bernard Berry**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot



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occupancy requirements of Subtitle E § 304.1 to construct a three-story principal dwelling unit, with a cellar level and roof deck pool in the RF-1 Zone at premises 509 O Street, N.W. (Square 479, Lot 818).

### **WARD EIGHT**

20110            **Application of Alabama Apartments LLC**, pursuant to 11 DCMR  
ANC 8B           Subtitle X, Chapter 9, for a special exception under the new residential  
development provisions of Subtitle U § 421, to construct 86-unit  
affordable housing units in a new three-story building with 14 surface  
parking spaces in the RA-1 Zone at premises 2483-2491 Alabama  
Avenue, S.E. (Square 5730, Lots 7, 9, 11, 118-126, 800, 801, 861, 863,  
865, 867, 869, 871, 918).

### **WARD FOUR**

20111            **Application of Trinity Episcopal Church**, pursuant to 11 DCMR  
ANC 4B           Subtitle X, Chapter 9, for a special exception under the use provisions  
of Subtitle U § 203.1(g), to permit the expansion of an existing child  
development center from 25 children with 6 staff members to 62  
children with 16 staff members in the R-1-B Zone at premises 7005  
Piney Branch Road, N.W. (Square 3190, Lot 806).

#### 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

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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

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የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ሙከራ ተርጓሚ) 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 የሙከራ በነጻ ነው።

Chinese

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

French

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Korean

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Spanish

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

Vietnamese

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

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

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

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**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**

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (“DHCF”), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007 (“Establishment Act”), effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of a new Chapter 87 (District of Columbia Health Information Exchange) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (“DCMR”).

As set forth in Section 4 of the Establishment Act (D.C. Official Code § 7-771.03(2)) (2018 Repl.)), DHCF was established with the purpose of developing a comprehensive, efficient, and cost-effective health-care system for the District’s uninsured, under-insured, and low-income residents. Further, as set forth in Section 8 of the Establishment Act (D.C. Official Code § 7-771.07(8) (2018 Repl.)), DHCF’s duties include the development and maintenance of comprehensive information-technology infrastructure that accurately and efficiently processes claims, interfaces with other necessary public, private, and nonprofit information-technology systems, and collects information for data analysis of trending, cost measurement, performance management, policy development, and strategic planning.

DHCF leads the District’s health information technology (“HIT”) and health information exchange (“HIE”) policy development effort and serves as the State Health IT Coordinator for the District. In its capacity as the State Health IT Coordinator, DHCF fulfills several complementary roles: DHCF administers the Medicaid Electronic Health Record Incentive Program; DHCF facilitates federal and local funding to support health IT projects that directly support Medicaid providers while building infrastructure to serve all District residents; DHCF develops health IT strategies for the District that are responsive to the complex health care needs of a diverse population; and DHCF coordinates ongoing, District-wide public input through the DC HIE Policy Board and stakeholder outreach activities.

The effective use of health information, especially when exchanged among organizations via HIE, is a fundamental component of DHCF’s short term and long term health system reform efforts and a vital component of efficient health care delivery. At the recommendation of the DC HIE Policy Board and the State Innovation Model HIE Workgroup, the District committed to undertake several initiatives aimed at bolstering the District’s HIE capacities in the District’s 2016 State Health Innovation Plan. Among those initiatives was DHCF’s commitment to the creation of a District-wide HIE and the development of thresholds and standards for participation in that exchange.

To meet its commitment to the promotion of HIE in the District and in accordance with the purposes and duties set forth under the Establishment Act, DHCF is proposing regulations to establish the District of Columbia Health Information Exchange (“DC HIE”), govern the registration and designation of HIE entities in the District of Columbia, and set out guidance to regulate the efficient and secure transmission of health information according to nationally

recognized standards. The Health Information Technology for Economic and Clinical Health Act (Pub. L. No. 111-5, Title XIII, 123 Stat. 226 (2009)), guides the establishment of the DC HIE.

The DC HIE is proposed as a statewide, interoperable system of registered and designated HIE entities. Under the proposed framework, HIE entities operating in the District are eligible to apply for registration and designation by DHCF. Registered and designated HIE entities will work collaboratively within the DC HIE framework to facilitate person-centered care through the secure electronic exchange of health information among participating organizations. Registered and designated HIE entities participating in the DC HIE will work with DHCF to implement the District's health information exchange initiatives as outlined under the District's State Medicaid Health Information Technology Plan ("SMHP") in support of a District-wide health data infrastructure and service.

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on December 14, 2018, at 65 DCR 013545. One (1) set of comments was received from the Kaiser Foundation Health Plan of Mid-Atlantic States (KP). DHCF carefully considered all comments received and made some technical changes in response to the comments received, as outlined below.

#### *Protected Health Information*

KP recommended a number of amendments to Section 8703 to indicate that Section 8703 governs "protected health information," which is individually identifiable, rather than all health information even if it is not identifiable. KP added that aggregated information that is not identifiable should not be unnecessarily limited in its ability to be shared beyond existing law. DHCF agrees and is proposing technical corrections to the title of the Section and Subsections 8703.1 through 8703.4 and a corresponding amendment to the cross reference in Subsection 8707.2(c) to clarify intent.

#### *Authentication Protocols*

To assure that only authorized users access, use, or disclose PHI through or from a registered HIE entity, Subsection 8703.5 requires registered HIE entities use and ensure that participating organizations are using authentication methodology that meets minimum requirements set forth in the latest version National Institute of Standards and Technology ("NIST"), Special Publication 800-63. NIST publication 800-63 identifies four levels of authentication. KP stated that the rule could be interpreted to require registered HIE entities adhere to the requirements of NIST Level 1, which does not require identity proofing. KP recommended that the rulemaking clearly require adherence to the requirements of NIST Level 2, which requires single-factor authentication.

DHCF agrees that the reference to "minimum technical requirements" in Subsection 8703.5 creates potential ambiguity. NIST Level 2 requirements referenced by KP are currently the industry standard and the standard to which DHCF will require registered HIE entities to adhere. However, NIST guidance may be updated in the future and industry standards for user authentication will continue to evolve. In order to ensure registered HIE entities take affirmative steps to keep pace with evolving standards, DHCF will publish guidance on its website that

identifies the minimum technical requirements that registered HIE entities should use and ensure are in use by its participating organizations. DHCF is proposing a technical amendment to Subsections 8703.5 and 8703.6 to clarify its intent to maintain guidance on NIST minimum technical authentication requirements on its website.

#### *Termination of Authorized Users*

Subsection 8703.8 sets forth requirements for registered HIE entities with regard to the termination of an authorized user's access to PHI disclosed through the HIE entity. KP commented that the thirty (30) day timeframe established in Subsection 8703.8 is an inordinate amount of time to terminate access to PHI, particularly if the individual has been identified as a security risk. KP recommended that DHCF require "prompt" termination of access to PHI; aligning with the requirements of Subsection 8703.6.

The thirty (30) day timeframe set forth in Subsection 8703.8 is proposed as a maximum threshold. However, DHCF expects registered HIE entities to quickly address any potential threat to the security of PHI. DHCF is proposing technical amendments to Subsection 8703.8 to require prompt termination of access to PHI, no later than thirty (30) days, to users identified in in Subsection 8703.8.

#### *Privacy Breach and Non-HIPAA Violation*

In the initial Notice of Proposed Rulemaking, a non-HIPAA violation is defined as an inappropriate use, access, maintenance, or disclosure of health information that is not a HIPAA violation, but is inconsistent with State or federal law. KP offers that the definition of non-HIPAA violation is vague. KP stated that the proposed definition would find a "non-HIPAA violation" for acts that are "inconsistent" with other non-specified laws, whether or not that amounts to a violation of those laws. To clarify the standard, KP recommended removing references to non-HIPAA violations and expanding the definition of "privacy breach" to include access, use, or disclosure of health information in a manner not permitted by under HIPAA or other privacy laws.

In a related comment, KP stated that DHCF regulations should not include restatements of federal law and DHCF should limit potentially confusing cross references to federal notice requirements. KP offered that the rulemaking should focus on stating District requirements specific to exchange of information through an HIE entity. KP recommended removal of Subsections 8706.1 and 8706.2 and recommended minor edits to Subsections 8706.3, 8706.5 - 8706.6, 8705.5 – 8705.6, and 8709.6 to incorporate "privacy breach," as defined above, into the rule.

DHCF distinguishes breaches and non-HIPAA violations to achieve clarity between federal HIPAA requirements and the requirements of this Chapter. DHCF agrees, that as drafted the definition of non-HIPAA violation creates potential ambiguity. DHCF is proposing technical amendments to the definition of non-HIPAA violation to clarify that a non-HIPAA violation includes the acquisition, access, use, maintenance, or disclosure of health information in a manner not permitted under District or federal law. DHCF is not adopting the offered term

“privacy breach,” as defined above. Therefore, DHCF is not proposing further amendments to Subsections 8706.1 - 8706.3, 8706.5 -8706.6, 8705.5 – 8705.6, and 8709.6 at this time.

#### *Notice to Health Care Consumers*

Subsection 8707.2 sets forth requirements for participating organizations to notify health care consumers no later than the first medical encounter following enrollment of the organization in a registered HIE entity. To ensure that a participating organization can use their website or mobile applications to more broadly reach health care consumers, KP recommended amendments to Subsection 8707.2 to include electronic notice.

Written notice to health care consumers does not preclude the use of electronic means. DHCF’s goal and the intent of Subsection 8707.2 is to ensure that organizations take affirmative steps to inform health care consumers of their participation with HIE entities. DHCF expects that participating organizations will use available online and electronic resources to deliver notice to health care consumers. Therefore, DHCF is not recommending amendments at this time.

Further, KP stated that Subsection 8702.2(a) will ultimately require many provider organizations modify their Notice of Privacy Practices (NPP) to specifically identify the HIE entities, with which, the provider organization participates. KP reasoned that Subsection 8707.2(a) will place an undue burden on participating organizations and prefers that participating organization have the ability to maintain a generic reference in their NPPs that indicates the organization’s participation in one or more HIE networks.

Health care consumers need information in order to make informed choices about their care. A generic reference to participation with one or more registered HIE entities will not convey important information. To preserve a health care consumers ability to opt out of participation with individual or all HIE entities, the consumer will need to know which specific HIE entities are exchanging their information.

DHCF understand that HIE entities create their own procedures and there will be variation in NPPs across participating organizations. DHCF is proposing technical amendments to Subsection 8707.2(a) to clarify that DHCF will provide further policy guidance on NPPs on its website to assist HIE entities and participating organizations with regard to providing this information to health care consumers.

#### *Opt Out*

Subsection 8710.1(b) requires designated HIE entities and their participating organizations to take affirmative steps to ensure consumers have the ability to opt out of participation in health information exchange. KP requested an amendment to clarify that consumers have the right to opt out of having their PHI through an HIE, not the ability to have their information otherwise disclosed in accordance with applicable law. As set forth in Subsection 8710.1(b), the ability to opt out of health information exchange is not absolute and exceptions are outlined in Subsection 8710.2. DHCF is proposing a technical amendment to 8710.1(b) to clarify that consumers can refuse access to PHI disclosed through an HIE entity.

Further, KP requested amendment to Subsection 8710.2(d) to specifically identify reports and queries needed to comply with prescription drug monitoring programs. DHCF believes that the exceptions identified in Subsection 8710.2 are sufficiently broad and would include any mandatory reporting required under District or federal law. DHCF does not intend for the requirements of these Subsections to interfere with consumer consent or provider disclosure requirements otherwise set forth in District or federal law. For these reasons, DHCF is not proposing further amendments at this time.

#### *Health Information Exchange and HIE Entities*

KP commented that the definition of “Health Information Exchange” and “HIE entity” are confusing and potentially inconsistent with the proposed structure that an HIE is a system of health data infrastructure to facilitate exchange, and HIE entity is an organization that maintains such a system. Further, KP recommended minor changes to the definitions of “authorized user” and “participating organization” to clarify references to HIE versus HIE entities.

The definitions for “health information exchange” and “HIE Entity” were developed in collaboration with the DC HIE Policy Board with input from other industry stakeholders. The definitions are reflective of this deliberative process and align with the conceptual framework set forth in this Chapter. Therefore, DHCF is not proposing substantive amendments to these definitions at this time. DHCF agrees with the KP’s recommended edits to “authorized user” and “participating organization” and is proposing technical corrections to Section 8799 to clarify the meaning of these terms consistent with KP’s recommendations.

#### *Defining Key Terms*

KP commented that the definition of “disclosure” is overly broad and could be interpreted to include an HIE entity’s or participating organization’s acknowledgment that a medical record on a particular health care consumer or recipient exists. KP reasoned that this broad definition would allow a patient to opt out of having the very existence of a medical record disclosed through an HIE entity. KP proposed that the definition of disclosure limit the inclusion of acknowledgment of the existence of a medical record to only those records subject to the requirements of 42 CFR Part 2. A health care consumer’s ability to opt out of health information exchange is limited and exceptions are identified in Subsection 8710.2. DHCF believes exceptions in Subsection 8710.2 are sufficiently broad to address these concerns without making substantive changes to the definition of “disclosure.”

KP recommended use of consistent terms inside the definitions of key items, suggesting that DHCF use “health information” or “protected health information” and remove references to the undefined term “health-related information” within the definition section. DHCF agrees and is proposing technical corrections to Section 8799 in accordance with KP’s recommendation.

Finally, KP commented that DHCF should only define terms that are used elsewhere in the regulation. The term “registered agent” is defined but not otherwise used. DHCF agrees and is



proposing a technical correction to identify the term “registered resident agent,” as it appears in Subsection 8702.2(i).

These rules were adopted as final on July 10, 2019, and shall become effective upon publication in the *D.C. Register*.

**A new Chapter 87, DISTRICT OF COLUMBIA HEALTH INFORMATION EXCHANGE, of Title 29 DCMR, PUBLIC WELFARE, is added to read as follows:**

**CHAPTER 87            DISTRICT OF COLUMBIA HEALTH INFORMATION  
EXCHANGE**

<b>8700</b>	<b>GENERAL PROVISIONS</b>
<b>8701</b>	<b>THE DISTRICT OF COLUMBIA’S HEALTH INFORMATION EXCHANGE (DC HIE)</b>
<b>8702</b>	<b>HIE REGISTRATION REQUIREMENTS AND APPLICATION</b>
<b>8703</b>	<b>REGISTERED HIE ENTITY PROTECTED HEALTH INFORMATION ACCESS, USE, AND DISCLOSURE REQUIREMENTS</b>
<b>8704</b>	<b>AUDITING REQUIREMENTS FOR REGISTERED HIE ENTITIES</b>
<b>8705</b>	<b>REMEDIAL ACTIONS TO BE TAKEN BY A REGISTERED HIE ENTITY</b>
<b>8706</b>	<b>NOTICE OF HIPAA BREACH AND NON-HIPAA VIOLATION BY A REGISTERED HIE ENTITY</b>
<b>8707</b>	<b>REGISTERED HIE ENTITY CONSUMER PARTICIPATION, ACCESS, AND EDUCATION REQUIREMENTS</b>
<b>8708</b>	<b>HIE DESIGNATION REQUIREMENTS AND APPLICATION</b>
<b>8709</b>	<b>DESIGNATED HIE ENTITY AUDITING REQUIREMENTS</b>
<b>8710</b>	<b>DESIGNATED HIE ENTITY REQUIREMENTS TO PROMOTE CONSUMER PARTICIPATION, ACCESS, AND EDUCATION</b>
<b>8711</b>	<b>OVERSIGHT AND ENFORCEMENT</b>
<b>8712</b>	<b>EXEMPTIONS</b>
<b>8713</b>	<b>APPEALS AND ADMINISTRATIVE REVIEW</b>
<b>8799</b>	<b>DEFINITIONS</b>

**8700            GENERAL PROVISIONS**

8700.1            This chapter governs the establishment of the District of Columbia’s Health Information Exchange (“HIE”), the registration and designation of HIE entities in the District by the Department of Health Care Finance (“DHCF”) that opt to participate in the DC HIE and sets forth requirements to maintain the privacy and security of health information exchanged by a registered or designated HIE entity.

8700.2            This chapter sets forth requirements for participation in the DC HIE by registered and designated HIE entities, in order to:

- (a)            Ensure the privacy and security of protected health information (“PHI”)

accessed, used, or disclosed through a registered or designated HIE entity, including protections for the Secondary Use of PHI obtained, accessed, or released through a registered or designated HIE entity;

- (b) Govern the access, use, maintenance, and disclosure of PHI through or by a registered or designated HIE entity;
- (c) Improve access to clinical records by treating providers and participating organizations in the District;
- (d) Promote interoperable exchange of health information;
- (e) Ensure registered and designated HIE entities in the District adhere to District requirements and nationally recognized operating standards; and
- (f) Govern the DC HIE infrastructure and consumer services developed for implementation by registered and designated HIE entities participating in the DC HIE.

8700.3 DHCF shall provide ongoing monitoring to ensure compliance with criteria for registration and designation of HIE entities in a manner consistent with this chapter.

8700.4 Registered and designated HIE entities are subject to the following requirements:

- (a) The Health Insurance Portability and Accountability Act of 1996, including all pertinent regulations (45 CFR Parts 160 and 164) issued by the U.S. Department of Health and Human Services, as amended by Subtitle D of the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”), (Pub. L. No. 111-5, Title XIII, 123 Stat. 226 (2009));
- (b) The Health Breach Notification Rule, 16 CFR Part 318, adopted by the Federal Trade Commission pursuant to the HITECH Act;
- (c) The District’s “Consumer Protection Procedures Act,” effective July 22, 1976 (D.C. Law 1-76; D.C. Official Code §§ 28-3901 *et seq.*);
- (d) Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records under 42 CFR Part 2;
- (e) The District’s “Mental Health Information Act of 1978,” effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code §§ 7-1201.01 *et seq.*); and
- (f) All other applicable District and federal laws and regulations governing the use, access, maintenance, and disclosure of health information.

**8701 THE DISTRICT OF COLUMBIA'S HEALTH INFORMATION EXCHANGE (DC HIE)**

- 8701.1 The DC HIE shall be a privately-operated interoperable system of registered and designated HIE entities that facilitates person-centered care through the secure electronic exchange of health information among participating organizations in support of a District-wide health data infrastructure.
- 8701.2 DHCF shall provide governance and oversight of the DC HIE to enable the secure and efficient exchange of health information, as well as implement the District's health information exchange initiatives as outlined under the District's State Medicaid Health Information Technology Plan and otherwise set forth by DHCF.
- 8701.3 DHCF may issue grants, contracts, or agreements to design, develop, implement or maintain shared HIE infrastructure and consumer services for the DC HIE in accordance with the HITECH Act, Chapter 18 (Health Care Benefit Grants) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations, the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-351.00 *et seq.*) and the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 1-328.11 *et seq.*), as amended by the Grant Administration Amendment Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905 (August 14, 2015)).

**8702 HIE REGISTRATION REQUIREMENTS AND APPLICATION**

- 8702.1 An HIE entity wishing to participate in the DC HIE must apply for registration in a form and manner consistent with this section and policy guidance provided by DHCF. Application materials and guidance will be published by DHCF on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).
- 8702.2 HIE entities applying for registration shall comply with the requirements of the chapter and demonstrate they meet the following minimum criteria:
- (a) The HIE entity or its managing business organization, is a business organization established under District or applicable state laws;
  - (b) The HIE entity or its managing business organization maintains a general business liability insurance and cyber liability insurance for the operation of the HIE entity;
  - (c) The HIE entity maintains a professional staff responsible to a governing body that has the capacity to ensure accountability to the organization's mission;

- (d) The HIE entity can query health care consumer information in accordance with the requirements for accessing, using or disclosing health information through an HIE set forth under this chapter;
- (e) The HIE entity submits the results of its latest third-party privacy and security audit;
- (f) The HIE entity submits a policy that ensures reasonable notice will be provided to its participating organizations if the HIE entity ceases its operations or dissolves its services in the District of Columbia. The HIE entity's policy submission shall be consistent with requirements set forth in guidance provided by DHCF and published on DHCF's website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov);
- (g) The HIE entity shall provide a report for each of the past three (3) years, from a third-party auditor which shows no expression of doubt to the entity's ability to continue as a going concern and resulting in an unqualified opinion with regard to the HIE entity's financial statements;
- (h) The HIE entity attests that no disciplinary actions were taken by federal, District, or state agencies against the entity, its principals, or officers in the two (2) years prior to applying for registration;
- (i) If the HIE entity is not domiciled in the District of Columbia, the HIE entity shall provide the contact information of registered resident agent who shall accept service in the District of Columbia on behalf of the HIE entity;
- (j) The HIE entity provides DHCF with a copy of its user access control policy;
- (k) The HIE entity provides DHCF with a copy of its Notice of Privacy Practices and consumer opt-out form;
- (l) The HIE entity submits its Incident Response Plan to DHCF;
- (m) At the time of application, an HIE entity operating in the District of Columbia that applies for registration, shall meet or exceed the access, use, and disclosure requirements set forth in this chapter; and
- (n) The HIE entity complies with any other requirements or requests for information made by DHCF, either directly or through policy guidance published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).

8702.3

DHCF retains the right to waive certain application requirements or exempt an HIE entity from certain application requirements set forth in § 8702.2 in

accordance with the provisions set forth in § 8712.

- 8702.4 Within ninety (90) calendar days after receipt of complete information from an applicant seeking to register as an HIE entity in the District of Columbia, DHCF shall take one of the following actions:
- (a) Approve the registration application;
  - (b) Deny the registration application for failure to meet requirements for registration set forth in § 8702.2 to the applicant in writing; or
  - (c) Request additional information from the applicant, in writing, to determine an HIE entity's eligibility for registration.
- 8702.5 HIE entities that are denied registration, in accordance with § 8702.4, shall have the opportunity to appeal DHCF's determination in accordance with the procedure for appeals and administrative review as set forth in § 8713.
- 8702.6 As a condition of participation in the DC HIE, registered HIE entities shall:
- (a) Submit operational information, as requested by DHCF.
  - (b) Comply with requirements for participation in the DC HIE set forth in this chapter or established by DHCF in policy guidance published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).
- 8702.7 An HIE entity's registration shall be awarded in three (3) year terms. DHCF shall review an HIE entity's registration every three (3) years from the date of registration in accordance with requirements in § 8702.8 to determine whether the entity will be renewed for an additional three (3) year term.
- 8702.8 In order to renew their registration HIE entities must demonstrate continued compliance with § 8702 by providing the following information in a form and manner specified by DHCF:
- (a) Any changes to information submitted with regard to the items set forth in § 8702.2 that affect the veracity of a prior submission;
  - (b) Results of a scheduled audit performed in compliance with § 8704; and
  - (c) Documentation of compliance with additional requirements as set forth by DHCF in policy guidance.

**8703 REGISTERED HIE ENTITY PROTECTED HEALTH INFORMATION ACCESS, USE, AND DISCLOSURE REQUIREMENTS**

8703.1 A registered HIE entity shall only disclose PHI for an authorized purpose, as set forth in §§ 8703.2 and 8703.3.

8703.2 An authorized user may use, access, or disclose PHI for Primary Use. Primary Use of PHI is the use, access, and disclosure of data through or by a registered HIE entity for the purpose of:

- (a) Treatment;
- (b) Payment of claims and billing;
- (c) Health care operations for conducting case management, conduct of quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that obtaining generalized knowledge is not the primary purpose of any studies resulting from such activities;
- (d) Reporting to public health authorities in compliance with reporting requirements; or
- (e) Other uses or disclosures required by District or federal law.

8703.3 A registered HIE entity shall only disclose PHI for a Primary Use in accordance with the requirements below:

- (a) The disclosure shall only be to an authorized user for the specific purpose for which that authorized user is given access to the HIE; and
- (b) All disclosures shall be in full compliance with this chapter, federal and District requirements indicated in § 8700.4.

8703.4 Secondary Use of health information is the use, access, or disclosure of health information through the registered HIE entity that is not for a Primary Use; subject to any limitations under HIPAA or federal law. A registered HIE entity shall provide DHCF with policies governing disclosure for Secondary Use in accordance with policy guidance published to the DHCF website.

8703.5 To assure that only an authorized user accesses, uses, or discloses PHI through or from a registered HIE entity, a registered HIE entity shall:

- (a) Use and ensure that its participating organizations are using an authentication methodology that meets the minimum technical requirements set forth in the latest edition of the National Institute of

Standards and Technology (“NIST”), Special Publication 800-63. DHCF shall maintain additional information on minimum technical requirements in policy guidance published to the DHCF website; and

- (b) Take appropriate actions to mitigate the risk of unauthorized use, access, or disclosure of PHI when the registered HIE entity learns or has reason to believe that a participating organization’s system or third-party system is not compliant with NIST guidelines, as set forth in guidance published to the DHCF website. Appropriate actions include but are not limited to ceasing acceptance of the system’s authentication of authorized users until the system demonstrates compliance with NIST guidelines to the satisfaction of the registered HIE entity.

8703.6 To assure that only an authorized user accesses, uses, or discloses PHI through or from a registered HIE entity, a registered HIE entity shall ensure that its enrolled participating organizations comply with all of the following requirements:

- (a) Appoint a system administrator who is capable of carrying out the requirements set forth in § 8703.5 on behalf of the participating organization prior to exchanging any PHI;
- (b) Promptly inform the registered HIE entity system administrator of any circumstances that require termination of an authorized users access as described under § 8703.8;
- (c) Ensure that any third-party system it uses authenticates an authorized user in accordance with NIST guidelines, as set forth in guidance published to the DHCF website, prior to allowing that person’s access to the HIE through the third-party system; and
- (d) Inform the registered HIE entity concerning the following:
  - (1) The appointment of the system administrator, or any change in such an appointment, within a timely manner of any such appointment or change;
  - (2) A breach, as defined in 45 CFR § 164.402, or non-HIPAA violation by a person who had or has access to the HIE through the participating organization; or
  - (3) Any unusual finding, act, or event that it has a basis to believe is or may be a violation of this chapter.

8703.7 A registered HIE entity shall require that the participating organization’s system administrator carries out each of the following measures on behalf of the participating organization:

- (a) Identify each authorized user within the participating organization and note the user's assigned unique user name in accordance with the most recent applicable guidelines issued by NIST, or other nationally recognized standards identified by DHCF in policy guidance published to its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov);
- (b) Coordinate with the registered HIE entity to determine a methodology for assigning each authorized user access to PHI;
- (c) Assign to each authorized user an access level that appropriately corresponds to that person's role within the participating organization and the permitted access to PHI;
- (d) Modify, in a timely manner, an authorized user's access level as appropriate to reflect any change in that user's role within the participating organization;
- (e) Immediately inform the registered HIE entity of changes in an authorized user's role within the participating organization; and
- (f) Confirm to the registered HIE entity the appropriateness of a staff member to be an authorized user and that the HIE access level assigned to that staff member corresponds to the authorized user's role within the participating organization.

8703.8 The registered HIE entity shall promptly, but no later than thirty (30) calendar days, terminate access to PHI by any authorized user:

- (a) Who is suspended by the participating organization;
- (b) Who is no longer associated with the participating organization; or
- (c) Who no longer requires access to the PHI.

8703.9 To mitigate the risks of improper access or disclosure of electronic PHI the registered HIE entity shall undergo annual assessments of the potential risks and vulnerabilities to the confidentiality, integrity, and availability of electronic PHI conducted in accordance with guidance published on the DHCF website. The registered HIE entity shall provide the DHCF Privacy and Security Officer with a copy of their risk assessment on an annual basis.

8703.10 Based on the findings of the assessment conducted in accordance with § 8703.9, the registered HIE entity shall implement security measures to reduce risks and vulnerabilities to:



- (a) Protect against anticipated threats to the security or integrity of PHI; and
- (b) Protect against any unauthorized uses or disclosures of such PHI in accordance with applicable District or federal laws.

**8704****AUDITING REQUIREMENTS FOR REGISTERED HIE ENTITIES**

## 8704.1

In order to ensure that only an authorized user, who is appropriately authenticated, is granted access and has access to health information, a registered HIE entity shall:

- (a) Develop and implement protocols, methodologies, and a monitoring approach designed to discover any unusual finding, which may be identified within an audit of the user access logs, including conducting ongoing electronic monitoring of user access logs and investigate any unusual findings in accordance with this chapter;
- (b) Conduct each audit under this section in accordance with nationally recognized standards and methodologies as identified by DHCF in policy guidance published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov);
- (c) Conduct random audits of the user access logs to identify any unusual finding; and, if the registered HIE entity has been notified about an unusual finding or has reason to believe that inappropriate access has occurred;
- (d) Investigate each unusual finding identified in the access log audit to determine if there has been a violation of § 8703;
- (e) Resolve the matter surrounding an unusual finding by taking remedial actions under § 8705 of this chapter;
- (f) Report any unusual finding to each participating organization involved in the unusual finding in a manner consistent with policy guidance set forth by DHCF and published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov); and
- (g) Maintain an audit trail of user access logs in a retrievable storage medium in accordance with the requirements set forth below:
  - (1) The registered HIE entity shall perform periodic testing to ensure that the storage medium being used to maintain the user access logs shall allow the data to be recovered; and
  - (2) Maintenance and storage of the audit trail of user access log data shall comply with the most stringent requirements outlined in applicable District and federal requirements, including ensuring

data storage for the longest duration of time identified in applicable District and federal requirements.

8704.2 When a registered HIE entity has identified a potential violation of this chapter, the registered HIE entity shall conduct an unscheduled audit that shall:

- (a) Determine whether there is a violation;
- (b) Identify the size and scope of the potential violation; and
- (c) Identify and complete remedial actions required under § 8705 of this chapter.

**8705 REMEDIAL ACTIONS TO BE TAKEN BY A REGISTERED HIE ENTITY**

8705.1 A registered HIE entity shall immediately suspend an authorized user's access when it is necessary to avoid a HIPAA privacy breach, non-HIPAA violation, or a threat to the security of health information accessed, used, or disclosed through or from a registered HIE entity.

8705.2 If the registered HIE entity determines that harm to the privacy of persons or security of health information or an ongoing risk of improper use, access, maintenance, or disclosure of PHI may occur prior to conclusion of an investigation, it shall suspend an authorized user's access pursuant to this section before an investigation is complete. Such suspension shall continue until the underlying threat to the privacy of persons or security of health information is contained.

8705.3 A registered HIE entity shall conduct an investigation in accordance with the requirements set forth below if there is reason to believe that a HIPAA breach or non-HIPAA violation has occurred:

- (a) The registered HIE entity shall begin the investigation, no later than sixty (60) calendar days after learning of the allegations giving rise to a potential breach or violation;
- (b) The registered HIE entity shall conduct the investigation in a thorough, timely, professional manner and take all necessary actions to gather information concerning the potential breach or violation that reflects the size and scope of such potential breach or violation;
- (c) If appropriate, an investigation shall include an audit under the § 8704;
- (d) Upon the completion of an investigation, a registered HIE entity shall:
  - (1) Make a written finding describing the results of the investigation

and provide a copy to DHCF and the District of Columbia Office of the Attorney General within thirty (30) calendar days; and

- (2) Maintain records of each investigation for at least five (5) years from the date of completion of such investigation or five (5) years from the date a minor health care consumer becomes an adult, whichever is longer.

8705.4 If a registered HIE entity has a reasonable belief that a HIPAA breach or a non-HIPAA violation has occurred, as a result of an audit conducted in accordance with § 8704 or investigation conducted in accordance with § 8705.3, the registered HIE entity shall carry out the following actions within ten (10) business days after acquiring the reasonable belief unless another time period is set forth below:

- (a) The registered HIE entity shall determine any remedial action necessary to address the breach or violation as described below;
  - (1) The registered HIE entity may require that a remedial action include steps to correct an underlying problem; and
  - (2) The registered HIE entity shall provide a time frame for implementing the remedial action that is consistent with policy guidance set forth by DHCF and published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov); and
- (b) Within thirty (30) calendar days, the registered HIE entity shall provide the following to DHCF and the District-wide Privacy and Security Official to the participating organization, and to each authorized user whom the investigation indicates may have committed a breach or violation:
  - (1) A copy of the findings of the investigation, excluding any sensitive health information;
  - (2) A list of the remedial actions to be taken by each person and the associated time frame of the remedial action;
  - (3) A description of the actions necessary to mitigate the harm that may be caused by the breach or the non-HIPAA violation;
  - (4) A list of the authorized users that are responsible for carrying out the actions to mitigate harm; and
  - (5) A description of any future action that the HIE entity may take, including suspension, if the authorized user does not comply with the remedial action.

- 8705.5 Upon completion of the investigation, the registered HIE entity shall immediately suspend access for an authorized user or participating organization when available information indicates one of the following has occurred:
- (a) An actual HIPAA breach;
  - (b) An actual non-HIPAA violation;
  - (c) An actual violation of District or federal law relevant to privacy or security;
  - (d) An authorized user or participating organization has sold health information in violation of these regulations; or
  - (e) An authorized user or participating organization has failed to carry out the remedial actions identified by the registered HIE entity.

8705.6 After the registered HIE entity verifies that the remedial action is complete, a registered HIE entity may reinstate a user's authorization to access information provided that the registered HIE entity modifies the authorized user's access as needed to ensure compliance with this chapter.

**8706 NOTICE OF HIPAA BREACH AND NON-HIPAA VIOLATION BY A REGISTERED HIE ENTITY**

8706.1 Notification of a HIPAA breach and non-HIPAA violation by a registered HIE entity shall be consistent with notification requirements under applicable federal and District laws and regulations, including HIPAA, the HITECH Act, and under 42 CFR Part 2.

8706.2 When federal or District law does not require a registered HIE entity to provide notification to a participating organization or to an affected health care consumer, or when 42 CFR Part 2 does not mandate other notification requirements, a registered HIE entity shall provide notification of a HIPAA breach and, if applicable, non-HIPAA violations in accordance to the requirements with this section.

8706.3 If an investigation under § 8705 of this chapter concluded that there was a HIPAA breach or non-HIPAA violation, in addition to applicable HIPAA notification requirements, the HIE entity shall notify:

- (a) The person who notified the registered HIE entity of the potential HIPAA breach or non-HIPAA violation, if applicable, and to the extent permitted by HIPAA and other federal and District privacy laws;

- (b) Any participating organization that has provided health information regarding the health care consumer involved;
- (c) Each health care consumer whose PHI or sensitive health information was inappropriately accessed or disclosed due to a HIPAA breach or non-HIPAA violation; and
- (d) The DHCF Privacy Officer and the District of Columbia Office of the Attorney General.

8706.4 The registered HIE entity shall include in its notification the contact information for the registered HIE entity, including the registered HIE entity's address, telephone number, website where the health care consumer can learn more information, and a description of the breach or the violation.

8706.5 A registered HIE entity, its enrolled participating organization, or its representative shall provide notification to a health care consumer following a HIPAA breach or non-HIPAA violation subject to the following requirements:

- (a) If the registered HIE entity providing the notification under this Subsection has knowledge that another person is acting as the authorized representative for the health care consumer, the registered HIE entity shall provide the notification to that authorized representative instead of the health care consumer;
- (b) Notice to the health care consumer required under this Subsection shall be provided in writing by first-class mail to the last known address of the health care consumer, if the health care consumer has made no prior election to method of notice;
- (c) If there is insufficient or out-of-date contact information that precludes notice consistent with this chapter, a substitute form of notice shall be provided in accordance with the criteria set forth below:
  - (1) In the case in which there is insufficient or out-of-date contact information for fewer than ten (10) individuals, then such substitute notice may be provided by an alternative form of written notice, telephone, or other means; or
  - (2) In the case in which there is insufficient or out-of-date contact information for ten (10) or more individuals, then such substitute notice shall be posted on the home page of the registered HIE entity's website for a period of ninety (90) calendar days on the website or be conspicuous notice in major print or broadcast media in geographic areas where the individuals affected by the breach likely reside. The notice shall include a phone number that remains

active for at least ninety (90) calendar days where a health care consumer can learn whether their health information may be included in the HIPAA breach or non-HIPAA violation;

- (d) When notice about a HIPAA breach or non-HIPAA violation is required pursuant to this chapter, a registered HIE entity and its enrolled participating organization, as required, shall provide notice in writing within a reasonable time frame, but not later than sixty (60) days from the discovery of the breach or from the date that the registered HIE entity should have reasonably discovered the breach;
- (e) If the HIPAA breach or non-HIPAA violation affects more than five hundred (500) health care consumers, in addition to providing individual notice to the affected health care consumers, a registered HIE entity shall provide notice to prominent media outlets serving the District without unreasonable delay and in no case later than sixty (60) calendar days after the discovery of a breach; and
- (f) If the participating organization providing the notification keeps a medical record for the health care consumer, the notification shall be placed within the health care consumer's medical record.

8706.6 A registered HIE entity, its participating organizations, or its representative shall provide notification to appropriate authorities following HIPAA breach or non-HIPAA violation as follows:

- (a) Report all violations of federal or District privacy or security law to those federal or District authorities to which reporting such violation is required by applicable law; and
- (b) Send a copy of such report to the DHCF Privacy Officer and the District of Columbia Office of the Attorney General.

8706.7 If DHCF is notified of a breach under § 8706.6, DHCF shall forward such notification to the District of Columbia Office of the Attorney General within thirty (30) calendar days after receipt of the notification.

## **8707 REGISTERED HIE ENTITY CONSUMER PARTICIPATION, ACCESS, AND EDUCATION REQUIREMENTS**

8707.1 A registered HIE entity shall require its enrolled participating organization to comply with the consumer participation, access, and education requirements set forth in this section.

8707.2 A participating organization shall provide written notice to each health care consumer no later than the first medical encounter following enrollment of the

organization in a registered HIE entity, of:

- (a) Such organization's participation with a registered HIE entity, including in such organization's Notice of Privacy Practices under HIPAA. DHCF will provide further policy guidance on Notice of Privacy Practices on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov);
- (b) Information concerning the health care consumer's ability to opt out from participation in the registered HIE entity and the process of opting out; and
- (c) The types of information the participating organization shall disclose to the registered HIE entity and the extent that information accessed through the HIE entity may be used for treatment, payment, health care operations, and Secondary Use, as defined in § 8703.4.

8707.3 A registered HIE entity shall provide written information to health care consumers concerning the process, means, and methods of accessing their PHI as follows:

- (a) If the health care consumer's PHI is directly available electronically to the health care consumer, the registered HIE entity shall advise the health care consumer how to obtain the PHI electronically; and
- (b) If the health care consumer's PHI is not directly available electronically to the health care consumer, the registered HIE entity shall, within seven (7) business days of receipt of a health care consumer's written notice or request, provide the health care consumer with the contact information for each participating organization that has access to the consumer's PHI, so that the health care consumer may gain access to the health care consumer's health information directly from each participating organization.

## **8708 HIE DESIGNATION REQUIREMENTS AND APPLICATION**

8708.1 Registered HIE entities that meet additional requirements and are selected by DHCF through a competitive application process shall become designated HIE entities. Designated HIE entities are partners with DHCF that operate or maintain DC HIE infrastructure or services in order to facilitate the secure, electronic exchange of health information among registered HIE entities and participating organizations in the District.

8708.2 To be eligible to apply for designation, an HIE entity must meet the requirements set forth below:

- (a) Be a registered HIE entity;

- (b) Meet or exceed the consumer education and auditing requirements as set forth in §§ 8709 and 8710; and
- (c) Be organized in accordance with the District of Columbia Nonprofit Corporation Act of 2010, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code §§ 29-401.01 *et seq.*) or organized as a nonprofit corporation in the jurisdiction where the entity is incorporated.

8708.3 An HIE entity must apply for designation in a form and manner consistent with this section and policy guidance provided by DHCF. Application materials and guidance will be published by DHCF on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov). DHCF shall accept applications for designation on a time-limited and periodic basis.

8708.4 DHCF shall provide notice of the designation application period by publishing the opening and closing dates of the period to the DHCF website at least thirty (30) calendar days before the application period begins.

8708.5 To be eligible to be selected as a designated HIE entity, registered HIE entities shall demonstrate compliance with the following requirements:

- (a) Develop and submit strategic and operational plans to address the needs of health providers (including but not limited to community health providers, individual and small group practices, and public health agencies) in achieving HIE capabilities;
- (b) Attest to a commitment to interoperability and connectivity with registered HIE entities in the District to allow for the proliferation of DC HIE infrastructure and services and with national health information networks, if appropriate;
- (c) Demonstrate necessary technical capacity to operate and implement publicly funded DC HIE infrastructure and tools;
- (d) Detail the HIE entity's approach for maintaining financial sustainability, including public and private financing strategies, projected utilization, and rate structures;
- (e) Provide DHCF with a copy of the HIE entity's most recently filed Internal Revenue Service Form 990;
- (f) Demonstrate accreditation by a nationally recognized accreditation and certification organization for entities that electronically exchange health care data;



- (g) Attest to having a plan or process in place to provide technical assistance and guidance to the system administrator of each participating organization in assigning the appropriate access to the HIE for each of its authorized users;
- (h) Provide DHCF with a copy of its access and auditing plan as defined in §§ 8709.4 through 8709.6;
- (i) Provide DHCF with a copy of its consumer education plan as set forth in § 8710.4; and
- (j) Provide additional information requested by DHCF or required under policy guidance provided by DHCF and published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).

8708.6 HIE entities may apply for registration and designation concurrently.

8708.7 Within ninety (90) calendar days after receipt of complete information from an applicant seeking to become a designated HIE entity in the District of Columbia, DHCF shall take one of the following actions:

- (a) Approve or deny the designation application in writing based on the relative strength of the application, as determined by DHCF;
- (b) Deny the designation application in writing for failure to meet requirements for designation set forth in § 8708.5; or
- (c) Request additional information from the applicant, in writing, to determine eligibility for designation.

8708.8 Registered HIE entities that are denied designation, in accordance with § 8708.7, shall have the opportunity to appeal DHCF's determination in accordance with the procedure for appeals and administrative review as set forth in § 8713.

8708.9 An HIE entity's designation shall be awarded in five (5) year terms. DHCF shall review an HIE entity's designation every five (5) years from the date of designation to determine whether the HIE entity will be renewed for an additional five (5) year term. DHCF may request an HIE entity submit updated information related to the requirements set forth in § 8708.5 during review of an HIE entity's designation.

8708.10 The designated HIE entity must comply with additional requirements as set forth in this chapter or otherwise established by DHCF through policy guidance published on its website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).

8708.11 A designated HIE entity must submit an annual report for review by DHCF that

addresses:

- (a) Updates to the Strategic and Operational plans developed and submitted in § 8705.5(a), including plans for ensuring the necessary capacity to support clinical transactions;
- (b) Rates of adoption, utilization, and transaction volume, and mechanisms to support health information exchange; and
- (c) And other information as requested by DHCF.

## **8709 DESIGNATED HIE ENTITY AUDITING REQUIREMENTS**

8709.1 A designated HIE entity shall conduct an annual privacy and security audit performed by a qualified third-party auditor, that:

- (a) Detects inappropriate access, use, maintenance, and disclosure of information that are in violation of this chapter;
- (b) Assesses security measures, related to the technical, physical and administrative safeguards of PHI.

8709.2 At the request of DHCF and consistent with the specifications in such request, a designated HIE entity shall:

- (a) Provide the results of any audit that is required under this section, and any supporting documentation to DHCF; and
- (b) Conduct an additional unscheduled audit and provide the results of such an audit to DHCF within the time frame specified by the agency.

8709.3 If a designated HIE entity's annual privacy and security audit reveals information that demonstrates inappropriate access, use, maintenance, or disclosure of information that constitutes a breach or violation of this chapter, or if the health information of more than ten (10) health care consumers was improperly used, accessed, maintained, or disclosed during the twelve (12) months prior to the audit, then:

- (a) The designated HIE entity shall use the findings from the audit to:
  - (1) Educate and train a participating organization or an authorized user on proper access, use, and disclosure of information through or from the HIE; or
  - (2) Evaluate and implement new control measures, including policies, procedures, or technology, to ensure proper use and access of the

HIE;

- (b) The designated HIE entity shall take the appropriate measures specified in § 8705; and
- (c) The designated HIE entity shall post a publicly available summary report of the audit on its website within thirty (30) calendar days after completion of the audit and DHCF shall also post the report on its website.

8709.4 A designated HIE entity shall adopt and implement an access and auditing plan that requires the designated HIE entity and each participating organization, as applicable, to conduct a random audit of the HIE access logs on a periodic basis in accordance with the requirements set forth in §§ 8709.5 and 8709.6.

8709.5 The access and auditing plan shall prescribe responsibility for conducting random audits to either the designated HIE entity or its participating organizations according to the designated HIE entity's or participating organizations' technological capabilities.

8709.6 The access and auditing plan required under § 8709.4 shall include:

- (a) The manner used to identify a non-HIPAA violation of this chapter or a HIPAA breach;
- (b) The method used to report a non-HIPAA violation of this chapter or a HIPAA breach;
- (c) The reasonable steps that shall be taken to promptly mitigate a non-HIPAA violation of this chapter or a HIPAA breach;
- (d) A review of the designated HIE entity's access logs to ensure that only an authorized user is granted access to HIE information and is meeting the requirements of this rule; and
- (e) A plan to ensure that the designated HIE entity's participating organization conduct its own audit or review of the HIE access logs within ten (10) business days of receipt of the access logs from the designated HIE entity, if the designated HIE entity chooses to hold its participating organizations responsible for implementing the plan, as per § 8709.5.

**8710 DESIGNATED HIE ENTITY REQUIREMENTS TO PROMOTE CONSUMER PARTICIPATION, ACCESS, AND EDUCATION**

8710.1 A designated HIE entity and its participating organizations shall take affirmative steps to ensure health care consumers have:

- (a) Information regarding the health care consumer's access and participation options under these regulations is readily available to assist the health care consumer in making an informed decision concerning:
  - (1) The accessibility of a health care consumer's PHI electronically through a designated HIE entity; and
  - (2) The risks and benefits of health information exchange;
- (b) The ability to opt out of health information exchange at any time and refuse access to the health care consumer's PHI through an HIE entity, except when a disclosure meets conditions identified in § 8710.2; and
- (c) The ability to resume participation in an HIE entity at any point after the health care consumer has elected to opt out of participation. Any such resumption of participation shall be upon written notice or request to the designated HIE entity by the health care consumer.

8710.2 Designated HIE entity disclosures that meet one of the following criteria set forth below are not subject to consumer opt out:

- (a) Information making up the designated HIE entity's or participating organization's core elements of the master patient index;
- (b) A disclosure that a person is required to make under federal or State law requirements;
- (c) Results of a diagnostic procedure sent to the health care provider who ordered the procedure or another provider as designated by the ordering provider;
- (d) Information regarding prescription medications dispensed or filled by a pharmacy, sent to the health care provider who ordered the prescriptions or another health care provider as designated by the ordering health care provider;
- (e) Public health authorities for reporting purposes required, authorized, or otherwise compliant with applicable law; or
- (f) Communications permitted under HIPAA or District law without a health care consumer's consent or authorization when using point-to-point transmission.

8710.3 A designated HIE entity shall provide information about the HIE to a health care consumer whose PHI is maintained by the designated HIE entity, or may be accessed, used, or disclosed through the HIE in accordance with the requirements

set forth in §§ 8710.4 and 8710.5:

8710.4

A designated HIE entity shall make health care consumer educational materials available to participating organizations and their users. A designated HIE entity shall develop, adopt, implement, keep current, and make available to health care consumers a health care consumer education plan that includes:

- (a) Definitions of the key terms and concepts underlying health information technology, including electronic health records and the exchange of electronic health information;
- (b) Health information privacy and security laws;
- (c) The general overview of individual benefits and risks to health care consumers of exchanging health information through an HIE entity as compared to opting- out and exchanging health information through a paper-based system; and
- (d) Information on how the designated HIE entity shall make the following information available to health care consumers:
  - (1) A description of each type of PHI that is accessed or disclosed through the designated HIE entity;
  - (2) The health information maintained by the designated HIE entity;
  - (3) The specific details concerning who may access, use, or disclose a health care consumer's health information and for what purpose;
  - (4) The privacy and security measures that the designated HIE entity has implemented to protect health information, and a detailed explanation of what happens if there is a breach that results in unauthorized access to PHI;
  - (5) A health care consumer's access and participation options regarding health information exchange and the control over, protection of, use of, and correction of each type of health information;
  - (6) The process provided for a health care consumer to exercise the health care consumer's access and participation options, including a detailed description of the steps a health care consumer can to opt out of participation in health information exchange;
  - (7) The implications of a health care consumer's decision to opt out of participation in health information exchange and not permit the

disclosure of that consumer's PHI to authorized users, except as otherwise permitted under applicable law; and

- (8) The designated HIE entity's policies and procedures, including without limitation, policies and procedures consistent with these regulations regarding how the health care consumer may gain access to the health care consumer's health information.

8710.5 The health care consumer education materials required under § 8710.4 must:

- (a) Provide a balanced perspective, outlining the various points of view concerning each subject matter set forth in § 8710.4 and set forth in policy guidance by DHCF and published on its website at <http://dhcf.dc.gov>, including the risks and benefits associated with sharing PHI electronically;
- (b) Present accurate, and not misleading information;
- (c) Minimize the use of technical terms and, when such terms are necessary, clearly define the technical terms;
- (d) Use plain language that is easily understandable to each health care consumer population served, taking into account the various levels of education, understanding, and interest across that population;
- (e) Use text and illustrations that are culturally sensitive, language appropriate, and that recognize user diversity including ethnicity, age, race, sexual orientation, and gender;
- (f) Update material to include and incorporate new information; and
- (g) Specify the time sensitivity of any material included.

8710.6 A designated HIE entity shall allow a health care consumer to obtain or correct information concerning the consumer's PHI by meeting the requirements set forth below:

- (a) A designated HIE entity shall provide the following information to the health care consumer, upon written notice or request by the health care consumer, describing what PHI is available through the HIE concerning the specified health care consumer:
  - (1) The participating organization that disclosed the PHI to the designated HIE entity;
  - (2) The date the PHI was disclosed to the designated HIE entity; and

- (3) The type of PHI disclosed to the designated HIE entity, if known by the designated HIE entity;
- (b) A designated HIE entity shall inform the health care consumer how to correct perceived inaccurate information consistent with the requirements below:
    - (1) A designated HIE entity shall send information regarding the process for petitioning a participating organization or provider regarding the correction of inaccurate health information within twenty (20) calendar days of receiving notice from a health care consumer of a potential inaccuracy in the health care consumer's health information available through the HIE. The information shall include the contact information of relevant participating organizations that provided the perceived inaccurate information; and
    - (2) This process shall be in accordance with the requirements specified under federal HIPAA requirements, including but not limited to 45 CFR § 164.526.

8710.7 Upon receipt of written notice or request, a designated HIE entity shall provide each health care consumer with a report detailing any disclosure for a time period specified by the health care consumer, of the health care consumer's PHI. In instances where a health care consumer requests recurring disclosures to the same HIE entity for the same purpose, a summary report may be provided by the designated HIE entity.

8710.8 If the health care consumer requests the details of the summary report as described in § 8710.7, the designated HIE entity shall provide the health care consumer information consistent with the requirements set forth below:

- (a) The time period specified by the health care consumer shall not exceed the data retention period as specified by HIPAA and federal regulations at 45 CFR § 164.528;
- (b) Except as otherwise permissible under 45 CFR § 164.528(b)(3) through (4), the report shall specify the following for each instance that the health care consumer's PHI was disclosed during the time frame reflected in the report:
  - (1) The name of each authorized user;
  - (2) The name of the participating organization to which the authorized user is affiliated, if such information is kept by the

HIE entity in the ordinary course of business;

- (3) The date and time of the disclosure;
- (4) The type of PHI disclosed, if known by the designated HIE entity; and
- (5) The name of the participating organization that made the PHI available to the designated HIE entity.

8710.9 A designated HIE entity shall acknowledge a health care consumer's written notice or request, as described in § 8710.7, within ten (10) business days of receipt of the request.

8710.10 A designated HIE entity shall respond to a health care consumer's written notice or request, described in § 8710.7, with either the requested report or with a written explanation why such report is unavailable, when it shall be available, or where the health care consumer may obtain the requested information.

8710.11 The designated HIE entity shall respond within a reasonable time frame, but not later than thirty (30) calendar days after the initial written notice or request, as described § 8710.7, by the health care consumer:

- (a) A designated HIE entity shall provide a summary report, as described in § 8710.7, upon request by the health care consumer, at least twice per calendar year at no cost to the health care consumer. If the summary report is available in an electronic format, it shall be provided to the consumer in a generally available electronic format, if so requested, at no additional charge; and
- (b) For any additional report, the designated HIE entity may charge a reasonable fee not to exceed the cost to provide the additional report, but no more than the allowable amount in accordance 45 CFR § 164.524(c)(4).

8710.12 A designated HIE entity shall implement a process to manage and enable consumer choice regarding the consumer's participation in an HIE, opting out from such participation, or opting to resume participation in the HIE system, in accordance with the requirements set forth below:

- (a) A designated HIE entity shall maintain a log that records each health care consumer's participation status over time in accordance with the requirements set forth in paragraphs (a)(1) and (2) below;
  - (1) A designated HIE entity shall retain the log for the duration required by State or federal law, whichever requires a longer



retention; and

(2) A designated HIE entity shall keep the log in a retrievable storage medium;

(b) A designated HIE entity shall not disclose a health care consumer's PHI if the health care consumer has submitted a written notice or request to opt-out of health information exchange in accordance with § 8710.1(b) except as otherwise permitted under applicable law and in accordance with this chapter; and

(c) A designated HIE entity shall not disclose information derived from a health care consumer's PHI, including for Secondary Use, if the health care consumer has submitted a written notice or request to opt-out of health information exchange, except as otherwise permitted under applicable law.

8710.13 The requirements set forth in §§ 8710.14 through 8710.19 shall apply to all communications between a designated HIE entity and a health care consumer.

8710.14 A designated HIE entity or its participating organizations shall implement a process to allow a health care consumer to communicate with a designated HIE entity about the health care consumer's participation status through an appropriate medium of the health care consumer's choice, including:

(a) By telephone, via a phone number;

(b) By mail, via a standardized form;

(c) By fax, via a standardized form;

(d) Online, via a secure website;

(e) Secure email or text message; and

(f) In-person at the designated HIE entity's offices during business hours.

8710.15 A health care consumer's communication opting out (or opting in if the consumer has already opted out) of health information exchange shall be made in:

(a) Writing;

(b) Online;

(c) Fax;

- (d) Secure email or text message; or
- (e) By telephone, if the designated HIE entity confirms the action with a written communication to the health care consumer in accordance with § 8710.18;

8710.16 A designated HIE entity shall take appropriate measures to assure that an individual who communicates with the designated HIE entity is authorized to act on behalf of the participating health care consumer.

8710.17 A designated HIE entity shall implement the health care consumer's requested action within five (5) business days of receipt of the health care consumer's written or online request concerning:

- (a) Opting-out of the HIE; and
- (b) Resuming participation in the HIE after previously opting-out.

8710.18 A designated HIE entity shall provide each health care consumer the option to receive confirmation of any change in the health care consumer's participation status. If a health care consumer requests confirmation in writing, the designated HIE entity shall:

- (a) Send the confirmation of participation status change within three (3) business days of the effective date of change of the health care consumer's participation status; and
- (b) If consistent with all applicable privacy and security law and regulations, including HIPAA and applicable District laws and regulations, send the confirmation of status change through one of the following methods as specified by the health care consumer:
  - (1) An email sent to the email address specified by the health care consumer;
  - (2) A letter to an address specified by the health care consumer;
  - (3) A letter by fax to a fax number specified by the health care consumer;
  - (4) A letter given to the health care consumer at the designated HIE entity during normal business hours; or
  - (5) A text message sent to the number specified by the health care consumer.

8710.19 When a health care consumer changes their participation status, the designated HIE entity shall provide the following to the health care consumer:

- (a) Information concerning when the status change will become effective; and
- (b) Information concerning what information shall be excluded from health information exchange regarding a health care consumer who opts out.

## **8711 OVERSIGHT AND ENFORCEMENT**

8711.1 DHCF shall take enforcement actions as necessary, including the suspension or revocation of registration or designation in accordance with the requirements set forth below:

- (a) When DHCF is considering suspension or revocation of an HIE entity's registration or designation as set forth in this section, all investigatory data that are collected, created, or maintained related to the suspension or revocation are classified as confidential data on persons and as protected nonpublic data; and
- (b) DHCF may disclose data classified as protected nonpublic or confidential under § 8711.1 (a) if disclosing the data, as permissible under 45 CFR § 164.512(j), will protect the health, privacy, or safety of health care consumers.

8711.2 DHCF may take action as necessary to address violations of this chapter by requiring corrective action or suspending or revoking an HIE entity's registration or designation. DHCF shall notify the HIE entity in writing stating the grounds for the action taken. Notice shall include:

- (a) A reference to the regulatory or statutory authority, including policy and program manuals, for the action;
- (b) A description of the findings of fact regarding the violations with respect to which the action is proposed;
- (c) The nature of the action;
- (d) Any circumstances that were considered in determining the amount of the proposed action;
- (e) Instructions for responding to the notice, including a statement of the HIE entity's ability to request administrative review; and
- (f) The address to which the request for review must be sent.

- 8711.3 If DHCF suspends or revokes the registration or designation of a HIE entity, the HIE entity shall not, during the period of suspension or revocation, engage in any new advertising or solicitation or hold itself out as a registered or designated HIE entity.
- 8711.4 All suspensions of registration or designation shall be accompanied by a requirement for corrective action.
- 8711.5 A DHCF written request for corrective action shall include:
- (a) Nature and scope of corrective action requested;
  - (b) Date by which corrective action must be completed by the registered or designated HIE entity; and
  - (c) Details on how DHCF will evaluate the registered or designated HIE entity's correction of underlying issues.
- 8711.6 DHCF may suspend or revoke a registration or designation issued to an HIE entity or issue a requirement for corrective action if the DHCF finds that:
- (a) The HIE entity is operating outside of nationally recognized standards identified by DHCF in policy guidance, or in a manner contrary to that described in any other information submitted under §§ 8702.2 and 8708.5, unless amendments to the submissions have been filed with and approved by DHCF;
  - (b) The HIE entity is unable to fulfill its obligations to furnish comprehensive HIE services as required under its agreements with DHCF or with its participating organizations;
  - (c) The HIE entity is no longer financially solvent or is not reasonably expected to meet its obligations to DHCF or its participating organizations;
  - (d) The HIE entity, or any person acting with its sanction, has advertised or merchandised its services in an untrue, misleading, deceptive, or unfair manner;
  - (e) The continued operation of the HIE would pose risks to its participating organizations or the privacy and security of health care consumers served by the participating organizations;
  - (f) The HIE entity improperly discloses any PHI, or health information derived from PHI, that is available through the registered or designated

HIE entity's infrastructure, except as consistent with or otherwise permitted by this chapter and applicable federal or District law; and

- (g) The HIE entity has otherwise failed to substantially comply with the requirements of this chapter or other applicable federal or District law.

8711.7 Within thirty (30) calendar days of receipt of notice of enforcement action from DHCF pursuant to this section, an HIE entity may request an administrative review of the action taken by DHCF in accordance with the procedures set forth in § 8713.

8711.8 DHCF shall publish and maintain guidance on nationally recognized standards for the secure access, use, and disclosure of health information on the DHCF website at [www.dhcf.dc.gov](http://www.dhcf.dc.gov).

8711.9 All other Medicaid requirements outlined in District laws and regulations, are applicable to HIE entities.

## **8712 EXEMPTIONS**

8712.1 DHCF may exempt a registered or designated HIE entity from certain requirements if such an exemption does not pose substantial risks to the privacy or security of health care consumers and:

- (a) The HIE entity's infrastructure does not allow the registered or designated HIE entity to maintain compliance with this chapter; or
- (b) The requirements of this chapter would cause an undue burden or hardship on the registered or designated HIE entity.

8712.2 A registered or designated HIE entity may request a one (1) year exemption from specific requirements set forth in this rule. An exemption request must:

- (a) Be made in writing;
- (b) Identify each specific requirement of this chapter from which the HIE entity is requesting an exemption;
- (c) Identify the requested time period of the exemption;
- (d) State the reason for each exemption request; and
- (e) Include information that justifies the exemption request.

8712.3 Within forty-five (45) days after receipt of complete information from a registered or designated HIE entity requesting an exemption, DHCF shall take one of the following actions:

- (a) Grant the exemption by providing written notification; or
- (b) Deny the exemption request by providing written notification that enumerates the reasons for the denial to the registered or designated HIE entity.

8712.4 An exemption may not be made for any requirement within this rule that is required of a registered or designated HIE entity by federal or other District law.

8712.5 For good cause shown, DHCF may renew a one (1)-year exemption for up to an additional one (1) year period, upon request by the registered or designated HIE entity.

### **8713 APPEALS AND ADMINISTRATIVE REVIEW**

8713.1 Within thirty (30) calendar days of receipt of notice of a DHCF enforcement action in accordance with § 8711 or notice from DHCF denying an HIE entity's application for registration or designation pursuant to §§ 8702.5 and 8708.8, an HIE entity may request an administrative review of the action taken by DHCF.

8713.2 The request for administrative review shall be made in writing to the Health Care Reform and Innovation Administration at DHCF.

8713.3 The request for administrative review shall identify the specific action for review, a written explanation of the HIE entity's cause for requesting administrative review, the requested relief, and any supporting documentation.

8713.4 DHCF shall review the submitted request for administrative review and shall issue a final notice to the HIE entity upon completion of the administrative review. DHCF shall reserve the right to request additional documentation from the HIE entity during its administrative review.

8713.5 DHCF shall mail its final notice to the HIE entity no later than forty-five (45) calendar days from the date of receipt of the written request for administrative review and all supporting documentation, including any additional documentation requested by DHCF.

8713.6 The final notice shall include DHCF's decision to approve or deny the requested relief and detail the basis for the determination.

8713.7 Determinations made by DHCF and communicated in the final notice to an HIE entity may be appealed to the Office of Administrative Hearings (OAH) within thirty (30) calendar days of the date of issuance of the final notice.

8713.8 The filing of an appeal with OAH shall not stay any enforcement action taken by DHCF related to the request for administrative review or determinations communicated in the final notice to an HIE entity.

## 8799 DEFINITIONS

8799.1 When used in this this chapter, the following terms shall have the meanings ascribed:

**Authentication** - The process of establishing confidence in user identities electronically presented to an information system.

**Authorization** - Has the meaning provided in 45 CFR § 164.508.

**Authorized user** – A person identified by a participating organization or a HIE entity, including a health care consumer, who may use, access, or disclose protected health information through or from a health information exchange for a specific authorized purpose and whose HIE access is not currently suspended or revoked.

**Breach** – The meaning provided in 45 CFR § 164.402.

**Business associate** - The meaning provided in 45 CFR § 160.103.

**Core elements of the Master Patient Index (MPI)** - The minimum elements that are:

(a) Required for an HIE entity to identify a particular patient across separate clinical, financial, and administrative systems; and

(b) Needed to exchange health information electronically.

**DC HIE** - The District's statewide health information exchange, an interoperable system of registered and designated HIE entities that facilitates person-centered care through the secure, electronic exchange of health information among participating organizations supported by a District-wide health data infrastructure.

**Designated HIE** - An HIE entity that has applied for and received designation from the Department of Health Care Finance in accordance with Chapter 87, District of Columbia Health Information Exchange, of Title 29, Public Welfare, of District of Columbia Municipal Regulations.

**DHCF** - The District of Columbia's Department of Health Care Finance.

**Disclosure** - The release, re-disclosure, transfer, provision, access, transmission, communication, or divulgence in any other manner of information in a medical record, including an acknowledgment that a medical record on a particular health care consumer or recipient exists, outside the entity holding such information.

**Electronic Health Record** - An electronic record of health information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

**Health care consumer** - Any actual or potential recipient of health care services, such as a patient in a hospital.

**Health care provider** –

- (a) A person who is licensed, certified, or otherwise authorized under District law to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program;
- (b) Government agencies involved in the provision of health or social services;
- (c) A facility where health care is provided to health care consumers or recipients; or
- (d) An agent, employee, officer, or director of a health care facility, or an agent or employee of a health care provider.

**Health information** - Any information, whether oral or recorded in any form or medium, that:

- (a) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
- (b) Relates to the past, present, or future physical or mental health or condition of a person, the provision of health care to a person, or the past, present, or future payment for the provision of health care to a person.

**Health Information Exchange (HIE)** - A system that facilitates person-centered care through the secure electronic exchange of health



information among approved, qualifying partners in support of health data infrastructure according to nationally recognized standards.

**HIE Entity** - An entity that creates or maintains an infrastructure that provides organizational and technical capabilities in a system to enable the secure, electronic exchange of health information among participating organizations not under common ownership.

**HIPAA** - The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub.L. No. 104-191, 110 Stat. 1938 (1996)).

**HITECH Act** - The Health Information Technology for Economic and Clinical Health Act (Pub. L. No. 111-5, Title XIII, 123 Stat. 226 (2009)).

**Incident Response Plan** - The documentation of a predetermined set of instructions or procedures to detect, respond to, and limit consequences of a malicious cyber attacks against an organization's information system(s).

**Master patient index** - A database that maintains a unique index identifier for each patient whose protected health information may be accessible through an HIE entity and is used to cross reference patient identifiers across multiple participating organizations to allow for patient search, patient matching, and consolidation of duplicate records.

**Non-HIPAA violation** - The acquisition, access, use, maintenance, or disclosure of health information in a manner not permitted under District or federal law:

- (a) Which compromises the security or privacy of the health information; and
- (b) Is not a HIPAA violation.

**Opt-out** – A health care consumer's election not to participate in the HIE, so that the HIE entity shall not disclose such health care consumer's protected health information, or data derived from such health care consumer's health information, except as consistent with this chapter.

**Participating organization** - An entity that enters into an agreement with an HIE entity that governs the terms and conditions under which its authorized users may use, access, or disclose protected health information by the HIE entity.

**Point-to-point transmission** - A secure electronic transmission of PHI, including, but not limited to, records sent via facsimile or secure clinical

messaging service, sent by a single entity that can be read only by the single receiving entity designated by the sender.

**Protected health information (PHI)** - A subset of health information that has the same meaning as given in 45 CFR § 160.103, and includes sensitive health information.

**Registered Resident Agent** - An agent of an entity who is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity.

**Registered HIE** - An HIE entity that has applied for and received registration from the Department of Health Care Finance in accordance with Chapter 87, District of Columbia Health Information Exchange, of Title 29, Public Welfare, of District of Columbia Municipal Regulations.

**Sensitive health information** - A subset of PHI, which consists of:

- (a) 42 CFR Part 2 information; or
- (b) Any other information that has specific legal protections in addition to those required under HIPAA, as implemented and amended in federal regulations.

**System administrator** - An individual employee within a participating organization (or an individual employed by a contractor to the participating organization) who is designated by the participating organization to manage the user accounts of specified persons within the participating organization in coordination with an HIE entity.

**Third-party system** - Hardware or software provided by an external entity to a participating organization, which interoperates with an HIE entity to allow an authorized user access to information through the HIE entity and may include an electronic health record system.

**Unqualified opinion** - A written statement by an auditor that financial statements fairly reflect the results of the business organization's operations and its financial position according to generally accepted accounting principles.

**Unusual finding** - A finding that there was an irregularity in the manner in which use, access, maintenance, disclosure, or modification of health information or sensitive health information transmitted to or through an HIE entity should occur that could give rise to a breach, a violation under this chapter or a violation of other applicable privacy or security laws.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Health Occupations Revision Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2019)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of her intent to adopt the following amendments to Chapter 64 (Optometry) of Title 17 (Business, Occupations, and Professionals) 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 this rulemaking is to amend the continuing education requirements for optometrists to include continuing education in public health priorities as determined and amended from time to time by the Director.

**Chapter 64, OPTOMETRY of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 6406, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 6406.4 is amended to read as follows:**

6406.4 An applicant for renewal of a license expiring on March 31, 2020 and all subsequent licensure terms shall submit proof of having completed thirty-eight (38) hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which shall include two (2) hours of approved continuing education credit in cultural competence and 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. Additionally, at least 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, those subjects shall be identified and published every five (5) years or less frequently as deemed appropriate by the Board of Health. Such proof of completion of continuing education credit shall be submitted within thirty (30) days after it is requested by the Board of Health.

**Section 6418, CONTINUING COMPETENCY, is amended as follows:**

**Subsection 6418.1 is amended to read as follows:**

6418.1 An optometrist who has met the requirements for licensure and has satisfied the requirement of completing thirty-eight (38) hours of approved continuing

education credit pursuant to 17 DCMR § 6406.4 is deemed competent to practice the profession of optometry.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM28-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES REGARDING UNIVERSAL SERVICE

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802, 2-505, and 34-2003 of the District of Columbia Code<sup>1</sup> of its intent to amend Chapter 28 (Universal Service) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

2. Lifeline service provides discounts on voice service for qualifying low-income voice customers, paid for by the federal Universal Service Fund (FUSF) and the District of Columbia Universal Service Trust Fund (DC USTF). In the *Lifeline Modernization Order*,<sup>2</sup> the Federal Communications Commission (FCC) announced its intention to phase out federal support for voice-only Lifeline service. On December 1, 2019, the support provided by the FUSF will decrease to \$7.25 per line from the current \$9.25 per line, then on December 1, 2020, the FUSF support will decrease to \$5.25 per line. On December 1, 2021, federal support for voice-only Lifeline service will cease.<sup>3</sup> The amendments to Subsection 2803.2 in this Notice of Proposed Rulemaking are designed to remove limitations on the amount of reimbursement eligible telecommunications carriers may receive for the provision of wireline Lifeline voice service to qualifying customers from the DC USTF following these decreases.

**Chapter 28, UNIVERSAL SERVICE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 2803, DISTRICT OF COLUMBIA UNIVERSAL SERVICE TRUST FUND, is amended as follows:**

**Subsection 2803.2 is amended as follows:**

2803.2 The amount to be reimbursed shall be calculated for each ETC to be the remainder of the ETC's retail tariffed rate less funding from the Federal Universal Service Low Income Fund less the tariffed lifeline rate for each eligible customer

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<sup>1</sup> D.C. Official Code §§ 34-802 (2012 Repl. & 2018 Supp.); 2-505 (2016 Repl. & 2018 Supp.); 34-2003 (2012 Repl. & 2018 Supp.).

<sup>2</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order and Order on Reconsideration ("*Lifeline Modernization Order*"), rel. April 27, 2016.

<sup>3</sup> 47 CFR § 54.403(a)(2) (2018).

~~subscribing to the ETC's lifeline service, not to exceed six dollars and fifty cents (\$6.50) for each eligible customer. For ETCs that have a universal service program for low income seniors, the amount to be reimbursed shall be similarly calculated, not to exceed eight dollars and fifty cents (\$8.50).~~

3. Any person interested in commenting on the subject matter of this proposed rule-making action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or electronically on the Commission's website at [https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this rulemaking should call (202) 626-5150 or send an email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF FIFTH EMERGENCY RULEMAKING

The Director of the District of Columbia (“District”) Department of Human Services (“Department”), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (“HSRA” or “Act”), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02 (2012 Repl.)), and Mayor’s Order 2006-20, dated February 13, 2006, hereby gives notice of the adoption, on an emergency basis, of the following new Chapter 79, entitled “Flexible Rent Subsidy Pilot Program”, of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), to become effective immediately.

The purpose of the new chapter is to establish rules to administer the District’s Flexible Rent Subsidy Pilot Program and conditions of participation for enrolled households. The Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is a four (4) year pilot program that provides financial assistance to households to support their ability to pay monthly rental expenses, especially during periods of income volatility, in order to promote long-term housing stability. Training on budgeting and money management will be offered to households enrolled in the Program.

A Notice of Emergency and Proposed Rulemaking, published in the *D.C. Register* on April 27, 2018, at 65 DCR 4663, was adopted on January 24, 2018, and became effective on that date. Emergency rules were subsequently published on June 1, 2018, at 65 DCR 6057; December 28, 2018, at 65 DCR 14135; and March 8, 2019, at 66 DCR 2779. The emergency rules will expire before comments can be incorporated into a second proposed rulemaking, thereby necessitating these emergency rules.

This rulemaking reflects changes to Program requirements in response to 1) public comments received after publication of the original proposed rulemaking and 2) the Department’s experience with the initial stages of implementing the Program under emergency rulemaking. The objectives and policy goals of the Program remain unchanged. Emergency rulemaking action, 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.)), is necessary to allow the Department to continue to operate the Program as the Department reviews comments in response to the proposed rulemaking, and to finalize the proposed rules. Therefore, taking emergency action under these circumstances will promote the immediate preservation of the health, safety, and welfare of District residents who are at risk of experiencing homelessness by permitting the Department to continue to support their efforts to maintain permanent housing.

DHS adopted the emergency rules on May 7, 2019, and they became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days from the adoption date or until September 4, 2019, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. If approved, the Department shall publish the effective date with the Notice of Final Rulemaking.

A new Chapter 79, FLEXIBLE RENT SUBSIDY PILOT PROGRAM, has been added to Title 29 DCMR, PUBLIC WELFARE, to read as follows:

**CHAPTER 79            FLEXIBLE RENT SUBSIDY PILOT PROGRAM**

**7900            SCOPE**

7900.1            The purpose of the Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is to support households that are at risk of experiencing homelessness to achieve stability in permanent housing. The Program provides financial assistance to each enrolled head of household in the instances where there is a gap between the total monthly rent expenses and the household’s funds available for rent. The financial assistance is payable only to the households, with the exception noted in § 7905.11(b).

7900.2            The Department shall be responsible for the implementation of this chapter, which shall apply to all financial assistance provided through the Department pursuant to the Program.

7900.3            The Program shall operate for four years, beginning in Fiscal Year 2018.

7900.4            One person per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.

7900.5            The provisions of this chapter describe eligibility criteria; the application process; assistance determination; description of assistance provided and how it is administered; recertification requirements; and appeal procedures for the Program.

7900.6            Nothing in these rules shall be interpreted to mean that Program assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.

7900.7            The Department may execute contracts, grants, and other agreements as necessary to carry out the Program.

**7901            ELIGIBILITY CRITERIA**

7901.1            Only one person who is twenty-one (21) years old or older at the time of application per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.

7901.2            A household is composed of individuals who live in the same physical housing unit as the applying head of household, and shall include:



- (a) Persons related by blood or legal adoption with legal responsibility for minor children in the household;
- (b) Persons related by marriage or domestic partnership (as defined by section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), including stepchildren and unmarried parents of a common child who live together;
- (c) Persons with a legal responsibility for an unrelated minor child or an unrelated adult with a disability; and
- (d) Any person not included by §§ 7901.2(a)-(c), regardless of blood relationship, age, or marriage, whose history and statements reasonably demonstrate that the individuals intend to remain together in the same household and whose income contributes to total household expenses.

7901.3 An otherwise eligible person temporarily away from the housing unit due to employment, school, hospitalization, incarceration, legal proceedings or vacation shall be considered to be living in the household. A minor child who is away at school is considered to be living in the household if he or she returns to the housing unit on occasional weekends, holidays, school breaks, or during summer vacations.

7901.4 To establish initial eligibility for the Program, a household must:

- (a) Reside in the District of Columbia, as defined by Section 2(32) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(32)), at the time of application;
- (b) Demonstrate risk of homelessness as evidenced by:
  - (1) Previous application for at least one emergency or temporary government-funded housing or rental assistance program administered by the District, including the Emergency Rental Assistance Program, the Homelessness Prevention Program, or the Family Re-Housing and Stabilization Program, within the last forty-eight (48) months; and
  - (2) Having a total annual income less than or equal to thirty percent (30%) of the Median Family Income for the District, which is a periodic calculation provided by the United States Department of Housing and Urban Development; and
- (c) Be headed by a person that is twenty-one (21) years old or older at the time of application, and who meets the following requirements:
  - (1) Has physical custody of one or more minor children;

- (2) Is currently employed or has recent history of employment; and
- (3) Is the lease holder for a rental unit.

7901.5 The applicant may be enrolled in a government-funded rental assistance program administered by the District at the time of application. However, if selected for the Program, no household member may be enrolled in both the Program and another District or federal government-funded rental assistance program at the same time. Enrollment in the Program shall not preclude receipt of shelter or rental assistance after participation in the Program has ended.

## **7902 HOUSEHOLD OUTREACH**

7902.1 The Department will conduct outreach to households with an estimated high likelihood of meeting the eligibility criteria listed in § 7901, to inform these households about the Program and to determine potentially eligible households' interest in Program enrollment.

7902.2 Households that receive information about the Program shall be identified by the Department through administrative data contained in applications completed by households seeking or enrolled in government-funded housing or government-funded emergency rental assistance programs administered by the District.

7902.3 The Department will conduct outreach via the US Postal Service, telephone, email, SMS text messages, or other communication means determined by the Department.

7902.4 Outreach communications will invite households interested in Program enrollment to submit an application as described in § 7903 to the Department via a web-based portal, US Postal Service, or in person at a physical site determined by the Department.

7902.5 Outreach communication shall contain or provide a hyperlink to a description of the Program, the application and enrollment process, responsibilities of the Department and the Provider used to manage the Program, and Program participation requirements, including each applicant's involvement in budget and financial management activities.

## **7903 APPLICATION AND SELECTION PROCESS**

7903.1 Each household interested in enrolling in the Program shall complete an application form provided by the Department that is signed by the head of household. An authorized representative may apply on behalf of the applying household if the applying head of household provides a written and signed

statement stating why he or she cannot personally complete the form and the name and address of the person authorized to act on his or her behalf.

- 7903.2 If the applicant has a disability or the authorized representative of the applicant with a disability requests assistance to complete the application, the Department shall assist such applicant or authorized representative with the application process to ensure that the applicant has an equal opportunity to submit an application.
- 7903.3 The Director of the Department will determine the number of applications that will be accepted for the Program, which is contingent on available funding. If at any point the Department receives additional funding for the program, the Department may reopen the application process at that time for new applications.
- 7903.4 Household enrollment shall follow a two-step process. The first step shall require the applying person to complete and submit a web-based or paper application to the Department as notification of his or her household's enrollment interest and self-reported eligibility in order to be selected. The second step shall require selected households to submit documentation to the Department that enables the Department or its designee to verify information on the household's application and Program eligibility criteria included in § 7901 of this chapter.
- 7903.5 The application will include questions that require the applicant to attest to the Program eligibility criteria listed in § 7901, and may also request the applicant to provide the following:
- (a) Identifying information;
  - (b) Contact information;
  - (c) Household composition;
  - (d) Current income;
  - (e) Current monthly rent expense;
  - (f) Address of current rental unit;
  - (g) Consent to release information; and
  - (h) Any additional information deemed necessary by the Department.
- 7903.6 Due to limited Program availability during the pilot period, the Department will administer one or more assignment lotteries to determine which applying households are offered one of the available Program slots using the method described in § 7903.5, § 7903.7, and § 7903.8.

- 7903.7 The results of the Program's pilot period will be evaluated to understand its effectiveness in supporting households' long term housing stability. To increase the probability that the Program will be successful if expanded to enroll more households, the lottery will be structured so that the characteristics identified on the applications of the group of households offered a Program slot are similar to the characteristics identified on the application of all households that applied for the Program.
- 7903.8 After the lottery is completed, the Department will offer available Program slots to households selected by the lottery. The Department will notify selected households via the US Postal Service, telephone, email or another communication mode determined by the Department. These Program slots are conditional, and are only official after the household responds to the Department's notice of the conditional offer and successfully completes the Program eligibility process described in § 7904. If a household fails to respond within the given timeframe, or after verification the household does not meet eligibility requirements for the Program, an additional household will be selected based on the method described in § 7903.10, until all slots have been filled.
- 7903.9 Each household selected for the Program will have fifteen (15) calendar days from the date of notice to respond to the Department via telephone, email or another communication mode determined by the Department. Each household's response to the Department shall convey whether the household:
- (a) Accepts the conditional Program slot offer and intends to complete the Program eligibility process; or
  - (b) Declines the conditional Program slot offer.
- 7903.10 Any household that declines the offer for the Program slot, fails to provide a response to the Department within fifteen (15) calendar days of Program selection notice, or fails to meet the Program eligibility process described in § 7904, will lose their spot on the lottery result list, and the next household on the list will be offered the slot, until all slots have been filled.
- 7903.11 Any household that submits an application for Program enrollment will receive one or more of the following notices, as applicable:
- (a) DC Flex Program: Notice of Ineligibility to Enter Lottery;
  - (b) DC Flex Program Lottery Results: Conditional Offer of Enrollment;
  - (c) DC Flex Program Lottery Results: Household Not Selected;
  - (d) DC Flex Program: Notice of Enrollment in the Program;

- (e) DC Flex Program Enrollment: Unable to Verify Eligibility; and
- (f) DC Flex Program Enrollment: Notice of Termination.

7903.12 Any household that submits an application for Program enrollment, but is not enrolled as a result of the processes described in § 7903.5 – 7903.10 will receive oral and written notice via U.S. Postal Service. Written notice shall be one or more of the notices listed in § 7903.11, as applicable, which shall include:

- (a) A clear statement of the client’s application status, eligibility status, or termination from the Program;
- (b) A clear and detailed statement of the factual basis for the action described in the notice, including the date or dates on which the basis or bases for the denial occurred;
- (c) A reference to the statute, regulation, policy, or Program Rule pursuant to which the denial is being implemented;
- (d) A clear and complete statement of the client’s right to appeal the action through fair hearing and administrative review proceedings pursuant to § 7910, or the client’s right to reconsideration pursuant to rules established by the Provider in accordance with Section 18 of the HSRA (D.C. Official Code § 4-754.32), including the appropriate deadlines for instituting the appeal or reconsideration; and
- (e) A statement of the client’s right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to § 7910.3.

7903.13 Any household that submits an application for Program enrollment and successfully completes the application and eligibility verification processes described in §§ 7903.5 – 7903.10 and § 7904, shall receive the type of written notice from the Department listed at § 7903.11(d). This notice shall include the information listed in § 7904.9.

7903.14 Any household that submits an application for Program enrollment, is enrolled in the Program, but is terminated from Program enrollment, as described in § 7908.2, shall receive the type of written notice from the Department listed at § 7903.11(f). This notice shall include the information listed in § 7908.3.

## **7904 ELIGIBILITY VERIFICATION AND PROGRAM ENROLLMENT**

7904.1 From each household offered a Program slot, the Department shall request documentation that will enable the Department to verify eligibility for the

Program. The Department will contact each household through the U.S. Postal Service, email, telephone or other means determined by the Department.

- 7904.2 Documentation that the Department shall use to verify eligibility for the Program may include, but is not limited to:
- (a) Birth certificates;
  - (b) District identification;
  - (c) Child custody reports;
  - (d) Copy of a current, valid lease agreement specifying the landlord's name and contact information, and the head of household's name;
  - (e) Pay stubs for the most immediate past two (2) months prior to Program application; and
  - (f) Earned Income Tax Credit filing for most immediate tax-year prior to Program application.
- 7904.3 In addition to documents listed in § 7904.2, the Department may use in-person interviews and third party information to verify Program eligibility.
- 7904.4 Each head of household offered a Program slot shall also sign and submit to the Department a release form, either personally or through an authorized representative, which authorizes the Department to obtain or verify information necessary to confirm Program eligibility.
- 7904.5 If further information is needed from the household to verify Program eligibility, the Department shall request additional information by telephone, email or U.S. Postal Service. This request shall specify the information needed to complete the household's eligibility verification and the timeframe in which the additional documentation must be provided to the Department.
- 7904.6 The Department will notify the household once all requested documentation needed to verify eligibility has been received.
- 7904.7 If a household has not obtained and provided to the Department the requested information needed to verify eligibility for the Program within thirty (30) calendar days of the date of the Conditional Offer of Enrollment, as listed in § 7903.11(b), the household will lose its spot on the list and a new household will be offered the subsidy, as described in § 7903.10.

- 7904.8 The Department shall determine the eligibility in as short a time as feasible, but not later than ten (10) business days after receipt of all requested information by the Department.
- 7904.9 If a household successfully completes the application and eligibility verification processes described in § 7903 and this section, the Department shall give to the applicant, directly or through an authorized representative, a written notice entitled “DC Flex Program: Notice of Enrollment in the Program”, as listed in § 7903.11(d), which shall state:
- (a) That the applicant is determined eligible and is enrolled in the Program;
  - (b) That receipt of Program assistance is conditioned upon the head of household’s participation in all required Program activities as may be described in the Program Rules established in accordance with section 18 of the HSRA (D.C. Official Code § 4-754.32);
  - (c) The length of time for which the Program’s subsidy will be provided, per the applicant’s successful compliance with the Program recertification criteria set forth in § 7906; and
  - (d) Name and contact information for the Provider that the Department will use to administer the Program.
- 7904.10 Upon a household’s enrollment in the Program, the Department will facilitate the household’s transition from any other District or federal government rental assistance program to ensure the household’s compliance with the eligibility requirement set forth in § 7901.5.
- 7904.11 At the discretion of the Director, a household may receive an extension on the timeline described in the application and eligibility verification process requirements described in § 7903.9, § 7903.10 or § 7904.7, for a demonstrated reason of good cause. For the purposes of this subsection, “good cause” means:
- (a) Serious illness or injury of household member or immediate family member;
  - (b) Death of household member or immediate family member;
  - (c) Incarceration or detention of household member; or
  - (d) Other crisis, emergency, or unavoidable circumstances that prevented the timely completion of the eligibility verification process.

**7905 PROGRAM ADMINISTRATION**

- 7905.1 The Department shall issue a competitive grant solicitation to select an Provider for the Program.
- 7905.2 The Department will determine what percentage of the annual allotment shall be dedicated to the Provider's allowable administrative fees, as described in § 7905.3, and the remaining total that shall be used for household financial assistance.
- 7905.3 The percentage of the annual allotment dedicated for the Provider's allowable administrative fees shall be used to pay for costs that are associated with the general operation of the Program and that cannot be attributed to any one enrolled household. These administrative fees may include:
- (a) Staff salaries and fringe benefits;
  - (b) Overhead expenses, which may include, but are not limited to, supplies and IT equipment;
  - (c) Local travel for duties associated with program administration/oversight; and
  - (d) Other expenses agreed upon by the Department and Provider, consistent with District and federal law.
- 7905.4 The Department will refer households enrolled in the Program to the Provider.
- 7905.5 The Provider shall make available at least one in-person budgeting or financial management training for enrolled households within the first three (3) months of each household's enrollment into the Program, and monitor the enrolled households' participation in this training and others, if provided. If the Provider does not administer its own such training, the Provider may secure this type of training from another entity and coordinate the enrolled household's participation in this training. The Provider shall also make financial coaching or consultation opportunities available to clients in a manner approved by the Department.
- 7905.6 The Provider shall use the available granted funds to set up an escrow account and checking account for each enrolled household. The escrow account shall be solely administered by the Provider on behalf of the head of household. The checking account shall be a joint account administered by the Provider and head of household.
- 7905.7 The Provider shall assist the head of household to secure checks or a debit card linked to the checking account in the name of the head of household.



- 7905.8 The Provider will receive seven thousand two hundred dollars (\$7,200) per year for each household enrolled in the Program. A year shall be defined as a twelve (12) month cycle, with the first month of the year dependent on the household's enrollment in the program. Based on the availability of funds, the Department reserves the right to adjust, by rule, the amount of funding provided to each enrolled household.
- 7905.9 Upon a household's enrollment into the Program, the Provider shall transfer seven thousand two hundred dollars (\$7,200), or a different amount established by rule pursuant to § 7905.8, into an escrow account it has established and will solely administer on behalf of that head of household. The Provider shall then transfer funds from the escrow account into the household's checking account each month so that funds available to the household equal the total cost for one month's rent amount, per terms of the household's lease.
- 7905.10 Each month, the head of household can access the full amount available in the checking account (if needed), or a lesser amount needed to bridge any gap between their monthly income available for rent and their actual monthly rent expenses. A head of household may choose not to use any of the available funds. Any amount not used in one month rolls over and is available for future use throughout the year.
- 7905.11 If a household meets the Program Recertification requirements described in §7906, does not owe rental arrears on their unit, and has Program funds remaining at the end of the Program year, the household may:
- (a) Apply all of the remaining funds for use in the next annual Program year cycle, or
  - (b) Withdraw up to five hundred dollars (\$500) of the remaining funds for other household expenses and apply the remaining funds for use in the next annual Program year cycle.
- 7905.12 If the household has funds remaining, in either the escrow account administered on behalf of the household or the household's checking account or both, at the end of the Program pilot period and does not owe rental arrears on their unit, the household may use the funds to pay for expenses such as rent, utilities, moving expenses, transportation, child care, or other costs required to avoid homelessness.
- 7905.13 Table 1 below provides an example of the process described in § 7905.9 – 7905.12.
- At the beginning of the Program, Year 1, an annual total lump sum of seven thousand two hundred dollars (\$7,200) is deposited into the escrow account for Household X. The monthly rent total for Household X is \$1,600. Over the twelve (12) month year, the Provider transfers funds from the escrow account as

necessary to maintain a balance of \$1,600 in the joint checking account held with Household X. Household X’s monthly income fluctuates, and in some months there is not enough money to pay the total rent amount. In the months when Household X’s available income is less than the total rent amount of \$1,600, the Household uses funds available in its checking account. At the end of Year 1, Household X has a remaining balance of four hundred dollars (\$400).

**Table 1: Year 1- Monthly Rent Amount = \$1,600**

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,200	\$1,600	\$1,600	\$1,000	\$600	\$600
Month 2	\$5,600	\$1,000	\$1,600	\$1,000	\$600	\$600
Month 3	\$4,600	\$1,000	\$1,600	\$500	\$1,100	\$1,100
Month 4	\$3,600	\$500	\$1,600	\$300	\$1,300	\$1,300
Month 5	\$3,100	\$300	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$2,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 7	\$2,800	\$0	\$1,600	\$600	\$1,000	\$1,000
Month 8	\$2,800	\$600	\$1,600	\$400	\$1,200	\$1,200
Month 9	\$2,200	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 10	\$1,800	\$400	\$1,600	\$800	\$800	\$800
Month 11	\$1,400	\$800	\$1,600	\$1,600	\$0	\$0
Month 12	\$600	\$600	\$600	\$200	\$1,400	\$400

7905.14

Table 2 below provides a continuance of the example shown in Table 1. Household X does not owe rental arrears on their unit and decides to add the remaining four hundred dollars (\$400) from Year 1 to the total amount deposited into Household X’s escrow account for the following year, Year 2. The addition of the four hundred dollars (\$400) from Year 1 is reflected in the escrow balance of Year 2, Month 1. The Year 2 starting balance equals the seven thousand two hundred dollars (\$7,200) of the annual Program assistance, plus the four hundred dollars (\$400) carried over from Year 1.

**Table 2: Year 2- Monthly Rent Amount = \$1,600**

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,600*	\$1,600	\$1,600	\$400	\$1,200	\$1,200
Month 2	\$6,000	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 3	\$5,600	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 4	\$5,200	\$400	\$1,600	\$0	\$1,600	\$1,600

Month 5	\$4,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$4,800	\$0	\$1,600	\$1,600	\$0	\$0
Month 7	\$4,800	\$1,600	\$1,600	\$1,600	\$0	\$0
Month 8	\$3,200	\$1,600	\$1,600	\$1,200	\$400	\$400
Month 9	\$1,600	\$1,200	\$1,600	\$600	\$1,000	\$1,000
Month 10	\$400	\$400	\$1,400	\$400	\$1,200	\$1,000
Month 11	\$0	\$0	\$1,000	\$800	\$800	\$200
Month 12	\$0	\$0	\$200	\$200	\$1,400	\$0

7905.15 With the exception of end of year funds, the only eligible payee on the account will be the landlord of the unit the household lives in. The Provider will be responsible for monitoring account activity to ensure the head of household is using checking account funds to pay the landlord on record.

7905.16 The landlord must have a business license and a Certificate of Occupancy for the household’s unit that is in good standing.

7905.17 The household’s rental unit may be subject to required inspections as part of the requirement to be legally licensed and registered in the jurisdiction. The Department may offer or require additional inspections as part of the Program.

7905.18 The Provider shall establish a dispute resolution process for complaints households may raise related to the administration of the Program. This process shall be described in Program Rules.

**7906 RECERTIFICATION REQUIREMENTS**

7906.1 To remain eligible for the Program, each enrolled household shall complete a recertification process annually.

7906.2 A household shall remain eligible for the Program if the household continues to meet requirements set forth in sections §§ 7901.1 - 7901.3 and continues to be eligible for services under the Continuum of Care.

7906.3 Additionally, the household shall meet the following to remain eligible for the Program:

- (a) Has a total annual income less than or equal to the recertification income limit, based on the United States Department of Housing and Urban Development’s Median Family Income Limits for the Washington DC Metropolitan Region, to be published by DHS not less than annually. The recertification limit shall not be less than forty percent (40%) of Family Median Income;
- (b) Is headed by a person that is twenty-one (21) years old or older, and who meets the following requirements:

- (1) Has physical custody of one or more minor children, or one or more youth that continues to reside in the household;
  - (2) Is currently employed or has recent history of employment; and
  - (3) Is the lease holder for a rental unit; and as the lease holder, does not face a housing emergency in which immediate action is necessary to avoid homelessness or eviction.
- (c) Has not accessed any non-Program source of emergency, temporary, or permanent government-funded rental assistance:
- (1) Before exhausting its annual allotment of Program funds and any remaining Program funds from the previous year; or
  - (2) More than once during the previous year.

7906.4 The Provider shall conduct a recertification assessment of each household to confirm the household meets the Program's recertification standards.

7906.5 If a household does not meet the recertification requirements set forth in this section, the Provider shall provide oral notice to the household. Additionally, the Provider shall provide written notice described in § 7903.11(f) to the household, via email or US Postal Service, at least 15 days before the effective date of the termination. This notice will specify the recertification requirements the household did not meet during its recertification assessment.

## **7907 RELOCATION**

At any point during the Program, a household may choose to relocate to a new unit that better meets the household's needs. The household shall be responsible for updating the Provider and providing appropriate documentation of the new lease agreement. The Provider shall not approve the payment of funds to a new landlord until it has received appropriate documentation of the new lease.

## **7908 TERMINATION FROM PROGRAM**

7908.1 Termination pursuant to this section refers to a termination of Program assistance only and does not provide the Provider or the Department with any authority to interfere with a household's tenancy rights under the lease agreement as governed by Title 14 of the District of Columbia Municipal Regulations.

7908.2 The Provider shall adopt Program Rules to provide additional guidance on the DC Flex Program. In accordance with the DC Flex Program Rules, which shall be signed by households at the time of Program enrollment, the Department or

Provider may terminate Program assistance to a household, in compliance with Section 22 of the Act (D.C. Official Code § 4-754.36).

7908.3 If a household is terminated from the Program, the Provider shall provide oral notice to the household. Additionally, the Provider shall give to the household, personally or through an authorized representative, a written Notice of Termination at least fifteen (15) days before the effective date of the termination, which shall state:

- (a) The household is being terminated;
- (b) The effective date of the termination;
- (c) The reason or reasons for the termination, including the date or dates on which the basis or bases for the termination occurred;
- (d) The statute, regulation, or program rule under which the termination is being made;
- (e) That the household has a right to appeal the termination through a fair hearing and administrative review, including deadlines for requesting an appeal; and
- (f) That the household has a right to continuation of Program assistance pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination, as described in § 7910.

7908.4 A household that is terminated from the Program will immediately lose access to any and all Program funds remaining in the escrow and checking account, subject to the right to continuation of Program assistance as described in § 7910.3.

## **7909 SUMMARY OF PROVIDER RESPONSIBILITIES**

7909.1 The Provider is responsible for the following:

- (a) Establishing an escrow and checking account for each household enrolled in the Program;
- (b) Delivering directly, or coordinating with another entity to offer periodic budgeting or financial literacy training to each household and monitor the household's participation in these trainings;
- (c) Monitoring each household's monthly payment activity;
- (d) Providing each household with general referrals and reminders about resources available within the community;

- (e) Reviewing the eligibility of each household to ensure that the household remains eligible per the recertification standards outlined in § 7906;
- (f) If applicable, updating the name of each household's landlord when a household moves to a new housing unit, or the landlord on a lease changes;
- (g) Assisting the Department with program evaluation activities, including reasonable data collection, providing administrative records, and making staff available for interviews;
- (h) Submitting to the Department quarterly reports, at the individual household level and aggregate level, that include information listed in § 7908.2 and §7908.3; and
- (i) Other tasks agreed upon by the Department and Provider.

7909.2 The Provider shall submit to the Department a formal quarterly report that may include, but is not limited to, the following for each enrolled household:

- (a) Frequency in which each household accessed the full monthly rent limit;
- (b) Average amount of funds accessed from each household's checking account each month; and
- (c) Participation in budget or financial planning classes.

7909.3 The Provider shall submit to the Department a formal quarterly report that shall include, but is not limited to, the following for the cohort of enrolled households:

- (a) Payment activity of the households for the current quarter;
- (b) Trend analysis that shows the payment activities of the households over the previous quarter(s), where applicable;
- (c) Average and median amounts of the Program subsidy used by the households monthly;
- (d) Addresses of participating households and other descriptive statistics identified or requested by the Department; and
- (e) Household attrition from the Program.

7909.4 The Provider shall submit reports to the Department via a method determined by the Department.

**7910 FAIR HEARING AND ADMINISTRATIVE REVIEW**

- 7910.1 An applying household or participating Program household shall have ninety (90) calendar days following the receipt of a written notice described in §§ 7903.11(a), (c), (e), or (f) to request a fair hearing, in accordance with the hearing provisions in Section 26 of the HSRA (D.C. Official Code § 4-754.41), for the action that is the subject of the written notice.
- 7910.2 Upon receipt of a fair hearing request, the Department shall offer the petitioner household or its authorized representative an opportunity for an administrative review in accordance with Section 27 of the HSRA (D.C. Official Code § 4-754.42), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal.
- 7910.3 In accordance with Section 9(a) of the HSRA (D.C. Official Code § 4-754.11(a)(18)), any household that requests a fair hearing within fifteen (15) days of receipt of written notice of a termination pursuant to § 7908 shall have the right to the continuation of Program benefits pending a final decision from the fair hearing proceedings.

**7911 DEFINITIONS**

- 7911.1 The terms and definitions in 29 DCMR § 2599 are incorporated by reference in this chapter.
- 7911.2 For the purposes of this chapter, the following additional terms shall have the meanings ascribed:

**Authorized representative** – an individual who is at least eighteen (18) years of age, who is acting responsibly on behalf of the applicant, and has sufficient knowledge of the applicant’s circumstances to provide or obtain necessary information about the applicant, or a person who has legal authorization to act on behalf of the applicant.

**Provider** – an organization that receives Flexible Rent Subsidy Pilot Program funds and is authorized to administer the Program’s services.

**Government-funded rental assistance program** – a program administered or funded by federal, state, or local government that provides rental assistance for the purpose of reducing the tenant’s rent or assisting with back rent.

**Median Family Income** - the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any further adjustments made by the United States

Department of Housing and Urban Development for the purposes of the programs it administers. This calculation is used to determine a household's eligibility for the Program.

**Minor** – a child under eighteen (18) years of age.



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-063

July 10, 2019

**SUBJECT:** Appointment – Washington Convention and Sports Authority Board of Directors

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994, D.C. Law 10-188; D.C. Official Code § 10-1202.05 (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN FALCICCHIO**, is appointed to the Washington Convention and Sports Authority Board of Directors, as an *ex-officio* voting member, as Interim Deputy Mayor of Planning and Economic Development, replacing Brian Kenner, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 2, 2019.



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 2019-064  
July 15, 2019


**SUBJECT:** Designation of Special Event Area – 33rd Annual High Heel Race

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with the 33rd Annual High Heel Race, which is an institution in the District’s LGBTQ community.
2. On Tuesday, October 29, 2019, between 5:00 p.m. and 11:00 p.m., 17th Street, NW, between Riggs Place, NW and P Street, NW, is hereby designated as a Special Event Area to be used as festival grounds and a staging area.
3. The Government of The District of Columbia - Executive Office of the Mayor is authorized to operate this Area and to conduct necessary and appropriate activities relating to the 33rd Annual High Heel Race.
4. This Order is an authorization for the closure of the designated street only, and the operating entity shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated street. All building, health, life safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.
5. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 MURIEL BOWSER  
 MAYOR

ATTEST:   
 \_\_\_\_\_  
 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

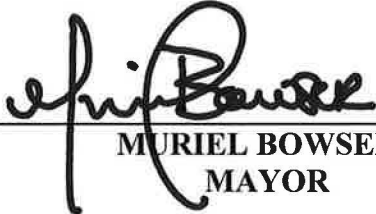
Mayor's Order 2019-065  
July 17, 2019

**SUBJECT:** Delegation - Authority to the Chief of the Fire and Emergency Medical Services Department to Announce and Support the 49th Annual HEROES Inc. Golf Tournament

**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.), and under 6B DCMR § 1805.10, it is hereby **ORDERED** that:

1. The Chief of the Fire and Emergency Medical Services Department is delegated the authority of the Mayor to announce and support the upcoming 49th Annual HEROES (Honor Every Responsible Officer's Eternal Sacrifice) Inc. Golf Tournament, including the authority to announce the tournament in a General Order sent to the email addresses of Fire and Emergency Medical Services Department employees.
2. **EFFECTIVE DATE:** This Order shall become 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, JULY 24, 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, Rafi A. Crockett

<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>Show Cause Hearing (Status)</b> <b>Case # 19-CIT-00082;</b> 1825 18th Hospitality, LLC, t/a Bar Charley, 1825 18th Street NW, License #92461, Retailer CR, ANC 2B <b>Failed to File Quarterly Statement</b>	<b>9:30 AM</b>
<b>Show Cause Hearing (Status)</b> <b>Case # 18-251-00226;</b> Jaime T. Carillo, t/a Don Jaime, 3209 Mt. Pleasant Street NW, License #21925, Retailer CT, ANC 1D <b>Interfered with an Investigation</b>	<b>9:30 AM</b>
<b>Show Cause Hearing (Status)</b> <b>Case # 19-CMP-00008;</b> Hope Lounge, LLC, t/a Peace Lounge, 2632 Georgia Ave NW, License #106785, Retailer CT, ANC 1B <b>Permitted Employees or Agents to Engage in Sexual Acts at the Establishment, Substantial Change in Operation Without Board Approval, Failed to Maintain Control of the Establishment</b>	<b>9:30 AM</b>
<b>Public Hearing</b> West Dupont Circle Moratorium Zone Renewal	<b>10:00 AM</b>

**BOARD RECESS AT 12:00 PM**  
**ADMINISTRATIVE AGENDA**  
**1:00 PM**

Board's Calendar

July 24, 2019

**\*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, JULY 24, 2019  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be cancelling the following license for the reason outlined below:

ABRA-071833 – **Cobalt/30 Degrees/Level One** – C – Tavern – 1639 R Street NW  
[Licensee is out of business.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JULY 24, 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 1A. SMD 1A09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Union Drinkery*, 3216 Georgia Avenue NW, Retailer CT, License No. 097501.

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2. Review Application for Class Change from Class D Restaurant to Class C Restaurant. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Café Georgetown*, 3141 N Street NW, Retailer DR, License No. 106108.

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3. Review Application for Class Change from Class A Liquor Store to Class A Wholesaler. ANC 5C. SMD 5C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Stop & Shop Liquors*, 3011 Rhode Island Avenue NE, Retailer A Liquor Store, License No. 099920.

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4. Review Application for Change of Hours. *Approved Hours of Operation, Alcoholic Beverage Sales and Consumption, and Live Entertainment: Sunday-Saturday 11am to 2am. Proposed Hours of Operation and Live Entertainment: Sunday-Friday 11am to 2am, Saturday 11am to 4am. Proposed Hours of Alcoholic Beverage Sales and Consumption,:* Sunday-Friday 11am to 2am, Saturday 11am to 3am. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Union Oyster Bar & Lounge*, 501 Morse Street NE, Retailer CR, License No. 110747.

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5. Review Application for Change of Hours for Summer Garden. ANC 2F. SMD 2F06. *Approved Hours of Operation for Summer Garden: Sunday-Thursday 8am to 11pm, Friday-Saturday 8am to 1am. Approved Hours of Alcoholic Beverage Sales and Consumption for Summer Garden: Sunday-Thursday 10am to 11pm, Friday-Saturday 10am to 1am. Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:*

Sunday-Thursday 8am to 12:30am, Friday-Saturday 8am to 1:30am. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Columbia Room**, 1224 9<sup>th</sup> Street NW, Retailer CT, License No. 100376.

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6. Review Application for Entertainment Endorsement with Dancing inside the premises only. ANC 1B. SMD 1B02. **Proposed Hours of Live Entertainment:** Sunday-Thursday 9pm to 2am, Friday-Saturday 9pm to 3am. **Shebelle Ethiopian Restaurant**, 1924 9<sup>th</sup> Street NW, Retailer CR, License No. 112429.
- 

**\*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.**



**CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER INTO FIVE SOLE SOURCE CONTRACTS****SY 2019-20**

Creative Minds International Public Charter School (CMIPCS) is a District of Columbia public charter school that opened in August 2012. The school will be serving 530 students from preschool to 8th grade during school year 2019-20.

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, CMIPCS hereby submits this notice of intent to award the following five sole source contracts:

- 1). Apple Inc. - CMIPCS intends to enter into a sole source contract with Apple Inc. for computers (with 3-year extended warranties), iPads and relevant accessories amounting to over \$25,000 during school year 2019-20. CMIPCS is an Apple product-based school and uses these products for administrative and instructional purposes. Apple Inc. constitutes the sole source for all Apple products with available discounts for educational institutions.
- 2). Dell Inc. - CMIPCS intends to enter into a sole source contract with Dell Inc. for laptop and PC desktop computers (with 3-year extended warranties), and relevant accessories amounting to over \$25,000 during school year 2019-20. CMIPCS will use these products for administrative and instructional purposes. Dell Inc. constitutes the sole source for all Dell Inc. products with preferred pricing and available discounts for educational institutions.
- 3). Fieldwork Education - CMIPCS intends to enter into a sole source contract with Fieldwork Education for International Primary and International Middle School curricula, teacher and staff professional development and accreditation services amounting to over \$25,000 during school year 2019-20. CMIPCS will utilize the services listed above that are provided by Fieldwork Education and will use these products for administrative and instructional purposes. Fieldwork Education constitutes the sole source for all Fieldwork Education products.
- 4). Hertz Furniture. - CMIPCS intends to enter into a sole source contract with Hertz Furniture for classroom and office furniture including relevant accessories amounting to over \$25,000 during school year 2019-20. Hertz Furniture constitutes the sole source for all furniture products with preferred pricing, and available discounts for educational institutions.
- 5). W. B. Mason. - CMIPCS intends to enter into a sole source contract with W. B. Mason for classroom supplies including relevant accessories amounting to over \$25,000 during school year 2018-19. W. B. Mason constitutes the sole source for all classroom supplies and products with preferred pricing, and available discounts for educational institutions.

For further information regarding these five notices contact James Lafferty-Furphy no later than 1:00 pm July 29, 2019 - [james.lafferty-furphy@creativemindspcs.org](mailto:james.lafferty-furphy@creativemindspcs.org), 202-588-0370 x112.

**EAGLE ACADEMY PUBLIC CHARTER SCHOOL  
NOTICE OF REQUEST FOR PROPOSALS (RFP)**

**IT/AV LOW VOLTAGE SERVICES**

Eagle Academy Public Charter School, in accordance with Section 2204©(XV)(A) of the District of Columbia School Reform Act of 1995, hereby seeks proposals to provide IT/AV Low Voltage Installation Services to a Public Charter School Campus that is being newly constructed. The installation will include video surveillance, wiring, network equipment, telephone system and PA system.

**Request for Scope of Work (SOW) must be made by:** Friday, July 30, 2019 by 5:00pm  
**Requirements:** No late responses will be accepted.

**Request for SOW, questions and proposals should be directed to the attention of [itsupport@eagleacademypcs.org](mailto:itsupport@eagleacademypcs.org)**

All bidders will be deemed to have agreed to EAPCS Standard Terms and Conditions, which may be viewed at [www.eagleacademypcs.org/terms](http://www.eagleacademypcs.org/terms).

Eagle Academy PCS reserves the right to reject any and all bids at its sole discretion.

**EAGLE ACADEMY PUBLIC CHARTER SCHOOL  
NOTICE OF REQUESTS FOR PROPOSALS (RFP)  
MULTIPLE SERVICES**

EAGLE ACADEMY PCS, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, hereby solicits proposals to provide:

- Assessment and instructional data support and services
- Professional development and consulting services
- Special education services
- Physical Therapy services
- Student data management systems
- Curriculum materials
- Student transportation services
- Classroom furniture, fixtures, and equipment
- Office furniture, fixtures, and equipment
- Office supplies
- Printing and duplication services
- Computer hardware and software
- Financial audit services
- Food & Beverage suppliers
- General Contractor services
- General Building Maintenance & Repairs
- HVAC Preventive Maintenance
- Plumbing services
- Electrical services
- Painting & drywall
- Janitorial Cleaning services
- Janitorial supplies
- Landscaping
- Snow Removal
- Legal services
- Business insurance
- Waste management services

**Request for Scope of Work (SOW) must be made by:** Friday, July 30, 2019 by 5:00pm  
**Requirements:** No late responses will be accepted.

**Request for SOW, questions and proposals should be directed to the attention of [jmallory@eagleacademypcs.org](mailto:jmallory@eagleacademypcs.org).**

All bidders will be deemed to have agreed to EAPCS Standard Terms and Conditions, which may be viewed at [www.eagleacademypcs.org/terms](http://www.eagleacademypcs.org/terms).

Eagle Academy PCS reserves the right to reject any and all bids at its sole discretion.

**OFFICE OF THE DEPUTY MAYOR FOR EDUCATION**  
**NOTICE OF PUBLIC MEETING**  
**COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH**  
**OUTCOMES**

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting  
Washington, DC – The OST Commission will hold a public meeting on Thursday, August 8, 2019 from 6:30 pm to 8:00 pm at One Judiciary Square, 441 4<sup>th</sup> Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes (OST Office) and present the OST Strategic Plan for a Public Vote. Finally, the Commission will hear updates from the OST Commission’s standing committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at [learn24@dc.gov](mailto:learn24@dc.gov). Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, August 6th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Approval of Minutes
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Public Vote on Strategic Plan
- VIII. Needs Assessment Committee Update
- IX. Adjournment

The OST Office and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission’s purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

**Date:** August 8, 2019  
**Time:** 6:30 p.m. – 8:00 p.m.  
**Location:** One Judiciary Square  
Room 1107 South  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001  
**Contact:** Debra Eichenbaum  
Grants Management Specialist  
Office of Out of School Time Grants and Youth Outcomes  
Office of the Deputy Mayor for Education  
(202) 478-5913  
[Debra.eichenbaum@dc.gov](mailto:Debra.eichenbaum@dc.gov)

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY (NOFA)

## FISCAL YEAR 2020

**DC Community Schools Incentive Initiative –  
Truancy Prevention and Literacy Pilot Program (CSII-TPLP)****Request for Application (RFA) Release Date: Aug. 2, 2019, 12 p.m.**

As authorized by the “Truancy Prevention and Literacy Pilot Program Emergency Amendment Act of 2019”<sup>1</sup>, which amended the “Community Schools Incentive Amendment Act of 2012” (D.C. Official Code § 38-754.01 *et seq.*), the Office of the State Superintendent of Education (OSSE) – Division of Systems and Supports, K-12 is soliciting grant applications for the FY20 DC Community Schools Incentive Initiative - Truancy Prevention and Literacy Pilot Program Grant. The overall goal of the grant is to test whether additional resources concurrently focusing on numerous community partners dealing with literacy intervention, parental engagement, and social- emotional issues with elementary school students will significantly improve attendance and state assessment outcomes. Consistent with the funding statute, OSSE will give priority to eligible consortiums that include:

- (1) An LEA with an elementary school with:
  - (a) more than 25% of students in grades kindergarten through 5 who were chronically truant in the 2018-19 school year; and
  - (b) more than 25% of students who scored at level 1 or level 2 on the state assessment for English language arts in the 2018-19 school year; and
- (2) Three or more community partners that provide at least one of the eligible services:
  - (a) Programs designed to increase attendance, including reducing early chronic absenteeism rates;
  - (b) Programs designed to:
    - (i) Facilitate parental involvement in, and engagement with, their children’s education, including parental activities that involve supporting, monitoring, and advocating for their children’s education;
    - (ii) Promote parental leadership in the life of the school; and
    - (iii) Build parenting skills;
  - (c) Programs that provide a full continuum of school-based, early literacy intervention services for all grades pre-K through 3, consisting of developmentally appropriate components for each grade, through a comprehensive intervention model.

As defined by the Community Schools Incentive Act of 2012, an “eligible consortium” is a “partnership established between a local educational agency and one or more community partners for purposes of establishing, operating, and sustaining a community school.” [D.C.](#)

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<sup>1</sup> Section 4112 of the Fiscal Year 2020 Budget Support Act of 2019, as enacted June 18, 2019 (D.C. Official Code § 38-754.03(g)(3)).

[Official Code § 38-754.02\(3\)](#). A “community school” is a public and private partnership to coordinate educational, developmental, family, health, and after-school-care programs during school and non-school hours for students, families, and local communities at a public school or public charter school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents. [D.C. Official Code § 38-754.02\(2\)](#).

**Eligibility and Selection Criteria:** OSSE will make up to two grants available through a competitive process and aligned with “Truancy Prevention and Literacy Pilot Program Emergency Amendment Act of 2019”, which amended the “Community Schools Incentive Amendment Act of 2012” (D.C. Official Code § 38-754.01 *et seq.*). Applications will be scored on the following selection criteria: program narrative/features, program implementation and monitoring, financial management and sustainability and service of priority areas.

OSSE will be holding a pre-application webinar on Thursday, Aug. 7, 2019 10 a.m.-12 p.m. to answer questions about the RFA and grant competition. To register, please visit the following link: <https://attendee.gotowebinar.com/register/6117126743381091852>. Please see the full RFA for a detailed timeline of events.

**Length of Award:** The FY20 grant award period is from Oct. 1, 2019 – Sept. 30, 2020.

**Available Funding for Award:** The total funding available for the FY20 award period is \$600,000. An eligible consortium may apply for an award amount of \$300,000. OSSE will award two grant awards. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant’s submission.

**Application Process:** An external review panel will be convened to review, score, and rank each application. The review panel 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 application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel shall make recommendations for awards based on the scoring rubric. The State Superintendent or her designee will make all final award decisions.

Applications must be submitted by Sept. 16, 2019. OSSE estimates that it will award grants by Oct. 11, 2019; however, this date may change.

For additional information regarding this grant competition, please contact:

Melissa Harper-Butler  
Program Analyst, Special Programs Unit  
Division of Systems and Supports, K-12  
1050 First Street NE, Fifth Floor, Washington, DC 20002  
Phone: (202) 478-2409  
Email: [Melissa.Harper-Butler@dc.gov](mailto:Melissa.Harper-Butler@dc.gov)

The RFA will be available on the [District of Columbia Office of Partnerships and Grant Services](#) website and <https://osse.dc.gov/service/community-schools-incentive-initiative>. Applications will be submitted through the [Enterprise Grants Management System](#).

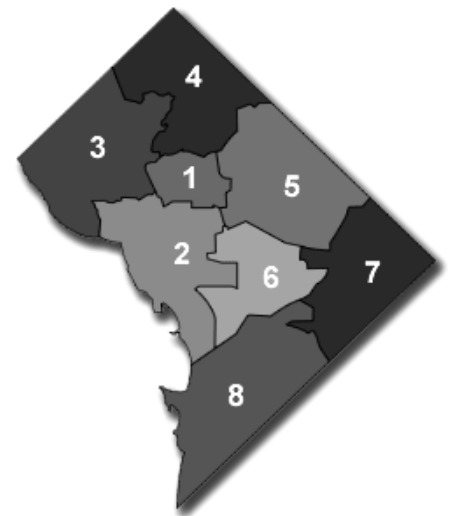
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of JUNE 30, 2019**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	49,623	3,152	633	250	194	12,542	<b>66,394</b>
<b>2</b>	33,654	5,964	258	255	165	11,916	<b>52,212</b>
<b>3</b>	40,994	6,328	364	226	147	12,036	<b>60,095</b>
<b>4</b>	51,407	2,279	545	145	172	9,657	<b>64,205</b>
<b>5</b>	56,418	2,590	624	210	251	10,691	<b>70,784</b>
<b>6</b>	60,627	8,137	531	388	252	15,650	<b>85,585</b>
<b>7</b>	51,099	1,396	450	107	205	7,773	<b>61,030</b>
<b>8</b>	49,778	1,586	489	116	210	8,607	<b>60,786</b>
<b>Totals</b>	393,600	31,432	3,894	1,697	1,596	88,872	<b>521,091</b>
<b>Percentage By Party</b>	<b>75.53%</b>	<b>6.03%</b>	<b>.75%</b>	<b>.33%</b>	<b>.31%</b>	<b>17.05%</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 JUNE 30, 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 JUNE 30, 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>20</b>	1,851	39	9	6	7	327	<b>2,239</b>
<b>22</b>	4,162	444	27	21	14	1,113	<b>5,781</b>
<b>23</b>	3,199	247	45	17	16	872	<b>4,396</b>
<b>24</b>	2,951	281	27	31	10	873	<b>4,173</b>
<b>25</b>	4,230	466	51	25	11	1,163	<b>5,946</b>
<b>35</b>	4,024	213	61	23	12	920	<b>5,253</b>
<b>36</b>	4,632	247	47	18	20	1,103	<b>6,067</b>
<b>37</b>	3,953	197	40	20	25	956	<b>5,191</b>
<b>38</b>	3,130	149	40	16	13	810	<b>4,158</b>
<b>39</b>	4,391	185	71	16	13	1,017	<b>5,693</b>
<b>40</b>	4,036	200	84	14	14	1,079	<b>5,427</b>
<b>41</b>	3,982	211	76	20	19	1,115	<b>5,423</b>
<b>42</b>	1,935	98	26	9	10	517	<b>2,595</b>
<b>43</b>	1,939	71	23	8	7	401	<b>2,449</b>
<b>137</b>	1,208	104	6	6	3	276	<b>1,603</b>
<b>TOTALS</b>	<b>49,623</b>	<b>3,152</b>	<b>633</b>	<b>250</b>	<b>194</b>	<b>12,542</b>	<b>66,394</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 2 REGISTRATION SUMMARY**  
**As Of JUNE 30, 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>	996	179	8	9	9	556	<b>1,757</b>
<b>3</b>	1,853	377	16	16	11	721	<b>2,994</b>
<b>4</b>	2,211	563	12	13	11	887	<b>3,697</b>
<b>5</b>	2,205	616	15	25	12	850	<b>3,723</b>
<b>6</b>	2,527	800	17	20	18	1,346	<b>4,728</b>
<b>13</b>	1,402	233	6	8	6	455	<b>2,110</b>
<b>14</b>	3,162	482	27	27	10	1,053	<b>4,761</b>
<b>15</b>	3,298	394	37	28	13	995	<b>4,765</b>
<b>16</b>	3,682	468	29	27	16	1,031	<b>5,253</b>
<b>17</b>	5,235	663	35	43	25	1,626	<b>7,627</b>
<b>129</b>	2,643	444	13	14	12	1,005	<b>4,131</b>
<b>141</b>	2,672	346	22	12	11	709	<b>3,772</b>
<b>143</b>	1,768	399	21	13	11	682	<b>2,894</b>
<b>TOTALS</b>	<b>33,654</b>	<b>5,964</b>	<b>258</b>	<b>255</b>	<b>165</b>	<b>11,916</b>	<b>51,212</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of JUNE 30, 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>	1,376	409	11	10	5	607	<b>2,418</b>
<b>8</b>	2,513	619	25	8	9	848	<b>4,022</b>
<b>9</b>	1,292	489	8	10	8	526	<b>2,333</b>
<b>10</b>	1,985	391	20	14	9	732	<b>3,151</b>
<b>11</b>	3,750	825	45	47	18	1,375	<b>6,060</b>
<b>12</b>	504	174	1	5	4	223	<b>911</b>
<b>26</b>	3,187	375	23	14	9	939	<b>4,547</b>
<b>27</b>	2,579	250	21	12	2	598	<b>3,462</b>
<b>28</b>	2,718	463	37	15	15	868	<b>4,116</b>
<b>29</b>	1,448	216	13	11	8	441	<b>2,137</b>
<b>30</b>	1,305	203	10	4	3	326	<b>1,851</b>
<b>31</b>	2,558	307	21	11	12	599	<b>3,508</b>
<b>32</b>	2,914	289	26	9	10	631	<b>3,879</b>
<b>33</b>	3,070	268	27	8	5	710	<b>4,088</b>
<b>34</b>	4,214	438	35	14	10	1,211	<b>5,922</b>
<b>50</b>	2,325	280	18	12	11	569	<b>3,215</b>
<b>136</b>	945	72	8	2	2	277	<b>1,306</b>
<b>138</b>	2,311	260	15	20	7	556	<b>3,169</b>
<b>TOTALS</b>	<b>40,994</b>	<b>6,328</b>	<b>364</b>	<b>226</b>	<b>147</b>	<b>12,036</b>	<b>60,095</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 4 REGISTRATION SUMMARY**  
**As Of JUNE 30, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,453	68	28	12	6	413	2,980
46	2,952	102	33	10	15	523	3,635
47	3,665	148	42	10	16	789	4,670
48	2,909	132	34	4	4	589	3,672
49	942	45	15	4	8	228	1,242
51	3,454	512	25	11	10	662	4,674
52	1,275	146	9	3	5	238	1,676
53	1,288	74	24	4	4	265	1,659
54	2,460	89	31	4	8	477	3,069
55	2,551	78	21	4	19	460	3,133
56	3,341	103	38	18	12	677	4,189
57	2,614	70	28	8	10	543	3,273
58	2,346	66	21	5	5	404	2,847
59	2,677	83	25	11	7	437	3,240
60	2,292	75	26	8	10	651	3,062
61	1,681	57	16	6	5	320	2,085
62	3,248	129	19	4	4	420	3,824
63	3,961	145	58	5	15	736	4,920
64	2,415	70	20	5	7	397	2,914
65	2,883	87	32	9	2	428	3,441
<b>Totals</b>	<b>51,407</b>	<b>2,279</b>	<b>545</b>	<b>145</b>	<b>172</b>	<b>9,657</b>	<b>64,205</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 5 REGISTRATION SUMMARY**  
**As Of JUNE 30, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,795	231	70	22	21	1,068	6,207
44	3,045	239	33	14	16	717	4,064
66	4,848	120	45	15	17	711	5,756
67	2,946	103	23	7	8	462	3,549
68	2,044	168	23	11	12	430	2,688
69	2,181	78	19	5	10	315	2,608
70	1,567	70	24	1	5	261	1,928
71	2,535	75	23	9	10	412	3,064
72	4,601	164	43	17	30	809	5,664
73	2,033	103	23	8	7	385	2,559
74	5,148	289	62	22	21	1,111	6,653
75	4,371	248	48	26	20	918	5,631
76	1,860	117	28	10	11	448	2,474
77	3,102	124	35	10	13	607	3,891
78	3,167	106	43	9	15	559	3,899
79	2,244	87	25	4	13	445	2,818
135	3,252	186	41	15	17	654	4,165
139	2,679	82	16	5	5	379	3,166
<b>TOTALS</b>	<b>56,418</b>	<b>2,590</b>	<b>624</b>	<b>210</b>	<b>251</b>	<b>10,691</b>	<b>70,784</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 6 REGISTRATION SUMMARY**  
**As Of JUNE 30, 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>1</b>	5,033	658	43	34	18	1,473	<b>7,259</b>
<b>18</b>	5,201	398	45	23	18	1,244	<b>6,929</b>
<b>21</b>	1,261	66	10	9	1	269	<b>1,616</b>
<b>81</b>	4,882	395	50	22	21	1,046	<b>6,416</b>
<b>82</b>	2,675	282	26	16	5	660	<b>3,64</b>
<b>83</b>	6,481	869	48	53	29	1,761	<b>9,241</b>
<b>84</b>	2,064	428	19	13	11	573	<b>3,108</b>
<b>85</b>	2,847	531	19	15	7	781	<b>4,200</b>
<b>86</b>	2,311	267	18	10	8	455	<b>3,069</b>
<b>87</b>	2,810	305	20	10	19	644	<b>3,808</b>
<b>88</b>	2,181	306	25	10	8	510	<b>3,040</b>
<b>89</b>	2,785	640	25	24	11	823	<b>4,308</b>
<b>90</b>	1,680	238	15	9	15	511	<b>2,468</b>
<b>91</b>	4,431	456	36	25	21	1,040	<b>6,009</b>
<b>127</b>	4,435	334	48	24	23	991	<b>5,855</b>
<b>128</b>	2,742	246	27	16	8	677	<b>3,716</b>
<b>130</b>	802	322	6	5	3	285	<b>1,423</b>
<b>131</b>	3,920	1,101	35	48	19	1,302	<b>6,425</b>
<b>142</b>	2,086	295	16	22	7	605	<b>3,031</b>
<b>TOTALS</b>	<b>60,627</b>	<b>8,137</b>	<b>531</b>	<b>388</b>	<b>252</b>	<b>15,650</b>	<b>85,585</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 7 REGISTRATION SUMMARY**  
**As Of JUNE 30, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,518	90	18	5	6	308	1,945
92	1,629	36	12	1	5	263	1,946
93	1,700	44	20	3	9	267	2,043
94	2,111	60	22	8	8	310	2,519
95	1,769	55	13	2	4	291	2,134
96	2,548	63	18	0	10	393	3,032
97	1,446	53	14	1	6	248	1,768
98	2,043	49	22	6	16	314	2,450
99	1,685	52	16	9	15	331	2,108
100	2,659	49	19	4	9	369	3,109
101	1,671	42	18	7	4	210	1,952
102	2,573	68	17	4	15	363	3,040
103	3,720	83	38	10	12	554	4,417
104	3,408	91	37	3	20	549	4,108
105	2,551	78	19	8	10	436	3,102
106	2,966	66	26	5	11	416	3,490
107	1,882	58	12	3	8	277	2,240
108	1,102	32	5	0	3	147	1,289
109	979	40	2	3	1	117	1,142
110	3,923	104	24	7	12	480	4,550
111	2,641	66	40	7	7	454	3,215
113	2,344	60	20	3	8	312	2,747
132	2,231	57	18	8	6	364	2,684
<b>TOTALS</b>	<b>51,099</b>	<b>1,396</b>	<b>450</b>	<b>107</b>	<b>205</b>	<b>7,773</b>	<b>61,030</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 8 REGISTRATION SUMMARY  
As Of JUNE 30, 2019**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,316	64	18	1	12	373	2,784
114	4,051	161	52	19	27	805	5,115
115	2,940	95	30	7	11	663	3,746
116	4,371	104	41	8	15	727	5,266
117	2,325	52	21	7	10	406	2,821
118	2,970	84	40	5	17	473	3,589
119	2,837	111	34	8	16	512	3,518
120	2,221	51	13	4	5	341	2,635
121	3,669	83	27	11	7	559	4,356
122	1,901	54	22	1	9	311	2,298
123	2,612	217	28	19	19	509	3,404
124	2,822	76	24	5	11	419	3,357
125	4,790	113	43	5	18	845	5,814
126	4,285	155	49	10	17	844	5,360
133	1,385	45	9	1	0	193	1,633
134	2,328	57	25	2	4	335	2,751
140	1,955	64	13	3	12	292	2,339
<b>TOTALS</b>	<b>49,778</b>	<b>1,586</b>	<b>489</b>	<b>116</b>	<b>210</b>	<b>8,607</b>	<b>60,786</b>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 5/31/2019 and 6/30/2019*

<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>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>
Board of Elections Over the Counter	8	2	0	0	0	3	13
Board of Elections by Mail	21	5	0	0	1	10	37
Board of Elections Online Registration	32	5	1	1	1	9	49
Department of Motor Vehicle	639	94	8	9	1	492	1,243
Department of Disability Services	3	0	0	0	0	0	3
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	3	0	0	0	0	0	3
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	5	0	0	0	0	3	8
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	59	4	0	0	0	31	94
<b>+Total New Registrations</b>	<b>770</b>	<b>110</b>	<b>9</b>	<b>10</b>	<b>3</b>	<b>548</b>	<b>1,450</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	12	4	2	1	57	293
Administrative Corrections	1,212	154	4	21	1	186	1,578
<b>+TOTAL ACTIVATIONS</b>	<b>1,429</b>	<b>166</b>	<b>8</b>	<b>23</b>	<b>2</b>	<b>243</b>	<b>1,871</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	174	19	2	1	0	41	237
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	33	3	1	0	0	9	46
Deceased (Deleted)	27	2	0	0	0	2	31
Administrative Corrections	154	9	1	0	1	54	219
<b>-TOTAL DEACTIVATIONS</b>	<b>388</b>	<b>33</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>106</b>	<b>533</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	426	57	32	22	4	527	
- Changed From Party	-316	-105	-26	-7	-19	-367	
<b>ENDING TOTALS</b>	<b>393,600</b>	<b>31,432</b>	<b>3,894</b>	<b>1,697</b>	<b>1,596</b>	<b>88,872</b>	<b>521,091</b>

**DEPARTMENT OF ENERGY AND ENVIRONMENT****DC Green Finance Authority****Notice of Public Meeting**

Board of Directors – Meeting #1

Thursday, July 25, 2019

1:00pm – 4:30pm

Natural Resources Defense Council (NRDC)

11152 15<sup>TH</sup> Street NW, Suite 300

Washington, DC 20005

Registration is free but required due to security at the meeting location.

Email [DCGreen.Bank@dc.gov](mailto:DCGreen.Bank@dc.gov) to be added to the attendee list.

Agenda will be posted to the DC Green Bank website, [www.dcgreenbank.org](http://www.dcgreenbank.org) 1 week before the meeting.

The meeting will be recorded and notes provided after the meeting, but it will not be live broadcast/webcast.

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Solar for All Subscriber Management**

The Department of Energy and Environment (the Department) seeks eligible entities to provide high quality, cost-effective CREF subscriber management services for the Solar for All program (SFA). Subscriber management is critical for securing the long-term benefits of solar energy, keeping participants in the program, and achieving high levels of participant engagement, understanding, and satisfaction with the SFA Program. A successful Applicant will achieve these objectives through the design and implementation of a subscriber management solution serving District residents participating in the SFA program and having the flexibility to adapt to changing program needs and the ability to scale as the SFA program expands.

Beginning July 22, 2019, the full text of the Request for Application (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the RFA and related information from the *Attachments* section.

**Email** a request to [SubscriberManagementRFA.grants@dc.gov](mailto:SubscriberManagementRFA.grants@dc.gov) with "Request copy of RFA 2019-1923-PCD" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Alex Lopez at (202) 673-6741 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Alex Lopez RE:2019-1923-PCD" on the outside of the envelope.

**The deadline for application submissions is August 27, 2019, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [SubscriberManagementRFA.grants@dc.gov](mailto:SubscriberManagementRFA.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies;
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [SubscriberManagementRFA.grants@dc.gov](mailto:SubscriberManagementRFA.grants@dc.gov).

**DISTRICT OF COLUMBIA**  
**HEALTH INFORMATION EXCHANGE POLICY BOARD**

**NOTICE OF 2019 MEETING SCHEDULE**

The remaining 2019 quarterly meetings of the DC Health Information Exchange Policy Board will be held in open session in the months of August and October. All meeting locations are listed below unless otherwise published on the DC HIE Policy Board's website (<https://dhcf.dc.gov/page/hie-policy-board>). A copy of the final agenda will be posted on the DC HIE Policy Board's website two business days prior to the meeting date and notice of the meeting will be posted at the location of the meeting indicated below.

**HIE Policy Board Meeting – July 2019 [CANCELLED]**

**July 2019 HIE Policy Board Meeting Rescheduled for August 2019**

When: Thursday, August 1<sup>st</sup>, 3:00-5:00 PM

Where: DHCF 441 4th Street, NW (Conference Room #1028)

**HIE Policy Board Meeting – October 2019**

When: Thursday, October 24<sup>th</sup>, 3:00 – 5:00 PM

Where: DHCF 441 4th Street, NW (Conference Room #1114)

**For more information, please contact:**

Nina Jolani at [Nina.Jolani@dc.gov](mailto:Nina.Jolani@dc.gov) or 202-478-1470

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY  
PUBLIC CHARTER SCHOOL**

**NOTICE: FOR PROPOSALS FOR STUDENT TRANSPORTATION SERVICES**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Student Transportation Services

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 7/30/2019. Contact: [bids@ideapcs.org](mailto:bids@ideapcs.org)

**DEPARTMENT OF INSURANCE, SECURITIES AND BANKING****DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL****NOTICE OF PUBLIC MEETING**

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting 3:00 PM, Thursday, July 25, 2019. The meeting will be held at the DC Department of Insurance, Securities and Banking, 1050 First Street, NE, 8th Floor Conference Room, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at <http://disb.dc.gov>. Please RSVP to Idriys J. Abdullah, [idriys.abdullah@dc.gov](mailto:idriys.abdullah@dc.gov), for additional information call (202) 442-7832 or e-mail [idriys.abdullah@dc.gov](mailto:idriys.abdullah@dc.gov)

**DRAFT AGENDA**

- I.** Call to Order
- II.** Welcoming Remarks
- III.** Minutes of the Previous Meeting
- IV.** Unfinished Business
  - DC Financial Literacy Council Bi-Monthly E-Newsletter
  - DC Financial Literacy Council Website Content Update
  - DC Financial Literacy Council Recommendations Report
- V.** New Business-Financial Literacy Presentations
- VI.** Adjournment

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Self-Contained Special Education Classroom Services within a Middle School**

KIPP DC is soliciting proposals from qualified vendors for Self-Contained Special Education Classroom Services within a Middle School. 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 30, 2019. Questions can be addressed to [nancy.meakem@kippdc.org](mailto:nancy.meakem@kippdc.org).

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after August 15, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on July 19, 2019. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).



D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: August 15, 2019  
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Abshero	Nejat B.	BFSFCU 1725 I Street, Suite 150	20006
Addison	Brittany	M & T Bank 555 12th Street, NW	20004
Adegnon	Kossi Domefa	K&M, LLC 1835 7th Street, NW	20001
Anastasio	Andrea	The National Center on Education and the Economy 2121 K Street, NW, Suite 700	20037
Andrews	Marcus C.	Industrial Bank 125 45th Street, NE	20019
Bade-Ajidahun	Atinuke O.	Bank of America 201 Pennsylvania Avenue, SE	20003
Ball	Taija M.	HUD Federal Credit Union 451 7th Street, SW, Room 3241	20410
Barnhill	Yolanda	Home Builders Institute 1201 15th Street, NW, 6th Floor	20005
Batista	Rute M.	Fort Myer Construction Corporation 2237 33rd Street, NE	20018
Bayron	Paola	Arent Fox, LLP 1717 K Street, NW	20006
Bediones	Michael	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Benson	Iva	Squire Patton Boggs 2550 M Street, NW	20037
Bermudez Lopez	Fatima L.	Wells Fargo Bank 1804 Adams Mill Road, NW	20009
Bouddou	Leila	PENFED 1000 Independence Avenue, SW	20585

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Recommendations for Appointments as DC Notaries PublicEffective: August 15, 2019  
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Bouknight	Nicole	Hyman, Phelps, & McNamara, P.C. 700 13th Street, NW, Suite 1200	20005
Brown	Belinda A.	Self (Dual) 4920 A Street, SE, Apt 203	20019
Brown	Keena	Colonial Central 800 21st Street, NW	20019
Brown	Lyndell Lee	Hughes Hubbard & Reed, LLP 1775 I Street, NW, #600	20006
Brown	Ramona	Holy Comforter St. Cyprian Community action Group 124 15th Street, SE	20003
Canada	Eboni	Federal Retirement Thrift Investment Board 77 K Street, NE, Suite 1000	20002
Carlsson	Mackenzie Jane	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Carrington	Neptune	Self 1153 Abbey Place, NE	20002
Carter	Yvette P	Self 213 Walnut Street, NW	20012
Castell	Nancy A.	MacRostie Historic Advisors, LLC 1400 16th Street, NW, #420	20036
Castro	Claudia V.	Eckert Seamans Cherin & Mellott, LLC 1717 Pennsylvania Avenue, NW, Suite1200	20006
Castro	Laraba H.	JHP Inc. 1526 Pennsylvania Avenue, NW	20003
Cetoute	Jessica	Self (Dual) 5400 7th Street, NW, # 203	20011

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public

Effective: August 15, 2019

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Chakraborty	Mita	MITA INC 4055 Minnesota Avenue, NE, Suite A	20019
Chamberlain	Erica	Administrative Office of the United States Courts One Columbus Circle, NE	20544
Chandler	Myrtle E.	Office of Housing and Urban Development 451 7th Street, SW, Room 6220	20410
Cheeseboro	Tamara A.	K & L Gates, LLP 1601 K Street, NW	20006
Claiborne	Taylor Onye	Center for American Progress 1333 H Street, NW	20005
Cole	Denaud G.	The UPS Store 3220 N Street, NW	20007
Coleman	Aubrey	American Hotel & Lodging Association 1250 I Street NW, Suite 1100	20005
Coleman	Jazmine	AAA Club Alliance, Inc 1405 G Street, NW	20005
Collins-Davila	Anna	Cope Corrales, LLC 816 Connecticut Avenue, NW, 8th Floor	20006
Conner	Nina L.	Self 5156 South Dakota Avenue, NE	20017
Croom	Michael	Administrative Office of the United States Courts One Columbus Circle, NE	20544
Cruz	Marilyn Nevy	Office of the Federal Public Defender for the District of Columbia 625 Indiana Avenue NW, Suite 550	20004
DiJulio	Francesca	Sierra Club 50 F Street, NW, 8th Floor	20001
Disciullo	Laura	American Red Cross 431 18th Street, NW	20006

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Do	Helen H.	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW	20015
Dunn	Teachee LaShawn	Far Southeast Family Strengthening Collaborative 2041 Martin Luther King Jr., Avenue, SE	20020
Durham	Rori Knight	New Covenant Baptist Church 1301 W Street, SE	20020
Ehrlich	Emma	Zamani & Associates, PLLC 2121 K Street, NW, Suite 900	20037
Finney	Amanda	Thomas, Thomas & Hafer, LLP 1025 Connecticut Avenue, NW, Suite 608	20036
Fitzgerald	Karla	Cope Corrales, LLC 816 Connecticut Avenue, NW, 8th Floor	20006
Forest	Jessica	Musolino and Dessel 1615 L Street, NW, #440	20036
Forrester	Dawn J.	Paul, Weiss, Rifkind, Wharton & Garrison, LLP 2001 K Street, NW	20006
Franco	Cindy	Wells Fargo Bank 1300 I Street, NW	20005
Gale	Heather	Ice Miller, LLP 20 F Street, NW, Suite 850	20009
Gallo	Matthew	K & M, LLC 1835 7th Street, NW	20001
Garza	Brittani L.	Wiencek + Associates 1100 Vermont Avenue, NW, Suite 800	20005
Garza	Samuel Alejandro	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
George	Courtney	MedStar Health 110 Irving Street, NW	20010

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Grainger	Jennifer O.	United General Contractors, Inc. 1232 4th Street, NE	20002
Green	Alyssa Monique	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, Suite 400	20001
Gutierrez	Jason	TD Bank 1489 P Street, NW	20005
Hall	Marisa	George Washington University, Colonial Central, Marvin Center 800 21st Street, NW, Ground Floor	20052
Harrell Jr.	Anthony	The May Firm, PLLC 3200 Martin Luther King Avenue, SE, 3rd Floor	20032
Harris	Leia P.	Richard Wright Public Charter School 770 M Street, SE	20003
Harvey	Hugh	SunTrust Bank 5000 Connecticut Avenue, NW	20008
Howard	Brianna	Chemonics 1717 H Street, NW	20006
Hutchison	Melissa M.	Avenue Settlement Corp 2401 Pennsylvania Avenue, NW, Suite H	20037
Ip	Katherine G.	Roadside Development 1730 Rhode Island Avenue, NW, Suite 512	20036
Jacobs	Dorothy Isabell	Law Offices Jay S. Weiss, P.C. 1828 L Street, NW, Suite 625	20036
Jagessar	Camille	PENFED 1000 Independence Avenue, SW	20585
Jesse	Kazim H.	Molly B, LLC d/b/a The UPS Store #7109 996 Wharf Street, SW	20024

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Joiner	Rande K.	Joiner & Green, LLC 1129 20th Street, NW, Suite 500	20036
Kalacevic	Tamara	Due Process Institute 700 Pennsylvania Avenue, SE, Suite 560	20003
Kebede	Meheret M.	Premium Title and Escrow LLC 3407 14th Street, NW	20010
Keller	Tara	Silkstone Title, LLC 1407 T Street, NW, Suite 200	20009
Kirley	Kathleen A.	Northern Trust 800 Connecticut Avenue, NW, Suite 200	20006
Koenig	Andrew M.	Self (Dual) 3039 Q Street, NW, #24	20007
Leavitt	Heather	Greenpeace 702 H Street, NW, Suite 300	20001
Lewis	Tonya D.	Dolcezza Gelato Holding, LLC 550 Penn Street, NE, Suite 1	20002
Lundy	Freda	Pelenti Group 1140 3rd Street, NE	20002
Lynn	Michele	Sustainable Facilities Management Services 1000 Pennsylvania Avenue, SE, Suite 100	20003
Marshall	Latisha L.	KPMG, LLP 1801 K Street, NW, Suite 12000	20006
Marthy	Dina M.	Law Office of Duane O. King 1920 L Street, NW, #303	20036
Martin	Cynthia	The Griffin Firm 5335 Wisconsin Avenue, NW, Suite 440	20015
Matirne	Scott D.	US Navy Memorial Foundation 701 Pennsylvania Avenue, NW, Suite 123	20004

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McCall	Phillip Timothy	Louis Berger, WSP 1250 23d Street, NW	20037
McKinney- Marshall	Gabriella A.	Hyman, Phelps & McNamara, P.C.  700 13th Street, NW, Suite 1200	20005
McSwain	Jessica P.	Paralyzed Veterans of America 801 18th Street, NW, 3rd Floor	20006
Medlock	Felicia Elizabeth	Self 5370 Chillum Place, NE	20011
Moor	Loren Klari	Northwestern Mutual 1801 K Street, NW	20006
Mulvanny	Jane S.	Gschwendtner Law Firm 2900 Q Street, NW, #202	20007
Nguyen	Huynh	AAUW 1310 L Street, NW, Suite 1000	20005
O'Bannon	Kiara V.	The Mandy & David Team, LLC 1313 14th Street, NW	20005
Ochoa Castillo	Katherine	Maglio, Christopher & Toale 1775 Pennsylvania Avenue, NW, Suite 225	20006
Osborne-Smith	Taylor	Destination DC 901 7th Street, NW	20001
Parkin	Pennie	LexisNexis Special Services, Inc. 1150 18th Street, NW, Suite 250	20036
Peters	Mary Beth	Miles & Stockbridge, PC 1201 Pennsylvania Avenue, NW	20004
Pittman	Tanya Sherise	Administrative Office of the United States Courts One Columbus Circle, NE	20544
Plattner	Daniel J.	Settlement Corp 5301 Wisconsin Avenue, NW, Suite 710	20015

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Pope	Cornelius J.	The May Firm, PLLC 3200 Martin Luther King Jr. Avenue, SE, 3rd Floor	20032
Prim	Jacqueline K.	Department of Justice 950 Pennsylvania Avenue, NW	20530
Reid	Takiya T.	HUD Federal Credit Union 451 7th Street, SW, Suite 3241	20410
Rodgers	Rachel Speelman	Self (Dual) 2011 Vermont Avenue, NW, Apartment B	20001
Rodriquez	Michael A.	Planet Depos - DC 1100 Connecticut Avenue, NW	20036
Rogers	Darlene Francesca	NERA, Economic Consulting 1255 23rd Street, NW, Suite 600	20037
Royal	Asha T.	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Scarff	Bailey Suzanne	Antonoplos and Associates 1725 Desales Street, NW	20036
Sepassi	Monica	Premium Distributors of Washington, DC 3500 Fort Lincoln Drive, NE	20018
Shahin	Mai	Pen Fed Credit Union 1000 Independence Avenue, SW	20585
Shalita	Anthony A.	Slover & Loftus, LLP 1224 17th Street, NW	20036
Sherali	Sabrina Ishrat	Maglio, Christopher & Toale 1775 Pennsylvania Avenue, NW, Suite 225	20006
Silva	Gabriela M.	Sidwell Friends School 3825 Wisconsin Avenue, NW	20016



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Simms	Collette	Brookfield 799 9th Street, NW, Suite 260	20001
Simpkins	Marcia C.	Wells Fargo Advisors 1133 Connecticut Avenue, NW, 9th Floor	20036
Slattery	Gabriela Alexandra	Cope Corrales 816 Connecticut Avenue, NW, 8th Floor	20006
Sloan	Melanie	Summer Strategies 660 Pennsylvania Avenue, SE	20003
Smith	Anne D.	Self (Dual) 2915 44th Street, NW	20016
Smith	Marcia	TD Bank 905 Rhode Island Avenue, NE	20018
Spruill	Kizzy	Peace Corps 1111 20th Street, NW	20526
Sweda	Kaitlyn M.	Self 2122 Massachusetts Avenue, NW, #612	20008
Thompson	Karla V.	Administrative Office of the United States Courts One Columbus Circle, NE	20544
Turdakunova	Nazik	Express Apostille 100 M Street, SE, Suite 600	20003
Udovenko	Aleksandr	Bank of America 1801 K Street, NW	20006
Viguie	Mary	Cooley, LLP 1299 Pennsylvania Avenue, NW, Suite 700	20004
Vilchez	Lilliam	Bank of America 1801 K Street, NW	20006
Wallace	Felicia N.	Self (Dual) 623 42nd Street, NE	20019

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Waters	Tommy Louis	Howard University 2600 6th Street, NW	20059
Watson	Robin L.	Wilkenfeld, Herendeen & Atkinson 1731 Connecticut Avenue, NW, 3rd Floor	20009
Watters	Stanley Harrison	Self 4000 Cathedral Avenue, NW, Apt 44-B	20016
West	Elisa C.	Administrative Office of the United States Courts One Columbus Circle, NE	20544
Whiteside	Michael	Metropolitan Police Department 1805 Bladensburg Road, NE	20002
Williams	Romain	Bank Fund Staff Federal Credit Union 1725 I Street, NW	20433
Williams	Stacey S.	Howard University 2400 6th Street, NW, Suite 321	20059
Wilson	Zachary	Suntrust 5000 Connecticut Avenue, NW	20008
Youngblood	Torie J.	KCE Structural Engineers, PC 1818 Jefferson Place, NW	20036

**WASHINGTON YU YING PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Purchase Apple products**

Washington Yu Ying Public Charter School intends to enter into a sole source contract with Apple, Inc. to purchase Apple products including: Macbooks, Macbook Aairs, iMac Desktops, iPads, and MacMinis.

**Need**

- **Macbooks, and Macbook Aairs:** These are the standard desktops we supply to teaching and administrative staff.
- **iMac and MacMinis:** Each classroom is provided one iMac desktop to use for use by the teacher as a source for projected materials as well as project based learning for students
- **iPads:** Classrooms use iPads for education apps, standardized assessments, and specific Chinese language learning systems

**Cost**

- **Macbooks and Macbook Aairs:** \$849-\$2249
- **iMac and MacMinis:** \$779-\$2099
- **iPads:** \$379-\$429

**Necessity of Sole Source Provider**

Apple's terms of agreement with Authorized Apple Resellers (third party vendors) prohibits the sale of these items by those third party vendors to educational institutions such as Washington Yu Ying PCS.

**For further information regarding this notice, please contact [RFP@washingtoneying.org](mailto:RFP@washingtoneying.org) no later than noon on July 31, 2019.**

## WASHINGTON YU YING PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSALS

## Purchase of Google Chromebooks

**RFP for Chromebooks:** Washington Yu Ying Public Charter School is looking for competitive bids for the purchase of Google Chromebooks with Google Console Management licenses. The exact quantity is subject to change. Chromebooks should from a reputable manufacturer (Samsung, Acer, etc.) and meet certain minimum specifications detailed below:

- Processor: x86/x32 and x64 or Intel-based™
- Minimum 4GB RAM
- Minimum 16GB Solid State Drive
- Capable of wireless and wired network connectivity
- Minimum 9.5” screen size
- Minimum 1024x768 screen resolution
- Keyboard
- Mouse/Touchpad

**Deadline for submissions is noon July 31, 2019. Please e-mail proposals and supporting documents to [RFP@washingtoneying.org](mailto:RFP@washingtoneying.org). Please specify “RFP for Chromebooks” in the subject line.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19886 of Giuseppe and Teresa Farruggio**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b), and pursuant to Subtitle X, Chapter 10, for variances from the front setback requirements of Subtitle B § 315.1(c) and Subtitle D § 1205.2, and from the non-conforming structure requirements of Subtitle C § 202.2, to construct a rear addition to the existing attached principal dwelling unit in the R-20 Zone at premises 3602 Prospect Street N.W. (Square 1202, Lot 838).

**HEARING DATE:** January 9, 2019  
**DECISION DATE:** April 3, 2019  
**DECISION TO REOPEN RECORD:** July 19, 2019

**PROCEDURAL ORDER AND MOTION TO REOPEN RECORD**

Subsequent to the Board of Zoning Adjustment's (the "Board") vote to approve the referenced application on April 3, 2019, the Board found inconsistencies in the case record for which clarification is needed. Accordingly, the Board rescinds its vote to approve the application, and by its own motion, reopens the case record for additional submissions to be filed to the record to clarify the dimensions of the revised design for the proposed new third floor.

The Applicant filed two sets of revised plans with respect to the third floor. (Exhibits 79 and 90.) In Exhibit 79, the depth of the third floor measured from the rear wall of 3604 Prospect Street, N.W. is shown as the sum of 10'-7 3/8" and 10'-7 3/4". (*see* Exhibit 79, pages 10-11.) However, in Exhibit 90, the depth of the third floor from the rear wall of 3604 Prospect Street, N.W. has decreased to 19'-9 5/8". (*see* Exhibit 90, page 5.) Neither set of revised plans clearly delineates the measurement from rear wall of 3604 Prospect Street, N.W. to the proposed third story rear wall.

The Office of Planning ("OP") filed a supplemental report at Exhibit 81 based on its review of the revised plans at Exhibit 79, which indicates that the depth of the third floor from the rear wall of 3604 Prospect Street, N.W. is 24.4 feet; the OP report states that the third floor depth was shortened from 34.7 feet to 24.4 feet in the revised design. The Board now recognizes that OP's supplemental report, based on Applicant's plans at Exhibit 79, incorrectly overstates the depth of the revised third floor; it was never at a depth of 24.4 feet, even in the original design proposed in Exhibit 7A1, it appears to have been a shorter depth of approximately 20 feet but not 24.4 feet.

It appears that the proposed depth of the basement addition, and the ground floor and second floor bay addition, were not changed in the revised plans to the third floor filed at Exhibits 79 and 90. The Board believes the proposed basement addition's rear wall would extend to a depth of 34.7 feet from the rear wall of 3604 Prospect Street, N.W. However, it is apparent that the depth of the rear wall of the proposed ground floor and second floor bay addition in relation to the rear wall of 3604 Prospect Street, N.W. is considerably shorter than 34.7 feet, although the precise measurement is unclear. OP's supplemental report concludes that the revised plans at Exhibit 79 result in a 10.3+ foot deep roof deck on top of the second floor extension for which the guard rail will not meet one to one penthouse setback requirements. Although the Board believes OP's reference to the top of the second floor extension also means the third story roof deck, the Board believes the roof deck measurement of 10.3+ feet is incorrect.

Because the Board relied on OP's supplemental report when it deliberated on this case on April 3, 2019, it incorrectly concluded that the revised third floor depth was 24.4 feet from the rear wall of 3604 Prospect Street, N.W. and that the third story roof deck extended 10.3 feet. Therefore, the Board requests that the following submissions be filed to the record to fully clarify how the design proposed for the project has evolved over the now three iterations of the plans.

The Board requests from the Applicant:

1. A final set of complete plans showing all four proposed floors (basement, ground, second, and third); and a drawing delineating the measurement of the depth of each proposed floor from the rear wall of 3604 Prospect Street, N.W. to the corresponding proposed rear wall of the subject property.
2. A side staggered illustration measuring the depth (to rear wall) of all four proposed floors in relation to the rear wall of 3604 Prospect Street, N.W.
3. An illustration/drawing delineating the depth of all four proposed floors as originally proposed in the plans at Exhibit 7A, in relation to the rear wall of 3604 Prospect Street, N.W. The measurement should clearly show the relationship, and measurement, between the rear walls of both the subject property and of 3604 Prospect Street, N.W.
4. An illustration/drawing delineating the depth measurement of all four proposed floors as proposed in the revised plans at Exhibit 79, in relation to the rear wall of 3604 Prospect Street, N.W. The measurement should clearly show rear wall to rear wall of both properties.
5. A narrative stating the proposed depth (to rear wall) of all four floors in all iterations of the plans (Exhibits 7A, 79, and 90) in relation to the rear wall of 3604 Prospect Street, N.W.; and stating any change/differential in the depth (to rear wall) proposed for all four floors in each iteration of the plans.

The Board requests from OP:

6. A second supplemental report revising its first supplemental report at Exhibit 81 based on the new clarification documents to be submitted to the record by the Applicant.

The requested filings from the Applicant are due by 11:59 p.m. on August 5, 2019.

The requested filing from OP is due by 11:59 p.m. on August 19, 2019.

The other parties to the case – Kaloust Yedibalian and Advisory Neighborhood Commission (“ANC”) 2E – may file a response to the supplemental information submitted to the record by 11:59 p.m. on September 3, 2019.

The Board will deliberate on this case at its public meeting on Wednesday, September 18, 2019.

Accordingly, it is **ORDERED** that the Board’s vote in this application has been rescinded and the record is reopened for the specific items requested.

**VOTE: 3-0-2** (Frederick L. Hill, Lorna L. John, and Lesylleé M. White to APPROVE the motion; Carlton E. Hart and Robert E. Miller 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:** July 5, 2019

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19962 of District Properties.com**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.3, to construct a new detached principal dwelling unit in the R-2 Zone at the premises at 917 43rd Place, N.E. (Square 5096, Lot 20).

**HEARING DATES:** April 10, 2019 and June 26, 2019  
**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 35 (Revised); Exhibit 4 (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") 7D.

ANC Report. The ANC did not submit a written report to the record in this case. The Chair of ANC 7D submitted comments indicating that the ANC is not in support of the application. (Exhibit 49.) However, the comments did not meet the requirements under Subtitle Y § 406.2 to be afforded "great weight" by the Board. The Board nonetheless considered the ANC Chair's comments, but ultimately found that the application met the criteria to be granted variance relief.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 31.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 30.)

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<sup>1</sup> The original application was amended to withdraw a request for relief from the lot dimension requirements of Subtitle D § 302.1 and to correct the citation to the side yard provisions.



**Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the side yard requirements of Subtitle D § 206.3, to construct a new detached principal dwelling unit in the R-2 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 under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 6.**

**VOTE:**       **4-0-1** (Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Robert E. Miller (by absentee vote) to APPROVE; Frederick L. Hill not participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 5, 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

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<sup>2</sup> In granting the self-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.

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. 20016 of Richard Leavy**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.3, to construct a new semi-detached principal dwelling in the R-2 Zone at premises 1121 48th Street N.E. (Square 5158, Lot 11).

**HEARING DATES:** June 19, 2019 and July 3, 2019  
**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 13 (Corrected); Exhibit 4 (Original).)

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") 7C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 13, 2019, at which a quorum was present, the ANC voted 5-0 to support the application. (Exhibit 40.) The ANC report raised four concerns related to the proposed site and an adjacent lot owned by the Applicant, but noted that the Applicant addressed these concerns to the ANC's satisfaction.

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 one letter in support of the application. (Exhibit 38.)

Other Public Input. Adjacent neighbor, Trenna Campbell, testified at the public hearing to request more information about the application.

### Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the side yard requirements of Subtitle D § 206.3, to construct a new semi-detached principal dwelling in the R-2 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 under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 5.**

**VOTE: 5-0-0** (Frederick L. Hill, Lorna L. John, Lesylleé M. White, Carlton E. Hart, and Peter A. Shapiro to APPROVE.)

### BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 11, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

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<sup>1</sup> In granting the self-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.

§ 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. 20037 of Daniel Riesenfeld and Caren Grown**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the minimum rear yard setback requirements of Subtitle F § 305.1, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RA-2 Zone at premises 2332 19th Street, N.W. (Square 2539, Lot 209).

**HEARING DATE:** July 3, 2019

**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.)

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") 1C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 1, 2019, at which a quorum was present, the ANC passed a resolution by a vote of 7-0-0 to support the application. (Exhibit 11.)

OP Report. The Office of Planning submitted a report, dated June 21, 2019, recommending approval of the application. (Exhibit 30.)

DDOT Report. The District Department of Transportation submitted a report, dated June 21, 2019, indicating that it had no objection to the application. (Exhibit 31.)

Persons in Support. Three adjoining property owners filed letters in support of the application. (Exhibits 12 and 13.)

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 F § 5201 from the minimum rear yard setback requirements of Subtitle F § 305.1, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RA-2 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 5.**

**VOTE: 5-0-0** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Peter A. Shapiro to APPROVE.)

### BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 10, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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<sup>1</sup>In granting the self-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.

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. 20042 of Raycon Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exception under Subtitle G § 1200 from the minimum closed court requirements of Subtitle G § 202.1, and from the lot occupancy requirements of Subtitle G § 604.1, to construct a rear addition to the second through fourth stories, and a rooftop penthouse to an existing four-story mixed use commercial building in the MU-18 Zone at premises 1637-1641 R Street N.W. (Square 178, Lot 97).

**HEARING DATES:** June 26, 2019 and July 3, 2019

**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

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") 2B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 12, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 44.) The ANC raised concerns about on-site trash storage and the structural integrity of the party wall, but and supported the application pending a structural engineer review. In response to these concerns, the Applicant revised their plans to include trash disposal space on-site for both residential and commercial uses. Though the structural issues are within the jurisdiction of the Department of Consumer and Regulatory Affairs ("DCRA"), the Applicant assured the ANC that all construction on the Property will be in compliance with the DCRA permitting process.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 46.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 42.)

Persons in Support. The Board received three letters from neighbors in support of the application. (Exhibits 36, 37, and 38.)

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### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exception under Subtitle G § 1200 from the minimum closed court requirements of Subtitle G § 202.1, and from the lot occupancy requirements of Subtitle G § 604.1, to construct a rear addition to the second through fourth stories, and a rooftop penthouse to an existing four-story mixed use commercial building in the MU-18 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 41 AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall have flexibility regarding the penthouse as reviewed and approved by the Historic Preservation Review Board process, provided that no new zoning relief is required.

**VOTE:**       **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter A. Shapiro to APPROVE.)

### **BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 10, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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<sup>1</sup> In granting the self-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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 20042

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20043 of Antonio Monteiro**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the minimum rear yard setback requirements of Subtitle D § 306.1 to construct a second-story rear addition to an existing principal dwelling unit in the R-1-A Zone at premises 4505 Foxhall Crescent N.W. (Square 1397, Lot 851).

**HEARING DATE:** Applicant waived the right to a public hearing

**DECISION DATE:** July 3, 2019 (Expedited Review Calendar)

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 10.)

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") 3D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 12, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 36.)

OP Report. The Office of Planning ("OP") submitted a timely report, dated June 21, 2019, in support of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation ("DDOT") submitted a report, dated June 4, 2019, expressing no objection to the approval of the application. (Exhibit 32.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the minimum rear yard setback requirements of Subtitle D § 306.1 to construct a second-story rear addition to an existing principal dwelling unit in the R-1-A 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 3.**

**VOTE:**           **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter A. Shapiro to APPROVE.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 5, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

**BZA APPLICATION NO. 20043**

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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20050 of Patrice Webb**, pursuant to 11 DCMR Subtitle X, chapter 10, for area variances from the lot occupancy requirements of Subtitle F § 304.1, and from the minimum rear yard requirements of Subtitle F § 305.1, to construct a two-story rear deck addition to an existing attached principal dwelling unit in the RA-2 Zone at premises 1424 Florida Avenue, N.W. (Square 202, Lot 806).

**HEARING DATE:** July 3, 2019  
**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibit 4.)

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”) 1B.

ANC Report. The ANC did not submit a written report to the record. Under Subtitle Y § 406.2, the Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC. Absent the ANC’s written report, the Board has no issues or concerns to which it can afford “great weight” for this application.

OP Report. The Office of Planning (“OP”) submitted a report recommending approval of the application. (Exhibit 31.) OP provided analysis for the rear yard relief as a special exception rather than a variance, in accordance with Subtitle F § 5201, which allows for rear yard relief by special exception regardless of the percentage of lot occupancy. Although OP testified that staff of the ZA agreed with this interpretation, the Applicant did not amend the application orally at the hearing, nor did the Applicant submit a revised memorandum from the ZA. Thus, the relief captioned remains as it was listed in the original application. (Exhibit 4.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 32.)

Persons in Support. The Board received seven letters from neighbors in support of the application. (Exhibit 29.)

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PAGE NO. 1

**Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for area variances from the lot occupancy requirements of Subtitle F § 304.1, and from the minimum rear yard requirements of Subtitle F § 305.1, to construct a two-story rear deck addition to an existing attached principal dwelling unit in the RA-2 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 under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 3.**

**VOTE:**           **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter A. Shapiro to APPROVE.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 10, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20052 of Louise Herson**, 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, from the rear yard requirements of Subtitle E § 306.1, and from the nonconforming structure requirements of Subtitle C § 202.2 to construct a two-story rear addition to an existing attached principal dwelling unit in the RF-3 Zone at premises 708 4th Street, S.E. (Square 823, Lot 32).

**HEARING DATE:** July 3, 2019

**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 11, 2019, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 28.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 29.)

A report was submitted into the record from the Architect of the Capitol expressing no objection to the application. (Exhibit 31.)

Two letters in support of the application were submitted by neighbors. (Exhibits 11 and 13.)

**Special Exception Relief**

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the

burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, from the rear yard requirements of Subtitle E § 306.1, and from the nonconforming structure requirements of Subtitle C § 202.2 to construct a two-story rear addition to an existing attached principal dwelling unit in the RF-3 Zone.

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 5-0-0** (Frederick L. Hill, Lorna L. John, Lesylleé M. White, Carlton E. Hart, and Peter A. Shapiro to APPROVE).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 9, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

BZA APPLICATION NO. 20052

PAGE NO. 2

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20056 of Children in Safe Hands, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(g) to permit a child development center for 40 children in the R-2 Zone at premises 5216 Astor Place S.E. (Square 5308, Lots 27 and 28).

**HEARING DATE:** July 3, 2019

**DECISION DATE:** July 3, 2019

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 14 (Updated); Exhibit 4 (Original).)

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") 7E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 11, 2019, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 37.)

OP Report. The Office of Planning submitted a report recommending approval of the application with three conditions. (Exhibit 38.) The Board adopted two of the three conditions proposed, finding that a limitation on the age of the children served at the facility was not sufficiently related to a potential impact of the relief requested.

DDOT Report. The District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the application, but recommended that the Applicant provide a formal curbside management plan to facilitate pick-up and drop-off during day care hours. (Exhibit 39.) The Applicant agreed to coordinate with DDOT's Safe Route to Schools program to formalize a curbside management and signage plan.

Persons in Support. The Applicant submitted letters in support of the application from neighbors. (Exhibits 32-34.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the use provisions of Subtitle U § 203.1(g) to permit a child development center for 40 children in the R-2 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 5 AND WITH THE FOLLOWING CONDITIONS:**

1. The facility shall serve no more than 40 children.
2. There shall be no more than 12 staff persons on-site at any one time.

**VOTE: 5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter A. Shapiro to APPROVE.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** July 5, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

**BZA APPLICATION NO. 20056**

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**20060 of Steven Zeddun and Jessica Gladden**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 and the nonconforming structure requirements of Subtitle C § 202.2, to construct an addition to an existing, detached principal dwelling in the R-1-B Zone at premises at 3615 Military Road N.W. (Square 1993, Lot 4).

**HEARING DATE:** Applicant waived the right to a public hearing  
**DECISION DATE:** July 10, 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 (Final Revised); Exhibit 11 (Revised); Exhibit 5 (Original).)<sup>1</sup>

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") 3G.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 10, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report, dated June 28, 2019, recommending approval of the application. (Exhibit 35.)

DDOT Report. The District Department of Transportation submitted a report, dated June 24, 2019, indicating that it had no objection to the application. (Exhibit 33.)

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<sup>1</sup>The Applicant amended the application by adding relief from the nonconforming structure requirements of Subtitle C § 202.2, as stated in the caption above.



Persons in Support. The adjacent household at 3613 Military Road, N.W. and the neighboring household at 3624 Military Road, N.W. submitted letters in support of the application. (Exhibits 30 and 32.)

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 side yard requirements of Subtitle D § 206.2 and the nonconforming structure requirements of Subtitle C § 202.2, to construct an addition to an existing, detached principal dwelling 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>2</sup> AT EXHIBIT 7.**

**VOTE: 5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Robert E. Miller 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:** July 11, 2019

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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.

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC MEETING NOTICE  
WEDNESDAY, SEPTEMBER 18, 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.**

**FOR EXPEDITED REVIEW**

**WARD TWO**

20113            **Application of Joseph Hezir**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 2E            9, for a special exception under Subtitle D § 5201 from the lot occupancy  
                         requirements of Subtitle D § 1204 and the non-conforming structure  
                         requirements of Subtitle C § 202.2, to construct a two-story rear addition to  
                         an existing, semi-detached principal dwelling unit in the R-20 Zone at  
                         premises 2907 P Street, N.W. (Square 1268, Lot 810).

**PLEASE NOTE:**

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

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

BZA PUBLIC MEETING NOTICE

SEPTEMBER 18, 2019

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The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

**Do you need assistance to participate?**

Amharic

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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 የሙከራ በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

[Zelalem.Hill@dc.gov](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

BZA PUBLIC MEETING NOTICE

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¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 08-34K**  
**Capitol Crossing IV, LLC**  
**(Modification of Significant to First-Stage PUD @**  
**Square 566, Lot 861 – Capitol Crossing Center Block)**  
**July 3, 2019**

**THIS CASE IS OF INTEREST TO ANC 2C and 6C**

On July 1, 2019, the Office of Zoning received an application from Capitol Crossing IV, LLC (the “Applicant”) for approval of a modification of significance to a previously approved first-stage planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lot 861 (formerly Record Lot 50) in Square 566 in northwest Washington, D.C. (Wards 2 and 6), on property that is approximately bounded by private property (north and south), 2<sup>nd</sup> Street (east), and 3<sup>rd</sup> Street (west). The property is currently zoned, for the purposes of this project C-4, through a previously approved map amendment. (The underlying zone is D-4.) This site is part of the larger Capitol Crossing project that includes land and air rights above the Center Leg Freeway.

The Applicant is seeking to permit hotel and/or college or university educational uses in addition to the already approved office and retail uses in the commercial building on Lot 861.

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.

**District of Columbia REGISTER – July 19, 2019 – Vol. 66 - No. 29 008240 – 008484**