

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-539 Daytime School Parking Zone Act of 2018
- D.C. Council sets the rules of organization and procedure for Council Period 23 (Resolution 23-1)
- Executive Office of the Mayor delegates authority to the Secretary of the District of Columbia to issue marriage licenses
- Office of Risk Management proposes revisions to the Public Sector Workers' Compensation Benefits Program
- Department of Energy and Environment announces funding availability for the 2019 Washington DC Electric Vehicle Grand Prix
- D.C. Retirement Board certifies the winner of the election to serve as the Active Police Officer Member of the Board
- Department of Small and Local Business Development announces funding availability for the DC Business Certification Program: Living Wage

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

All documents published in the *District of Columbia Register* (*Register*) must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the D.C. government (6) Notices, Opinions, and Orders of D.C. Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the DC Register

The Office of Documents and Administrative Issuances publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *D.C. Register*. Copies of the *Register* from April 2003 through July 2010 are also available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtonian Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *Register*. News services are encouraged to publish all or part of the *Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A22-535 Closing of a Public Alley in Square 653, S.O. 15-26384,
Act of 2018 [B22-15]000183 - 000184

A22-536 Vacancy Increase Reform Amendment Act of 2018
[B22-25]000185 - 000186

A22-537 Omnibus Department of For-Hire Vehicles Amendment
Act of 2018 [B22-66]000187 - 000190

A22-538 Leaf Blower Regulation Amendment Act of 2018
[B22-234]000191 - 000193

A22-539 Daytime School Parking Zone Act of 2018 [B22-351].....000194 - 000196

A22-540 Vulnerable Population and Employer Protection
Amendment Act of 2018 [B22-480]000197 - 000199

A22-541 Boxing and Wrestling Commission Amendment Act
of 2018 [B22-509].....000200 - 000204

A22-542 Parcel 42 Surplus Property Declaration and Disposition
Approval Act of 2018 [B22-598]000205 - 000207

A22-543 Approval of the Comcast of the District, LLC Cable
Television System Franchise Act of 2018 [B22-917]000208 - 000210

A22-544 Approval of the Starpower Communications Open
Video System Franchise Act of 2018 [B22-928]000211 - 000213

A22-545 Relocation of a Passageway Easement in Square 696
Authorization Act of 2018 [B22-963]000214 - 000215

A22-546 Revised Transfer of Jurisdiction over U.S. Reservation
724 (Lots 896 and 897 within Square 620) and
Extinguishment of Covenants Act of 2018 [B22-979].....000216 - 000218

A22-547 Fiscal Year 2019 Budget Support Clarification
Amendment Act of 2018 [B22-997]000219 - 000220

A22-548 Change Orders to Contract No. DCAM-12-CS-0165
Approval and Payment Authorization Emergency
Act of 2018 [B22-1050]000221 - 000222

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

D.C. ACTS CONT'D

A22-549 Neighborhood Safety and Engagement Fund Congressional Review Emergency Amendment Act of 2018 [B22-1056]000223 - 000224

A22-550 Revised Synthetics Abatement and Full Enforcement Drug Control Congressional Review Emergency Amendment Act of 2018 [B22-1057]000225 - 000248

A22-551 Hidden Figures Way Designation Emergency Act of 2018 [B22-1061]000249 - 000250

A22-552 Fiscal Year 2019 Budget Support Clarification Congressional Review Emergency Amendment Act of 2018 [B22-1059]000251 - 000253

A22-553 Relocation of a Passageway Easement in Square 696 Authorization Emergency Act of 2018 [B22-1060]000254 - 000255

A22-554 Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Emergency Act of 2018 [B22-1062]000256 - 000258

A22-555 Child Neglect and Sex Trafficking Emergency Amendment Act of 2018 [B22-1069]000259 - 000261

A22-556 Internet Sales Tax Emergency Amendment Act of 2018 [B22-1070]000262 - 000266

A22-557 Modification No. 4 to Contract No. NFPHC-8-1 Approval and Payment Authorization Emergency Act of 2018 [B22-1052]000267 - 000268

RESOLUTIONS

Res 22-667 Metropolitan Washington Airports Authority Board of Directors Joslyn Williams Confirmation Resolution of 2018 000269

Res 22-668 Metropolitan Washington Airports Authority Board of Directors Judith Batty Confirmation Resolution of 2018 000270

Res 22-714 Sports Wagering Lottery Emergency Declaration Resolution of 2018 000271

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

RESOLUTIONS CONT'D

Res 23-1 Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019000272 - 000397

Res 23-2 Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019000398 - 000399

Res 23-3 General Counsel to the Council of the District of Columbia Nicole Streeter Reappointment Resolution of 2019 000400

Res 23-4 Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2019..... 000401

Res 23-5 Secretary to the Council of the District of Columbia Nyasha Smith Reappointment Resolution of 2019 000402

Res 23-6 Board of Directors of the Washington Metropolitan Area Transit Authority Jack Evans Reappointment Resolution of 2019 000403

ADOPTED CEREMONIAL RESOLUTIONS

ACR 22-450 Robert McDuffie Posthumous Recognition Resolution of 2018.....000404 - 000405

ACR 22-451 Capitol Hill Group Ministry 50th Anniversary Recognition Resolution of 2018.....000406 - 000407

ACR 22-452 The Eric Fund 20th Anniversary Recognition Resolution of 2018..... 000408

ACR 22-453 Beacon House Teen Writers Recognition Resolution of 2018.....000409 - 000410

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
 Bills B23-1, B23-4, B23-5, B23-12, B23-14 through B23-18, and B23-21 through B23-25 and Proposed Resolutions PR23-1 through PR23-6, PR23-8 through PR23-61, PR23-67, PR23-69, PR23-70, and PR23-71.....000411 - 000423

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

COUNCIL HEARINGS

Notice of Public Hearing -

B23-25 Sports Wagering Procurement Practices Reform
Exemption Act of 2019 000424

Notice of Public Oversight Hearing -

Improving School Attendance: Truancy, Chronic Absenteeism,
and the Implementation of Reform Initiatives (Joint) 000425

Notice of Public Oversight Roundtable -

Destruction of Historic Elements in the Franklin School Renovation 000426

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B23-3 Sports Wagering Lottery Clarification Temporary
Amendment Act of 2019 000427

B23-20 Rental Housing Registration Extension Temporary
Amendment Act of 2019 000427

Notice of Excepted Service Appointments -

As of December 31, 2018 000428

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Duke's Grocery - ANC 2A - New 000429
TBD (Officina Café, LLC) - ANC 2B - New 000430
The Eastern - ANC 6B - New 000431

For-Hire Vehicles, Department of -

Notice of Public Hearing - Notice of Consideration
of Proposed Amendments to Title 31 (Taxicabs and
Public Vehicles for Hire) of the District of Columbia
Municipal Regulations - January 15, 2019 and
January 16, 2019 000432

Zoning Commission - Cases -

17-21 As You Like It, LLC (Rescheduled) 000433 - 000435
18-20 Forest City SEFC, LLC (Rescheduled) 000436 - 000438

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

Risk Management, Office of -
Amend 7 DCMR (Employment Benefits),
Ch. 1 (Public Sector Workers' Compensation Benefits),
Sections 102 - 112, 114, 115, 119, 120, 122 -127, 130,
135, 136, 138 - 145, 149, 153, 155, 156, 157, 159, 160,162
and Sec. 199 (Definitions), to revise the Public Sector
Workers' Compensation Benefits Program000439 - 000494

EMERGENCY AND PROPOSED RULEMAKING

Behavioral Health, Department of -
Amend 22 DCMR (Health),
Subtitle A (Mental Health), to update
Ch. 25 (Health Home Certification Standards),
to align the Health Home regulations to the revised
State Plan Amendment000495 - 000507

Behavioral Health, Department of -
Amend 22 DCMR (Health),
Subtitle A (Mental Health),
Ch. 34 (Mental Health Rehabilitation Services
Provider Certification Standards), to rename
Ch. 39 (Mental Health Clubhouse Certification Standards) to
Ch. 39 (Psychosocial Rehabilitation Clubhouse Certification
Standards), to revise certification requirements for the
Psychosocial Rehabilitation Clubhouse services and create
new certification standards for a Mental Health Rehabilitation
Service Clubhouse.....000508 - 000525

Energy and Environment, Department of -
Amend 20 DCMR (Environment), to add
Ch. 37 (Customer Assistance Programs Eligibility Determinations),
Sections 3700 - 3705 and Sec. 3799 (Definitions),
to establish eligibility requirements for the Residential
Customer Assistance Programs;
Amend 21 DCMR (Water and Sanitation),
Ch. 5 (Water Quality and Pollution), to add
Sections 564 - 570 and amend Sec. 599 (Definitions),
to establish a Clean Rivers Impervious Surface Area Charge
Nonprofit Relief Program.....000526 - 000539

Housing Authority, DC (DCHA) -
Amend 14 DCMR (Housing),
Ch. 83 (Rent and Housing Assistance Payments),
Sec. 8300 (Payment Standard Amount), to increase
the Payment Standards, allowing DCHA to authorize
and pay higher rent subsidies on behalf of participants
of the Housing Choice Voucher Program000540 - 000541

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS**

2019-001 Delegation of Authority – Individual Health Insurance
Requirement Rules000542

2019-002 Delegation – Authority to the Secretary of the District
of Columbia Regarding Marriage Licensing - See Page 000578

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

Alcoholic Beverage Regulation Administration -
ABC Board's Calendar - January 16, 2019000543 - 000546
ABC Board's Cancellation Agenda - January 16, 2019 000547
ABC Board's Licensing Agenda - January 16, 2019..... 000548

Auditor, Office of the DC -
Advisory Neighborhood Commission (ANC) Security
Fund Annual Financial Report for Fiscal Year (FY) 2018000549 - 000550

Disability Services, Department on -
Notice of Public Meetings - D.C. Family Support Council -
2019 Meeting Schedule.....000551 - 000552

Energy and Environment, Department of -
Intent to Issue Air Quality Permits -
#7067 and District of Columbia Water and Sewer Authority
#7068 (DC Water) -
5000 Overlook Avenue SW000553 - 000554

Notice of Funding Availability - 2019 Washington
DC Electric Vehicle Grand Prix..... 000555

Friendship Public Charter School -
Request for Proposals - Consulting Services 000556

Historic Preservation Review Board -
Historic Landmark and Historic District Designations - Cases -
17-10 Wardman Park Tower Amendment,
2600/2660 Woodley Road NW 000557

18-16 Folger Shakespeare Memorial Library Amendment,
201 East Capitol Street SE..... 000557

Insurance, Securities and Banking, Department of -
Financial Literacy Council - Notice of Public
Meeting - January 24, 2019..... 000558

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

KIPP DC Public Charter Schools -
Request for Proposals - Recess Program Services 000559

Mary McLeod Bethune Day Academy Public Charter School -
Notice of Intent to Enter Sole Source Contract -
Achievement Network (“ANet”) (Revised) 000560

Request for Proposals - Student Travel (Revised) 000561

Retirement Board, DC -
2019 Annual Open Board Meeting Schedule 000562

Notice of Investment Committee Meeting -
January 17, 2019 000563

Notice of Open Board Meeting - January 17, 2019 000564

Notice of Public Interest - Certification of Winner
of the Election to Serve as the Active Police Officer
Member of the Board 000565

Small and Local Business Development, Department of -
Notice of Funding Availability - DC Business
Certification Program: Living Wage 000566 - 000567

Thurgood Marshall Academy Public Charter High School -
Request for Proposals - Caterer for Fundraising Gala 000568

Transportation, District Department of -
Major Crash Review Task Force 2019 Meetings 000569 - 000571

Water and Sewer Authority, DC -
Environmental Quality and Operations Committee
Meeting - January 17, 2019 000572

Governance Committee Meeting - January 14, 2019 000573

Human Resources and Labor Relations Committee
Meeting - January 14, 2019 000574

Zoning Adjustment, Board of - Case -
19894 2020 M Street LLC and 2030 M Street LLC -
ANC 2A - Order 000575 - 000577

ADDENDUM

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

MAYOR'S ORDERS CONT'D

2019-002	Delegation – Authority to the Secretary of the District of Columbia Regarding Marriage Licensing	000578 - 000579
----------	---	-----------------

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To order the closing of a portion of the public alley system in Square 653, bounded by N Street, S.W., Half Street, S.W., O Street, S.W., and South Capitol Street, S.W., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 653, as shown on the Surveyor's plat filed in S.O. 15-26384, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval of the Council of this alley closing is contingent upon the following:

(1) That title to the closed portion of the public alley system be conveyed subject to a non-restrictive public access easement, as shown on the Surveyor’s plat filed in S.O. 15-26384, which shall run with the land and be recorded in the land records of the Recorder of Deeds for the District of Columbia and shall include an agreement by the owner of the property encumbered by the easement to maintain the easement area for public use;

(2) The completion of abandonment work for the water main located in the public alley before the recordation of the alley closing plat; and

(3) The satisfaction of all the conditions set forth in the official file for S.O. 15-26384 before the recordation of the alley-closing plat.

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).

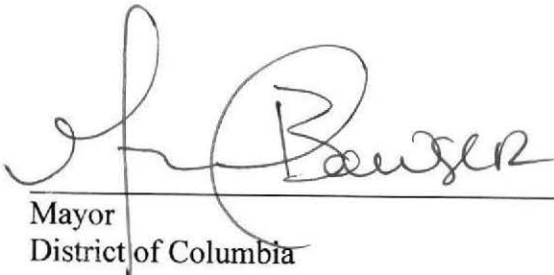
ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the Rental Housing Act of 1985 to stabilize rents and help preserve the affordability of the District’s rental housing stock by limiting rent increases when a rent control apartment is vacated to 10% of the rent charged if the previous tenant occupied the unit for 10 years or less or to 20% if the previous tenant occupied the unit for more than 10 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vacancy Increase Reform Amendment Act of 2018”.

Sec. 2. Section 213 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.13), is amended to read as follows:

“Sec. 213. Vacant accommodation.

“(a) When a tenant vacates a rental unit on the tenant’s own initiative or as a result of a notice to vacate for nonpayment of rent, violation of an obligation of the tenant’s tenancy, or use of the rental unit for illegal purpose or purposes as determined by a court of competent jurisdiction, the housing provider may elect to increase the amount of rent charged by:

“(1) 10% of the current allowable amount of rent charged for the vacant unit, if the previous tenant occupied the unit for 10 years or less; or

“(2) 20% of the current allowable amount of rent charged for the vacant unit, if the previous tenant occupied the unit for more than 10 years.

“(b) No increase under this section shall be permitted unless the housing accommodation has been registered under section 205(f).

“(c) No rent increase under subsection (a) may be sought or granted within the 12-month period following the implementation of any rent increase pursuant to section 212.

“(d) As part of a lease agreement for a new tenancy, the housing provider shall disclose to the tenant on a form published by the Rent Administrator:

“(1) The rent charged for the rental unit at the commencement of the tenancy; and

“(2) The amount of the increases in the rent charged for the rental unit during the preceding 3 years, including the basis for each rent adjustment.

ENROLLED ORIGINAL

“(e) For the purposes of this section, the term “rent charged” means the entire amount of money, money’s worth, benefit, bonus, or gratuity a tenant must actually pay to a housing provider as a condition of occupancy or use of a rental unit, its related services, and its related facilities, pursuant to the Rent Stabilization Program.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.


(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

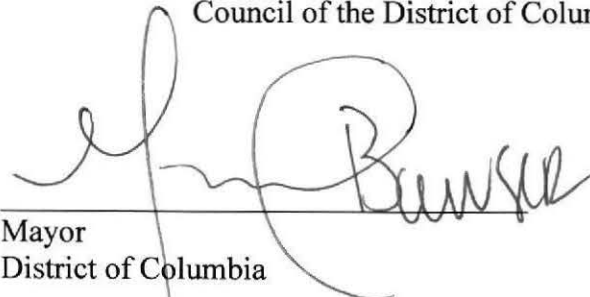
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-537

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the Department of For-Hire Vehicles Establishment Act of 1985 to transfer fee collection duties from the Office of Compliance and Enforcement to the Office of Client Services, to transfer auditing responsibilities from the Office of Compliance and Enforcement to the Office of the Director, to clarify the responsibilities of the Office of Hearings and Conflict Resolution, and to make other clarifying amendments; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that a community representative of the For-Hire Vehicle Advisory Council shall be entitled to compensation of \$50 per meeting, up to a maximum of \$1,350 per annum.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Department of For-Hire Vehicles Amendment Act of 2018”.

Sec. 2. The Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.01 *et seq.*), is amended as follows:

(a) Section 4(17) (D.C. Official Code § 50-301.03(17)) is amended by striking the word “drivers” and inserting the word “operator” in its place.

(b) Section 7(a) (D.C. Official Code § 50-301.06(a)) is amended as follows:

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

(A) Subparagraph (G) is repealed.

(B) A new subparagraph (G-i) is added to read as follows:

“(G-i) Auditing public vehicle-for-hire companies and payment service providers to the extent authorized by this act, and regulations issued pursuant to this act, including review of vehicle records to ensure compliance with regulatory requirements, and private vehicle-for-hire companies to the extent authorized by section 20j-7(b).”.

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

(A) Subparagraph (A) is amended by striking the word “taxicab” and inserting the phrase “public vehicle-for-hire” in its place.

(B) Subparagraph (E) is amended by striking the word “and” at the end.

(C) Subparagraph (F) is amended by striking the period and inserting a semicolon in its place.

(D) New subparagraphs (G) and (H) are added to read as follows:

ENROLLED ORIGINAL

“(G) Collecting fees to recover the actual costs of producing and distributing official DFHV vehicle decals, stickers, and information placards; and

“(H) Collecting any other fees authorized and collected pursuant to this act.”.

(3) Paragraph (4) is amended as follows:

(A) Subparagraphs (A), (C), and (D) are repealed.

(B) Subparagraph (F) is amended by striking the phrase “hack inspections” and inserting the phrase “vehicle-for-hire inspections” in its place.

(4) Paragraph (5) is amended by striking the phrase “industry.” and inserting the phrase “industry, and all complaints lodged against vehicle inspection officers.” in its place.

(c) Section 8 (D.C. Official Code § 50-301.07) is amended by striking the word “driver” both times it appears and inserting the word “operator” in its place.

(d) Section 16 (D.C. Official Code § 50-301.15) is amended as follows:

(1) Subsection (a) is amended by striking the word “taxicab” and inserting the word “vehicle-for-hire” in its place.

(2) Subsection (b) is amended by striking the word “drivers” and inserting the word “operators” in its place.

(e) Section 19 (D.C. Official Code § 50-301.18) is amended as follows:

(1) Strike the phrase “to taxicabs contained” and insert the phrase “governing the vehicle-for-hire industry contained” in its place.

(2) Strike the phrase “taxicabs, including” and insert the phrase “the vehicle-for-hire industry, including” in its place.

(f) Section 20a(b) (D.C. Official Code § 50-301.20(b)) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase “owners of licensed taxicabs” and inserting the phrase “owners and operators of vehicles-for-hire” in its place.

(2) Subparagraph (D) is amended as follows:

(A) Strike the phrase “owners of licensed taxicabs” and insert the phrase “owners and operators of vehicles-for-hire” in its place.

(B) Strike the phrase “directing licensed taxicabs” and insert the phrase “directing vehicles-for-hire” in its place.

(g) Section 20f (D.C. Official Code § 50-301.25) is amended as follows:

(1) Subsection (e) is amended by striking the word “drivers” and inserting the word “operators” in its place.

(2) Subsection (f)(2) is amended by striking the word “driver” and inserting the word “operator” in its place.

(h) Section 20f-2(b) (D.C. Official Code § 50-301.25b(b)) is amended by striking the word “driver’s” and inserting the word “operator’s” in its place.

(i) Section 20j (D.C. Official Code § 50-301.29) is amended as follows:

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

(A) Strike the word “driver” and insert the word “operator” in its place.

ENROLLED ORIGINAL

(B) Strike the word “drivers” wherever it appears and insert the word “operators” in its place.

(2) Subsection (c) is amended by striking the word “driver” and inserting the word “operator” in its place.

(j) Section 20j-1(4)(K) (D.C. Official Code 50-301.29a(4)(K)) is amended by striking the word “driver’s” and inserting the word “operator’s” in its place.

(k) Section 20l(b)(8) (D.C. Official Code 50-301.31(b)(8)) is amended by striking the word “drivers” and inserting the word “operators” in its place.

(l) Section 20m (D.C. Official Code § 50-301.32) is amended as follows:

(1) Paragraph (2A) is repealed.

(2) Paragraph (3) is amended by striking the phrase “operator against” and inserting the phrase “operator or vehicle inspection officer against” in its place.

(3) Paragraphs (3A) and (3B) are repealed.

Sec. 3. Section 1108(c-2) 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 § 1-611.08 (c-2)), is amended by adding a new paragraph (4) to read as follows:

“(4) Community representatives of the For-Hire Vehicle Advisory Council shall be entitled to compensation of \$50 per meeting, up to a maximum of \$1,350 per member per annum.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This 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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the District of Columbia Noise Control Act of 1977 to prohibit the sale and use of gasoline-powered leaf blowers in the District of Columbia on or after January 1, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Leaf Blower Regulation Amendment Act of 2018”.

Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

(a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

- (1) The existing text is designated as sub-subparagraph (i)
- (2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Except as provided under subparagraph (B) of this paragraph, effective January 1, 2022, no person shall sell, offer for sale, or use a gasoline-powered leaf blower in the District of Columbia.”.

(b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

- (1) The existing text is designated as sub-subparagraph (i).
- (2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) A person who sells at retail a gasoline-powered leaf blower in the District of Columbia on or after January 1, 2022, shall provide conspicuous notice to the consumer that the leaf blower shall not be used in the District of Columbia.”.

(c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In addition to any other enforcement measure authorized under this act, the Mayor” and inserting the phrase “The Mayor” in its place.

(d) New subparagraphs (F), (G), and (H) are added to read as follows:

“(F)(i) Section 13 shall not apply to this paragraph.

“(ii) A civil fine not to exceed \$500, penalties, and fees may be imposed as a sanction for any infraction of this paragraph, pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

ENROLLED ORIGINAL

“(G)(i) Any person may file with the Mayor a complaint alleging usage of a gas-powered leaf blower in violation of this paragraph.

“(ii) A complaint filed pursuant to sub-subparagraph (i) of this subparagraph shall be submitted in writing on a form prescribed by the Mayor and made available on the District of Columbia website. The complaint shall be submitted no later than one week following the occurrence of the alleged violation and shall be signed by an original complainant who shall attest to its accuracy, under penalty of perjury. The complaint shall include:

“(I) The name of the individual or company alleged to have used a gas-powered leaf blower in violation of this paragraph;

“(II) The location of the alleged violation;

“(III) The date and time of the alleged violation; and

“(IV) Any additional identifying information regarding the user of the gas-powered leaf blower.

“(iii) A District inspector need not witness a violation for a complaint to be valid.

“(iv) A complainant under sub-subparagraph (i) of this subparagraph may appear and give testimony at any administrative hearing or administrative review of the complaint, or any other judicial or quasi-judicial action that may result from the complaint.

“(v) If the Mayor determines that the complaint has merit, the Mayor shall file a Notice of Infraction and proceed pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(vi) The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative Hearings.

“(H) Subparagraph (A) of this paragraph shall not apply to the use of leaf blowers on federal lands and at federal facilities.”.

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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To establish a process by which an Advisory Neighborhood Commission may request that the District Department of Transportation establish a school parking zone, in which public-school staff may park at designated times.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Daytime School Parking Zone Act of 2018”.

Sec. 2. School parking zones.

(a) For the purposes of this section, the term:

- (1) “ANC” means an Advisory Neighborhood Commission.
- (2) “ANC Act” means the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*).
- (3) “Department” means the District Department of Transportation.
- (4) “School parking zone” means a defined area of public roadway near a public school or public charter school in which certain employees of the public school or public charter school, as designated by the Mayor or the Mayor’s designee, who are not otherwise eligible to park on such roadway, may park.

(b) Pursuant to section 13(h)(1) of the ANC Act, an ANC may request that the Department establish a school parking zone near a public school or public charter school within the boundaries of the ANC by transmitting a resolution passed by the ANC to the Department.

(c) Notwithstanding section 13(h)(1) of the ANC Act, the Department, no later than 60 days after receipt of an ANC resolution transmitted pursuant to subsection (b) of this section, shall:

- (1) Deny the request by transmitting a written response to the ANC, explaining the reasons for denial; or
- (2) Send a proposal to establish a school parking zone to the ANC that transmitted the resolution pursuant to subsection (b) of this section, any adjacent ANC within 1300 feet of the proposed zone, and the public school or public charter school that is near the proposed school parking zone, which shall describe:
 - (A) The boundaries of the proposed school parking zone;

ENROLLED ORIGINAL

(B) The methods by which the Department will implement and enforce restrictions on parking in the proposed school parking zone, such as issuing permits to employees of the public school or public charter school or installing parking meters that permit only employees of the public school or public charter school to pay for parking; and

(C) The hours and days that restrictions on parking in the proposed school parking zone will be enforced.

(d) 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.*), shall issue rules to implement the provisions of this section, including provisions to address the following:

(1) Factors to be considered by the Department when reviewing a proposed school parking zone include:

(A) Preservation of pick-up and drop-off areas for students; and

(B) Determination of the size of a school parking zone; and

(2) Design of, display of, and eligibility requirements for any passes that may be used to implement a school parking zone.

(e) Nothing in this act shall be construed to restrict the Department’s existing authority to regulate parking and the Department shall have the authority to establish school parking zones absent a request from an ANC.

(f) Nothing in this act shall be construed to supersede the notice requirements of section 13 of the ANC Act.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.


Sec. 4. Fiscal impact statement.

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

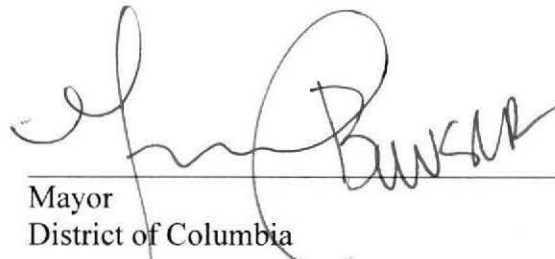
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the District of Columbia Health Occupations Revision Act of 1985 to authorize a health occupation board to take disciplinary action against a health professional who engages in the financial exploitation of a patient, client, or employer, to provide for the summary suspension or restriction, without a hearing, of the license, registration, or certification of a health professional who engages in the financial exploitation of a patient, client, or employer, as determined by the Mayor following an investigation, and to authorize a trauma technologist to provide infiltration application of a local anesthetic; and to amend Chapter 106 of Title 17 of the District of Columbia Municipal Regulations to authorize a trauma technologist to provide infiltration application of a local anesthetic.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vulnerable Population and Employer Protection Amendment Act of 2018”.

TITLE I. VULNERABLE POPULATION AND EMPLOYER PROTECTION

Sec. 101. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended by adding a new paragraph (6C) to read as follows:

“(6C) “Financial exploitation” means the non-accidental act or omission by a health professional, without the consent of the patient, client, or employer, causing monetary or property loss to the patient, client, or employer, or monetary or property gain to the health professional which gain would otherwise benefit a patient, client, or employer, but for the non-accidental action or omission of the health professional. Financial exploitation may result from consent obtained as a result of misrepresentation, undue influence, coercion, or threat of force by the health professional. Financial exploitation may not result from a bona fide gift.”.

(b) Section 514(a) (D.C. Official Code § 3-1205.14(a)) is amended as follows:

(1) Paragraph (49) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Paragraph (50) is amended by striking the period and inserting the phrase “; or” in its place.

ENROLLED ORIGINAL

(3) A new paragraph (51) is added to read as follows:

“(51) Engages in the financial exploitation of a patient, client, or employer.”.

(c) Section 515(a)(1) (D.C. Official Code § 3-1205.15(a)(1)) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Subparagraph (D) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (E) is added to read as follows:

“(E) Whose financial exploitation of a patient, client, or employer has or will harm the economic welfare of the client, patient, or employer, as determined by the Mayor following an investigation.”.

TITLE II. NON-GERMANE AMENDMENTS

Sec. 201. Section 651(b)(4) of the District of Columbia Health Occupations Revision Act of 1985, effective January 25, 2014 (D.C. Law 20-64; D.C. Official Code § 3-1206.51(4)), is amended by striking the phrase “topical application” and inserting the phrase “topical and infiltration application” in its place.

Sec. 202. Section 10613.2(d) of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 10613.2(d)) is amended by striking the phrase “topical application” and inserting the phrase “topical and infiltration application” in its place.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. 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. 302. Effective date.

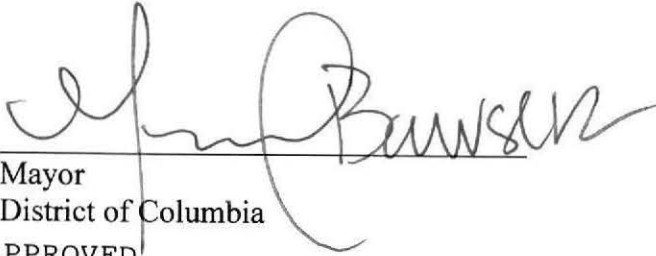
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the Boxing and Wrestling Commission Act of 1975 to rename the Boxing and Wrestling Commission the District of Columbia Combat Sports Commission, increase the number of members on the commission from 3 to 5, update the law to include provisions relating to kickboxing and mixed martial arts, create the District of Columbia Combat Sports Commission Fund, delegate grant-making authority to the commission, and to amend safety requirements for amateur matches.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Boxing and Wrestling Commission Amendment Act of 2018”.

Sec. 2. The Boxing and Wrestling Commission Act of 1975, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-601 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-601) is amended to read as follows:

“Sec. 2. Purpose.

“It is the purpose of this act to create the District of Columbia Combat Sports Commission with the authority to promulgate rules and regulations, to promote the District as a location for boxing, wrestling, kickboxing, martial arts, and mixed martial arts events, and to regulate boxing, wrestling, kickboxing, martial arts, and mixed martial arts within the District.”.

(b) Section 3 (D.C. Official Code § 3-602) is amended to read as follows:

“Sec. 3. Definitions.

“For purposes of this act, the term:

“(1) “Commission” means the District of Columbia Combat Sports Commission established by section 5.

“(2) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(3) “Kickboxing” means unarmed stand-up combat that combines boxing with different disciplines of the martial arts, including kicking and striking.

ENROLLED ORIGINAL

“(4) “Mixed martial arts” means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts, including grappling, kicking, and striking.

“(5) “Participant” means a boxer, wrestler, performer of martial arts, performer of mixed martial arts, second, manager, matchmaker, promoter, referee, judge, timekeeper, announcer, usher, ticket seller, advertising and public relations personnel, and other persons, as the Commission may designate, who are involved or connected with, other than as a spectator, a boxing, wrestling, martial arts, or mixed martial arts contest, match, exhibition, or showing, professional as well as amateur, to be held, given, or shown within the District of Columbia.

“(6) “Person” means an individual, partnership, corporation, association, or club.

“(7) “Sanctioning body” means the organization providing the rules and regulations governing a bout.

“(8) “School, college, or university” means every school, college, or university supported in whole or in part from public funds and every other school, college, or university supported in whole or in part by a religious, charitable, scientific, literary, educational, or fraternal organization that is not operated for profit and that no part of its net earnings inures to the benefit of any private shareholder or individual.

“(9) “Unarmed combat” means boxing or any form of competition in which a blow is usually struck that may reasonably be expected to inflict injury.”.

(c) Section 4 (D.C. Official Code § 3-603) is amended by striking the phrase “a Boxing and Wrestling Commission” and inserting the phrase “the District of Columbia Combat Sports Commission” in its place.

(d) Section 5(a) (D.C. Official Code § 3-604(a)) is amended as follows:

(1) Strike the phrase “a District of Columbia Boxing and Wrestling Commission” and insert the phrase “the District of Columbia Combat Sports Commission” in its place.

(2) Strike the phrase “3 members” and insert the phrase “5 members” in its place.

(e) Section 6(a) (D.C. Official Code § 3-605(a)) is amended as follows:

(1) Strike the phrase “boxing, wrestling, and martial arts contests,” wherever it appears and insert the phrase “boxing, wrestling, kickboxing, martial arts, and mixed martial arts contests,” in its place.

(2) Strike the phrase “boxing, wrestling, or martial arts contests” and insert the phrase “boxing, wrestling, kickboxing, martial arts, or mixed martial arts contests,” in its place.

(f) Section 7 (D.C. Official Code § 3-606) is amended as follows:

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

(A) Strike the phrase “or martial arts contest” wherever it appears and insert the phrase “kickboxing, martial arts, or mixed martial arts contest” in its place.

(B) Strike the phrase “and martial arts contests” and insert the phrase “kickboxing, martial arts, and mixed martial arts contests” in its place.

ENROLLED ORIGINAL

(2) Subsection (j) is amended by striking the phrase “boxing and wrestling” both times it appears and inserting the phrase “boxing, wrestling, kickboxing, martial arts, and mixed martial arts” in its place.

(3) Subsection (k) is amended by striking the phrase “boxing or wrestling” and inserting the phrase “boxing, wrestling, kickboxing, martial arts, or mixed martial arts” in its place.

(4) Subsection (l) is amended by striking the phrase “boxing and wrestling” and inserting the phrase “boxing, wrestling, kickboxing, martial arts, and mixed martial arts” in its place.

(5) A new subsection (k-1) is added to read as follows:

“(k-1) The Commission shall have the power to issue grants to fund programs and initiatives in accordance with the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), District law and regulation, a Mayor’s order, or as specified by the Office of the Chief Financial Officer, the Office of Partnerships and Grant Services, or the Office of Contracting and Procurement.”.

(6) Subsection (m)(1) is amended by striking the phrase “kickboxers, and practitioners of martial arts,” and inserting the phrase “kickboxers, practitioners of martial arts, and practitioners of mixed martial arts,” in its place.

(g) Section 8 (D.C. Official Code § 3-607) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “to the General Fund.” and inserting the phrase “into the District of Columbia Combat Sports Commission Fund, established in section 8a.” in its place.

(2) Subsection (c)(1) is amended by striking the phrase “boxing or wrestling match,” and inserting the phrase “boxing, wrestling, kickboxing, martial arts, or mixed martial arts match,” in its place.

(3) Subsection (e) is amended by striking the phrase “and martial arts events” wherever it appears and inserting “kickboxing, martial arts, and mixed martial arts events” in its place.

(h) A new section 8a is added to read as follows:

“Sec. 8a. District of Columbia Combat Sports Commission Fund.

“(a) There is established as a special fund the District of Columbia Combat Sports Commission Fund (“Fund”), to be administered by the Commission in accordance with subsection (c) of this section.

“(b) There shall be deposited into the Fund:

“(1) All receipts collected by the Commission pursuant to sections 8(b), (c), and (d); and

“(2) Any fines collected pursuant to sections 9(c) or (d).

“(c) Money in the Fund shall be used to carry out the powers of the Commission set forth in section 7.

ENROLLED ORIGINAL

“(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

(i) Section 9 (D.C. Official Code § 3-608) is amended as follows:

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

(A) Strike the phrase “boxing, wrestling, or martial arts” both times it appears and insert the phrase “boxing, wrestling, kickboxing, martial arts, or mixed martial arts” in its place.

(B) Strike the phrase “fined not more than \$1000, or” and insert the phrase “fined or” in its place.

(C) Strike the phrase “Corporation Counsel of” and insert the phrase “Attorney General for” in its place.

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

(A) The lead-in language is amended by striking the phrase “Administrative Procedure Act,” and inserting the phrase “Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),” in its place.

(B) Paragraph (3) is amended by striking the phrase “in the amount of \$1,000 or less;” and inserting the phrase “in an amount that the Commission considers appropriate;” in its place.

(C) Paragraph (4) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

(D) Paragraph (5) is amended by striking the phrase “wrestling or the martial arts” and inserting the phrase “wrestling, kickboxing, martial arts, or mixed martial arts” in its place.

(j) Section 11 (D.C. Official Code § 3-610) is amended as follows:

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

(A) Strike the phrase “boxing, wrestling, or martial arts match, ” and insert the phrase “boxing, wrestling, kickboxing, martial arts, or mixed martial arts match,” in its place.

(B) Strike the phrase “protective headgear approved by the Commission.” and insert the phrase “protective gear required by the event’s sanctioning body.” in its place.

(2) Subsection (b) is amended by striking the phrase “martial arts, or other” and inserting the phrase “kickboxing, martial arts, mixed martial arts, or other” in its place.

(3) Subsection (c) is amended by striking the phrase “or martial arts match,” and inserting the phrase “kickboxing, martial arts, or mixed martial arts match,” in its place.

ENROLLED ORIGINAL

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

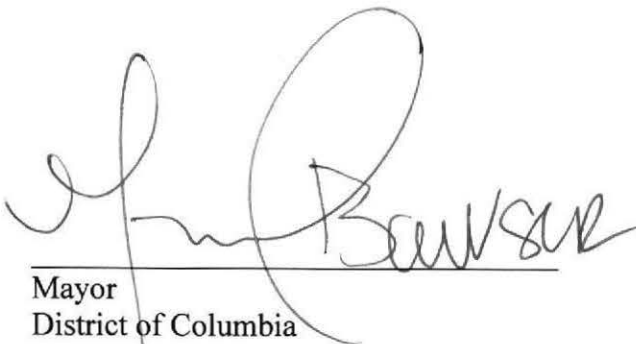
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided on 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To declare that the District-owned real property, known as Parcel 42, located at the intersection of 7th Street, N.W., R Street, N.W., and Rhode Island Avenue, N.W., and known for tax and assessment purposes as Lots 0106 and 0803 in Square 0442, is no longer required for public purposes and to approve the disposition of the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parcel 42 Surplus Property Declaration and Disposition Approval Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Act” means 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 *et seq.*).

(2) “CBE Act” means the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(4) “Developer” means Ditto Residential, LLC, with a business address of 1015 7th Street, N.W., Suite #300, Washington, D.C. 20001, or its successors, or one of its affiliates or assignees as approved by the Mayor, Group 360 Real Estate Advisors, LLC, with a business address of 475 H Street, N.W., Unit 2, Washington, D.C. 20001, or its successors, or one of its affiliates or assignees as approved by the Mayor, and Irving Development, LLC, with a business address of 1204 Fairmont Street, N.W., Washington, D.C. 20009, or its successors, or one of its affiliates or assignees, as approved by the Mayor.

(5) “First Source Agreement” means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

ENROLLED ORIGINAL

(6) “Project” means a mixed-use development including affordable housing, market-rate housing, commercial space, public space, and any ancillary uses allowed under applicable law, and as further described in the term sheet submitted with this act, in accordance with section 1(b-1) of the Act.

(7) “Property” means the real property located at the intersection of 7th Street, N.W., R Street, N.W., and Rhode Island Avenue, N.W., and known for tax and assessment purposes as Lots 0106 and 0803 in Square 0442.

Sec. 3. Findings.

(a) The Property is a vacant lot consisting of approximately 17,008 square feet.

(b) The Council determines that the Property is no longer required for public purposes.

(c) The District has satisfied the public hearing requirements of section 1(b-5) of the Act.

(d) The intended use of the Property is a mixed-use development as further described in section 2(6).

(e) The Developer shall comply with the requirements of the Act, including dedicating at least 30% of all residential units in the Project as affordable housing units pursuant to section 1(b-3) of the Act.

(f) The Developer shall enter into an agreement that shall require Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises in the Project, in accordance with section 2349a of the CBE Act and section 1(b)(6) of the Act

(g) The Developer shall enter into a First Source Agreement.

(h) The proposed method of disposition of the Property is a sale in fee simple to Developer for the amount of \$500,000, as further described in the documents submitted with this act.

(i) The Land Disposition Agreement for the disposition of the real property shall not be inconsistent with the substantive business terms of the transaction submitted by the Mayor with this act in accordance with section 1(b-1)(2) of the Act, unless revisions to those substantive business terms are approved by the Council.

Sec. 4. Approval of surplus and disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a request for a declaration of surplus and approval of the disposition of the Property to the Developer.

(b) The Council approves the declaration of surplus and the disposition of the Property pursuant to the terms of this act.

(c) Notwithstanding the Act, the time within which the Mayor may dispose of the Property shall expire 3 years from the effective date of this act.

ENROLLED ORIGINAL

Sec. 5. 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. 6. 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 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To grant a renewal of a cable television franchise to Comcast of the District, LLC, and approve a cable television system franchise agreement between the District of Columbia and Comcast Cablevision of the District, LLC; and to amend the Cable Television Communications Act of 1981 to increase the number of days a cable operator has to submit certain documents to the Office of Cable Television, Film, Music, and Entertainment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Approval of the Comcast of the District, LLC Cable Television System Franchise Act of 2018”.

Title I. COMCAST RENEWAL APPROVAL.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Cable Act” means the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 4-193; D.C. Official Code § 34-1251.01 *et seq.*).

(2) “Comcast” means Comcast of the District, LLC.

(3) “Franchise” means a 10-year, non-exclusive cable television system franchise renewal with an option to extend the term for an additional 5 years.

(4) “Franchise agreement” means the renewal franchise agreement between the District and Comcast approved in section 102.

Sec. 102. Grant of franchise and approval of franchise agreement.

(a)(1) Pursuant to the Cable Act, the application of Comcast for renewal of its cable television system franchise is approved and Comcast is granted a franchise to provide cable services in the District.

(2) Except as provided in section 103, the franchise shall be subject to the provisions of the Cable Act and the terms and conditions of the franchise agreement approved by the Council in subsection (b) of this section.

ENROLLED ORIGINAL

(b) The Council approves the proposed franchise agreement between the District and Comcast transmitted to the Council by the Mayor on October 26, 2018.

Sec. 103. Exemptions from the Cable Act.

(a) During the term of the franchise agreement approved by this act, the following provisions of the Cable Act shall not apply to the franchise:

- (1) Section 103(2), (19), (22), and (26) (D.C. Official Code § 34-1251.03(2), (19), (22), and (26));
- (2) Section 401(d)(1) and (4) (D.C. Official Code § 34-1254.01(d)(1) and (4));
- (3) Section 405(a)(1), (2), (3), (6), (10), and (11), (b), and (c) (D.C. Official Code § 34-1254.05(a)(1), (2), (3), (6), (10), (11), (b) and (c));
- (4) Section 407(e)(1) (D.C. Official Code § 34-1254.07(e)(1));
- (5) Section 408(g) and (k) (D.C. Official Code § 34-1254.08(g) and (k));
- (6) Section 501 (D.C. Official Code § 34-1255.01);
- (7) Section 502 (D.C. Official Code § 34-1255.02);
- (8) Subject to subsection (c) of this section, sections 503 (D.C. Official Code § 34-1255.03), 504 (D.C. Official Code § 34-1255.04), 505 (D.C. Official Code § 34-1255.05), 506 (D.C. Official Code § 34-1255.06), and 507 (D.C. Official Code § 34-1255.07);
- (9) Section 601(c), (d), (e), (f), and (g) (D.C. Official Code § 34-1256.01(c), (d), (e), (f), and (g));
- (10) Section 602 (D.C. Official Code § 34-1256.02);
- (11) Section 603 (D.C. Official Code § 34-1256.03);
- (12) Section 604 (D.C. Official Code § 34-1256.04);
- (13) Section 605(c) (D.C. Official Code § 34-1256.05(c));
- (14) Section 701 (D.C. Official Code § 34-1257.01);
- (15) Section 703(a) and (b) (D.C. Official Code § 34-1257.03(a) and (b));
- (16) Section 706 (D.C. Official Code § 34-1257.06);
- (17) Section 801(a) and (b) (D.C. Official Code § 34-1258.01(a) and (b));
- (18) Section 802(d) (D.C. Official Code § 34-1258.01(d));
- (19) Section 803 (D.C. Official Code § 34-1258.03);
- (20) Section 903(c) (D.C. Official Code § 34-1259.03(c));
- (21) Section 907(a) (D.C. Official Code § 34-1259.07(a));
- (22) Section 908(d) (D.C. Official Code § 34-1259.08(d));
- (23) Section 909 (D.C. Official Code § 34-1259.09); and
- (24) To the extent that it conflicts with the franchise agreement, Chapter 30 of Title 15 of the District of Columbia Municipal Regulations (30 DCMR § 30-1500 *et seq.*) (“DCMR”).

(b) The provisions of the Cable Act and DCMR listed in subsection (a) of this section shall apply to any future renewal of the franchise under a future renewal franchise agreement unless exemptions are specifically granted in legislation approving the future franchise renewal agreement.

ENROLLED ORIGINAL

(c) The exemptions from sections 503 through 507 of the Cable Act (D.C. Official Code §§ 34-1255.03 through 34-1255.07), as listed in subsection (a)(8) of this section, shall not apply if the franchise is revoked or terminated without renewal and Comcast has no other governmental authorization from the District to use the public rights-of-way.

TITLE II. CABLE TELEVISION COMMUNICATIONS ACT.

Sec. 201. Section 906 of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 4-193; D.C. Official Code § 34-1259.06), is amended as follows:

- (1) Strike the number “10” and insert the number “15” in its place.
- (2) Strike the word “lesser” and insert the word “greater” in its place.


TITLE III. GENERAL PROVISIONS.

Sec. 301. 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. 302. 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 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To grant a renewal of an open video system franchise to Starpower Communications, LLC, and approve an open video system franchise agreement between the District of Columbia and Starpower Communications, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Approval of the Starpower Communications Open Video System Franchise Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Cable Act” means the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*).

(2) “Franchise” means a 10-year, non-exclusive open video system franchise renewal with an option to extend the term for an additional 5 years.

(3) “Franchise agreement” means the renewal open video franchise agreement between the District and RCN approved under section 3.

(4) “RCN” means Starpower Communications, LLC.

Sec. 3. Grant of franchise and approval of franchise agreement.

(a)(1) Pursuant to the Cable Act, the application of RCN for renewal of its open video system franchise is approved and RCN is granted a franchise to provide cable services in the District.

(2) Except as provided in section 4, the franchise shall be subject to the provisions of the Cable Act and the terms and conditions of the franchise agreement approved by subsection (b) of this section.

(b) The Council approves the proposed open video system franchise agreement between the District and RCN transmitted to the Council by the Mayor on September 17, 2018.

Sec. 4. Exemptions from the Cable Act.

(a) During the term of the franchise agreement approved by this act, the following provisions of the Cable Act shall not apply to the franchise:

ENROLLED ORIGINAL

- (1) Section 401(d)(4) (D.C. Official Code § 34-1254.01(d)(4));
- (2) Section 405(a)(3), (6), and (8) through (11), (b), and (c) (D.C. Official Code § 34-1254.05(a)(3), (6), and (8) through (11), (b), and (c));
- (3) Section 407(e)(1) (D.C. Official Code § 34-1254.07(e)(1));
- (4) Section 408(k) (D.C. Official Code § 34-1254.08(k));
- (5) Section 501 (D.C. Official Code § 34-1255.01);
- (6) Section 502 (D.C. Official Code § 34-1255.02);
- (7) Section 601(d) (D.C. Official Code § 34-1256.01(d));
- (8) Section 602 (D.C. Official Code § 34-1256.02);
- (9) Section 603(a) (D.C. Official Code § 34-1256.03(a));
- (10) Section 706 (D.C. Official Code § 34-1257.06);
- (11) Section 801 (D.C. Official Code § 34-1258.01);
- (12) Section 802(d) (D.C. Official Code § 34-1258.02(d));
- (13) Section 803 (D.C. Official Code § 34-1258.03);
- (14) Section 1203 (D.C. Official Code § 34-1262.03); and
- (15) Section 1303 (D.C. Official Code § 34-1263.03).

(b) The provisions of the Cable Act listed in subsection (a) of this section shall apply to any future renewal of the franchise under a future renewal franchise agreement unless exemptions are specifically granted in legislation approving the future franchise renewal agreement.

Sec. 5. 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. 6. Effective date.

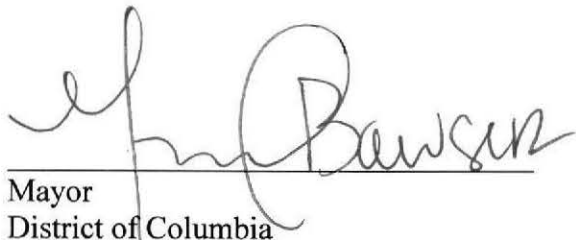
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-545

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To authorize the relocation of the non-exclusive perpetual surface easement in Square 696, bounded by I Street, S.E., First Street, S.E., K Street, S.E., and Half Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the “Relocation of a Passageway Easement in Square 696 Authorization Act of 2018”.

Sec. 2. Notwithstanding section 212 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 § 9-202.12), the Council authorizes the Office of the Surveyor to relocate the non-exclusive perpetual surface easement established pursuant to the Closing of a Public Alley in Square 696, S.O. 07-8302, Act of 2008, effective March 20, 2008 (D.C. Law 17-120; 55 DCR 1475), to the west side of Square 696, as shown on the alley-closing plat included in the committee report.

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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-546

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To authorize the transfer of jurisdiction over U.S. Reservation 724 (Lot 896, less and except the northern portion previously retained by the District, and Lot 897 within Square 620) in the District of Columbia, from the United States of America, acting by and through the Department of the Interior, National Park Service, to the District of Columbia, and to consent to the extinguishment of covenants affecting real property in Square 620.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with section 1 of An Act To authorize the transfer of public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia authorizes the transfer of jurisdiction over approximately 15,610 square feet of land area that is located approximately 30 feet to the east of the northeast corner of the intersection of First Street, N.W., and L Street, N.W. (Lot 896, less and except the northern portion previously retained by the District) and approximately 2,925 square feet of land area that occupies a 30-foot segment of the former First Street, N.W., right-of-way (Lot 897), known collectively as U.S. Reservation 724, as further identified in the committee report (“the Parcel”), from the United States, acting by and through the Department of the Interior, National Park Service, to the District of Columbia.

(b) This authorization is subject to the following restrictions:

- (1) Lot 896 shall continue to be used for recreational purposes;
- (2) Lot 897 shall continue to be used for pedestrian circulation, except that Lot 897 may be designated with a typical District Department of Transportation sidewalk section;
- (3) Only administrative jurisdiction over the Parcel is hereby transferred and title to the Parcel remains vested in the United States of America;
- (4) The District of Columbia shall not transfer administrative jurisdiction of the Parcel without the prior written approval of the National Park Service. The National Park Service shall concur or object in writing 45 days after the receipt of any proposed transfer; and

ENROLLED ORIGINAL

(5) If, in the opinion of the National Park Service, facts or circumstances arise that appear to be a material violation of any restriction contained in this subsection, the National Park Service shall promptly so notify the District in writing. The National Park Service and the District then shall use diligent good-faith efforts to reach agreement regarding what, if any, corrective actions are necessary and a schedule for completing such corrective actions, and the District shall initiate corrective action within 120 days after the notice of violation;

(6) Nothing in this act shall be construed as binding the United States or the District to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose or to involve the United States or the District in any contract or other obligation for this further expenditure of money in excess of such appropriations, as set forth in 31 U.S.C. § 1341(a)(1). In addition, all obligations of the District provided herein shall be subject to the limitations set forth in applicable federal law, D.C. Official Code § 47-105, D.C. Official Code §§ 47-355.01 *et seq.* (as the foregoing statutes may be amended from time to time), and section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46);

(7) The restrictions set forth in this subsection shall bind the National Park Service and the District and their assigns; and

(8) The National Park Service and the District have the right specifically to enforce the restrictions set forth in this subsection. Nothing in this act is intended to confer upon any entity other than the National Park Service and the District and their assigns any rights or remedies hereunder.

Sec. 3. Extinguishment of covenants.

(a) Notwithstanding any other law, the District consents to the extinguishment of the covenant between Sursum Corda, Inc. and the National Capital Housing Authority, dated May 31, 1968 and recorded by the Recorder of Deeds in Book 12912 at page 444 on August 22, 1968.

(b) Notwithstanding any other law, the District consents to the extinguishment of the covenant between the Commissioners of the District of Columbia and Sursum Corda Inc., dated June 28, 1968 and recorded by the Recorder of Deeds in Book 12935 at page 296 on October 31, 1968.

Sec. 4. The Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Emergency Approval Resolution of 2017, effective November 7, 2017 (Res. 22-299; 64 DCR 12563), is repealed.

Sec. 5. 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).

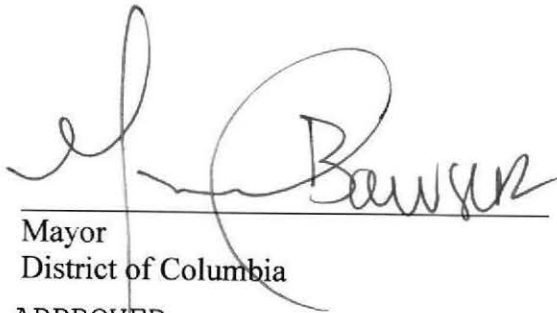
ENROLLED ORIGINAL

Sec. 6. 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 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, An Act To provide for the drainage of lots in the District of Columbia, the Washington Convention Center Authority Act of 1994, and Chapter 18 of Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2019 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2019 Budget Support Clarification Amendment Act of 2018”.

Sec. 2. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 2162), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “and amendatory section 18(c) within section 2(i) shall apply upon the date of inclusion of their” and inserting the phrase “shall apply upon the date of inclusion of its” in its place.

(2) Paragraph (3)(B) is amended by striking the phrase “these sections” and inserting the phrase “section 2(g)(1)(B)(ii)” in its place

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

“(c) Amendatory section 18(c) within section 2(i) shall apply as of October 1, 2018.”.

Sec. 3. Section 5(b-1)(1) of An Act To provide for the drainage of lots in the District of Columbia, effective March 29, 1977 (D.C. Law 1-98; D.C. Official Code § 8-205(b-1)(1)), is amended by striking the phrase “addresses 1 to 177, and on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258” and inserting the phrase “addresses 3 to 177, on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258, and on the west side of South Capitol Street, S.W., addresses 4275 to 4289” in its place.

Sec. 4. Section 208a(h) and (i) of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a(h) and (i)), is repealed.

Sec. 5. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

ENROLLED ORIGINAL

(a) Section 47-1807.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified corporation receives any tax credits towards payment of the real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is exempt from real property tax.”

(b) Section 47-1808.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified unincorporated business receives any tax credits towards payment of the real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is exempt from real property tax.”

Sec. 6. Applicability.

This act shall apply as of October 1, 2018.

Sec. 7. 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. 8. 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 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
December 26, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To approve, on an emergency basis, Change Order Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture for construction services for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and to authorize payment in the aggregate amount of \$4,574,980 for the goods and services received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Act of 2018”.

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 Change Order Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture for construction services for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and authorizes payment in the aggregate amount of \$4,574,980 for the good and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

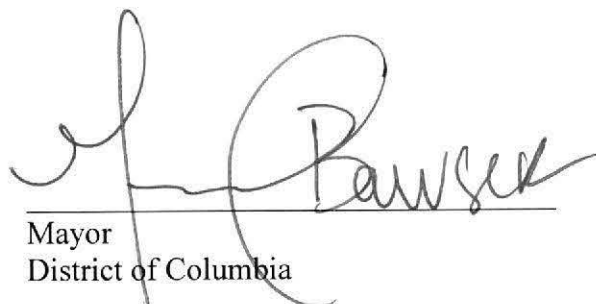
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 26, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend, on an emergency basis, due to congressional review, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to require that all monies remaining in the operating budget of the Office of Neighborhood Safety and Engagement at the end of Fiscal Year 2018 shall be deposited into the Neighborhood Safety and Engagement Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Neighborhood Safety and Engagement Fund Congressional Review Emergency Amendment Act of 2018”.

Sec. 2. Section 103(b) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413(b)), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(c) A new paragraph (5) is added to read as follows:

“(5) All excess monies remaining in the operating budget of the ONSE at the end of Fiscal Year 2018.”.

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).

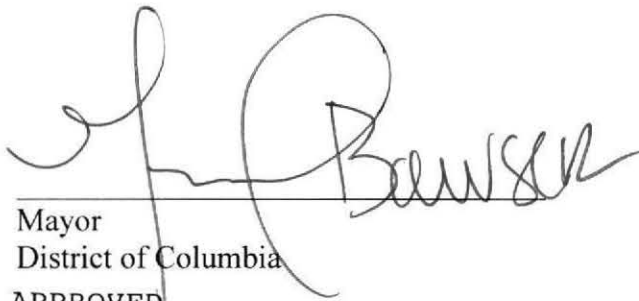
ENROLLED ORIGINAL

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
December 26, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To amend, on an emergency basis, due to congressional review, the District of Columbia Uniform Controlled Substances Act of 1981 to add certain classes and substances to the list of Schedule I controlled substances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Synthetics Abatement and Full Enforcement Drug Control Congressional Review Emergency Amendment Act of 2018”.

Sec. 2. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

(a) Section 102(27) (D.C. Official Code § 48-901.02(27)) is amended as follows:

(1) Strike the phrase “as used in section 204(3) and section 206(1)(D)” and insert the phrase “as used in section 204(3), (5), and (6) and section 206(1)(D)” in its place.

(2) Strike the phrase “As used in section 204(3)” and insert the phrase “As used in section 204(3), (5), and (6)” in its place.

(b) Section 204 (D.C. Official Code § 48-902.04) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “(for purposes of this paragraph only, the term “isomer” includes the optical, position, and geometric isomers):” and inserting a colon in its place.

(B) New subparagraphs (G-i) through (G-xii) are added to read as follows:

“(G-i) 25I-NBOMe (also known as 4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine);

“(G-ii) 25B-NBOMe (also known as 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine);

“(G-iii) 25C-NBOMe (also known as 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

“(G-iv) 5-APB (also known as α -methyl-5-benzofuranethanamine);

ENROLLED ORIGINAL

- “(G-v) 5-APDB (also known as 2,3-dihydro- α -methyl-5-benzofuranethanamine);
- “(G-vi) 6-APB (also known as α -methyl-6-benzofuranethanamine);
- “(G-vii) 6-APDB (also known as 2,3-dihydro- α -methyl-6-benzofuranethanamine);
- “(G-viii) 3-methoxy-PCE (also known as N-ethyl-1-(3-methoxyphenyl)-cyclohexanamine);
- “(G-ix) 3-methoxy-PCP (also known as 1-[1-(3-methoxyphenyl)cyclohexyl]-piperidine);
- “(G-x) 4-methoxy-PCP (also known as 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine);
- “(G-xi) 5-methoxy-DALT, also known as:
- “(i) 5-MeO-DALT; or
- “(ii) 5-methoxy-N,N-di-2-propen-1-yl-1H-indole-3-ethanamine;
- “(G-xii) 4-acetoxy DMT, also known as:
- “(i) 4-AcO-DMT; or
- “(ii) 3-[2-(dimethylamino)ethyl]-1H-indol-4-ol-4-acetate;
- (C) A new subparagraph (M-i) is added to read as follows:
- “(M-i) Methoxetamine (also known as 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone);”.
- (D) Subparagraph (JJ) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (E) Subparagraph (KK) is amended by striking the semicolon and inserting the phrase “; and” in its place.
- (F) A new subparagraph (LL) is added to read as follows:
- “(LL) Cathinone;”.
- (2) Paragraph (5) is amended to read as follows:
- “(5) As used in this paragraph, the term “synthetic cathinones” includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in Schedules II through V, is not approved by the Food and Drug Administration as a drug, and is structurally derived from or contains any quantity of the following substances, their salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:
- “(A) Classified Synthetic Cathinones:
- “(i) Cathinones. Any compound, other than methylenedioxy cathinones and pyrrolidine cathinones, containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic ring system, with or without alkyl, alkoxy, or

ENROLLED ORIGINAL

halo substitutions, and a substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include:

- “(I) Mephedrone, also known as:
“(aa) 2-(methylamino)-1-(4-methylphenyl)-1-propanone;
“(bb) 4-MeMC;
“(cc) 4-Methylmethcathinone;
“(dd) 4-Methylephedrone; or
“(ee) 4-MMC;
- “(II) Dimethylcathinone, also known as:
“(aa) 2-(dimethylamino)-1-phenyl-1-propanone; or
“(bb) N,N-Dimethylcathinone;
- “(III) Ethcathinone, also known as:
“(aa) 2-(ethylamino)-1-phenyl-1-propanone;
“(bb) Ethylcathinone;
“(cc) N-Ethylcathinone; or
“(dd) 2-Ethylaminobuphedro;
- “(IV) Buphedrone, also known as:
“(aa) 2-(methylamino)-1-phenylbutan-1-one; or
“(bb) MABP;
- “(V) 3,4-DMMC, also known as:
“(aa) 1-(3,4-dimethylphenyl)-2-(methylamino)-1-propanone; or
“(bb) 3,4-Dimethylmethcathinone;
- “(VI) EMC, also known as:
“(aa) 1-(4-ethylphenyl)-2-(methylamino)propan-1-one;
“(bb) 4-EMC; or
“(cc) 4-Ethylmethcathinone;
- “(VII) Fluoromethcathinone (also known as 1-(4-fluorophenyl)-2-(methylamino) propan-1-one);
“(VIII) 3-FMC, also known as:
“(aa) 3-fluoro-N-methylcathinone); or
“(bb) 1-(3-fluorophenyl)-2-(methylamino)propan-1-one;
- “(IX) 4-FMC, also known as:
“(aa) 1-(4-fluorophenyl)-2-(methylamino)propan-1-one;
“(bb) 4-fluoro-N-methylcathinone; or

ENROLLED ORIGINAL

butanone;

"(cc) Flephedrone;
 "(X) 4-MeBP, also known as:
 "(aa) 2-(methylamino)-1-(4-methylphenyl)-1-

propanone; or

"(bb) 4-Methylbuphedrone;
 "(cc) 4-methyl BP; or
 "(dd) 4-MeMABP;
 "(XI) 3-MEC, also known as:
 "(aa) 2-(ethylamino)-1-(m-tolyl)propan-1-one; or
 "(bb) 3-Methyl-N-ethylcathinone;
 "(XII) 4-MEC, also known as:
 "(aa) 2-(ethylamino)-1-(4-methylphenyl)-1-

propanone;

"(bb) 4-Methyl-N-ethylcathinone;
 "(XIII) 3-MMC, also known as:
 "(aa) 2-(methylamino)-1-(3-methylphenyl)-1-

2-(methylamino)-1-propanone); and

"(bb) 3-methyl MS; or
 "(cc) 3-Methylmethcathinone;
 "(XIV) Methedrone (also known as 1-(4-methoxyphenyl)-
 "(XV) Pentedrone (also known as 2-(methylamino)-1-

phenylpentan-1-one);

“(ii) Methylenedioxy Cathinones. Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylendioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include:

“(I) 3-fluoromethylone;
 “(II) Methylone, also known as
 “(aa) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-

propanone; or

“(bb) 3,4-Methylenedioxy-N-methylcathinone);
 “(III) N-ethyl Pentylone, also known as:
 “(aa) Ephylone; or
 “(bb) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-

pentanone;

“(IV) bk-MDDMA, also known as:

ENROLLED ORIGINAL

(dimethylamino)propan-1-one;

“(aa) 1-(1,3-benzodioxol-5-yl)-2-

“(bb) Dimethylone;

“(cc) *N,N*-dimethyl-3',4'-methylenedioxcathinone;

“(dd) *N,N*-dimethyl-3,4-methylenedioxcathinone;

or

“(ee) *N,N*-Dimethyl MDCATH;

(methylamino)butan-1-one); and

“(V) Butylone, also known as 1-(1,3-benzodioxol-5-yl)-2-

“(VI) Ethylone, also known as:

“(aa) 3,4-Methylenedioxy-*N*-ethylcathinone; or

“(bb) MDEC;

“(iii) Pyrrolidine Cathinones. Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with an alkyl, cyclic, or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, halogen, alkoxy or alkylendioxy group, and a substitution at the nitrogen atom incorporation into a heterocyclic structure, with or without further halogen substitutions. Examples include:

“(I) α -PVP (also known as α -pyrrolidinopentiophenone);

“(II) α -pyrrolidinopropiophenone, also known as:

“(aa) 1-phenyl-2-(1-pyrrolidinyl)-1-propanone; or

“(bb) α -PPP;

“(III) α -PBP, also known as:

“(aa) 1-phenyl-2-(1-pyrrolidinyl)-1-butanone; or

“(bb) α -pyrrolidinobutiophenone;

“(IV) MDPBP, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

butanone;

“(bb) 3,4-Methylenedioxy- α -

Pyrrolidinobutiophenone; or

“(cc) 3,4-MDPBP;

“(V) MDPPP, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

propanone; or

“(bb) 3,4-Methylenedioxy- α -

Pyrrolidinopropiophenone;

“(VI) MDPV, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

pentanone; or

“(bb) 3,4-Methylenedioxy Pyrovalerone;

ENROLLED ORIGINAL

- "(VII) 4-MePPP, also known as
 "(aa) 4'-methyl- α -Pyrrolidinopropiophenone;
 "(bb) 4'-methyl PPP; or
 "(cc) 2-(pyrrolidin-1-yl)-1-(p-tolyl)propan-1-one;
 "(VIII) 4'-methyl PHP, also known as:
 "(aa) 4'-methyl- α -pyrrolidinohexanophenone;
 "(bb) MPHP;
 "(cc) 4'-methyl- α -PHP; or
 "(dd) PV4;

"(IX) Naphyrone, also known as:
 "(aa) (RS)-1-naphthalen-2-yl-2-pyrrolidin-1-

ylpentan-1-one; or

"(bb) Naphpyrovalerone; and

"(X) C-PVP, also known as:

"(aa) 4-Chloro- α -PVP; or

"(bb) 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-

1-one; or

"(iv) Piperazine Stimulants. Any compound containing or structurally derived from a piperazine, or diethylenediamine, structure with or without substitution at one of the nitrogen atoms of the piperazine ring to any extent, including alkyl, cycloalkyl, or fused ring systems, with or without further halogen substitutions. Examples include:

"(I) BZP, also known as:

"(aa) 1-(phenylmethyl)-piperazine;

"(bb) 1-Benzylpiperazine; or

"(cc) N-Benzylpiperazine; and

"(II) TMFPP, also known as:

"(aa) 1-[3-(trifluoromethyl)phenyl]-piperazine;

"(bb) 1-(m-Trifluoromethylphenyl) piperazine; or

"(cc) 3-Trifluoromethylphenylpiperazine.

"(B) Unclassified Synthetic Cathinones:

"(i) Aminorex (also known as (RS)-5-phenyl-4,5-dihydro-1,3-oxazol-2-amine);

"(ii) α -ET, also known as:

"(I) α -ethyl-1H-indole-3-ethanamine;

"(II) α -ethyltryptamine; or

"(III) 3-Indolybutylamine;

"(iii) α -MT, also known as:

"(I) α -methyl-1H-indole-3-ethanamine; or

ENROLLED ORIGINAL

- “(II) α -methyltryptamine;
- “(iv) EMA, also known as:
 - “(I) N-ethyl- α -methyl-benzeneethanamine; or
 - “(II) N-Ethylamphetamine;
- “(v) Fenethylamine (also known as (RS)-1,3-dimethyl-7-[2-(1-phenylpropan-2-ylamino)ethyl]purine-2,6-dione);
- “(vi) N-hydroxy MDA, also known as:
 - “(I) MDOH;
 - “(II) N-hydroxy- α -methyl-1,3-benzodioxole-5-ethanamine;

or

- “(III) N-Hydroxy-3,4-methylenedioxyamphetamine; and
- “(vii) N,N-DMA, also known as:
 - “(I) N,N, α -trimethyl-benzeethanamine;
 - “(II) N,N-Dimethylamphetamine;
 - “(III) Dimetamphetamine; or
 - “(IV) Metrotonin.”

(3) New paragraphs (6) and (7) are added to read as follows:

“(6) Synthetic cannabimimetic agents (also known as “synthetic cannabinoids”), which includes, unless specifically exempted, unless listed in another schedule, or unless approved by the Food and Drug Administration as a drug, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, its salts, isomers, homologues, analogues and salts of isomers, homologues, and analogues, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Cannabimimetic Agents:

“(i) Adamantanoylindoles: Any compound containing or structurally derived from an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Examples include:

- “(I) AB-001, also known as:
 - “(aa) (1s,3s)-adamantan-1-yl(1-pentyl-1H-indol-3-yl)methanone; or
 - “(bb) JWH 018 adamantyl analog; and
- “(II) AM-1248, also known as:
 - “(aa) [1-[(1-methyl-2-piperidinyl)methyl]-1H-

ENROLLED ORIGINAL

indol-3-yl]tricyclo[3.3.1.1^{3,7}]dec-1-yl-methanone; or

“(bb) AM1248;

“(ii) Benzimidazole Ketone: Any compound containing or structurally derived from (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Benzimidazole Ketones include:

“(I) FUBIMINA, also known as:

“(aa) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone; or

“(bb) AM2201 benzimidazole analog; and

“(II) JWH-018 benzimidazole analog, also known as:

“(aa) naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-yl)methanone; or

“(bb) BIM-018;

“(iii) Benzoylindoles: Any compound containing or structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples include:

“(I) AM-630, also known as:

“(aa) [6-iodo-2-methyl-1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](4-methoxyphenyl)-methanone;

“(bb) AM630; or

“(cc) Iodopravadoline ;

“(II) AM-661 (also known as 1-(N-methyl-2-piperidine)methyl-2-methyl-3-(2-iodo)benzoylindole);

“(III) AM-679, also known as:

“(aa) (2-iodophenyl)(1-pentyl-1H-indol-3-yl)methanone; or

“(bb) AM679;

ENROLLED ORIGINAL

- iodophenyl)-methanone;
- or
- “(IV) AM-694, also known as:
- “(aa) [1-(5-fluoropentyl)-1H-indol-3-yl](2-
- “(bb) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- “(cc) AM694;
- “(V) AM-1241, also known as:
- “(aa) (2-iodo-5-nitrophenyl)-(1-(1-
- methylpiperidin-2-ylmethyl)-1H-indol-3-yl)methanone; or
- “(bb) AM1241;
- “(VI) AM-2233, also known as:
- “(aa) (2-iodophenyl)[1-[(1-methyl-2-
- piperidinyl)methyl]-1H-indol-3-yl]-methanone; or
- “(bb) AM2233;
- “(VII) RCS-4, also known as:
- “(aa) (4-methoxyphenyl)(1-pentyl-1H-indol-3-
- yl)methanone; or
- “(bb) SR-19; and
- “(VIII) WIN 48,098, also known as
- “(aa) (4-methoxyphenyl)[2-methyl]-1-[2-(4-
- morpholinyl)ethyl]-1H-indol-3-yl]-methanone; or
- “(bb) “Pravadoline”;
- “(iv) Carbazole Ketone: Any compound containing or structurally derived from (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Examples include EG-018 (also known as naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone);
- “(v) Indazole Amide: Any compound containing or structurally derived from 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and 3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen. Examples include:

ENROLLED ORIGINAL

- "(I) AB-CHMINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- "(II) AB-FUBINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide);
- "(III) AB-PINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);
- "(IV) 5F AB-PINACA, also known as:
- "(aa) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or
- "(bb) 5-fluoro AB-PINACA;
- "(V) ADB-FUBINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1-H-indazole-3-carboxamide);
- "(VI) ADB-PINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);
- "(VII) 5F ADB-PINACA, also known as:
- "(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or
- "(bb) 5-fluoro ADB-PINACA;
- "(VIII) FUB-AMB, also known as:
- "(aa) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate;
- "(bb) AMB-FUBINACA; or
- "(cc) MMB-FUBINACA;
- "(IX) 5-fluoro-AMB (also known as (S)- methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate);
- "(X) MAB-CHMINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- "(XI) MMB CHMINACA, also known as:
- "(aa) methyl (S)-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate; or
- "(bb) MDMB-CHMICA;
- "(XII) 5F MN-18, also known as:
- "(aa) 1-(5-fluoropentyl)-N-1-naphthalenyl-1H-indazole-3-carboxamide; or
- "(bb) 5-fluoro MN-18;
- "(XIII) 5F-APINACA, also known as:
- "(aa) 5-fluoro-APINACA
- "(bb) 5F-AKB-48;
- "(cc) 5F-AKB48;

ENROLLED ORIGINAL

"(dd) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide; or

"(ee) N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); and

"(XIV) APINACA, also known as:

"(aa) AKB-48;

"(bb) AKB48;

"(cc) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide; or

"(dd) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide;

"(vi) Cyclohexylphenols: Any compound containing or structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent. Examples include:

"(I) CP 47,497 (also known as 2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol);

"(II) CP 47,497 C8 homologue, also known as:

"(aa) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol; or

"(bb) Cannabicyclohexanol;

"(III) CP 55,490;

"(IV) CP 55,940 (also known as 5-(1,1-dimethylheptyl)-2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol); and

"(V) CP 56,667;

"(vii) Cyclopropanoylindoles: Any compound containing or structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent. Cyclopropanoylindoles include cyclopropylmethanone indoles, as well as other cycloalkanemethanones, whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cycloalkane ring to any extent. Examples of this structural class include:

"(I) A-796,260, also known as:

"(aa) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or

ENROLLED ORIGINAL

- “(bb) A-796260;
- “(II) A-834,735, also known as:
- “(aa) [1-[(tetrahydro-2H-pyran-4-yl)methyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or
- “(bb) A-834735;
- “(III) AB-034 (also known as [1-[(N-methylpiperidin-2-yl)methyl]-1H-indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone);
- “(IV) UR-144 (also known as 1-pentyl-3-(2, 2, 3, 3-tetramethylcyclopropyl)indole);
- “(V) 5-bromo-UR-144, also known as:
- “(aa) [1-(5-bromopentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or
- “(bb) UR-144 N-(5-bromopentyl) analog;
- “(VI) 5-chloro-UR-144, also known as:
- “(aa) 1-(5-chloropentyl)-3-(2, 2, 3, 3-tetramethylcyclopropyl)indole; or
- “(bb) 5Cl-UR-144;
- “(VII) XLR11, also known as:
- “(aa) 1-(5-fluoropentyl)-3-(2,2,3, 3-tetramethylcyclopropyl)indole;
- “(bb) 5-FUR-144; or
- “(cc) 5-fluoro UR-144; and
- “(VIII) FUB-144 (also known as [1-(4-Fluorobenzyl)-1H-indol-3-yl](2,2,3, 3-tetramethylcyclopropyl)methanone);
- “(viii) Hexahydrodibenzopyrans: Any compound containing or structurally derived from Hexahydrodibenzopyrans, whether or not substituted in the tricyclic ring system, except where contained in cannabis or cannabis resin;
- “(ix) Indazole Ester (also known as Carboxylate indazole): Any compound containing or structurally derived from 3-carboxylate-indazoles, whether or not substituted in the indazole ring to any extent or substituted to any degree on the carboxylate, whether or not substituted to any extent in the indazole ring or on the carboxylate oxygen. Examples of indazole esters include 5-fluoro SDB-005, also known as:
- “(I) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indazole-3-carboxylate; or
- “(II) 5F SDB-005;
- “(x) Indole Amides: Any compound containing or structurally derived from or containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-

ENROLLED ORIGINAL

morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxamide group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole amides include:

“(I) Adamantylamidoindoles, or any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent;

“(II) Adamantylindoles, or any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the adamantyl ring to any extent;

“(III) 5F ABICA, also known as:

“(aa) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;

“(bb) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(cc) 5-fluoro ABICA;

“(IV) ADBICA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide));

“(V) 5F-ADBICA, also known as:

“(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(bb) 5-fluoro-ADBICA;

“(VI) NNE1 (also known as N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide);

“(VII) 5F-NNE1, also known as:

“(aa) 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-NNE1;

“(VIII) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide);

“(IX) 5F-SDB-006, also known as:

“(aa) N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-SDB-006;

ENROLLED ORIGINAL

- "(X) 2NE 1, also known as:
 "(aa) APICA;
 "(bb) JWH 018 adamantyl carboxamide; or
 "(cc) 1-pentyl-N-tricyclo[3.3.1.1.3, 7]dec-1-yl-1H-indole-3-carboxamide;
- 1-yl-1H-indole-3-carboxamide;
 Carboxamide;
- "(XI) STS-135, also known as:
 "(aa) 1-(5-fluoropentyl)-N-tricyclo[3.3.1.1.3, 7]dec-1-yl-1H-indole-3-carboxamide;
 "(bb) N-adamantyl-1-fluoropentylindole-3-carboxamide;
 "(cc) 5F-APICA; or
 "(dd) 5-fluoro-APICA;
- "(XII) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide); and
 "(XIII) 5-fluoro-MDMB-PICA (also known as N-[[1-(5-fluoropentyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, methyl ester);
- "(xi) Indole Esters: Any compound containing or structurally derived from a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole esters may also be referred to as Quinolinylindolecarboxylates. Indole esters include:
- "(I) Quinolinyl ester indoles, or any compound containing or structurally derived from Quinolinyl ester indoles, being any compound containing or structurally derived from 1H-indole-3-carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;
- "(II) BB-22, also known as:
 "(aa) 1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid;
 "(bb) quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate; or
 "(cc) QUCHIC;
- "(III) FDU-PB-22 (also known as naphthalen-1-yl 1-(4-

ENROLLED ORIGINAL

fluorobenzyl)-1H-indole-3-carboxylate);

“(IV) FUB-PB-22, also known as:

carboxylic acid, 8-quinolinyl ester; or

“(aa) 1-[(4-fluorophenyl)methyl]-1H-indole-3-

3-carboxylate;

“(bb) Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-

3-carboxylate; or

“(V) NM2201, also known as:

“(aa) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-

“(bb) CBL-2201;

carboxylic acid;

“(VI) PB-22, also known as:

“(aa) 1-pentyl-8-quinolinyl ester-1H-indole-3-

carboxylate;

“(bb) quinolin-8-yl 1-pentyl-1H-indole-3-

carboxylate; or

“(cc) 8-Quinolinyl 1-pentyl-1H-indole-3-

“(dd) “QUPIC”; and

indole-3-carboxylic acid;

“(VII) 5F-PB-22, also known as:

“(aa) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-

carboxylate;

“(bb) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-

carboxylate;

“(cc) 8-Quinolinyl 1-(5-fluoropentyl)-1H-indole-3-

“(dd) 5-fluoro-PB-22; or

“(ee) 5-fluoro QUPIC;

“(xii) Naphthoylindoles: Any compound containing or structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the naphthyl ring to any extent, including the following: AM-678, AM-1220, AM-1221, AM-1235, AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200, JWH-210,

ENROLLED ORIGINAL

JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55-212. Naphthoylindoles also include:

“(I) AM-2201 (also known as (1-(5-fluoropentyl)-3-(1-naphthoyl)indole); and

“(II) WIN 55,212-2, also known as:

“(aa) (R)-(+)-[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone; or

“(bb) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);

“(xiii) Naphthoynaphthalenes: Any compound containing or structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent. Naphthoynaphthalenes include CB-13 (also known as CRA-13 or 1-naphthalenyl[4-(pentyl)-1-naphthalenyl]-methanone);

“(xiv) Naphthoypyrroles: Any compound containing or structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392;

“(xv) Naphthylamidoindoles: Any compound containing or structurally derived from a N-(naphthyl)-indole-3-carboxamide structure, whether or not further substituted to any extent in the indole ring or in the naphthyl ring;

“(xvi) Naphthylmethyl Indoles: Any compound containing or structurally derived from 1H-indol-3-yl-(1-naphthyl)methane structure, also known as naphthylmethylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include:

“(I) JWH-175 (also known as 3-(1-naphthalenylmethyl)-1-pentyl-1 H-indole);

ENROLLED ORIGINAL

"(II) JWH-184 (also known as 3-[(4-methyl-1-naphthalenyl)methyl]-1-pentyl-1 H-indole);

"(III) JWH-185 (also known as 3-[(4-methoxy-1-naphthalenyl)methyl]-1-pentyl-1 H-indole);

"(IV) JWH-192 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-4-methylnaphthalen-1-ylmethane);

"(V) JWH-194 (also known as 2-methyl-1-pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane);

"(VI) JWH-195 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethane);

"(VII) JWH-196 (also known as 2-methyl-3-(1-naphthalenylmethyl)-1-pentyl-1H-Indole);

"(VIII) JWH-197 (also known as 2-methyl-1-pentyl-1H-indol-3-yl-(4-methoxy-1-naphthyl)methane); and

"(IX) JWH-199 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-4-methoxynaphthalen-1-ylmethane);

“(xvii) Naphthylmethylindenes: Any compound containing or structurally derived from a naphthylideneindene structure or that is structurally derived from 1-(1-naphthylmethyl)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:

"(I) JWH-171;

"(II) JWH-176 (also known as 1-[(E)-(3-pentyl-1 H-inden-1-ylidene)methyl]-naphthalene); and

"(III) JWH-220;

“(xviii) Phenylacetylindoles: Any compound containing or structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including: JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8, SR-18, and

ENROLLED ORIGINAL

Cannabipiperidiethanone (also known as 2-(2-methoxyphenyl)-1-[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-ethanone);

“(xix) Quinolinoyl pyrazole: Any compound containing or structurally derived from Quinolinoyl pyrazole carboxylate (also known as Quinolinyl fluoropentyl fluorophenyl pyrazole carboxylate);

“(xx) Tetrahydrobenzochromen: Any compound containing or structurally derived from (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Includes tetrahydrodibenzopyrans, or any compound containing or structurally derived from tetrahydrodibenzopyrans, whether or not substituted in the tricyclic ring system, but does not include tetrahydrodibenzopyrans that are contained in cannabis or cannabis resin. Examples of this structural class include:

“(I) AM-087 (also known as (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

“(II) AM-411 (also known as (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

“(III) HU-210, also known as:

“(aa) 3-(1,1'-dimethylheptyl)-6aR,7,10,10aR-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

“(bb) [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol];

“(cc) 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol; or

“(dd) 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol;

“(IV) HU-211, also known as:

“(aa) 3-(1,1-dimethylheptyl)-6aS,7,10,10aS-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

“(bb) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

“(cc) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or

“(dd) “Dexanabinol”;

“(V) HU-243, also known as

“(aa) (6aR,8S,9S,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol;

or

“(bb) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol;

“(VI) JWH-051 (also known as (6aR,10aR)-6,6-dimethyl-

ENROLLED ORIGINAL

3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol);

“(VII) JWH-133 (also known as (6aR,10aR)-3-(1,1-Dimethylbutyl) -6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran); and

“(VIII) JWH-359 (also known as (6aR,10aR)- 1-methoxy-6,6,9-trimethyl- 3-[(2R)-1,1,2-trimethylbutyl]- 6a,7,10,10a-tetrahydrobenzo[c]chromene);

“(xxi) Δ^8 Tetrahydrocannabinol: Any compound containing or structurally derived from 11-hydroxy- Δ^8 -tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(n-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group;

“(xxii) Tetramethylcyclopropane-thiazole carboxamides: Any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent, including the group Tetramethylcyclopropyl thiazoles, or any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol- 2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring, whether or not further substituted in the thiazole ring to any extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent.

Tetramethylcyclopropane-thiazole carboxamides also include A-836,339, also known as:

“(I) [N(Z)]-N-[3-(2-methoxyethyl)-4,5-dimethyl-2(3H)-thiazolylidene]-2,2,3,3-tetramethyl-cyclopropanecarboxamide;

“(II) N-[3-(2-Methoxyethyl)-4,5-dimethyl-1,3-thiazol-2(3H)-ylidene]-2,2,3,3-tetramethylcyclopropanecarboxamide; and

“(III) A-836339;

“(xxiii) Benzodihydropyrans: Any compound containing or structurally derived from benzodihydropyrans, by substitution on the benzyl ring by hydroxy, alkyl, haloalkyl, alkoxy, cycloalkyl, alkene, haloalkene, cycloalkane, or by substitution on the pyran ring by alkyl, cycloalkyl, cycloalkene, or cycloalkoxy group to any extent. Examples of this structural class include:

“(I) AM-855 (also known as (4aR,12bR)-8-hexyl-2,5,5-trimethyl-1,4,4a,8,9, 10,11,12b-octahydronaphtho[3,2-c]isochromen-1 2-ol);

“(II) AM-905 (also known as (6aR,9R, 10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a, 7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);

“(III) AM-906 (also known as (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a, 7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);

“(IV) AM-2389 (also known as (6aR,9R,10aR)-3-(1-

ENROLLED ORIGINAL

hexylcyclobut-1-yl)-6a, 7,8,9, 10, 10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol); and

"(V) JWH-057 (also known as (6aR,10aR)-3-(1,1-dimethylheptyl)-6a, 7, 10, 10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran); and

"(xxiv) Benzimidazole Ketone: Any compound containing or structurally derived from [1H-indazol-3-yl](1-naphthyl)methanone structure with or without substitution at either nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Examples of this structural class include:

"(I) THJ-2201 (also known as [1-(5-Fluoropentyl)-1H-indazol-3-yl](1-naphthyl)methanone); and

"(II) THJ-018 (also known as 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone);

"(B) Unclassified Synthetic Cannabimimetic Agents:

"(i) AM-356, also known as:

"(I) AM356;

"(II) arachidonyl-1'-hydroxy-2'-propylamide;

"(III) N-(2-hydroxy-1R-methylethyl)-5Z,8Z,11Z,14Z-eicosatetraenamide;

"(IV) (R)-(+)-Arachidonyl-1'-Hydroxy-2'-Propylamide;

"(V) Methanandamide; or

"(VI) R-1 Methanandamide;

"(ii) BAY38-7271 (also known as (-)-(R)-3-(2-Hydroxymethylindanyl -4-oxy) phenyl-4,4,4-trifluorobutyl-1-sulfonate);

"(iii) CP 50,556-1, also known as:

"(I) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;

"(II) [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-; octahydrophenanthridin-1-yl] acetate;

"(III) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; or

"(IV) "Levonantradol";

ENROLLED ORIGINAL

“(iv) HU-308 (also known as (91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol);

“(v) HU-331 (also known as 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);

“(vi) JTE-907 (also known as N-(benzol[1,3]dioxol-5-ylmethyl) – 7-methoxy-2-oxo-8-pentyl-1,2-dihydroquinoline-3-carboxamide);

“(vii) Mepirapim (also known as (4-methylpiperazin-1-yl)(1-pentyl-1H-indol-3-yl) Methanone);

“(viii) URB597 (also known as [3-(3-carbamoylphenyl)phenyl] – N-Cyclohexylcarbamate);

“(ix) URB602, also known as:

“(I) [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester;

or

“(II) cyclohexyl [1,1'-biphenyl]-3-ylcarbamate;

“(x) URB754 (also known as 6-methyl-2-[(4-methylphenyl)amino] -4H-3,1-benzoxazin-4-one); and

“(xi) URB937 (also known as 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl Cyclohexylcarbamate).

“(7) Synthetic opioids, which includes, unless specifically exempted, unless listed in another schedule, or unless approved by the Food and Drug Administration as a drug, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, their salts, isomers, homologues, analogues and salts of isomers, homologues, and analogues, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Opioids:

“(i) Fentanyls: Any compound, other than carbomethoxyfentanyls, containing or structurally derived from N-(1-(2-Phenylethyl)-4-piperidiny)-N-phenylpropanamide, whether or not substituted on the methanone group with an alkyl, alkene, halo, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, cyanoalkyl, hydroxyalkyl, furanyl, or alkoxy, and whether or not substituted on either phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group. Examples of fentanyls include:

“(I) Fentanyl (also known as N-(1-(2-Phenylethyl)-4-piperidiny)-N-phenylpropanamide);

“(II) Furanylfentanyl (also known as N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide);

“(III) Acetylfentanyl (also known as N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide);

“(IV) Acrylfentanyl (also known as N-Phenyl-N-[1-(2-

ENROLLED ORIGINAL

phenylethyl)piperidin-4-yl]prop-2-enamide);

"(V) Parafluorofentanyl, also known as:

"(aa) 4-fluorofentanyl; or

"(bb) N-(4-fluorophenyl)-N-[1-(2-

phenylethyl)piperidin-4-yl]propanamide;

"(VI) Butyryl fentanyl, also known as:

"(aa) Butyr fentanyl;

"(bb) NIH 10486; or

"(cc) N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-

butanamide; and

"(VII) para-Fluorobutyryl fentanyl, also known as:

"(aa) 4-FPF;

"(bb) p-FBF;

"(cc) 4-Fluorobutyryl fentanyl;

"(dd) p-Fluorobutyryl fentanyl; or

"(ee) N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-

piperidinyl]-butanamide);

"(ii) Carbomethoxyfentanils: Any compound containing or structurally derived from 4-((1-oxopropyl)-phenylamino)-1-(2-phenylethyl)-4-piperidinecarboxylic acid methyl ester, whether or not substituted on either phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group. Carbomethoxyfentanils include:

"(I) Carfentanil, also known as:

"(aa) 4-Carbomethoxy Fentanyl;

"(bb) 4-carbomethoxy Fentanyl; or

"(cc) 4-[(1-oxopropyl)phenylamino]-1-(2-

phenylethyl)-4-piperidinecarboxylic acid, methyl ester;

"(II) Norcarfentanil (also known as: 4-[(1-oxopropyl)phenylamino]-4-piperidinecarboxylic acid, methyl ester; and

"(III) N-methyl Norcarfentanil, also known as:

"(aa) N-methyl Carfentanil;

"(bb) N-methyl Norremifentanil;

"(cc) N-methyl Remifentanil; or

"(dd) 1-methyl-4-[(1-oxopropyl)phenylamino]-4-

piperidinecarboxylic acid, methyl ester; and

"(iii) Benzamides: Any compound containing or structurally derived from 3,4-Dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide, whether or not substituted on the phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group, and whether or not substituted with an alkyl or hydrogen on the nitrogen of the amide, and whether or not substituted on the nitrogen of the amide with an alkyl, cycloalkyl, tertiary amine,

ENROLLED ORIGINAL

or combination thereof. Benzamides include:

"(I) U-47700 (also known as 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide); and

"(II) AH-7921 (also known as 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide).

"(B) Unclassified Synthetic Opioids:

"(i) W-18 (also known as 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide);

"(ii) Sufentanil (also known as N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenyl-propanamide);

"(iii) Alfentanil (also known as N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-N-phenyl-propanamide);

"(iv) Remifentanil (also known as 4-(methoxycarbonyl)-4-[(1-oxopropyl)phenylamino]-1-piperidinepropanoic acid, methyl ester);

"(v) Lofentanil (also known as methyl (3R,4S)-3-methyl-1-(2-phenylethyl)-4-(N-propanoylanilino)piperidine-4-carboxylate);

"(vi) Benzyl Carfentanil (also known as methyl 1-benzyl-4-(N-phenylpropionamido)piperidine-4-carboxylate); and

"(vii) N-methyl-Norcarfentanil (also known as 1-methyl-4-[(1-oxopropyl)phenylamino]-4-piperidinecarboxylic acid, methyl ester)."

(c) Section 208(a) (D.C. Official Code § 48-902.08(a)) is amended as follows:

(1) Paragraph (5)(BB) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(2) Paragraph (6) is amended by striking the phrase “; and” and inserting a period.

(3) Paragraph (7) is repealed.

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
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-551

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 26, 2018

To symbolically designate, on an emergency basis, the 300 block of E Street, S.W., in Ward 6, as Hidden Figures Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Hidden Figures Way Designation Emergency Act of 2018”.

Sec. 2. Pursuant to sections 401 and 403a 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 and 9-204.03) (“Act”), and notwithstanding section 423 of the Act (D.C. Official Code § 9-204.23), the Council symbolically designates the 300 Block of E Street, S.W., in Ward 6, as “Hidden Figures Way”.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report for the Hidden Figures Way Designation Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-965), 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.

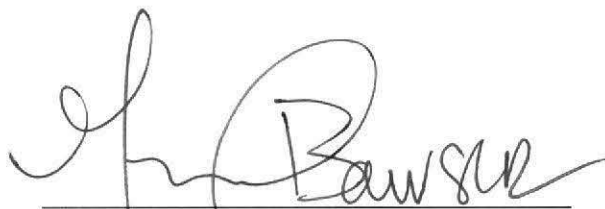
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 26, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-552

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 2018

To amend, on an emergency basis, due to congressional review, the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, An Act To provide for the drainage of lots in the District of Columbia, the Washington Convention Center Authority Act of 1994, and Chapter 18 of Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2019 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2019 Budget Support Clarification Congressional Review Emergency Amendment Act of 2018”.

Sec. 2. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 2162), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “and amendatory section 18(c) within section 2(i) shall apply upon the date of inclusion of their” and inserting the phrase “shall apply upon the date of inclusion of its” in its place.

(2) Paragraph (3)(B) is amended by striking the phrase “these sections” and inserting the phrase “section 2(g)(1)(B)(ii)” in its place

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

“(c) Amendatory section 18(c) within section 2(i) shall apply as of October 1, 2018.”.

Sec. 3. Section 5(b-1)(1) of An Act To provide for the drainage of lots in the District of Columbia, effective March 29, 1977 (D.C. Law 1-98; D.C. Official Code § 8-205(b-1)(1)), is amended by striking the phrase “addresses 1 to 177, and on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258” and inserting the phrase “addresses 3 to 177, on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258, and on the west side of South Capitol Street, S.W., addresses 4275 to 4289” in its place.

ENROLLED ORIGINAL

Sec. 4. Section 208a(h) and (i) of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a(h) and (i)), is repealed.

Sec. 5. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1807.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified corporation receives any tax credits towards payment of the real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is exempt from real property tax.”.

(b) Section 47-1808.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified unincorporated business receives any tax credits towards payment of the real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is exempt from real property tax.”.

Sec. 6. Applicability.

This act shall apply as of December 30, 2018.

Sec. 7. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report for the Fiscal Year 2019 Budget Support Clarification Amendment Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-997), 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).

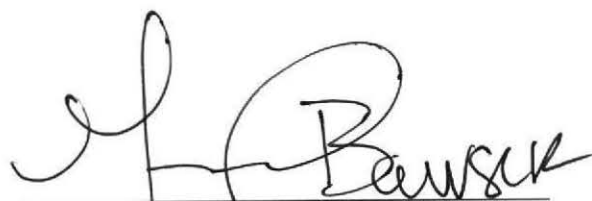
Sec. 8. Effective date.

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
December 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-553

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 2018

To authorize, on an emergency basis, the relocation of the non-exclusive perpetual surface easement in Square 696, bounded by I Street, S.E., First Street, S.E., K Street, S.E., and Half Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Relocation of a Passageway Easement in Square 696 Authorization Emergency Act of 2018”.

Sec. 2. Notwithstanding section 212 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 § 9-202.12), the Council authorizes the Office of the Surveyor to relocate the non-exclusive perpetual surface easement established pursuant to the Closing of a Public Alley in Square 696, S.O. 07-8302, Act of 2008, effective March 20, 2008 (D.C. Law 17-120; 55 DCR 1475), to the west side of Square 696, as shown on the alley-closing plat included in the committee report for the Relocation of a Passageway Easement in Square 696 Authorization Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-963).

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Relocation of a Passageway Easement in Square 696 Authorization Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-963), 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
December 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-554

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 2018

To authorize, on an emergency basis, the transfer of jurisdiction over U.S. Reservation 724 (Lot 896, less and except the northern portion previously retained by the District, and Lot 897 within Square 620) in the District of Columbia, from the United States of America, acting by and through the Department of the Interior, National Park Service, to the District of Columbia, and to consent to the extinguishment of covenants affecting real property in Square 620.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Emergency Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with section 1 of An Act To authorize the transfer of public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia authorizes the transfer of jurisdiction over approximately 15,610 square feet of land area that is located approximately 30 feet to the east of the northeast corner of the intersection of First Street, N.W., and L Street, N.W. (Lot 896, less and except the northern portion previously retained by the District) and approximately 2,925 square feet of land area that occupies a 30-foot segment of the former First Street, N.W., right-of-way (Lot 897), known collectively as U.S. Reservation 724, as further identified in the committee report (“the Parcel”), from the United States, acting by and through the Department of the Interior, National Park Service, to the District of Columbia.

(b) This authorization is subject to the following restrictions:

- (1) Lot 896 shall continue to be used for recreational purposes;
- (2) Lot 897 shall continue to be used for pedestrian circulation, except that Lot 897 may be designated with a typical District Department of Transportation sidewalk section;
- (3) Only administrative jurisdiction over the Parcel is hereby transferred and title to the Parcel remains vested in the United States of America;

ENROLLED ORIGINAL

(4) The District of Columbia shall not transfer administrative jurisdiction of the Parcel without the prior written approval of the National Park Service. The National Park Service shall concur or object in writing 45 days after the receipt of any proposed transfer;

(5) If, in the opinion of the National Park Service, facts or circumstances arise that appear to be a material violation of any restriction contained in this subsection, the National Park Service shall promptly so notify the District in writing. The National Park Service and the District then shall use diligent good-faith efforts to reach agreement regarding what, if any, corrective actions are necessary and a schedule for completing such corrective actions, and the District shall initiate corrective action within 120 days after the notice of violation;

(6) Nothing in this act shall be construed as binding the United States or the District to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose or to involve the United States or the District in any contract or other obligation for this further expenditure of money in excess of such appropriations, as set forth in 31 U.S.C. § 1341(a)(1). In addition, all obligations of the District provided herein shall be subject to the limitations set forth in applicable federal law, D.C. Official Code § 47-105, D.C. Official Code §§ 47-355.01 *et seq.* (as the foregoing statutes may be amended from time to time), and section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46);

(7) The restrictions set forth in this subsection shall bind the National Park Service and the District and their assigns; and

(8) The National Park Service and the District have the right specifically to enforce the restrictions set forth in this subsection. Nothing in this act is intended to confer upon any entity other than the National Park Service and the District and their assigns any rights or remedies hereunder.

Sec. 3. Extinguishment of covenants.

(a) Notwithstanding any other law, the District consents to the extinguishment of the covenant between Sursum Corda, Inc. and the National Capital Housing Authority, dated May 31, 1968 and recorded by the Recorder of Deeds in Book 12912 at page 444 on August 22, 1968.

(b) Notwithstanding any other law, the District consents to the extinguishment of the covenant between the Commissioners of the District of Columbia and Sursum Corda Inc., dated June 28, 1968 and recorded by the Recorder of Deeds in Book 12935 at page 296 on October 31, 1968.

Sec. 4. The Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Emergency Approval Resolution of 2017, effective November 7, 2017 (Res. 22-299; 64 DCR 12563), is repealed.

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

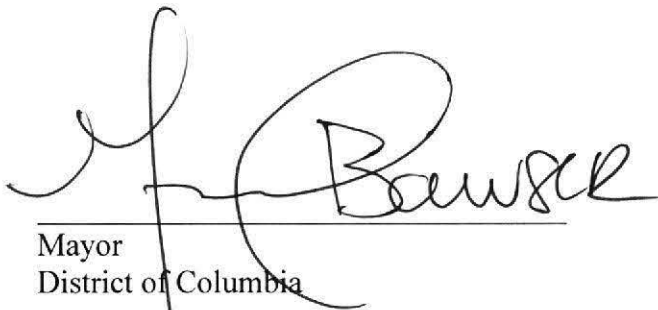
The Council adopts the fiscal impact statement in the committee report for the Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-979), as the 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 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
December 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-555

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 2018

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking of persons, a commercial sex act, or sex trafficking of children; and to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child Neglect and Sex Trafficking Emergency Amendment Act of 2018”.

Sec. 2. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

“(1)(A) “Abused”, when used in reference to a child, means:

“(i) Abused, as that term is defined in D.C. Official Code § 16-2301(23); or

“(ii) Sexual abuse, which shall include:

“(I) Severe forms of trafficking in persons or sex trafficking, as those terms are defined in section 103(9)(A) and (10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(9)(A) and (10));

“(II) A commercial sex act, as that term is defined in section 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

“(III) Sex trafficking of children, as described in section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834).

“(B) Nothing in this paragraph shall be construed as preventing or intending to prevent:

ENROLLED ORIGINAL

“(i) Sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of children from being considered a form of sexual abuse for purposes of D.C. Official Code § 16-2301(32); or

“(ii) The Agency from offering or providing services for a child victim of sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of children, including where the child was not abused or neglected by a parent, guardian, or custodian.”.

(b) Paragraph (15A) is amended to read as follows:

“(15A) “Neglected child” means a child who is a:

“(A) Neglected child, as that term is defined in D.C. Official Code § 16-2301(9);

“(B) Victim of severe forms of trafficking in persons or sex trafficking, as those terms are defined in section 103(9)(A) and (10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(9)(A) and (10));

“(C) Victim of a commercial sex act, as that term is defined in section 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

“(D) Victim of sex trafficking of children, as described in section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834).”.

Sec. 3. Section 2(a) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase “neglected child, as defined in D.C. Code, sec. 16-2301(9), shall” and inserting the phrase “neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(15A)), shall” in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

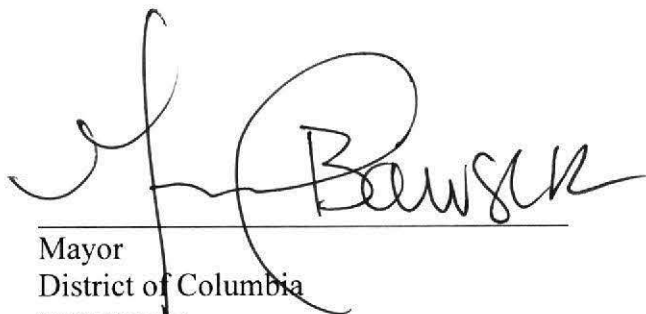
This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
December 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-556

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 2018

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to provide for triggers to lower the commercial property tax rate for real property with an assessed value of greater than \$10 million, to provide that for a certain period specified revenue shall be directed to the Commission on the Arts and Humanities, to clarify that a person or a retailer without a physical presence in the District are vendors required to collect and pay sales tax on retail sales, to expand the definition of retailer to include marketplace facilitators and marketplace sellers, to clarify that the sale of electronically delivered products is a retail sale subject to sales tax, to make conforming changes to the use tax regarding electronically delivered products, to clarify that electronically delivered products subject to sales or use tax are not subject to the gross receipts tax, and to repeal Chapter 39A.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Internet Sales Tax Emergency Amendment Act of 2018”.

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-812(b-9)(2) is amended as follows:

(1) Subparagraph (C)(iii) is amended by striking the figure “\$1.89” and inserting the phrase “Except as provided in subparagraph (D) of this paragraph, \$1.89” in its place.

(2) A new subparagraph (D) is added to read as follows:

“(D)(i) Notwithstanding subparagraph (C)(iii) of this paragraph, and except as provided in sub-subparagraph (ii) of this subparagraph, for the tax year beginning October 1, 2019, and each tax year thereafter, the recurring annual revenue collected pursuant to the Internet Sales Tax Amendment Emergency Act of 2018, passed on emergency basis on December 18, 2018 (Enrolled version of Bill 22-1070) (“IST revenue”), as certified by the Chief Financial Officer in the quarterly revenue estimate issued in February 2019, and each February thereafter, shall, to the extent the IST revenue is in excess of that required for the financial plan for the current fiscal year (“excess IST revenue”), reduce the property tax rate under subparagraph (C)(iii) of this paragraph, as determined at the time of the February quarterly revenue estimate, to the lowest tax rate rounded up to the nearest penny per \$100 of assessed value; provided, that the rate is no less than \$1.85 per \$100 of assessed value; provided further, that if the tax rate remains greater than \$1.85 per \$100 of assessed value, for the tax year

ENROLLED ORIGINAL

beginning October 1, 2020, and each tax year thereafter, the excess IST revenue shall reduce the property tax rate to the lowest tax rate rounded up to the nearest penny per \$100 of assessed value that is at least \$1.85 per \$100 of assessed value.

“(ii) For the period beginning on January 1, 2019, through September 30, 2019, IST revenue shall be directed to the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), to support the functions, purposes, and costs of the Commission.”.

(b) Chapter 20 is amended as follows:

(1) The table of contents is amended by adding a new section designation to read as follows:

“47-2002.01a. Marketplace facilitators; sales tax requirements.”.

(2) Section 47-2001 is amended as follows:

(A) A new subsection (d-1) is added to read as follows:

“(d-1)(1) “Digital goods” means digital audiovisual works, digital audio works, digital books, digital codes, digital applications and games, and any other otherwise taxable tangible personal property electronically or digitally delivered, whether electronically or digitally delivered, streamed, or accessed and whether purchased singly, by subscription, or in any other manner, including maintenance, updates, and support. The term “digital goods” does not include cable television service, satellite relay television service, or any other distribution of television, video, or radio service subject to tax under § 47–2501.01, unless expressly included in the definition of digital goods under paragraph (1) of this subsection.

“(2) For the purposes of this subsection, the term:

“(A) “Digital audiovisual works” means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds. “Digital audiovisual works” includes motion pictures, musical, videos, news and entertainment programs, and live events.

“(B) “Digital audio works” means works that result from the fixation of a series of musical, spoken, or other sounds that are transferred electronically, including prerecorded or live songs, music, readings of books or other written materials, speeches, ringtones, or other sound recording.

“(C) “Digital books” means works that are generally recognized in the ordinary and usual sense as books that are transferred electronically, including works of fiction, nonfiction, and short stories.

“(D) “Digital code” means a code that provides the person that holds the code a right to obtain an additional digital good, a digital audiovisual work, digital audio work, or digital book that may be obtained by any means, including tangible forms and electronic mail, regardless of whether the code is designated as song code, video code, or book code. The term “digital code” includes codes used to access or obtain any specified digital goods, or any additional digital goods that have been previously purchased, and promotion cards or

ENROLLED ORIGINAL

codes that are purchased by a retailer or other business entity for use by the retailer’s or entity’s customers.

“(E) “Digital applications and games” mean any application or game, including add-ons or additional content that can be used by a computer, mobile device, or tablet notwithstanding the function performed.”

(B) Subsection (h) is redesignated as subsection (g-3).

(C) New subsections (g-4), (g-5), and (h) are added to read as follows:

“(g-4) “Marketplace” means a physical or electronic place, including a store, a booth, an Internet web site, a catalogue, or a dedicated sales software application, where a retail sale, as defined in subsection (n) of this section, occurs.

“(g-5) “Marketplace facilitator” means a person that provides a marketplace that lists, advertises, stores, or processes orders for retail sales subject to tax under this chapter for sale by such marketplace sellers, and directly or indirectly collects payment from a purchaser and remits payment to a marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services.

“(h) “Marketplace seller” means a person that makes retail sales through a marketplace operated by a marketplace facilitator.”

(D) Subsection (h-2) is repealed.

(E) Subsection (l) is amended as follows:

(i) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(iii) New paragraphs (4) and (5) are added to read as follows:

“(4) Every marketplace facilitator; and

“(5) Every marketplace seller.”

(F) Subsection (n) is amended as follows:

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

(I) The lead-in text is amended by striking the phrase “by a nexus-vendor”.

(II) Subparagraph (Z) is amended by striking the word “or” at the end.

(III) Subparagraph (AA)(ii)(II) is amended by striking the period and inserting the phrase “; or” in its place.

(IV) A new subparagraph (BB) is added to read as follows:

“(BB) The sale of or charges for digital goods.”

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

(I) Subparagraph (C) is amended by striking the phrase “and is not sold by a nexus-vendor”.

(II) Subparagraph (F) is amended by adding a sub-subparagraph (iv) to read as follows:

ENROLLED ORIGINAL

“(iv) “Internet access service” shall not include digital goods, as defined in § 47-2001(d-1).”.

(G) Subsection (w) is amended as follows:

(i) Strike the phrase “, including a nexus vendor,”.

(ii) Strike the phrase “this chapter.” and insert the phrase “this chapter, including a person or retailer that does not have a physical presence in the District that in the previous calendar year or the current calendar year had gross receipts from all retail sales delivered into the District that exceeds \$100,000 or 200 or more separate retail sales delivered into the District.” in its place.

(3) A new section 47-2002.01a is added to read as follows:

“§ 47-2002.01a. Marketplace facilitators; sales tax requirements.

“Marketplace facilitators shall collect and remit sales tax on all sales the marketplace facilitator makes on its own behalf and all sales the marketplace facilitator facilitates on behalf of marketplace sellers to customers in the District of Columbia regardless of whether the marketplace seller for whom sales are facilitated would have been required to collect sales tax had the sale not been facilitated by the marketplace facilitator.”.

(c) Section 47-2201(a)(1) is amended as follows:

(1) Subparagraph (P) is amended by striking the phrase “service; or” and inserting the phrase “service;” in its place.

(2) Subparagraph (Q) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (R) is added to read as follows:

“(R) The sale of or charges for digital goods, as defined in § 47-2001(d-1).”.

(d) Section 47-2501.01(a) is amended by striking the phrase “radio service with or without” and inserting the phrase “radio service, other than sales of digital goods as defined in § 47-2001(d-1) and subject to tax pursuant to § 47-2001(n)(1)(C) or § 47-2201(a)(1)(R)), or both, with or without” in its place.

(e) Chapter 39A is repealed.

Sec. 3. Applicability.

Section 2(b), (c), (d), and (e) shall apply as of January 1, 2019; except, that section 2(b)(2)(E) shall apply as of April 1, 2019.

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).

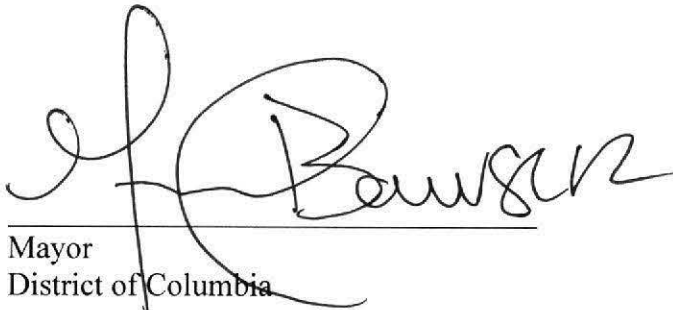
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-557

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 3, 2019

To approve, on an emergency basis, Modification No. 4 to Contract No. NFPHC-8-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialists, Inc. to provide nutritional services, and to authorize payment in the amount of \$2,570,508 for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. 4 to Contract No. NFPHC-8-1 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 4 to Contract No. NFPHC-8-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialists, Inc. to provide nutritional services and authorizes payment in the amount of \$2,570,508 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 3, 2019

ENROLLED ORIGINAL

A RESOLUTION

22-667

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To confirm the reappointment of Mr. Joslyn Williams to the Metropolitan Washington Airports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Washington Airports Authority Board of Directors Joslyn Williams Confirmation Resolution of 2018”.

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

Mr. Joslyn Williams
1311 Delaware Avenue, S.W.
Washington, D.C. 20024
(Ward 6)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), for a term to end January 5, 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

22-668

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To confirm the appointment of Ms. Judith Batty to the Metropolitan Washington Airports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Washington Airports Authority Board of Directors Judith Batty Confirmation Resolution of 2018”.

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

Ms. Judith Batty
2101 Connecticut Ave., N.W.
Washington, D.C. 20008
(Ward 1)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), for a term to end October 4, 2024.

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

22-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To declare the existence of an emergency with respect to the need to amend the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia to authorize sports wagering in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sports Wagering Lottery Emergency Declaration Resolution of 2018”.

Sec. 2. (a) In June 2018, the United States Supreme Court, in *Murphy v. NCAA*, (138 S. Ct. 1461, 200 L. Ed. 2d 854, (2018)), overturned the prohibition under the Professional and Amateur Sports Protection Act of state authorization of sports gambling, licensing of sports gambling, or private actors sponsoring, operating, or promoting sports gambling.

(b) As a result of the Court’s decision that jurisdictions are not prohibited from legalizing and regulating sports wagering, the Council passed the Sports Wagering Lottery Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-944) (“permanent legislation”).

(c) The permanent legislation needs to complete 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 will likely not become law until late February.

(d) It is important that the provisions of the permanent legislation become law as soon as possible so that the Office of Lottery and Gaming can begin preparing to regulate and operate sports wagering.

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 Sports Wagering Lottery Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

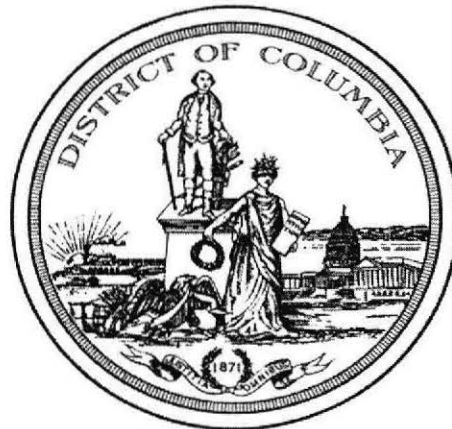
To provide rules of organization and procedure for the Council of the District of Columbia during Council Period 23 and to provide a Code of Official Conduct for the Council of the District of Columbia during Council Period 23.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019”.

Sec. 2. The document entitled “Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23,” attached and made a part of this resolution, shall be the rules of the Council of the District of Columbia.

Sec. 3. The document entitled “Council of the District of Columbia, Code of Official Conduct, Council Period 23,” attached and made a part of this resolution, shall be the Code of Official Conduct of the Council of the District of Columbia.

Sec. 4. This resolution shall take effect immediately.



RULES OF ORGANIZATION AND PROCEDURE FOR THE COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD 23

TABLE OF CONTENTS

ARTICLE I—DEFINITIONS.....	9
101. DEFINITIONS.....	9
ARTICLE II—ORGANIZATION.....	12
A. OATH OF OFFICE AND OFFICIAL CONDUCT.....	12
201. OATH OF OFFICE.....	12
202. CODE OF OFFICIAL CONDUCT.....	12
B. EXECUTIVE OFFICERS OF THE COUNCIL.....	13
211. CHAIRMAN.....	13
212. CHAIRMAN PRO TEMPORE.....	13
213. VACANCY IN OFFICE OF CHAIRMAN.....	13
C. COMMITTEE MEMBERSHIP.....	14
221. SELECTION.....	14
222. CHAIRMAN AS EX OFFICIO MEMBER.....	14

COUNCIL RULES, PERIOD XXIII

223. VACANCIES. 14

224. DISTRIBUTION OF RESPONSIBILITY..... 14

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS. 14

226. RULES OF COMMITTEES. 14

227. COMMITTEE-ACTIVITY REPORT..... 15

D. STANDING COMMITTEES. 16

231. COMMITTEE OF THE WHOLE..... 16

232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT..... 18

233. COMMITTEE ON EDUCATION. 19

234. COMMITTEE ON FACILITIES AND PROCUREMENT. 20

235. COMMITTEE ON FINANCE AND REVENUE. 20

236. COMMITTEE ON GOVERNMENT OPERATIONS. 21

237. COMMITTEE ON HEALTH..... 22

238. COMMITTEE ON HUMAN SERVICES..... 23

239. COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION. 24

240. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY. 24

241. COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT. 26

242. COMMITTEE ON RECREATION AND YOUTH AFFAIRS. 26

243. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT. 26

E. CREATION OF SUBCOMMITTEES..... 27

245. SUBCOMMITTEES. 27

F. SPECIAL COMMITTEES AND SPECIAL PROJECTS. 27

251. CREATION OF SPECIAL COMMITTEES..... 27

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE..... 28

253. SPECIAL PROJECTS..... 28

G. APPOINTED OFFICERS OF THE COUNCIL..... 28

261. APPOINTMENT OF OFFICERS. 28

262. SECRETARY..... 28

263. GENERAL COUNSEL..... 28

264. BUDGET DIRECTOR..... 29

H. COUNCIL PERSONNEL AND APPOINTMENTS..... 29

271. SUBORDINATE STAFF OF APPOINTED OFFICERS. 29

272. COMMITTEE STAFF..... 29

COUNCIL RULES, PERIOD XXIII

273. COUNCILMEMBERS' PERSONAL STAFF..... 30

274. SEPARATION PAY AND BUDGET ACCOUNTING..... 30

275. COUNCIL APPOINTMENT TO OTHER BODIES..... 30

276. APPOINTMENT BY COMMITTEES AND MEMBERS..... 30

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS..... 31

I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS..... 31

281. COMPUTING TIME..... 31

282. FILING WITH THE SECRETARY..... 32

283. CIRCULATION TO MEMBERS AND COMMITTEES..... 33

ARTICLE III—PROCEDURES FOR MEETINGS..... 33

A. LEGISLATIVE MEETINGS..... 33

301. ORGANIZATIONAL MEETING..... 33

302. REGULAR MEETINGS..... 33

303. ADDITIONAL AND SPECIAL MEETINGS..... 34

304. QUORUM..... 34

305. HEARING THE MAYOR..... 35

306. RECESS..... 35

307. COUNCIL REVIEW OF CONTRACTS..... 36

308. POLICY AND ECONOMIC IMPACT ANALYSES..... 36

309. FISCAL IMPACT STATEMENTS..... 37

310. LEGAL SUFFICIENCY DETERMINATIONS..... 38

311. PRESENTATION OF LEGISLATION TO THE COUNCIL..... 38

B. ORDER OF BUSINESS FOR MEETINGS..... 38

312. ORDER OF BUSINESS FOR REGULAR MEETINGS..... 38

313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS..... 39

314. PROCEEDING OUT OF ORDER..... 39

C. RULES OF DECORUM..... 40

321. DECORUM OF MEMBERS..... 40

322. DECORUM OF MEMBERS OF THE PUBLIC..... 40

D. RULES OF DEBATE..... 41

331. OBTAINING THE FLOOR..... 41

332. TIME LIMITS FOR DEBATE..... 41

333. PERSONAL PRIVILEGE..... 41

334. POINT OF ORDER..... 41

COUNCIL RULES, PERIOD XXIII

335. APPEAL..... 42

336. PARLIMENTARY INQUIRY..... 42

337. RECOGNITION OF NON-MEMBERS. 42

338. PRESENTATION OF CEREMONIAL RESOLUTIONS..... 42

339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS,
REVENUE BONDS, AND REVIEW RESOLUTIONS..... 43

E. MOTIONS..... 43

341. MOTIONS RECOGNIZED DURING DEBATE..... 43

342. WITHDRAWAL OR MODIFICATION OF MOTIONS..... 44

343. ADJOURN..... 44

344. RECESS..... 44

345. RECONSIDER..... 45

346. LAY ON THE TABLE..... 46

348. MOTION TO CLOSE DEBATE..... 46

350. RECOMMIT..... 47

F. AMENDMENTS..... 47

353. AMENDMENTS TO BE WRITTEN..... 47

354. GERMANE AMENDMENTS..... 48

355. FRIENDLY AMENDMENTS..... 48

356. AMENDMENT IN THE NATURE OF A SUBSTITUTE..... 49

G. OTHER MOTIONS..... 49

357. DISCHARGE..... 49

358. TAKE FROM THE TABLE..... 49

H. VOTING..... 50

361. FORM OF VOTE..... 50

362. VOICE VOTES..... 50

363. DEMAND FOR ROLL-CALL VOTE..... 50

364. CALLING THE ROLL..... 50

365. RECORDS OF VOTES..... 50

366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFA)..... 51

367. PROXY VOTING PROHIBITED..... 51

368. SUMMONS OF MEMBERS..... 51

I. OPEN MEETINGS..... 51

371. OPEN MEETINGS, GENERALLY..... 51

COUNCIL RULES, PERIOD XXIII

372. MEETINGS DEEMED OPEN..... 52

373. NOTICE OF MEETINGS. 52

374. RECORD OF MEETINGS. 53

375. EXCEPTIONS TO OPEN MEETINGS. 53

ARTICLE IV—LEGISLATION..... 55

 A. INTRODUCTION OF LEGISLATION..... 55

 401. WHO MAY INTRODUCE..... 55

 402. MANNER OF INTRODUCTION..... 56

 403. INTRODUCTION OF EMERGENCY LEGISLATION. 57

 404. READING INTRODUCTIONS..... 57

 405. COMMITTEE REFERRAL..... 58

 406. COMMENTS BY EXECUTIVE. 58

 407. WITHDRAWAL OF LEGISLATION..... 59

 408. COMMITTEE APPROVAL..... 59

 B. COUNCIL APPROVAL..... 59

 411. CONSENT AGENDA..... 59

 412. EMERGENCY LEGISLATION..... 60

 413. TEMPORARY LEGISLATION..... 61

 414. TECHNICAL-AMENDMENT LEGISLATION..... 61

 415. ENACTMENT LEGISLATION..... 61

 416. VETOED LEGISLATION..... 62

 417. TRANSMISSION OF ACTS..... 62

 418. EFFECT OF END OF COUNCIL PERIOD..... 63

 C. NOTICE AND PUBLICATION OF INTENDED ACTIONS..... 63

 421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND HEARINGS..... 63

 422. PERSONAL SERVICE OR ACTUAL NOTICE..... 64

 423. METHODS OF NOTICE..... 64

 424. NOTICE OF EMERGENCY ACTIONS..... 65

 425. NOTICE OF TEMPORARY LEGISLATION..... 65

 426. NOTICE OF WAIVER OF RULE 231(C)..... 66

 427. NOTICE OF CEREMONIAL RESOLUTIONS..... 66

 428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION..... 66

 429. NOTICE OF NEW BUSINESS..... 66

 430. NOTICE OF COMMITTEE MEETINGS..... 67

ARTICLE V—HEARING PROCEDURES..... 67

COUNCIL RULES, PERIOD XXIII

A. PROCEDURES FOR HEARINGS..... 67

501. AUTHORITY TO CALL HEARINGS..... 67

502. QUORUM..... 68

503. PARTICIPATION BY MEMBERS..... 68

504. WITNESSES AT A PUBLIC HEARING..... 68

B. RECEIVING TESTIMONY..... 68

511. QUESTIONING WITNESSES..... 68

512. DECORUM OF WITNESSES..... 68

C. RIGHTS OF WITNESSES..... 69

521. RIGHT TO COUNSEL..... 69

522. RIGHT TO MAKE OPENING STATEMENT..... 69

D. RECORD OF HEARINGS..... 69

531. HEARING RECORDS, REQUIRED..... 69

532. CLOSE OF RECORD..... 70

ARTICLE VI—INVESTIGATIONS AND SUBPOENAS..... 70

A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS..... 70

601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION..... 70

602. NOTICE OF INVESTIGATION..... 70

603. REPORT OF INVESTIGATION..... 70

604. TESTIMONY UNDER OATH..... 70

605. ISSUING THE OATH..... 71

606. DEPOSITIONS..... 71

B. SUBPOENAS..... 71

611. ISSUANCE OF SUBPOENAS..... 71

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA..... 71

613. SERVICE OF SUBPOENAS..... 71

614. ENFORCEMENT OF SUBPOENAS..... 71

C. RIGHTS OF WITNESSES..... 72

621. RIGHT TO ASSERT PRIVILEGES..... 72

622. NOTIFICATION OF RIGHTS..... 72

623. RIGHT TO TRANSCRIPT..... 72

COUNCIL RULES, PERIOD XXIII

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.... 72

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS. 72

D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES..... 73

651. AD HOC COMMITTEES. 73

652. AD HOC COMMITTEE INITIATED BY A BEGA CENSURE..... 73

653. AD HOC COMMITTEE BY REQUEST. 73

654. REPRIMAND. 75

655. CENSURE. 75

656. EXPULSION. 76

ARTICLE VII—BUDGET PROCEDURES..... 76

A. BUDGET REVIEW PROCEDURES..... 76

701. ROLE OF THE COMMITTEE OF THE WHOLE. 76

702. BUDGET-REVIEW SCHEDULE. 76

703. ROLE OF COUNCIL COMMITTEES..... 77

704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED BUDGET..... 77

705. COUNCIL CONSIDERATION OF THE BUDGET..... 78

B. REPROGRAMMING POLICY ACT PROCEDURES..... 78

711. EFFECT OF RECESS ON PROCEDURES..... 78

712. COMMITTEE REFERRAL OF REQUESTS. 78

713. CIRCULATION OF REQUESTS..... 78

714. PUBLICATION OF NOTICE. 78

715. WITHDRAWAL OF REPROGRAMMING REQUESTS..... 79

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS..... 79

717. AUTOMATIC APPROVAL OF REQUESTS..... 79

718. TRANSMITTAL TO MAYOR. 79

C. FUNDS CONTROL ACT PROCEDURES..... 79

[RESERVED]..... 79

D. SPECIFIED FUNDING ALLOCATION PROCEDURES. 79

730. REQUIRED INFORMATION PRIOR TO APPROVAL..... 79

731. PROHIBITION ON CONSECUTIVE ALLOCATIONS..... 81

732. LIMITS ON AWARD AMOUNTS. 81

733. AUDIT REQUIREMENTS..... 81

734. DISCLOSURE REQUIREMENTS. 82

COUNCIL RULES, PERIOD XXIII

E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN..... 82

735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN..... 82

736. REPEAL OF LAWS SUBJECT TO APPROPRIATIONS..... 82

ARTICLE VIII—COUNCIL RECORDS..... 82

A. COUNCIL RECORDS..... 82

801. RESPONSIBILITY FOR RECORDS..... 82

802. FORM FOR INTRODUCTIONS..... 82

803. REPORTS ON LEGISLATION..... 83

804. SUPPLEMENTAL COMMITTEE REPORT..... 85

805. IDENTIFICATION OF COUNCIL DOCUMENTS..... 86

806. LEGISLATIVE FILES..... 87

807. OTHER OFFICIAL RECORDS..... 88

808. RECORDS OF LEGISLATIVE MEETINGS..... 88

809. COMMITTEE RECORDS..... 88

B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS..... 88

811. FOIA PROCEDURES..... 88

812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.... 89

813. SERVICE OF PROCESS..... 90

ARTICLE IX—AUDITOR..... 90

901. SELECTION..... 90

902. TERM AND COMPENSATION..... 90

903. VACANCY..... 90

904. STAFF..... 90

905. REPORTS AVAILABLE TO THE PUBLIC..... 90

ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES..... 91

1001. PARLIAMENTARY AUTHORITY..... 91

1002. GENDER RULE OF CONSTRUCTION..... 91

1003. SUSPENSION OF RULES..... 91

1004. AMENDMENT OF RULES..... 91

1005. EFFECTIVE PERIOD..... 91

COUNCIL RULES, PERIOD XXIII

ARTICLE I—DEFINITIONS.

101. DEFINITIONS.

For the purposes of these Rules, the term:

(1) “Agency” includes any of the organizational units of the District, including a board, commission, department, division, instrumentality, or office, whether subordinate to or independent of the Mayor; provided, that the term “agency” does not include the Council or the District of Columbia courts.

(2) “Auditor” means the District of Columbia Auditor as established by section 455 of the Charter (D.C. Official Code § 1-204.55).

(3) “BEGA” means the Board of Ethics and Government Accountability established by section 202 of the Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02).

(4) “Bill” means a proposed act of the Council.

(5) “Budget” means the annual budget, including the Local Budget Act and the Federal Portion Budget Request Act, for all activities of all agencies and the Council financed from all existing or proposed resources, including both operating and capital expenditures.

(6) “Budget of the Council” means the approved budget for the Council.

(7) “Ceremonial resolution” means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect. A ceremonial resolution may be adopted only by unanimous consent.

(8) “Chairman” means the Chairman of the Council of the District of Columbia, as established by section 401 of the Charter (D.C. Official Code § 1-204.01).

(9) “Charter” means Title IV of the Home Rule Act (D.C. Official Code § 1-204.01 *et seq.*).

(10) “Comprehensive Plan” means the comprehensive plan for the National Capital, including any elements of the plan, as provided in section 423 of the Charter (D.C. Official Code § 1-204.23).

(11) “Council” means the Council of the District of Columbia established by section 401 of the Charter (D.C. Official Code § 1-204.01).

(12) “Councilmember” or “Member” means a member of the Council established by section 401 of the Charter (D.C. Official Code § 1-204.01) and includes the Chairman, unless the context clearly indicates otherwise.

COUNCIL RULES, PERIOD XXIII

(13) “Council Period” means the legislative session of the Council beginning at noon on January 2nd of each odd-numbered year and ending at noon on January 2nd of the following odd-numbered year.

(14) “Council website” means the website with the domain name of dccouncil.us.

(15) “Emergency declaration resolution” means a resolution declaring the existence of emergency circumstances within the meaning of section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)).

(16) “Engrossing” or “engrossment” means the process by which the text of a bill that has passed any reading prior to final reading. .

(17) “Enrolling” or “enrollment” means the process by which the text of a measure that has passed final reading is finally prepared.

(18) “Fiscal impact statement” means a statement prepared by the Chief Financial Officer or the Budget Director that includes an estimate of the costs that may be incurred by the District as a result of the enactment of a measure in the current fiscal year and the 4-year financial plan.

(19) “Grant budget-modification request” means any grant budget-modification request required to be submitted by the Mayor to the Council pursuant to section 446B of the Charter (D.C. Official Code § 1-204.46b).

(20) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(21) “Independent agency” means an agency of the District of Columbia government not subject to the administrative control of the Mayor.

(22) “Legal sufficiency determination” means a statement prepared by the General Counsel that shows that the measure has been reviewed by the Office and determined legally sufficient.

(23) “Main motion” means a motion relating to the passing of a law or consideration of a legislative proposal.

(24) “Mayor” means the Mayor of the District of Columbia as established by section 421 of the Charter (D.C. Official Code § 1-204.21).

(25) “Measure” means a bill, resolution, or amendment to a bill or resolution, a main motion pending before the Council or before a committee of the Council, a proposed reorganization plan, reprogramming request, grant budget modification request, proposed state plan, contract, or proposed municipal regulation transmitted by law to the Council for its approval.

COUNCIL RULES, PERIOD XXIII

(26) “Meeting” means, except for purposes of Rules 371 through 376, the formal convening of a committee or the Council, other than solely for the purpose of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

(27) “Normal business hours” means 9:00 a.m. through 5:30 p.m., Monday through Friday, except legal holidays.

(28) “Official action” has the same meaning as provided in section 742 of the Home Rule Act (D.C. Official Code § 1-207.42).

(29) “Person” means an individual, partnership, association, corporation, or any other organization.

(30) “Reading” means, within the meaning of section 412 of the Charter (D.C. Official Code § 1-204.12), an opportunity for the Members to debate and vote on proposed legislation at a regular or additional legislative meeting of the Council. A reconsideration of legislation after it has been transmitted to the Mayor is considered a “reading” when there have been at least 13 days intervening between the last reading of the legislation and the reconsideration date.

(31) “Recess of the Council” or “Council Recess” means periods of time during which regularly scheduled meetings of the Council are not held; i.e., July 15th through September 15th, December 23rd through December 31st of each year, and April 12th through April 19th, 2019 and simultaneous with the District of Columbia Public Schools Spring Break in 2020.

(32) “Register” means the *District of Columbia Register*.

(33) “Remuneration” means the rate or level of compensation to be paid an employee for the performance of his or her duties up to and including, but no more than, the maximum authorized and appropriated by law.

(34) “Reprogramming Policy Act” means Subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code (D.C. Official Code § 47-361 *et seq.*).

(35) “Reprogramming request” means any reprogramming request submitted to the Council pursuant to the Reprogramming Policy Act (D.C. Official Code § 47-363).

(36) “Resolution” means an expression of a simple determination, decision, or direction of the Council of a special or temporary character and includes actions of the Council concerning its internal management and conduct.

(37) “Sense of the Council resolution” means a resolution to express the Council’s sentiment or opinion regarding a situation, practice, or event;

COUNCIL RULES, PERIOD XXIII

(38) “Short title” means the term by which an act or resolution may be cited.

(39) “Subpoena” means *subpoena ad testificandum* or *subpoena duces tecum*, or both.

(40) “Transcription” means a *verbatim* recordation, including a tape or video recording.

ARTICLE II—ORGANIZATION.**A. OATH OF OFFICE AND OFFICIAL CONDUCT.****201. OATH OF OFFICE.**

(a) On January 2nd of each odd-numbered year, a Councilmember whose term of office begins at that time shall take and subscribe an oath of office in accordance with subsection (c) of this section. The oath of office to a Councilmember shall be administered by a person of the Councilmember’s choosing who is legally authorized to administer oaths. The Secretary shall supply printed copies of the oath that shall be subscribed by the Councilmembers, returned to the Secretary, and recorded in the Council records as conclusive proof of the fact that the signer took the oath in accordance with law.

(b) A Councilmember whose term of office does not begin at the beginning of a Council Period shall take and subscribe the oath of office as soon as practicable after he or she has been duly certified as having been elected or selected for the position.

(c) The oath of office shall be as follows: “I, (Councilmember’s name), do solemnly swear (or affirm) that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States and the District of Columbia Home Rule Act, and will faithfully discharge the duties of the office on which I am about to enter.”

202. CODE OF OFFICIAL CONDUCT.

(a) Councilmembers and staff shall maintain a high level of ethical conduct in connection with the performance of their official duties and shall refrain from taking, ordering, or participating in any official action that would adversely affect the confidence of the public in the integrity of the District government. In connection with the performance of official duties, Councilmembers and staff shall strive to act solely in the public interest and not for any personal gain or take an official action on a matter as to which they have a conflict of interest created by a personal, family, client, or business interest, avoiding both actual and perceived conflicts of interest and preferential treatment.

COUNCIL RULES, PERIOD XXIII

(b) Councilmembers and staff shall take full responsibility for understanding and complying with the letter and spirit of all laws and regulations governing standards of conduct for District public officials and employees, including those relating to conduct, conflicts of interest, gifts, disclosures, campaign finance, political activity, and freedom of information.

(c) Councilmembers and staff shall specifically adhere to the Code of Official Conduct of the Council of the District of Columbia.

(d)(1) The Council shall proactively review the District's overall ethics program, including structure, training, enforcement, and overall ethics culture, and work to comply with national standards for the creation of effective compliance and ethics programs.

(2) The Ethics Counselor for the Council, in coordination with BEGA, shall periodically conduct training on the conflict of interest and ethics laws and regulations applicable to Councilmembers and staff. Ethics training materials, including summary guidelines to all applicable laws and regulations, shall be prepared by the Ethics Counselor for the Council and made readily available on the Council's website.

B. EXECUTIVE OFFICERS OF THE COUNCIL.**211. CHAIRMAN.**

The Chairman shall be the presiding and chief executive officer of the Council.

212. CHAIRMAN PRO TEMPORE.

At the beginning of each Council period or the next Legislative session after the position is vacated, the Chairman shall nominate one Councilmember as Chairman Pro Tempore who shall act in the place of the Chairman when the Chairman is absent or is recused. The Council shall, by resolution, act on the nomination.

213. VACANCY IN OFFICE OF CHAIRMAN.

Whenever a vacancy occurs in the Office of the Chairman or if the Chairman is serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to Rule 212 shall convene the Council. The Council shall, by resolution, elect one of its at-large members as Chairman and another at-large member as Chairman Pro Tempore until the vacancy in the Office of Chairman is filled or until the return of the regularly elected Chairman.

COUNCIL RULES, PERIOD XXIII

C. COMMITTEE MEMBERSHIP.**221. SELECTION.**

At the organizational meeting convened in accordance with Rule 301 at the beginning of the Council Period, the Chairman shall nominate the chairperson and members of each committee of the Council, and the Council shall, by resolution, act on the Chairman's nominations.

222. CHAIRMAN AS EX OFFICIO MEMBER.

The Chairman shall be an ex officio, voting member of all committees and subcommittees. The Chairman may be counted for purposes of a quorum but shall not increase the quorum requirement for the committee or subcommittee.

223. VACANCIES.

Whenever a vacancy occurs in the membership or chair of a committee, the Chairman shall nominate a Councilmember to fill the vacancy, and the Council shall, by resolution, act on the Chairman's nomination.

224. DISTRIBUTION OF RESPONSIBILITY.

The Chairman and Council shall endeavor to distribute committee responsibility as evenly as possible among the Members, and in no event shall an individual Member permanently chair more than one standing committee. The principle of seniority shall be respected in the assignment of committee chairs.

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.

(a) Any Councilmember may attend the meeting of any committee and may participate in committee discussions, but only a committee member may make a motion or cast a vote.

(b) Any Councilmember may participate fully in a hearing or roundtable of any committee.

226. RULES OF COMMITTEES.

(a) Each committee shall adopt written rules, not inconsistent with these Rules or other applicable law, to govern its procedures. The committee rules shall incorporate the following requirements:

- (1) The scheduling of regular meeting days for conducting business;
- (2) A procedure for rescheduling or cancelling a regular meeting;
- (3) A procedure for holding additional meetings to be called by the chairperson;

COUNCIL RULES, PERIOD XXIII

(4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;

(5) Procedures to govern the chairing of a committee meeting in the absence of the chairperson;

(6) Procedures for keeping a complete record of all committee action, including roll-call votes;

(7) If, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to submit supplemental, minority, or additional views, that member shall be entitled to not less than 5 business days within which to file the views, which shall be included in the report of the committee on the measure;

(8) A procedure for amending the committee rules by a vote of a majority of the committee;

(9) A requirement that if an oral amendment is moved during a committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Director or other Committee staff, and made available for public inspection as soon as practicable;

(10) A requirement for the circulation of notice of the date, hour, and place of all committee meetings to all Councilmembers at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting, a draft of any measures to be considered, and, if required pursuant to Rule 803(e)(5), a comparative print, unless at least 4 members of the committee agree, in a written record, to a shorter notice;

(11) A procedure for providing at least 24 hours' notice of the cancellation of a meeting; and

(12) A procedure to ensure that meetings of the committee do not conflict with a previously scheduled meeting of another committee.

(b) The provisions of these Rules shall be considered rules of the committee.

(c) When these Rules are silent, a committee may adopt additional rules. Committee rules adopted under this section shall be consistent with these Rules and other applicable law and shall be filed with the Secretary and posted on the Council website.

227. COMMITTEE-ACTIVITY REPORT.

Each committee shall file a committee-activity report before the end of each Council period that details the committee's oversight and legislative activities during that Council Period. The format and content of the committee-activity report shall be determined by the Secretary.

COUNCIL RULES, PERIOD XXIII

D. STANDING COMMITTEES.**231. COMMITTEE OF THE WHOLE.**

(a) The Committee of the Whole is responsible for the annual budget, and amendments, additions, or supplements to the budget; coordinating the Council's relationships with the Congress and the Federal executive branch; monitoring the progress of Council legislation through Congress; monitoring the status of original legislative proposals in Congress that may affect the District, the Council, or its legislation; amendments to the District Charter; Council appointments to Boards and Commissions; public-space naming; street and alley acquisition and closing; reapportionment and realignment of the political subdivisions of the District; Council administration and personnel; the scheduling of all matters for consideration by the Council in the legislative meeting; legislative matters related to the District as a political entity, including voting rights and statehood; matters affecting the Freedom of Information Act; coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; the Council's relationship with regional authorities and other regional bodies and organizations not specifically assigned to other committees; public-education matters concerning Pre-K through Grade 12 and truancy (jointly with the Committee on Education); public-education matters exclusively concerning the University of the District of Columbia or the Community College of the District of Columbia; District employees' retirement; the development of the Comprehensive Plan and other matters pertaining to land use; matters related to statehood and self-determination for the District; revision and codification of Title 49 of the D.C. Official Code; international business and affairs; consumer and regulatory affairs; and other matters assigned to it by these Rules or by the Chairman.

(b) The Chairman is the chairperson of the Committee of the Whole, and its members include all members of the Council. The Committee of the Whole shall meet on the third Tuesday of each month, except during periods of Council Recess, in a work session to consider measures that have been reported and timely filed by committees pursuant to subsection (c) of this section, and for the introduction and referral of legislation. The Chairman shall prepare the agenda for each meeting of the Committee of the Whole. The Chairman may not withhold a measure duly reported and timely filed by another committee from the agenda of a regular Committee of the Whole meeting, and the Chairman may not hold a measure in the Committee of the Whole that has been properly reported by another committee unless the Committee of the Whole votes to table, postpone, recommit, or re-refer the measure.

(c)(1) Except as provided in Rule 339, each measure reported by the committees of the Council identified in Rules 232 to 243 shall be referred to the Committee of the Whole for a review of its legal sufficiency and technical compliance with the drafting rules of the Council; for ascertaining completion of the record; for a determination of the

COUNCIL RULES, PERIOD XXIII

sufficiency of the fiscal-impact statement; and for scheduling for the legislative meeting pursuant to Rule 302.

(2) No measure may be reported by a committee for consideration at the Committee of the Whole unless the measure was accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively, at the time of committee markup.

(3) A measure and accompanying committee report, reported by a committee for consideration at the Committee of the Whole, may be presented by the chairperson of the committee or by another member of the committee designated by the chairperson of the committee. In the absence of the chairperson of the committee and the designation of a member of the committee, the Chairman shall present the measure and committee report for consideration at the Committee of the Whole.

(4) If amendments have been made to a measure by a committee that are substantial and outside the legislative jurisdiction of the committee, the Chairman may refer the measure to the relevant committee before the legislation is scheduled for a legislative meeting.

(5) The Secretary shall prepare a log of committee reports that have been filed timely for review by the Committee of the Whole. The log may be updated to reflect additional filings as of noon on the third business day before the Committee of the Whole meeting.

(d) Notwithstanding any other provision of the Rules, the Committee of the Whole may hold a hearing or roundtable, or conduct an investigation, on any matter relating to District affairs.

(e) In addition to the joint responsibilities stated above in paragraph (a), the following agencies come within the purview of the Committee of the Whole:

- Board for the Condemnation of Insanitary Buildings
- Board of Industrial Trades
- Board of Zoning Adjustment
- Commemorative Works Committee
- Community College of the District of Columbia
- Community College Transition to Independence Advisory Board
- Construction Codes Coordinating Board
- Council of the District of Columbia
- Department of Consumer and Regulatory Affairs
- District of Columbia Auditor
- District of Columbia Retirement Board, including the District of Columbia Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund
- District Retiree Health Contribution
- Historic Preservation Review Board

COUNCIL RULES, PERIOD XXIII

Interstate Medical Licensure Compact Commission
 Law Revision Commission
 Metropolitan Washington Airports Authority
 Metropolitan Washington Council of Governments
 National Capital Planning Commission
 New Columbia Statehood Commission
 Office of Budget and Planning
 Office of Planning
 Office of the Statehood Delegation
 Office of Zoning
 Other Post-Employment Benefits Fund Advisory Committee
 Tax Revision Commission
 Tobacco Settlement Financing Corporation
 University of the District of Columbia
 Zoning Commission

232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.

(a) The Committee on Business and Economic Development is responsible for matters concerning small and local business development policy; matters related to economic, industrial, and commercial development; the disposition of property for economic-development purposes; the regulation of alcoholic beverages; public utilities; the operation of business improvement districts (“BIDs”) and oversight of BIDs, but not including the establishment of BIDs; the regulation of banks and banking activities, securities, and insurance, including private health insurance, but not including the Health Benefit Exchange; and the regulation of for-hire vehicles.

(b) The following agencies come within the purview of the Committee on Business and Economic Development:

Alcoholic Beverage Regulation Administration
 Board of Accountancy
 Board of Architecture, Interior Design, and Landscape Architecture
 Board of Barber and Cosmetology
 Board of Consumer Claims Arbitration for the District of Columbia
 Board of Funeral Directors
 Board of Professional Engineering
 Captive Insurance Agency
 Commission on Fashion Arts and Events
 Department of For-Hire Vehicles
 Department of Insurance, Securities and Banking
 Department of Small and Local Business Development
 Deputy Mayor for Planning and Economic Development
 District of Columbia Boxing and Wrestling Commission
 Financial Literacy Council

COUNCIL RULES, PERIOD XXIII

For-Hire Vehicle Advisory Council
 Innovation and Technology Inclusion Council
 Kennedy Street NW Economic Development and Small Business Revitalization
 Advisory Committee
 Office of Cable Television, Film, Music and Entertainment
 Office of People's Counsel
 Public Access Corporation
 Public Service Commission
 St. Elizabeth's East Redevelopment Initiative Advisory Board
 Walter Reed Army Medical Center Site Reuse Advisory Committee

233. COMMITTEE ON EDUCATION.

(a) The Committee on Education is responsible for all matters related to public education, including authorizing public charter schools, and truancy (jointly with the Committee of the Whole pursuant to Rule 231) but not including matters exclusively within the University of the District of Columbia or the Community College of the District of Columbia; and public libraries.

(b) The following agencies come within the purview (or joint purview) of the Committee on Education:

Advisory Committee on Community Use of Public Space
 Bullying Prevention Task Force
 Commission on Out of School Time Grants and Youth Outcomes
 Common Lottery Board
 Community Schools Advisory Committee
 District of Columbia Educational Opportunity for Military Children State
 Council
 District of Columbia Public Charter School Board
 District of Columbia Public Library System
 District of Columbia Public Library Trust Fund
 District of Columbia Public Schools
 District of Columbia State Athletics Commission
 Education Licensure Commission
 Healthy Youth and Schools Commission
 Higher Education Licensure Commission
 Interagency Coordinating Council
 Office of the Deputy Mayor for Education
 Office of the Ombudsman for Public Education
 Office of the State Superintendent of Education (including Advisory Panel on
 Special Education, Early Childhood Development Coordinating Council)
 Office of the Student Advocate
 Office of Out of School Time Grants and Youth Outcomes

COUNCIL RULES, PERIOD XXIII

Our Schools Leadership Committee
Public Charter School Credit Enhancement Fund Committee
State Board of Education

234. COMMITTEE ON FACILITIES AND PROCUREMENT.

(a) The Committee on Facilities and Procurement is responsible for government procurement; maintenance of public buildings and property management, including the declaration of government property as no longer required for public purposes; matters regarding Advisory Neighborhood Commissions; and matters regarding returning citizens.

(b) The following agencies come within the purview of the Committee on Facilities and Procurement:

Advisory Neighborhood Commissions
Contract Appeals Board
Commission on Re-Entry and Returning Citizen Affairs
Department of General Services
Office of Contracting and Procurement
Office on Returning Citizen Affairs

235. COMMITTEE ON FINANCE AND REVENUE.

(a) The Committee on Finance and Revenue is responsible for matters relating to taxation and revenue for the operation of the government of the District of Columbia; general-obligation bond acts, revenue-anticipation notes, and industrial-revenue bonds; tourism and cultural affairs; the establishment of business improvement districts; and matters relating to the Washington Metropolitan Area Transit Authority.

(b) The following agencies come within the purview of the Committee on Finance and Revenue:

Board of Review of Anti-Deficiency Violations
Commission on the Arts and Humanities
Destination DC
District of Columbia Lottery and Charitable Games
Multistate Tax Commission
Office of Finance and Treasury
Office of Financial Management
Office of Financial Operations
Office of Tax and Revenue
Office of the Chief Financial Officer
Real Property Tax Appeals Commission for the District of Columbia

COUNCIL RULES, PERIOD XXIII

Sports Authority Subsidy
 Washington Convention and Sports Authority/Events DC
 Washington Metropolitan Area Transit Authority
 Washington Metrorail Safety Commission

236. COMMITTEE ON GOVERNMENT OPERATIONS.

(a) The Committee on Government Operations is responsible for matters relating to the conduct of Emancipation Day celebrations; human rights; partnerships and grants management; matters relating to Latino, African, and Asian and Pacific Islander affairs; lesbian, gay, bisexual, transgender, and questioning affairs; issues related to women; veterans affairs; matters affecting administrative law and procedure; and matters relating to the general operations and services of government.

(b) The following agencies come within the purview of the Committee on Government Operations:

Advisory Board on Veterans Affairs for the District of Columbia
 Advisory Commission on Caribbean Community Affairs
 Advisory Committee to the Office of Administrative Hearings
 Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
 Commission for Women
 Commission on African Affairs
 Commission on African American Affairs
 Commission on Asian and Pacific Islander Affairs
 Commission on Human Rights
 Commission on Latino Community Development
 Commission on the Martin Luther King, Jr. Holiday
 Commission on Nightlife and Culture
 Commission to Commemorate and Recognize Charles Hamilton Houston and for His Contributions to the American Civil Rights Movement, Education, and the Legal Profession
 Emancipation Commemoration Commission
 Executive Office of the Mayor
 Serve DC
 Interfaith Council
 Mayor's Office of Legal Counsel
 Office of Administrative Hearings (including the Advisory Committee to the Office of Administrative Hearings and the Commission on Selection and Tenure of Administrative Law Judges)
 Office of Community Affairs
 Office of Human Rights
 Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs

COUNCIL RULES, PERIOD XXIII

Office of Nightlife and Culture
Office of Partnerships and Grants Services
Office of Public-Private Partnerships
Office of Risk Management
Office of the Chief Technology Officer
Office of the City Administrator
Office of the Inspector General
Office of the Senior Advisor
Office of Veterans Affairs
Office on African Affairs
Office on African American Affairs
Office on Asian and Pacific Islanders Affairs
Office on Latino Affairs
Office on Women's Policy and Initiatives
Secretary of the District of Columbia

237. COMMITTEE ON HEALTH.

(a) The Committee on Health is responsible for matters concerning health, including environmental health; the regulation of health occupations and professions, and health care inspectors.

(b) The following agencies come within the purview of the Committee on Health:

Advisory Committee on Acupuncture
Advisory Committee on Anesthesiologist Assistants
Advisory Committee on Clinical Laboratory Practitioners
Advisory Committee on Naturopathic Medicine
Advisory Committee on Physician Assistants
Advisory Committee on Polysomnography
Advisory Committee on Surgical Assistants
Board of Allied Health
Board of Audiology and Speech-Language Pathology
Board of Behavioral Health
Board of Chiropractic
Board of Dentistry
Board of Dietetics and Nutrition
Board of Long-Term Care Administration
Board of Marriage and Family Therapy
Board of Massage Therapy
Board of Medicine
Board of Nursing
Board of Occupational Therapy
Board of Optometry
Board of Pharmacy

COUNCIL RULES, PERIOD XXIII

Board of Physical Therapy
 Board of Podiatry
 Board of Professional Counseling
 Board of Psychology
 Board of Respiratory Care
 Board of Social Work
 Board of Veterinary Medicine
 Commission on Health Disparities
 Commission on Health Equity
 Commission on HIV/AIDS
 Committee on Metabolic Disorders
 Council on Physical Fitness, Health, and Nutrition
 Department of Behavioral Health
 Department of Health
 Department of Health Care Finance
 Deputy Mayor for Health and Human Services
 District of Columbia Health Benefit Exchange Authority
 Health Information Exchange Policy Board
 Health Literacy Council
 Mental Health Planning Council
 Metropolitan Washington Regional Ryan White Planning Council
 Not-For-Profit Hospital Corporation
 Statewide Health Coordinating Council

238. COMMITTEE ON HUMAN SERVICES

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; homelessness (for purposes of legislation, and jointly with the Committee on Housing and Neighborhood Revitalization for purposes of oversight); and disability services.

(b) The following agencies come within the purview of the Committee on Human Services:

Advisory Committee on Child Abuse and Neglect
 Child and Family Services Agency
 Citizen Review Panel on Child Abuse and Neglect
 Commission on Persons with Disabilities
 Department of Human Services
 Department on Disability Services
 Developmental Disabilities State Planning Council
 Interagency Council on Homelessness
 Office of Disability Rights
 State Rehabilitation Council
 Statewide Independent Living Council

COUNCIL RULES, PERIOD XXIII

239. COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION.

(a) The Committee on Housing and Neighborhood Revitalization is responsible for matters relating to the development, maintenance, preservation, and regulation of housing stock, including rental housing; neighborhood revitalization, development, improvement, and stabilization; urban affairs; homelessness (jointly with the Committee on Human Services for purposes of oversight); and matters related to seniors.

(b) The following agencies come within the purview of the Committee on Housing and Neighborhood Revitalization:

- Age-Friendly DC Task Force
- Board of Real Estate Appraisers
- Condominium Association Advisory Council
- Commission on Aging
- Department of Housing and Community Development
- District of Columbia Housing Authority
- Housing and Community Development Reform Commission
- Housing Finance Agency
- Housing Production Trust Fund
- Interagency Council on Homelessness
- Office of the Tenant Advocate
- Office on Aging
- Real Estate Commission
- Rental Housing Commission
- Office-to-Affordable-Housing Task Force

240. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY.

(a) The Committee on the Judiciary and Public Safety is responsible for matters affecting the judiciary and judicial procedure that are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting criminal law and procedure; juvenile justice; elections; government ethics; campaign finance; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, emergency medical services, homeland security, criminal justice, and public safety. The Committee shall also serve as the Council's liaison to federal partners in the justice system, including the United States Attorney for the District of Columbia, the Public Defender Service for the District of Columbia, the District of Columbia Courts, the Court Services and Offender Supervisory Agency, the Pretrial Services Agency, the Federal Bureau of Prisons, and the United States Parole Commission.

COUNCIL RULES, PERIOD XXIII

(b) The following agencies come within the purview of the Committee on the Judiciary and Public Safety:

Access to Justice Initiative
Advisory Committee on Street Harassment
Board of Ethics and Government Accountability
Child Fatality Review Committee
Child Support Guideline Commission
Clemency Board
Commission on Judicial Disabilities and Tenure
Comprehensive Homicide Elimination Strategy Task Force
Corrections Information Council
Criminal Code Reform Commission
Criminal Justice Coordinating Council
Department of Corrections
Department of Forensic Sciences
Deputy Mayor for Public Safety and Justice
Developmental Disabilities Fatality Review Committee
District of Columbia Board of Elections
District of Columbia Judicial Nomination Commission
District of Columbia National Guard
District of Columbia Sentencing Commission
Domestic Violence Fatality Review Board
Fire and Emergency Medical Services Department
Homeland Security and Emergency Management Agency
Homeland Security Commission
Juvenile Justice Advisory Group
Maternal Mortality Review Committee
Metropolitan Police Department
Motor Vehicle Theft Prevention Commission
Office of Campaign Finance
Office of Police Complaints
Office of the Attorney General for the District of Columbia
Office of Neighborhood Safety and Engagement
Office of the Chief Medical Examiner
Office of Unified Communications
Office of Victim Services and Justice Grants
Police Complaints Board
Police Officer Standards and Training Board
Science Advisory Board
Uniform Law Commission
Violence Fatality Review Committee

COUNCIL RULES, PERIOD XXIII

241. COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

(a) The Committee on Labor and Workforce Development is responsible for labor relations; matters related to workforce-development; and employment.

(b) The following agencies come within the purview of the Committee on Labor and Workforce Development:

- Adult Career Pathways Task Force
- Apprenticeship Council
- Department of Employment Services
- Department of Human Resources
- Employees' Compensation Fund
- Labor/Management Partnership Council
- Occupational Safety and Health Board
- Office of Employee Appeals
- Office of Labor Relations and Collective Bargaining
- Public Employee Relations Board
- Unemployment Compensation Fund
- Workforce Investment Council
- Youth Apprenticeship Advisory Committee

242. COMMITTEE ON RECREATION AND YOUTH AFFAIRS.

(a) The Committee on Recreation and Youth Affairs is responsible for public parks and recreation and youth affairs (other than juvenile justice).

(b) The following agencies come within the purview of the Committee on Recreation and Youth Affairs:

- Commission on Fathers, Men and Boys
- Department of Parks and Recreation
- Department of Youth Rehabilitation Services
- Deputy Mayor for Greater Economic Opportunity
- Juvenile Abscondence Review Committee

243. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.

(a) The Committee on Transportation and the Environment is responsible for matters relating to environmental protection; highways, bridges, traffic, vehicles, and other transportation issues; maintenance of public spaces; recycling; waste management; water supply and wastewater treatment.

(b) The following agencies come within the purview of the Committee on Transportation and the Environment:

COUNCIL RULES, PERIOD XXIII

Commission on Climate Change and Resiliency
Department of Energy and Environment
Department of Motor Vehicles
Department of Public Works
District Department of Transportation
District of Columbia Bicycle Advisory Council
District of Columbia Water and Sewer Authority
Food Policy Council
Gas Station Advisory Board
Green Buildings Advisory Council
Green Finance Authority
Leadership Council for a Cleaner Anacostia River
Public Space Committee
Major Crash Review Task Force
Multimodal Accessibility Advisory Council
Pedestrian Advisory Council
Recreational Trails Advisory Committee
Soil and Water Conservation District
Streetcar Financing and Governance Task Force
Sustainable Energy Utility Advisory Board
Transit Rider Advisory Council
Urban Forestry Advisory Council
Washington Aqueduct

E. CREATION OF SUBCOMMITTEES.**245. SUBCOMMITTEES.**

The Chairman shall nominate the chairperson and members of each subcommittee of the Council. The Council shall, by resolution, act on the Chairman's nominations. A subcommittee may use subpoenas to obtain testimony or documents only if the standing committee of which it is a subcommittee authorizes the issuance of subpoenas. Each bill or resolution reported by a subcommittee shall be referred to its standing committee for a vote and scheduling for the Committee of the Whole. Subcommittees shall comply with the requirements of these Rules and those of the standing committee of which it is a subcommittee.

F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.**251. CREATION OF SPECIAL COMMITTEES.**

The Council may, by resolution, establish a special committee to consider investigations, ethics, or other matters. The resolution shall set forth the jurisdiction, size, duration, and date for final action of the special committee.

COUNCIL RULES, PERIOD XXIII

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE.

A special committee may use subpoenas to obtain testimony or documents only if the resolution creating the special committee authorizes the issuance of subpoenas. Subpoenas issued by special committees shall comply with the requirements of Article VI of these Rules.

253. SPECIAL PROJECTS.

The Council may, by resolution, establish a special project related to policy development or oversight. The resolution shall set forth the timetable, budget, goals, and deliverables of the special project, and specify whether the project will be undertaken by a standing or special committee, or another method of organization.

G. APPOINTED OFFICERS OF THE COUNCIL.**261. APPOINTMENT OF OFFICERS.**

The appointed officers of the Council are the Secretary, General Counsel, and Budget Director. The Chairman shall recommend the assignment and removal of these officers, and the Council shall, by resolution, act on the Chairman's recommendation.

262. SECRETARY.

The Secretary is the chief administrative officer of the Council and is responsible for maintaining records of Council actions including the filing of bills and proposed resolutions, amendments to bills and resolutions, requests for hearings, committee reports, and other records and reports assigned by these Rules, the Council, or the Chairman, and for proposing and administering the fiscal-year budget of the Council. The Secretary shall only disburse funds for the direct operating expenses in the office of a Member or Officer.

263. GENERAL COUNSEL.

(a) The General Counsel is responsible for advising the Council on matters of parliamentary procedure; identifying legislative concerns; providing Members with alternative policy options to solve those concerns; providing representation for the Council in any legal action to which it is a party or in which the Chairman determines that the Council has a significant interest; providing legal representation for a Member or employee for actions taken within the scope of his or her official duties and in which the Chairman determines that the Council has a significant interest; supervising the publication of the District of Columbia Official Code; preparing technical-amendment and enactment bills; providing legislative-drafting assistance to all Members and staff; engrossing and enrolling measures, including making necessary technical and conforming changes; determining the legal sufficiency of legislation; and providing support to the Law Revision Commission. The General Counsel, following consultation with the Chairman, may make a request of the Office of the Attorney General for legal

COUNCIL RULES, PERIOD XXIII

representation for a Member or Council staff person for actions taken within the scope of the Member or staff person's official duties or for matters in which the Council has a significant interest. The General Counsel shall serve as Ethics Counselor for the Council.

(b) The General Counsel shall not represent a Member or Council employee whenever the conduct with regard to which the Member or employee desires representation does not reasonably appear to have been performed within the scope of his or her official duties, such as but not limited to criminal proceedings or proceedings before the Board of Ethics and Accountability or the Office of the Inspector General.

264. BUDGET DIRECTOR.

The Budget Director is responsible for advising Councilmembers on budget-related matters, including the development of annual and multiyear budgets and financial plans, review of contracts and reprogrammings, and for certifying committee budget reports pursuant to Rule 703(b)(2). The Budget Director is also responsible for issuing policy and economic impact analyses pursuant to Rule 308, and fiscal impact statements for proposed amendments and emergency and temporary legislation pursuant to Rule 309. The Council Budget Office shall also serve as a resource for all Council committees and members.

H. COUNCIL PERSONNEL AND APPOINTMENTS.**271. SUBORDINATE STAFF OF APPOINTED OFFICERS.**

The appointed officers may assign, remove, and determine the remuneration for their respective professional and clerical staffs, subject to appropriations and positions allocated by the Council.

272. COMMITTEE STAFF.

(a) The chairperson of each committee shall appoint and shall present for the approval by resolution of the committee at the first committee meeting of the Council period the names and titles of each committee staff person. Subsequent appointments shall be presented for approval of committee members at the meeting of the committee following the appointment. Staff appointments shall be filed with the Secretary.

(b) The chairperson shall determine the remuneration for the staff of the committee, subject to appropriations and positions allocated by the Council.

(c) The chairperson of each committee may remove staff and shall notify the members of the committee of such action within 3 business days.

COUNCIL RULES, PERIOD XXIII

273. COUNCILMEMBERS' PERSONAL STAFF.

Each Councilmember may assign, remove, and determine the remuneration for his or her personal staff, subject to appropriations and positions allocated by the Council.

274. SEPARATION PAY AND BUDGET ACCOUNTING.

(a) Notwithstanding Rules 271, 272, and 273, when an employee is separated for non-disciplinary reasons, a Councilmember may not authorize severance pay in excess of one week of the employee's basic pay for each year of service in the District government, unless the Council otherwise authorizes by resolution a larger amount of severance pay; provided, that in no event shall the amount exceed that authorized by law.

(b) If it is known that a Councilmember will be in office for a time period that is less than the remaining fiscal year, the Councilmember's budget shall be adjusted to account for the time to be served, unless the Council otherwise authorizes, by resolution, a different amount.

275. COUNCIL APPOINTMENT TO OTHER BODIES.

When the law provides for the Council to appoint an individual to another body, the Chairman shall nominate an individual and the Council shall act, by resolution, on the nomination. A Council appointee shall report to the Council on a periodic basis. The Council may instruct, by resolution, its representative as to the position to take on a particular matter.

276. APPOINTMENT BY COMMITTEES AND MEMBERS.

(a) When the law provides for a committee to appoint an individual to another body, the committee shall, by resolution, act on the appointment.

(b) When the law provides for a Councilmember to appoint or designate an individual to a board or commission, the Councilmember shall make the appointment or designation by filing a memorandum with the Secretary that states:

(1) The legal capacity in which the Councilmember is acting, e.g., as a Councilmember or as a chairperson or member of a particular committee;

(2) The date of appointment;

(3) The official name of the board or commission to which the person is being appointed;

(4) The name, complete mailing address, and ward designation of the person appointed; provided, that such personal information is not required in the resolution;

COUNCIL RULES, PERIOD XXIII

(5) The law under which the appointment or designation is being made;
and

(6) The term of the appointment or designation.

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.

Each member of a District board or commission who is appointed under Rule 275 or 276 if not already a resident of the District shall become one within 180 days after the effective date of the appointment and shall remain a District resident for the duration of the appointment, unless the law or order that established the board or commission specifically authorizes the appointment of a nonresident as a member of the board or commission or if a majority of the Council present and voting waives the residency requirement.

I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.

281. COMPUTING TIME.

(a) Unless a law or rule specifically provides otherwise, when counting a time period:

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

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

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

(C) Exclude days of recess; and

(D) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(2) Stated in hours:

(A) Begin counting immediately on the first business hour after the occurrence of the event that triggers the period;

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

(C) Exclude hours during days of recess; and

(D) If the period would end on a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

COUNCIL RULES, PERIOD XXIII

(b) For the purposes of these Rules, when counting a time period stated in “business days”:

- (1) Exclude the day of the event that triggers the period;
- (2) Exclude intermediate Saturdays, Sundays, legal holidays, and days of recess; and
- (3) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(c) For the purposes of these Rules, when counting a time period for a notice requirement under these Rules, include days of recess.

282. FILING WITH THE SECRETARY.

(a) Unless a law or rule specifically provides otherwise, when a Councilmember is required to file a document with or provide notice to the Secretary, the Councilmember shall deliver a hard copy of the document or the notice to the Secretary.

(b)(1) A Councilmember shall also file an electronic copy in Word format of the following documents with the Secretary by uploading to the Council’s intranet in a file under the name of the Councilmember:

- (A) A measure introduced pursuant to Rules 401 and 402;
- (B) A committee print and report;
- (C) Amendments; and
- (D) Any other document required to be electronically filed by rule or law or that the Secretary determines should be filed electronically.

(2) The text of any committee report uploaded to the Council’s intranet in pdf format must be made text-readable prior to its upload.

(c) When an electronic copy is required under subsection (b) of this section, the document shall not be considered as filed until the electronic copy is filed. No measure may be noticed for a hearing or roundtable or added to the agenda of the Committee of the Whole unless an electronic copy, in Word format, of the measure has been uploaded to the Council’s intranet.

(d) Notwithstanding subsection (a) of this section, the Secretary may elect to receive a document electronically or establish a system or method for the electronic filing of any document.

COUNCIL RULES, PERIOD XXIII

283. CIRCULATION TO MEMBERS AND COMMITTEES.

(a) The Secretary shall distribute, upon introduction or referral, an electronic copy of each measure to each Councilmember. The Secretary shall also distribute to each Councilmember, upon introduction or filing, a notice of investigation by subpoena, and a Mayoral disapproval of a Council act.

(b) Any document that is required to be circulated by a rule or law shall be distributed electronically to all Members and staff and posted on the Council's website.

(c) A Councilmember may elect to receive a hard copy of any document that is required to be circulated by the Secretary or a Member.

ARTICLE III—PROCEDURES FOR MEETINGS.**A. LEGISLATIVE MEETINGS.****301. ORGANIZATIONAL MEETING.**

On the first day of each Council Period that is not a Saturday, Sunday, or legal holiday, the Council shall convene an organizational meeting for the purpose of considering the adoption of Rules of Organization and Procedure and Code of Conduct, selecting a Chairman Pro Tempore pursuant to Rule 212, appointing committee chairs and memberships, appointing Councilmembers to regional bodies, and appointing Council officers. If a quorum is not present, the Chairman shall convene an organizational meeting as soon as feasible.

302. REGULAR MEETINGS.

(a) The Council shall hold a regular legislative meeting on the first Tuesday of every month except during a Council Recess or an election year. When the day for a regular legislative meeting falls on a legal holiday, the meeting shall be held at the same time on the next day. Regular legislative meetings shall begin at 10:00 a.m.

(b) Regular meetings of the Council shall be held in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

(c) The Chairman may designate another time, day, or place for a legislative meeting at a prior legislative meeting or meeting of the Committee of the Whole or by circulating and filing notice with the Secretary at least 48 hours before the meeting.

(d) The Chairman may cancel a future regularly scheduled meeting. The Secretary shall circulate notice to each Councilmember and the public of a meeting cancellation.

COUNCIL RULES, PERIOD XXIII

303. ADDITIONAL AND SPECIAL MEETINGS.

(a) The Chairman may call additional legislative meetings of the Council.

(b) Any 2 Councilmembers may request that the Chairman call a special legislative meeting. The request in hard-copy shall be filed with the Secretary. Immediately upon the filing of the request, the Secretary shall notify the Chairman and other Councilmembers of the filing of the request. If, within 3 business days after the request is filed, the Chairman does not call the requested special meeting, a majority of the Councilmembers may file in hard-copy with the Secretary a written notice that a special legislative meeting shall be held, specifying the date, hour, place, and agenda of the special legislative meeting; provided, that the meeting shall not occur less than 48 hours after the notice. Immediately upon the filing of the notice, the Secretary shall circulate notice to each Councilmember as provided in subsection (c) of this section.

(c) Whenever an additional or special legislative meeting is called, the Secretary shall circulate notice to each Councilmember not less than 48 hours before the additional or special meeting. An additional legislative meeting to consider an emergency and temporary matter may be called upon shorter notice, if a majority of the Members agree in writing to the shorter notice. The Secretary shall provide prompt notice of the meeting to the public, including on the Council website. The notice shall state the date, hour, place, and agenda of the meeting and may state whether items are to be considered on a consent or non-consent agenda.

(d) No matter shall be considered at an additional or special legislative meeting except those stated in the request and notification.

(e) The Chairman may add to the agenda of an additional legislative meeting that has been noticed, with the written agreement of a majority of the Councilmembers, an emergency or temporary measure or, without objection, a permanent measure.

304. QUORUM.

(a) A majority of the Councilmembers shall constitute a quorum for the lawful convening of a meeting and for the transaction of business, except that a lesser number may hold hearings.

(b) A meeting may not begin until a quorum is ascertained by the Chairman.

(c) Once a quorum has been ascertained, the meeting shall proceed, unless a Councilmember raises the absence of a quorum, whereupon the Chairman shall direct the calling of the roll and shall announce the result.

(d) In the absence of a quorum, the Chairman may order a Call of the House, during which no debate or motion shall be in order except a motion to adjourn.

COUNCIL RULES, PERIOD XXIII

(e) During a Call of the House, the Council shall stand in recess for no more than 20 minutes to find absent Members. After the recess, the roll shall be called again. If a quorum is present, the meeting shall proceed. If a quorum is not present, the meeting shall be recessed or adjourned.

305. HEARING THE MAYOR.

The Mayor has the right to be heard by the Council upon request and at reasonable times set by the Council.

306. RECESS.

(a) Except as set forth in subsection (b) of this section, no measure, other than an emergency declaration resolution, emergency measure, and accompanying temporary bill, a veto override, or a resolution to approve or disapprove a contract, to be considered at a special or additional meeting called pursuant to these Rules, may be introduced during a recess of the Council, and no committee may take official action during a recess of the Council; provided, that when specifically authorized to do so by a vote of a majority of the Council, a committee may hold a public hearing or roundtable. A notice of future committee action may be filed during a recess of the Council.

(b)(1) A resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract may be introduced during any recess period.

(2) A proposed contract that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during the 30-day period before the end of the summer recess of the Council, and a committee may hold a public hearing and take official action on the proposed contract.

(3) A proposed federal-aid highway contract in excess of \$1 million during a 12-month period that is required to be submitted to the Council for its review pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during a recess of the Council. A committee may hold a public hearing and take official action on the proposed federal-aid highway contract during the recess, and a resolution approving or disapproving the proposed federal-aid highway contract may be introduced during the recess and during the 10-day period following submission of the proposed federal-aid highway contract to the Council.

(4) The Committee of the Whole may hold a hearing or roundtable on any matter relating to the affairs of the District during the recess; provided, that this provision shall not be used to comply with the requirement of Rule 501(a)(2).

(c) During any period of recess, the Secretary is authorized to receive measures returned by the Mayor.

COUNCIL RULES, PERIOD XXIII

307. COUNCIL REVIEW OF CONTRACTS.

(a) There is a 4.00 p.m. filing deadline for all proposed contracts required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51). The Secretary shall ensure that a copy of the proposed contract or contract modification is designated as urgent and circulated in a folder of a distinctive color to the office of each member of the Council, the General Counsel, and the Budget Director within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Secretary.

(b) Notwithstanding Rule 402(b), the time period for Council review of a proposed contract or contract modification pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) shall begin on the first day (excluding Saturdays, Sundays, and legal holidays) following receipt by the Secretary of the proposed contract or contract modification..

(c) Notwithstanding Rules 401 and 402, no proposed contract or contract modification that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be submitted between July 5, 2019 and July 15, 2019, or between July 5, 2020 and July 15, 2020.

(d) Notwithstanding Rules 401 and 402, a resolution approving or disapproving a proposed contract shall be introduced by at least 3 Councilmembers.

(e) Review and approval by the Council of the annual capital program of federal-aid highway projects shall constitute Council review and approval of the individual contracts that make up the annual program.

(f) The Secretary shall place an electronic copy of the summary of a proposed contract on the Legislative Information Management System so that it may be accessed through the Council website within 24 hours (excluding Saturdays, Sundays, and legal holidays) following its receipt.

308. POLICY AND ECONOMIC IMPACT ANALYSES.

(a) The Budget Director may prepare a policy and economic impact analysis of a permanent bill.

(b) The purpose of a policy and economic impact analysis is to offer Councilmembers an independent, data and evidence-based resource for weighing the policy implications and economic costs and benefits of legislation. The analysis may include research on the District's existing legal framework, policy choices made by other jurisdictions, a review of the academic literature on the subject, consideration of demographic data, and the estimated costs or benefits to the District's economy.

COUNCIL RULES, PERIOD XXIII

(c) If the Budget Director prepares a policy and economic impact analysis for a permanent bill, it shall be circulated no later than noon on the business day before the legislative meeting at which the permanent bill is to be considered.

(d) A Councilmember may request that the Budget Director develop a policy and economic impact analysis outside of the legislative process.

(e) The findings and conclusions of an economic-impact analysis, if any, are not binding on the Council, and the findings and conclusions shall not prevent the Council from considering the bill.

309. FISCAL IMPACT STATEMENTS.

(a)(1) Except as provided in paragraph (2) of this subsection, a fiscal impact statement is required at the time of consideration of each measure before the Council, as provided in subsection (b) and (c) of this section.

(2) A fiscal impact statement is not required for an emergency declaration, a ceremonial, a confirmation, or a sense of the Council resolution, or for a proposed amendment to those measures.

(b) A fiscal impact statement from the Chief Financial Officer is required at the time of consideration of a resolution, other than as exempted in paragraph (2) above, or bill being marked up by a committee; provided, that where a measure has been sequentially referred pursuant to Rule 405(c), a fiscal impact statement shall be required at markup by the last committee in the sequential referral.

(c) A fiscal impact statement provided by the Budget Director or the Chief Financial Officer is required at the time of consideration of:

(1) A proposed amendment to a resolution or a bill being marked up by a committee;

(2) A proposed amendment to a resolution or a bill that is moved at first, second, or any subsequent reading of the Council;

(3) An emergency resolution or bill; and

(4) A temporary bill.

(d) A Councilmember requesting a fiscal impact statement from the Budget Director pursuant to subsection (c) of this section shall endeavor to make the request at least 48 hours prior to the time of consideration, unless the request is for an amendment to a measure that was circulated less than 48 hours before a scheduled vote.

COUNCIL RULES, PERIOD XXIII

(e) A committee shall not mark up a bill unless a fiscal impact statement by the Chief Financial Officer for the bill has been circulated to all Councilmembers before the mark up meeting.

310. LEGAL SUFFICIENCY DETERMINATIONS.

(a) Except as provided in subsections (b) and (c) of this section, a legal sufficiency determination is required at the time of consideration of:

- (1) A resolution or bill being marked up by a committee;
- (2) An emergency resolution or bill;
- (3) A temporary bill; and

(4) An amendment to a resolution or a bill that is moved at mark-up, first, second, or any subsequent reading of the Council.

(b) A Councilmember requesting a legal sufficiency determination from the General Counsel pursuant to subsection (a) of this section shall endeavor to make the request at least 48 hours prior to the time of consideration, unless the request is for an amendment to a measure that was circulated less than 48 hours before a scheduled vote.

(c) A legal sufficiency determination is not required for an emergency declaration, a ceremonial, or a sense of the Council resolution, or for an amendment to those resolutions.

311. PRESENTATION OF LEGISLATION TO THE COUNCIL.

A measure reported by a committee may be presented by the chairperson of the committee or by another member of the committee designated by the chairperson of the committee. In the absence of the chairperson of the committee and the designation of a member of the committee, the Chairman may present the measure for consideration by the Council.

B. ORDER OF BUSINESS FOR MEETINGS.**312. ORDER OF BUSINESS FOR REGULAR MEETINGS.**

During a regular legislative meeting, the Council shall take up business in the following order, unless a different order has been set for a particular meeting by action of the Committee of the Whole:

- (1) Call to order at the time and place set forth pursuant to Rule 302;
- (2) Moment of silence;

COUNCIL RULES, PERIOD XXIII

- (3) Determination by the Chairman of the presence of a quorum;
- (4) Presentation of adopted ceremonial resolutions;
- (5) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived by the Council;
- (6) Secretary's report on the introduction of new measures filed with that office, unless the formal reading of the report is waived, and the introduction by Councilmembers of new measures by reading the short title without objection;
- (7) Approval of the consent agenda without objection;
- (8) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read, except as provided in paragraph (7) of this section;
- (9) Reading by short title and vote on reported and discharged bills, except as provided in paragraph (7) of this section;
- (10) Reading by short title and vote on proposed resolutions, except as provided in paragraph (7) of this section;
- (11) Reading by short title and vote on resolutions declaring the existence of emergencies and accompanying emergency measures, except for contracts placed on the consent agenda;
- (12) Reading by short title and vote on temporary legislation;
- (13) Official communications received from the Mayor or an agency; and
- (14) Other business.

313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.

During an additional or special meeting, the Council shall take up business in the following order:

- (1) Call to order at the time and place set forth in the meeting notice;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum; and
- (4) Such items in the order set forth in the meeting notice.

314. PROCEEDING OUT OF ORDER.

The Chairman, without objection, or upon the vote of a majority of the Councilmembers present and voting, may proceed on any item of business out of order.

COUNCIL RULES, PERIOD XXIII

C. RULES OF DECORUM.**321. DECORUM OF MEMBERS.**

(a) Councilmembers shall refrain from private discourse or other acts tending to distract the attention of the Council from the business before it.

(b) In debate, a Councilmember shall confine remarks to the pending question and avoid use of personalities.

(c) A Councilmember, in referring to another Councilmember, should avoid using the Councilmember's name, rather identifying that Member by ward or at-large status, as the Councilmember who last spoke, or by describing the Councilmember in some other manner.

(d) It is not the person but the measure that is the subject of debate, and it is not allowable to question or impugn the motives of a Councilmember, but the nature or consequences of a measure may be condemned in strong terms.

322. DECORUM OF MEMBERS OF THE PUBLIC.

(a)(1) No person may commit any act tending to distract the attention of the Council from the business before it.

(2) No person may engage in loud, threatening, or abusive language, or disruptive conduct in the John A. Wilson Building with the intent or effect of impeding or disrupting the orderly conduct of business in the building.

(b) The Chairman shall maintain order during a meeting. If the Chairman determines that the removal of a person other than a Councilmember is necessary to maintain order, after warning the person, the Chairman may order the removal of the person.

(c) Unless permitted by the Chairman, no person, other than Council staff may enter the area designated as the well or the dais of the Chamber during an official meeting of the Council.

(d)(1) No signs, placards, posters, or attention-seeking devices of any kind or nature shall be carried or placed within the Council hearing or meeting rooms or Chamber. No demonstrations are permitted in the Chamber or any area in which a Council proceeding or a public hearing is being conducted.

(2) This prohibition shall not apply to armbands, emblems, badges, or other articles worn on the personal clothing of individuals; provided, that such armbands, badges or emblems are of such a size and nature as not to interfere with the vision or hearing of other persons at a meeting nor extend from the body, potentially causing injury to another.

COUNCIL RULES, PERIOD XXIII

(3) Any person who violates the provisions of this subsection relating to signs, or who willfully interrupts or disturbs Council proceedings, after a warning to desist, may be removed from the premises.

(4) Models, photographs, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person in testimony before the Council shall be permitted without objection.

(e) No person, except a Councilmember or Council staff, shall be allowed in the anterooms of the Chamber during the course of any hearing or other proceeding of the Council or any committee of the Council, except upon invitation of the Chairman or the chairperson of the committee holding the public hearing.

D. RULES OF DEBATE.**331. OBTAINING THE FLOOR.**

A Councilmember who wishes to speak, give notice, make a motion, submit a report, or obtain the floor for any other purpose, shall address and be recognized by the Chairman before addressing the Council.

332. TIME LIMITS FOR DEBATE.

(a) No Councilmember may be recognized more than once to debate or make a motion relating to a pending matter until all Councilmembers who wish to speak have been recognized.

(b) A Councilmember may speak no more than 3 minutes during the first round of debate on a pending matter, and no more than 2 minutes during a subsequent round.

(c) A Councilmember may yield all or part of his or her time provided by this section to another Councilmember.

(d) The Chairman may, in his or her discretion, modify time limitations with respect to specific matters scheduled for debate.

333. PERSONAL PRIVILEGE.

Any Councilmember, as a matter of personal privilege, may speak no more than 10 minutes under new business concerning a matter outside of a legislative meeting that may affect the Council collectively, its rights, its dignity, or the integrity of its proceedings, or the rights, reputation, or conduct of its individual members in their representative capacities only.

334. POINT OF ORDER.

A point of order is made when a Member raises the question to the Chairman, and seeks a determination by the Chairman, as to whether there has been a breach of

COUNCIL RULES, PERIOD XXIII

order or Council Rule. A point of order is not debatable unless the Chairman permits debate. If the Chairman permits debate on a point of order, the Chairman may limit debate.

335. APPEAL.

An appeal may be made from any decision of the Chairman. A Councilmember shall state the basis for appealing a decision, to which the Chairman may respond. An appeal from a decision of the Chairman must be made promptly and before other business has intervened. A majority or tie vote of the Members present and voting on the question (whether the decision of the Chairman shall be sustained) sustains the decision. An appeal is not debatable; provided, that the Chairman may explain the basis for his or her decision.

336. PARLIMENTARY INQUIRY.

A parliamentary inquiry is made when a Member raises a question to the Chairman seeking information about the procedure or business before the Council. The Chairman shall answer the question about the procedure or business before the Council, or, when the Chairman does not possess the information sought may direct the question to a Member or the General Counsel who may be in possession of the information. A parliamentary inquiry is not debatable or appealable.

337. RECOGNITION OF NON-MEMBERS.

The Chairman may recognize a person who is not a Councilmember if the participation of the person would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Council.

338. PRESENTATION OF CEREMONIAL RESOLUTIONS.

(a)(1) A ceremonial resolution that has been adopted by the Council at a previous legislative meeting may be presented from the well of the Chamber during a legislative meeting by the Councilmember who introduced the resolution or another Councilmember designated by the Councilmember who introduced the resolution.

(2) Without objection, adopted ceremonial resolutions scheduled for presentation at a legislative meeting may be presented at a Committee of the Whole meeting scheduled for the same day.

(b) During a Council Period, a Councilmember may present for no more than 30 minutes cumulatively, and not more than 8 ceremonial resolutions, except that a Councilmember may yield his or her right to present a ceremonial resolution under this section to another Councilmember.

(c) No recipient of a ceremonial resolution may present a display or performance during a legislative meeting.

COUNCIL RULES, PERIOD XXIII

(d) No more than one recipient for each ceremonial resolution shall be permitted to speak during a legislative meeting.

339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS, REVENUE BONDS, AND REVIEW RESOLUTIONS.

(a) This section shall apply to:

(1) Revenue bonds resolutions; and

(2) Resolutions regarding reprogramming requests, rules, regulations, confirmations, and other actions that:

(A) Are proposed for promulgation or adoption by the Mayor or an independent agency;

(B) Are required by law to be approved, disapproved, or reviewed by the Council before taking effect; and/or

(C) Take effect after a set period of time by operation of law.

(b) A resolution covered by this section may, at the option of the committee chairperson, be placed on the non-consent agenda of the next regular legislative meeting following approval by a committee, without referral to the Committee of the Whole.

(c) If notice of intent to move the resolution and the committee report for the resolution are not filed before noon on the third business day before the legislative meeting, a resolution may not be placed on the legislative agenda pursuant to this section.

(d) If a reported resolution is considered at a legislative meeting under this section, the legal sufficiency, technical compliance with the drafting rules of the Council, completion of the record of the reported resolution, and the sufficiency of the fiscal impact statement, if required by Rule 309, shall be reviewed at the legislative meeting at which it is considered.

E. MOTIONS.**341. MOTIONS RECOGNIZED DURING DEBATE.**

When a question is under debate, the Chairman may entertain only the following motions, which shall take precedence in the order listed:

(1) To adjourn;

(2) To recess;

(3) To reconsider;

COUNCIL RULES, PERIOD XXIII

- (4) To lay on the table;
- (5) To move the previous question;
- (6) To close debate;
- (7) To postpone to a certain time;
- (8) To recommit to committee;
- (9) To amend; or
- (10) To postpone indefinitely.

342. WITHDRAWAL OR MODIFICATION OF MOTIONS.

Any motion may be withdrawn or modified by the mover at any time before it has been amended or voted on.

343. ADJOURN.

The Chairman shall adjourn a meeting when there is no more business before the Council. A Councilmember may move to adjourn at any time. A motion to adjourn is not debatable, but the Chairman may inform the Councilmembers of any unfinished business requiring attention of the Council.

344. RECESS.

(a) The Chairman may, without a vote, recess a regular or legislative meeting of the Council to another time, day, or place.

(b)(1) A Councilmember may move to recess a meeting.

(2) A Councilmember may move to amend a pending motion to recess to set a different length of the recess.

(3) If a motion to recess does not specify the time, day, or place at which the meeting will reconvene, the Chairman may set a time, day, or place, or call the meeting to order and summons the Members in accordance with Rule 367.

(4) Neither a motion to recess nor a motion to amend a pending motion to recess shall be debatable.

(c)(1) A committee chairperson may, without vote, recess a hearing or roundtable and reconvene the hearing or roundtable at a future time, day, or place.

(2) If a hearing or roundtable is recessed without specifying the future time, day, or place for the hearing or roundtable, the chairperson of that committee shall circulate notice of the new time, day, or place in accordance with Rule 283.

COUNCIL RULES, PERIOD XXIII

345. RECONSIDER.

(a) A Councilmember recorded as having voted with the prevailing side on a question may move to reconsider the question at any time, except as limited by this section.

(b)(1) An act may be reconsidered before it has been approved, deemed approved, or vetoed by the Mayor.

(2) A resolution may be reconsidered at any time before its implementation.

(3) A committee may reconsider its vote to report a measure at any time before the Council votes on the measure.

(4) A motion to reconsider a question considered at a different meeting shall not be in order unless the motion to reconsider has been noticed in accordance with Rule 429.

(c) For the purpose of this rule, a Councilmember who was present and voting on a question decided by a voice vote shall be considered as having voted with the prevailing side on the question, unless the Councilmember had asked to be recorded as voting against the prevailing side or recorded as "PRESENT".

(d) A motion to reconsider cannot be made by a Councilmember who was absent during a voice or roll-call vote on a question.

(e) A motion to reconsider requires the approval of a majority of the Councilmembers present and voting.

(f)(1) If the question to which a motion to reconsider applies is debatable, the motion to reconsider is debatable and the debate may go to the question.

(2) If the question to which a motion to reconsider applies is not debatable, the motion to reconsider shall not be debatable.

(g) If a motion to reconsider fails, the motion cannot be repeated.

(h) A motion to reconsider is not required to consider amendments accepted or rejected on a previous reading of a measure.

(i) Votes to approve or amend these Rules may not be reconsidered pursuant to this section.

COUNCIL RULES, PERIOD XXIII

346. LAY ON THE TABLE.

(a)(1) A Councilmember may make an unqualified motion to lay a question on the table, which is not debatable and, if adopted by a majority of Councilmembers present and voting, shall immediately end debate on the question.

(2) If an amendment to a measure is pending before the Council, a Councilmember may make a motion to lay the amendment on the table, which is not debatable and, if adopted by a majority of Councilmembers present and voting, shall immediately end debate on the amendment.

(b) A motion to lay on the table may be applied to main motions only.

(c) A committee chairperson may carry over a measure reported by that committee from Council consideration until the next regular legislative meeting (or additional meeting, with the Chairman's concurrence) in this Council Period. If a measure has been sequentially referred, the committee chairperson of the last-reporting committee may carry over a measure under this subsection.

347. MOTION TO MOVE THE PREVIOUS QUESTION.

(a) A Councilmember may limit debate by making a motion to move the previous question, which shall require approval of 2/3rds of the Councilmembers present and voting. If a motion to move the previous question carries, no further debate is in order on the pending question, and no further amendments to the main motion are in order absent a motion to reconsider the motion to move the previous question.

(b) A Motion to move the previous questions is not debatable.

348. MOTION TO CLOSE DEBATE.

(a) A Councilmember also may limit debate by making a motion to close debate, which is not debatable.

(b) A motion to close debate shall require approval of 2/3rds of the Councilmembers present and voting. If a motion to close debate carries, no further debate is in order, except that:

(1) Each Councilmember who has not spoken on the pending question may speak for no more than 2 minutes; and

(2) The Chairman may recognize the maker of the pending motion.

349. POSTPONE TO A CERTAIN TIME.

(a) A Councilmember may move to postpone a question to a certain time, which shall be adopted by a majority of Councilmembers present and voting. A motion to

COUNCIL RULES, PERIOD XXIII

postpone to a certain time is debatable, though it is not in order to debate the merits of the underlying question.

(b) A motion to postpone to a certain time may be applied to main motions only.

350. RECOMMIT.

A Councilmember may move to recommit a measure pending before the Council to a standing committee. If a majority of Councilmembers present and voting approve a motion to recommit, the Chairman shall refer the measure to a standing committee or committees in accordance with Rule 405(b). A motion to recommit is debatable, though debate shall be limited to the desirability of committing the measure to the committee. Debate on the merits of the measure is not in order while a motion to recommit is pending.

351. AMEND.

A Councilmember may move to amend a measure pursuant to **Section F** below.

352. POSTPONE INDEFINITELY

(a) A Councilmember may move to postpone indefinitely any question pending before the Council. A motion to postpone indefinitely is debatable, and it is in order to debate the merits of the underlying question.

(b) A motion to postpone indefinitely requires a vote of the majority of Councilmembers present and voting.

(c) Upon adoption of a motion to postpone indefinitely, the question may not be reconsidered unless 2/3rds of Councilmembers present and voting agree to reconsider the question

(d) A motion to postpone indefinitely may be applied to main motions only.

F. AMENDMENTS.**353. AMENDMENTS TO BE WRITTEN.**

(a) Councilmembers shall endeavor to file with the Secretary amendments to pending measures by noon on the business day before the legislative meeting at which they are to be moved.

(b) If a Councilmember has filed an amendment with the Secretary before a legislative meeting in accordance with subsection (a) of this section, the Secretary shall provide a copy to each Councilmember before the legislative meeting begins. When the measure is to be considered, the Chairman shall recognize the Councilmember for a motion to amend.

COUNCIL RULES, PERIOD XXIII

(c)(1) If a Councilmember has not filed an amendment with the Secretary in accordance with subsection (a) of this section, the Councilmember shall circulate one copy for each Councilmember and 7 additional copies at the legislative meeting.

(2) A Councilmember shall file an amendment in accordance with Rule 282(a) and (b) within 24 hours of the legislative meeting at which the amendment was offered if the amendment was not previously filed in accordance with subsection (a) of this section.

(d) Notwithstanding any other rule, if an oral amendment is made before a vote on a measure, such oral amendment shall be reduced to writing and read by the General Counsel, and made available for public inspection as soon as practicable.

(e) As required by Rule 309, no amendment may be approved by the Council without a fiscal impact statement presented to the Council at the time of its consideration; provided, that the Chairman may waive these requirements if the Chairman concurs with the Budget Director that there is no adverse fiscal impact.

(f) As required by Rule 310, no amendment may be approved by the Council without a legal sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive these requirements if the Chairman concurs with the General Counsel that the amendment is legally sufficient.

354. GERMANE AMENDMENTS.

(a) To be germane to a measure, the amendment is required to relate in an appropriate, relevant, and logical way to the subject of the main measure. It may entirely change the effect of or be in conflict with the spirit of the main measure and still be germane to the subject.

(b) An amendment in the nature of a substitute may be offered as long as it is germane to the subject matter of the main measure.

(c) An amendment to a prior-offered amendment must be germane to the subject of the prior-offered amendment and to the subject matter of the main measure.

(d) Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the main measure to be amended.

(e) A non-germane amendment to a permanent bill requires 2 readings and must be approved by 2/3rds of the Members present and voting.

355. FRIENDLY AMENDMENTS.

Without objection, the mover of a motion or a measure may accept a friendly amendment, which, if accepted, shall be voted on simultaneously with the motion or

COUNCIL RULES, PERIOD XXIII

measure. A friendly amendment to a second-degree amendment is not considered a third-degree amendment.

356. AMENDMENT IN THE NATURE OF A SUBSTITUTE.

(a) A notice of intent to move an amendment in the nature of a substitute to a measure at a legislative meeting shall be filed with the Secretary and circulated by noon on the business day before the legislative meeting. The filed notice shall explain the rationale and movant's reasoning for the amendment and be accompanied by the proposed amendment in the nature of a substitute, which shall reflect all substantive changes from the prior version of the legislation (committee print or engrossment) by using strikeovers on the language that is proposed to be deleted from the prior version and underscore on all new language that is proposed to be added by the amendment in the nature of a substitute.

(b) The mover of an amendment in the nature of a substitute may have a separate amendment considered simultaneously with the amendment in the nature of a substitute.

G. OTHER MOTIONS.**357. DISCHARGE.**

The Council may, by a vote of 2/3rds of the Members present and voting, discharge a committee from further consideration of a measure that has been referred to the committee. Upon approval of the discharge motion, the Council shall consider the measure as if it had been reported from the committee without amendment or modification or re-refer the measure to another committee.

358. TAKE FROM THE TABLE.

(a) When no question is pending before the Council, a Councilmember may move to take from the table any measure previously tabled during the legislative meeting.

(b) When a measure is pending before the Council, a Councilmember may move to take from the table any amendment to the measure that was previously tabled.

(c) Provided that a Councilmember provided the notice required by Rule 429(2), the Councilmember may move to take from the table any measure tabled during a previous legislative meeting.

(d) A motion to take from the table is not debatable and shall be adopted by a majority vote of Councilmembers present and voting.

(e)(1) Upon adoption of a motion to take a question from the table, the question shall be before the Council in the same status as it was when the Council tabled the question.

COUNCIL RULES, PERIOD XXIII

(2) If the motion to take a question from the table does not occur during the legislative meeting at which the question was tabled, each Councilmember shall be entitled to debate the question as if the last motion adhering to the question was just made.

H. VOTING.**361. FORM OF VOTE.**

Voting shall be in the form of “YES”, “NO”, and “PRESENT”. A vote of “PRESENT” shall be deemed the equivalent of an abstention or a non-vote.

362. VOICE VOTES.

Except as provided in Rule 363, votes on all questions shall be by voice, with the results determined by the Chairman. A Councilmember’s vote upon any matter shall be recorded upon request.

363. DEMAND FOR ROLL-CALL VOTE.

Any Member, in advance of a vote or immediately thereafter, may demand a roll-call vote.

364. CALLING THE ROLL.

When a roll-call vote is demanded, the Secretary shall call the roll of the Councilmembers in rotating alphabetical order so that the Councilmember whose name is called first is the same Member whose name was called second on the next previous vote, and so on through the roll, so that the Councilmember whose name is called last is the same Councilmember whose name was called first on the next previous vote. At the end of the roll call, the names of those who failed to answer can be called again, or the Chairman can ask if anyone entered the room after the Councilmember’s name was called. Changes of vote are also permitted at this time, before the result is announced. No Councilmember may vote “pass” more than once on the same amendment to a measure or on the measure in its entirety. A second vote of “pass” shall be considered a vote of “present.”

365. RECORDS OF VOTES.

(a) When a vote on legislation is by voice vote, the Secretary shall record all Members present as voting “yes” unless there has been a request to be recorded as having voted “no”, a Member votes “present”, or a Member has recused himself or herself from voting.

(b) When a roll-call vote is demanded, the Secretary will record the names of those voting “YES”, “NO”, or “PRESENT”. Members will be recorded as absent if they are not in the Chamber when a vote is taken. Voting records are official records of the Council.

COUNCIL RULES, PERIOD XXIII

(c) After the Chairman has announced the result of a vote, a Councilmember may not change his or her vote.

366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFa)

Where a TAFa issued by the Chief Financial Officer states that an abatement or tax relief is not necessary, a measure authorizing such abatement or tax relief shall, at first reading, require approval of 2/3rds of the Councilmembers present and voting.

367. PROXY VOTING PROHIBITED.

No remote voting or proxy shall be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

368. SUMMONS OF MEMBERS.

(a) Before putting a question to vote, the Chairman may hold open the vote for no more than 2 minutes for the purpose of summoning Members who are absent. During that time, the Secretary shall summon the Members who are absent from the Chamber. At the Chairman's direction, the Secretary shall call the names of the absent Members.

(b) No Councilmember may be summoned more than once at the same legislative meeting.

I. OPEN MEETINGS.**371. OPEN MEETINGS, GENERALLY.**

(a) Except as provided in Rule 375, a meeting of the Council and a meeting of a committee shall be open to the public.

(b) The Council or a committee shall not keep the number of attendees below a quorum to avoid the requirements of this section.

(c) For the purposes of this part, the terms:

(1) "Meeting of a committee" means a gathering of a quorum of a committee of the Council, whether informal or formal, regular, special, additional, or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of a committee shall not include:

(A) A chance or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

COUNCIL RULES, PERIOD XXIII

(B) Press conferences.

(2) “Meeting of the Council” means a gathering of a quorum of the Council, including hearings and roundtables, , whether informal or formal, regular, special, additional or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of the Council shall not include:

(A) A chance meeting or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) Press conferences.

372. MEETINGS DEEMED OPEN.

A meeting of the Council or a meeting of a committee is deemed open if the:

- (1) Public is permitted to be physically present;
- (2) News media is permitted to be physically present; or
- (3) Meeting is televised.

373. NOTICE OF MEETINGS.

(a)(1) Before a meeting of the Council is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary at least 48 hours before the meeting, unless emergency circumstances require less notice.

(2) Before a meeting of a committee is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary at least 24 hours before the meeting, unless emergency circumstances require less notice.

(b) Notice provided pursuant to this section shall be posted by the Secretary in plain view, the relevant Council office, and on the website of the Council.

(c) A notice for a meeting of the Council or a meeting of a committee provided pursuant to this section shall include the:

- (1) Date;
- (2) Time;
- (3) Location; and
- (4) Planned agenda, if applicable, for the meeting.

COUNCIL RULES, PERIOD XXIII

(d) If a meeting of the Council or a meeting of a committee, or any portion of a meeting, is expected to be closed, the notice shall include a statement of the intent to close the meeting, including the reasons for the closure.

(e) This section shall not apply to administrative meetings, breakfast meetings, open discussions, or other gathering of the Council when no official action is expected to take place; provided, that no official action may be taken at such meetings.

(f) Notice for hearings or roundtables shall be provided pursuant to Rules 501 and 421(d), respectively.

374. RECORD OF MEETINGS.

(a) Except as provided in subsection (e) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with Rule 808, the electronic recording shall be produced and maintained by the Secretary; provided, that if a recording is not possible, detailed minutes of the meetings shall be kept by the Secretary.

(b) If a meeting is open:

(1) Copies of the records shall be provided to the public or any requester at his or her expense.

(2) A copy of the minutes shall be made available to the public or requester no more than 3 business days after the meeting.

(3) A copy of the full record, including any recording or transcript, shall be made available no later than 7 business days after the meeting.

(c) This section shall not apply to administrative meetings, breakfast meetings, open discussions, or other gathering of the Council when no official action is expected to take place; provided, that no official action may be taken at such meetings.

375. EXCEPTIONS TO OPEN MEETINGS.

A meeting, or a portion of a meeting, may be closed for the following reasons:

(1) A law or court order requires that a particular matter or proceeding not be public;

(2) To discuss, establish, or instruct a public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;

(3) To discuss, establish, or instruct a public body's staff or negotiating agents concerning the position to be taken in negotiating incentives relating to the

COUNCIL RULES, PERIOD XXIII

location or expansion of industries or other businesses or business activities in the District;

(4)(A) To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided, that, upon request, the public body may decide to waive the privilege.

(B) Nothing herein shall be construed to permit a public body to close a meeting that would otherwise be open merely because the attorney for the public body is a participant;

(5) Planning, discussing, or conducting specific collective-bargaining negotiations;

(6) Preparation, administration, or grading of scholastic, licensing, or qualifying examinations;

(7) To prevent premature disclosure of an honorary degree, scholarship, prize, or similar award;

(8) To discuss and take action regarding specific methods and procedures to protect the public from existing or potential terrorist activity or substantial dangers to public health and safety, and to receive briefings by staff members, legal counsel, law-enforcement officials, or emergency-service officials concerning these methods and procedures; provided, that disclosure would endanger the public and a record of the closed session is made public if and when the public would not be endangered by that disclosure;

(9) To discuss disciplinary matters;

(10) To discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, including Councilmembers and staff;

(11) To discuss trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;

(12) To train and develop members of a public body, including the Council and staff;

(13) To deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions; and

COUNCIL RULES, PERIOD XXIII

(14) To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation.

(15) Any other reason provided in section 405(b) of the Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)).

376. CLOSED MEETINGS

(a)(1) Before a meeting or portion of a meeting may be closed, the Council or committee shall meet in public session at which a majority of the members present vote, upon good cause shown, in favor of closure.

(2) The presiding officer shall make a statement providing the reason for closure, including citations from Rule 375, and the subjects to be discussed. A copy of the roll call vote and the statement shall be provided in writing and made available to the public.

(3) A public body that meets in closed session shall not discuss or consider matters other than those matters listed under Rule 375.

(b) Except as provided in subsection (c) of this section, the record of a closed meeting, including testimony taken and evidence received in a closed meeting, shall be confidential and may not be released to the public.

(c)(1) Upon good cause shown and, if applicable, after ~~in~~ the 10-day period described in paragraph (3) of this subsection, a majority of the Council or committee may approve the release of the record, including testimony taken or evidence received in a closed meeting.

(2) Ten days before the release of testimony taken or evidence received in a closed meeting, the Council or committee must notify, in writing, the affected witness that the Council or committee intends to release the testimony or evidence.

(3) Before the expiration of the 10-day period, the affected witness may request, in writing directed to the presiding Council or committee member, and the Council or committee may consider withholding the testimony or evidence described in the notice.

ARTICLE IV—LEGISLATION.**A. INTRODUCTION OF LEGISLATION.****401. WHO MAY INTRODUCE.**

(a)(1) Only a Councilmember may introduce legislation for consideration by the Council.

COUNCIL RULES, PERIOD XXIII

(2) At the time a measure is filed with the Secretary, in accordance with Rule 282, the measure shall be placed in Word format, on the Council's intranet.

(b)(1) Proposed legislation transmitted to the Council by the Mayor or an independent agency shall be submitted in Word format, shall be complete, and shall be in compliance with these Rules. It shall be introduced by the Chairman, at the request of the Mayor (or as submitted by the Mayor), or the independent agency. Legislation transmitted by the Mayor or an independent agency shall not be introduced on the dais at a legislative meeting or a work session of the Committee of the Whole.

(2)(A) To be considered at a legislative meeting, legislation transmitted by the Mayor or an independent agency that requests Council approval of a contract shall be filed with the Secretary, with the required contract summary and contract, including relevant modifications, no later than the close of business the fourth business day before the meeting.

(B) To be considered at a legislative meeting, all other measures transmitted by the Mayor or an independent agency shall be filed with the Secretary no later than noon on the second business day before the meeting.

(3) Proposed legislation from the Mayor or an independent agency shall be transmitted to the Council by hard copy and a copy in Word format by email, or any other medium as determined by the Secretary. All confirmation resolutions submitted to the Council by the Mayor shall include a copy of the current resume of the nominee. The Secretary shall place a Word format copy of the proposed legislation on the Council's intranet.

(4) Legislation transmitted under this subsection shall be filed with the Secretary during normal business hours, as defined by Rule 101(25).

(5) The Secretary shall determine whether the proposed legislation is in the appropriate form, complete, and in compliance with these Rules, and may return any proposed legislation that is not in the appropriate form, or complete to the Mayor, or the independent agency.

402. MANNER OF INTRODUCTION.

(a) A Councilmember may introduce a measure either by:

(1) Reading the short title of the measure, except a ceremonial resolution, during the period of a legislative meeting or a work session of the Committee of the Whole designated for introductions and immediately providing the Secretary the signed original of the bill or resolution; or

(2) Filing the signed original of the measure with the Secretary during normal business hours.

COUNCIL RULES, PERIOD XXIII

(b) Unless a law specifically provides otherwise, no matter transmitted for a period of Council review before taking effect shall be deemed transmitted to the Council or the Chairman, and no time period for Council review shall begin to run, until the matter has been formally introduced by the Chairman pursuant to subsection (a)(1) of this section.

(c) Whenever a measure would require the Secretary to transmit its text or anything associated with the text to a person, the Councilmember who introduced the measure shall provide the Secretary with the last-known address of the recipient.

(d) Proposed legislation transmitted for introduction by the Mayor or an independent agency shall be addressed to the Chairman and filed with the Secretary. The Secretary shall circulate the measure in accordance with these Rules.

(e) Any filing sheet and other documentation accompanying legislation that is required by the Secretary shall be typed or legibly printed and shall be specific to the legislation.

403. INTRODUCTION OF EMERGENCY LEGISLATION.

Emergency legislation, emergency declaration resolutions, and temporary legislation may be introduced as provided in Rules 401 and 402, or may be introduced at a meeting called to consider the emergency legislation and temporary legislation.

404. READING INTRODUCTIONS.

(a) At each legislative meeting and work session of the Committee of the Whole, during the period designated for introductions, the Secretary shall read the short titles of measures that were introduced pursuant to Rule 402(a)(2) between the previous reporting period and 10 a.m. of the business day before the legislative meeting or Committee of the Whole work session, and provide the numbers assigned as provided in Rule 805 and the committee referrals as provided in Rule 405.

(b) Measures may not be debated or amended when they are read for introduction.

(c) The formal reading of the Secretary's report as provided in subsection (a) of this section may be waived by unanimous consent.

(d) A Councilmember may raise questions regarding a committee referral included in the Secretary's report without a formal reading of the entire Secretary's report.

(e) A Councilmember may introduce no more than 3 measures at a legislative meeting or Committee of the Whole work session.

(f) A Councilmember may speak for no more than 3 minutes on each measure introduced.

COUNCIL RULES, PERIOD XXIII

(g) Only one Councilmember may speak on each introduced measure; provided, that a Councilmember may yield all or a part of the Councilmember's time provided by this section to another Councilmember.

405. COMMITTEE REFERRAL.

(a)(1) When a measure is introduced at a legislative meeting or Committee of the Whole work session, the Chairman may refer it to the appropriate committee or committees, taking into account standards of germaneness, unless the Council retains the measure. The referral is official unless the Chairman provisionally refers the measure to a committee or committees.

(2) If the Chairman provisionally refers the measure to a committee or committees, the referral shall be deemed official after 3 business days. If the Chairman refers the measure to another committee within the 3-business-day period or any time thereafter, the referral shall not become official until the next regular legislative meeting or Committee of the Whole work session. The Chairman may refer a measure for comments at any time.

(b) When a measure is introduced by filing it with the Secretary, rather than introducing it at a meeting pursuant to subsection (a) of this section, the Chairman shall refer it to the appropriate committee or committees, unless the Council retains the measure. Such referral is not official until it is read at a meeting pursuant to Rule 404.

(c)(1) The Chairman may refer a measure to 2 or more committees for sequential consideration of all or part of the measure, and may refer all or part of the measure to one or more committees for comments.

(2) When there is a sequential referral, the Chairman may make the referral and specify a time period within which one or more of the committees must report the measure. If a committee fails to file a report within the specified time period, the measure shall be deemed discharged from the committee and the Secretary shall provide notice that the measure is ready for subsequent action by another committee or to be agendized for Council consideration.

(d) The Chairman may re-refer measure from one committee to another committee and the new referral shall become official at the next legislative meeting or Committee of the Whole work session.

(e) A committee may not consider a measure unless the Chairman has made an official referral.

406. COMMENTS BY EXECUTIVE.

The Executive may comment on any measure. Unless otherwise required by law, neither the Council nor a committee must wait for Executive comments before considering a measure.

COUNCIL RULES, PERIOD XXIII

407. WITHDRAWAL OF LEGISLATION.

(a) Whenever a rule, regulation, or resolution is proposed for promulgation by an entity other than the Council and is required by law to be approved, disapproved, or reviewed by the Council before its taking effect and would take effect automatically by operation of law, the proposal may be withdrawn formally by the proposer before final Council action or, if the Council takes no action, before any time limit imposed by law. The withdrawal shall render the original proposal a nullity as if it were never proposed. These proposed rules, regulations, and resolutions may be withdrawn only by written request transmitted to the Chairman.

(b) Except as provided above in paragraph (a), a proposer may withdraw any measure he or she introduced before a vote has been taken by the committee to which the measure has been referred. A withdrawal shall be filed with the Secretary. A withdrawal shall render the original measure a nullity, as if it were never introduced. If a measure has been introduced by more than one Councilmember, all co-introducers must consent to withdrawal under this subsection.

(c) Notwithstanding subsection (a) of this section, if a Councilmember withdraws a resolution approving or disapproving a contract or reprogramming after the date the contract or reprogramming would otherwise have been deemed approved, the measure shall be deemed approved on the date the resolution is withdrawn, unless it has been deemed approved before that time by operation of law.

408. COMMITTEE APPROVAL

(a) Each committee may take action on any measure referred to the committee, except as provided in subsection (b) of this section.

(b) A committee may not vote on a measure sequentially referred to that committee until all conditions of the referral have been met to make such measure ripe for consideration by the committee.

(c) A hearing on a measure by any committee of the Council shall satisfy the requirements of Rule 501(a)(2) for measures referred sequentially to committees before approval by a committee.

(d) After approval of a committee print on a measure by the Committee of the Whole, the Chairperson may file the committee print with the Secretary as specified in Rule 282 without the committee report.

B. COUNCIL APPROVAL.**411. CONSENT AGENDA.**

(a) The Chairman shall prepare a consent agenda for each legislative meeting that shall include measures that the Chairman believes will be adopted by unanimous

COUNCIL RULES, PERIOD XXIII

vote. The consent agenda shall be approved by the Committee of the Whole at a work session before the legislative meeting for which the agenda was prepared. Without objection, a Councilmember may amend the committee print of a measure without removing the bill or resolution from the consent agenda, if the amendment is filed with the Secretary at or before the Committee of the Whole meeting and circulated to the Councilmembers at the Committee of the Whole meeting.

(b) A Councilmember may remove a measure from the consent agenda at the Committee of the Whole meeting or at the legislative meeting before the vote on the consent agenda.

(c) Measures removed from the consent agenda shall be considered as provided in Rule 312, except that the Chairman may first consider items removed from the consent agenda.

(d) Before the vote on the consent agenda at a legislative meeting, and without objection from any other Councilmember, a Councilmember may request that a measure on the non-consent agenda be moved to the consent agenda.

(e) Approval of the consent agenda during a legislative meeting will include the unanimous approval of all matters included in the consent agenda. If a Councilmember asks for his or her vote to be recorded on a particular measure, the measure shall be removed from the consent agenda.

412. EMERGENCY LEGISLATION.

(a)(1) When a Councilmember proposes a measure to be passed immediately due to emergency circumstances, the Council may debate the question of the existence of an emergency and then shall vote on whether emergency circumstances exist.

(2) A Councilmember may debate the merits of a measure to determine whether emergency circumstances exist.

(3) If 2/3rds of the Councilmembers find that emergency circumstances exist, the Council shall consider the measure on its merits.

(b) For the purposes of this section, an “emergency” means a situation that adversely affects the health, safety, welfare, or economic well-being of a person for which legislative relief is deemed appropriate and necessary by the Council, and for which adherence to the ordinary legislative process would result in delay that would adversely affect the person whom the legislation is intended to protect.

(c) An emergency resolution shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)), an emergency act shall be effective law for no more than 90 days.

COUNCIL RULES, PERIOD XXIII

(d) As required by Rule 309, no emergency measure may be approved by the Council without a fiscal impact statement presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the Budget Director that the measure does not have a negative fiscal impact.

(e) As required by Rule 310, no emergency measure may be approved by the Council without a legal sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the General Counsel that the measure is legally sufficient.

(f) An emergency measure on the agenda for the legislative meeting shall be moved by the Councilmember who noticed the measure or, in the absence of that Councilmember, may be moved by another Councilmember designated by the Councilmember who noticed the measure. If no Councilmember has been designated to move the measure in the absence of the Councilmember who noticed the measure, the measure shall be considered to have been withdrawn.

(g) The Chairman may rule out of order an emergency measure that is subject to inclusion in an approved budget and financial plan.

413. TEMPORARY LEGISLATION.

If the Council approves an emergency bill under Rule 412, the Council may, at the same legislative meeting, consider a temporary bill on first reading without committee referral. The temporary bill must be substantially similar to the emergency bill and may remain effective for no more than 225 days.

414. TECHNICAL-AMENDMENT LEGISLATION.

(a) On an occasional basis, the General Counsel shall prepare a technical-amendment bill for introduction by the Chairman.

(b) Notwithstanding Rule 501(a), no hearing is required before final adoption of a technical-amendment bill prepared in accordance with this section.

(c) A technical-amendment bill shall contain only amendments to existing law, and no amendment included in the technical-amendment bill may make substantive changes to the existing law. Any amendment to the technical-amendment bill must be certified as technical by the General Counsel.

(d) An amendment to a technical-amendment bill that has not been certified as technical by the General Counsel shall be out of order for Council consideration.

415. ENACTMENT LEGISLATION.

(a) On an occasional basis, the General Counsel shall prepare an enactment bill for introduction by the Chairman.

COUNCIL RULES, PERIOD XXIII

(b) Notwithstanding Rule 501(a), no hearing is required before final adoption of an enactment bill prepared in accordance with this section.

(c) An enactment bill shall present, for each title of the District of Columbia Official Code proposed to be enacted into positive law, a compilation, restatement, and revision of the general and permanent laws of the District of Columbia that conforms to the understood policy, intent, and purpose of the Council or Congress in the original enactments, with such amendments and corrections as to remove ambiguity, contradictions, and other imperfections, both of substance and of form.

(d) An amendment to an enactment bill that has not been proposed by the General Counsel as an amendment consistent with subsection (c) of this section shall be out of order for Council consideration.

416. VETOED LEGISLATION.

(a) Whenever the Mayor disapproves and returns an act pursuant to section 404(e) of the Charter (D.C. Official Code § 1-204.04(e)), the disapproved act shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved act from a committee or committees. A Councilmember may move for the Council to reenact the disapproved act before the end of the 30-day review period provided in section 404(e) of the Charter. If 2/3rds of the Councilmembers present and voting vote to reenact the act, the act shall become law subject to the provisions of section 602(c) of the Home Rule Act (D.C. Official Code § 1-206.02(c)).

(b) Whenever the Mayor disapproves and returns any item or provision of a budget act pursuant to section 404(f) of the Charter (D.C. Official Code § 1-204.04(f)), the act containing the disapproved item or provision shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved item or provision from a committee or committees. A Councilmember may move for the Council to reenact any disapproved item or provision of the budget act before the end of the 30-day review period provided in section 404(f) of the Charter. If 2/3rds of the Councilmembers present and voting vote to reenact any item or provision of the budget act, the item or provision so reenacted shall be incorporated in the budget and become law subject to the provisions of section 602(c) of the Home Rule Act (D.C. Official Code § 1-206.02(c)).

417. TRANSMISSION OF ACTS.

The Chairman shall transmit adopted acts to the Mayor and enacted acts to the United States Senate and the United States House of Representatives as required by the Charter.

COUNCIL RULES, PERIOD XXIII

418. EFFECT OF END OF COUNCIL PERIOD.

(a)(1) A measure that has not been finally adopted by the Council before the end of the Council Period in which the measure was introduced lapses without prejudice to the measure's reintroduction in a subsequent Council Period.

(2) If temporary legislation has been passed on first reading pursuant to Rule 413 in a Council Period, it may be considered on final reading during the next Council Period.

(3) A matter transmitted by the Mayor or an independent agency for a designated period of Council review that is pending at the end of a Council period shall be in the same status that the matter was at the end of the prior Council period and the legislation assigned a new number. If notice required by these Rules has been given in the prior Council period, no additional notice shall be required before action on the matter.

(b) Legislation that has been finally adopted by the Council during a Council Period shall not lapse simply because any of the following occurs:

- (1) Approval or veto by the Mayor;
- (2) Approval by operation of law;
- (3) Reenactment after a veto;
- (4) Submission to referendum; or
- (5) Transmittal to Congress.

(c) Records of measures that lapsed at the end of a Council Period may be incorporated by reference in the records of substantially similar measures considered in a later Council Period, including the record of any hearing or roundtable that was held in a prior Council Period.

C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.**421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND HEARINGS.**

(a)(1) Except as provided in these Rules, 15 days' notice by publication in the Register is required before Council adoption of a measure.

(2) Abbreviated notice under this subsection may be given upon good cause found and published in the Register with the notice.

COUNCIL RULES, PERIOD XXIII

(b) Except as provided in these Rules, 15 days' notice by publication in the Register or abbreviated notice published in the Register is required before the conduct of a hearing.

(c) Abbreviated notice under subsection (b) of this section may be given:

(1) For a hearing on a permanent bill for the purpose of rescheduling the hearing when the hearing was previously noticed in the Register;

(2) For a hearing on a resolution, when a hearing is required, upon good cause found and published in the Register with the notice, and when the abbreviated notice provides at least 3 business days' notice;

(3) For an oversight or investigative hearing, when such notice is posted on the Council website or published in the Register;

(4) For a hearing that was scheduled on a day when there is an unscheduled closing of the government and when the abbreviated notice provides at least 3 business days' notice; or

(5) For a hearing on any matter on which a notice has been filed to add any item that does not otherwise require a hearing and when the abbreviated notice provides at least 3 business days' notice.

(d) Notice of a roundtable on a resolution or an oversight roundtable shall be filed with the Secretary and circulated to Councilmembers at least 24 hours before the roundtable.

(e) No prior notice by publication is required for the adoption of a ceremonial resolution, an emergency bill or resolution, an emergency-declaration resolution, or a resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or pertaining to the internal operation or organization of the Council.

422. PERSONAL SERVICE OR ACTUAL NOTICE.

Notice by publication is not required if all persons subject to an intended action are named, and in accordance with law, either are served personally or have actual notice of the Council's intended action.

423. METHODS OF NOTICE.

(a) When not otherwise required by these Rules or other provisions of law to be done in specific fashion, notice may be given by:

(1) Publication in the Register;

COUNCIL RULES, PERIOD XXIII

- (2) Publication in one or more newspapers of general circulation;
- (3) Mailing notices to a mailing list of organizations and individuals established and maintained by the Secretary;
- (4) Use of other news media;
- (5) Posting notice in a prominent place in the John A. Wilson Building and other public buildings or posting places;
- (6) Facsimile;
- (7) E-mail;
- (8) Posting on the Council's official website; or
- (9) In any other manner directed by the Council.

(b) When notice to the public is required under these Rules, by law, or otherwise, the notice shall be posted on the Council website.

424. NOTICE OF EMERGENCY ACTIONS.

(a) When an emergency measure is to be considered, a notice that includes a statement of the reasons for the emergency and the intended effect of the emergency measure shall be filed, and a draft of the emergency measure and emergency-declaration resolution shall be circulated, by noon on the third business day before the legislative meeting at which the emergency measure is to be considered, unless the nature of the emergency precludes such notice. If the nature of the emergency precludes the notice, the sponsor of the legislation shall circulate and file the measure with the Secretary and take steps to ensure that Councilmembers have notice at the earliest possible time before the meeting at which the emergency measure is to be considered.

(b) Notwithstanding the provisions of subsection (a) of this section, public notice of intended emergency action shall be given before adoption of an emergency bill or resolution by at least one method provided in Rule 423.

425. NOTICE OF TEMPORARY LEGISLATION.

(a) Each temporary bill adopted pursuant to Rule 413, shall be circulated and filed with the accompanying emergency measure in accordance with Rule 424. Following approval on first reading, the Secretary shall publish a notice of intent to adopt the temporary bill on second reading in the Register.

(b) When temporary legislation is to be considered under Rule 413, the notice of emergency action under Rule 424 shall include notice of the temporary legislation.

COUNCIL RULES, PERIOD XXIII

426. NOTICE OF WAIVER OF RULE 231(C).

(a) A notice of a request to waive Rule 231(c) shall be filed and circulated no later than noon on the third business day before the legislative meeting at which a measure is to be considered. The notice shall include a rationale for the request.

(b) If the committee report for a measure is not filed before noon on the third business day before the legislative meeting, a motion to waive Rule 231(c) may not be placed on the legislative agenda.

(c) Before approval of a motion to waive Rule 231(c), a certification shall be made of a measure's legal sufficiency and technical compliance with the drafting rules of the Council; the economic analysis; the completion of the record; and a determination made of the fiscal-impact.

(d) Approval of a motion to waive Rule 231(c) shall require a vote of 2/3rds of the Members present and voting.

(e) A motion to waive Rule 231(c) is not in order if the legislation includes amendments made by one or more committees that are beyond the jurisdiction of the committee or committees.

(f) At the discretion of the Chairman, a notice of a request to waive Rule 231(c) may be considered as notice of a request to consider the measure at a meeting of the Committee of the Whole, pursuant to Committee of the Whole Rule 403(b), preceding the legislative meeting for which the request to waive was filed.

427. NOTICE OF CEREMONIAL RESOLUTIONS.

Each ceremonial resolution shall be circulated and filed by noon on the business day before the legislative meeting at which it is to be considered.

428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.

Each measure adopted by the Council shall be published in the Register. Except as provided in section 204 of the District of Columbia Codification Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-602), no measure shall become effective until after its publication. Once notice by publication has been given in accordance with this section, no additional publication is necessary for an act completing congressional review to become effective law as provided in section 602 of the Home Rule Act (D.C. Official Code § 1-206.02).

429. NOTICE OF NEW BUSINESS.

Except as provided in these Rules, a Councilmember shall file a notice of intent by noon on the third business day before a legislative meeting, to make any of the following motions:

COUNCIL RULES, PERIOD XXIII

- (1) A motion to reconsider a measure that was considered at a prior legislative meeting;
- (2) A motion to take from the table a measure that was laid on the table at a prior legislative meeting;
- (3) A motion to discharge;
- (4) A point of personal privilege; or
- (5) Any other motion that brings new business before the Council.

430. NOTICE OF COMMITTEE MEETINGS.

(a) A committee shall file and circulate notice, at least 24 hours before a meeting, of the date, hour, and place of a committee meeting, along with a copy of the agenda and a draft, including a comparative print when required by rule 803(e)(5), of any measures to be considered at the meeting.

(b) If at least 4 members of the committee agree in writing to a shorter notice, the committee may consider matters not included on the agenda.

(c) A committee shall file and circulate notice, at least 24 hours before a meeting, of the cancellation of a committee meeting.

ARTICLE V—HEARING PROCEDURES.**A. PROCEDURES FOR HEARINGS.****501. AUTHORITY TO CALL HEARINGS.**

(a)(1) The Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District. A Council hearing may be called by the Chairman.

(2) A hearing shall be held on all permanent bills before final adoption by the Council. A hearing or roundtable shall not be required when a hearing on the same or a similar bill was held in the same or immediately preceding Council Period.

(b) A committee of the Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules.

(c) Unless a hearing is required by law or regulation, a committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules. A roundtable shall comply with the hearing requirements set forth in this Article.

(d) A notice of a hearing or a roundtable shall be filed with the Secretary.

COUNCIL RULES, PERIOD XXIII

(e) A notice of a cancellation of a hearing or roundtable shall be filed and circulated at least 24 hours before the scheduled hearing or roundtable, unless the reason for the cancellation precludes such notice.

502. QUORUM.

One Councilmember, for the Council, or one member of a committee, for the committee, shall constitute a quorum of the Council for the purpose of holding a hearing or a roundtable.

503. PARTICIPATION BY MEMBERS.

(a) Each Councilmember may participate in hearings of the Council or of a committee, without regard to whether the Councilmember is a member of the committee conducting the hearing.

(b) Each Councilmember may question witnesses for no more than 10 minutes until after each Councilmember has had an opportunity to question the witnesses.

504. WITNESSES AT A PUBLIC HEARING.

(a) If a committee, in the publication of notice of a hearing or roundtable, sets a deadline before which a person must contact the committee to be permitted to be a witness at the public hearing, then at the time that the public hearing is held, each person who complied with the committee's requirements shall be given an opportunity to testify.

(b) A person who fails to comply with the requirements of this section may not testify unless the presiding member allows the person to testify.

B. RECEIVING TESTIMONY.**511. QUESTIONING WITNESSES.**

Witnesses may be questioned by Councilmembers and, with the consent of the presiding member, by authorized staff or counsel.

512. DECORUM OF WITNESSES.

(a) A witness may address a Councilmember only through the presiding member.

(b) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.

(c) The presiding member shall maintain order in the hearing or roundtable and, after issuing a warning, may order the removal of a disorderly person as provided in Rule 322.

COUNCIL RULES, PERIOD XXIII

C. RIGHTS OF WITNESSES.**521. RIGHT TO COUNSEL.**

Any witness who appears before the Council or a committee has the right to be represented by counsel.

522. RIGHT TO MAKE OPENING STATEMENT.

(a) Each witness testifying on behalf of the Executive Branch, including an agency, entity, board, commission, or independent agency of the Executive Branch must submit written testimony to the chair of the committee before which he or she is to testify at least 48 business hours before the commencement of a hearing. This requirement may be waived by the presiding chairperson if he or she determines there is good cause.

(b) Any witness testifying at a hearing or roundtable may submit an opening statement, which shall be placed in the record of the hearing or roundtable. The presiding member may permit the witness to read his or her statement at the hearing or roundtable.

D. RECORD OF HEARINGS.**531. HEARING RECORDS, REQUIRED.**

(a) Within 20 business days after the close of the record for a hearing or roundtable, a committee shall file with the Secretary a hearing record, which shall be a complete record of the hearing or roundtable. The hearing record shall contain the following:

- (1) A copy of the published notice;
- (2) A copy of the witness list;
- (3) Copies of written testimony;
- (4) Statements or other materials submitted for the record;
- (5) Important correspondence with the Mayor, if applicable; and
- (6) Other information that the committee chairperson considers necessary.

(b) If new materials are provided to the committee after the close of the record, the committee chairperson may supplement the hearing record.

COUNCIL RULES, PERIOD XXIII

532. CLOSE OF RECORD.

Unless otherwise provided in the hearing notice or stated at the hearing, the record for a hearing or roundtable shall close 10 business days after the hearing or roundtable. A committee may not mark-up a Bill within its jurisdiction until after the official close of the record on such measure.

ARTICLE VI—INVESTIGATIONS AND SUBPOENAS.**A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.****601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION.**

(a) In order to use subpoenas to obtain testimony or documents, the Council shall adopt a resolution authorizing an investigation by the Council or a special committee.

(b) In order to use subpoenas to obtain testimony or documents, a committee shall adopt a resolution of the committee authorizing an investigation. This resolution shall be filed in the Office of the Secretary.

(c) To afford witnesses adequate notice of the scope of the inquiry, a resolution authorizing an investigation under this section shall delineate the purpose of the investigation and the subject matter to be investigated.

602. NOTICE OF INVESTIGATION.

The Secretary shall publish a notice of each investigation authorized under Rule 601 in the Register, which notice shall include a copy or description of the resolution authorizing the investigation and the date the resolution was filed in the Office of the Secretary.

603. REPORT OF INVESTIGATION.

(a) Within 90 days of the conclusion of an investigation under this article, a committee shall submit to the Council the results of the investigation, unless the Council, by majority vote of the Members present and voting, extends the time limit.

(b) The committee, by a majority of the Members present and voting, may vote not to release all or part of its report. The Council, by a majority of Members present and voting, may direct a committee to release its report under terms that the Council sets.

604. TESTIMONY UNDER OATH.

A witness may be affirmed or sworn to give truthful testimony.

COUNCIL RULES, PERIOD XXIII

605. ISSUING THE OATH.

Any person authorized by law may issue an oath or affirmation to a witness.

606. DEPOSITIONS.

The Council or committee may authorize a Councilmember, staff, or counsel to take the testimony of witnesses by oral or written depositions.

B. SUBPOENAS.**611. ISSUANCE OF SUBPOENAS.**

The Council, any standing committee of the Council, and, if authorized by the resolution establishing it, any special committee, may subpoena the attendance and testimony of witnesses and the production of documents and other tangible items at meetings, hearings, and depositions in connection with an investigation. Subpoenas shall be issued in the form set forth in Appendix A, and, except as provided in Rule 613(b), shall be served not less than 5 business days before the return date.

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.

Before issuing a subpoena, the Council, a standing committee, or authorized special committee shall submit a report to the Secretary outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

613. SERVICE OF SUBPOENAS.

(a) Except as provided in subsection (b) of this section, a subpoena shall be served personally on the witness or the witness's designated agent in one of the following ways, which may be attempted concurrently or successively:

(1) By a person at least 18 years of age, designated by the committee or the Council from among the staff appointed by the Secretary who is not directly involved in the investigation; or

(2) By a person, at least 18 years of age, engaged by the committee or the Council for this purpose.

(b) If, after a reasonable attempt, personal service on a witness or witness's designated agent cannot be obtained, service may be effectuated by registered or certified mail not less than 8 business days before the return date.

614. ENFORCEMENT OF SUBPOENAS.

A committee may refer to the Council any case of contumacy by a person subpoenaed to appear before the committee. The Council may refer by resolution any case of contumacy by any person subpoenaed by the Council or a committee to the

COUNCIL RULES, PERIOD XXIII

Superior Court of the District of Columbia as provided in section 413 of the Charter (D.C. Official Code § 1-204.13).

C. RIGHTS OF WITNESSES.**621. RIGHT TO ASSERT PRIVILEGES.**

(a) A witness has the right to refuse to answer a question that might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness's reasons for claiming the privilege. If the presiding member determines that the claim of privilege is not warranted, the presiding member shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the presiding member to answer a specific question constitutes contumacy by the witness.

622. NOTIFICATION OF RIGHTS.

When a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of his or her privilege against self-incrimination.

623. RIGHT TO TRANSCRIPT.

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.

Any person who is the subject of an investigation authorized under Rule 601 may submit written questions for the cross-examination of other witnesses at a public investigative hearing called by the Council or a committee. With the consent of the Councilmembers present and voting, the questions may be put to the witness by a Councilmember, by staff, or by counsel.

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.

Any person, who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a committee or its staff does not comport with the truth, may file a sworn statement of facts relevant to the testimony or other evidence or comment complained of.

COUNCIL RULES, PERIOD XXIII

D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES.**651. AD HOC COMMITTEES.**

(a) An ad hoc committee may be established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law by a Councilmember and making recommendations for further action.

(b) An ad hoc committee shall be established:

- (1) If a Councilmember is censured by BEGA; or
- (2) By request of any 5 members of the Council.

(c) The ad hoc committee shall be composed of 5 Members appointed by the Chairman or, if the Chairman is the subject of the request or BEGA censure, by the Chairman Pro Tempore. The committee shall not include any Member who is the subject of the request. The committee's proceedings may be conducted in executive session in accordance with Rule 504, except that its recommendation for further action shall be made public

(d) No sanction pursuant to Rules 655 and 656, shall be imposed unless first recommended by an ad hoc committee of the Council.

652. AD HOC COMMITTEE INITIATED BY A BEGA CENSURE.

(a) An ad hoc committee shall be established by the Council within 72 hours of a censure of one of its members by BEGA, or as soon as practicable. An ad hoc committee shall consider BEGA's findings, conduct an investigation if warranted, and report its findings and penalty recommendations, if any, to the Council within 45 days of being convened. The sanction recommendations may include:

- (1) Reprimand;
- (2) Censure; or
- (3) Expulsion.

(b) The Council shall meet to consider the recommendation within 7 days of receiving the recommendations from the committee.

653. AD HOC COMMITTEE BY REQUEST.

(a) A request for censure or expulsion of a member of the Council may be submitted to the Secretary by any 5 members of the Council. The request shall contain the specific charges on which the proposed sanction is based.

COUNCIL RULES, PERIOD XXIII

(b) The Secretary shall deliver a copy of the request for an ad hoc committee and the charges to each member of the Council at least 48 hours prior to the first meeting of the committee at which the request will be first considered.

(c) The committee's proceedings may be conducted in executive session in accordance with Rule 504. The committee shall permit testimony from both the Members making the request and the Member or Members subject to the request and shall determine whether:

(1) Further investigation of the charges is required to determine if a hearing is warranted;

(2) The matter is to be set for a hearing; or

(3) No further action should be taken with respect to the request.

(d) If the committee determines no further action should be taken with respect to the request, the committee shall report that to the Council at its earliest opportunity. If the committee determines that further investigation is required, the committee shall conduct an investigation and report a summary of its proceedings and its findings, along with sanction recommendations, if any, to the Council at its earliest opportunity. The sanction recommendations, if any, may include:

(1) Reprimand;

(2) Censure; or

(3) Expulsion.

(e) If the committee does not report its recommendation and findings to the Council within 90 calendar days of the receipt of the request to convene the committee, the matter shall be sent to the Council for its consideration.

(f) Upon receipt of the report of the committee, or at the expiration of the time for the committee to report to the Council, the Chairman shall place the matter on the Council's agenda to determine whether or not a hearing is warranted. If the Chairman decides to set the matter for a hearing, it shall be scheduled for no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the Council who is the subject of the request or to the Member's Council office at least 48 hours in advance of the scheduled hearing.

(g)(1) The hearing shall be conducted by the Chairman or, if the Chairman is the subject of the hearing, by the Chairman Pro Tempore. At the hearing, the member of the Council who is the subject of the request shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf, and to question his or her accusers. The Member who is the subject of the request may be represented

COUNCIL RULES, PERIOD XXIII

by a person of the Member's choice whether or not the person is an attorney at law and may have that representative speak or question witnesses on the Member's behalf.

(2) The questioning or cross-examining of witnesses may be reasonably limited by the presiding member.

(3) Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.

(4) The rules of evidence and judicial procedure applicable in courts of law shall not be applicable to this hearing, and the procedures shall be generally informal.

(h) Notwithstanding any other provision of this rule, the Chairman, pursuant to an authorizing resolution, may appoint any person or a standing or special committee to perform any investigation authorized by the rule.

654. REPRIMAND.

(a) A reprimand is a formal statement of the Council officially disapproving the conduct of one of its members. A reprimand shall be directed to a particular member of the Council based on a particular action or set of actions that is determined to be in violation of the Council's Rules, law, or policy, but is considered to be not sufficiently serious to require censure or expulsion. A reprimand is distinguished from censure in that it is not punishment or discipline and, therefore, does not require an investigation or hearing.

(b) The Council may adopt a resolution of reprimand in the same manner as provided for the adoption of any resolution; provided, that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. The fact that the Councilmember who is the subject of a reprimand does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution; provided, that the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

655. CENSURE.

(a) Censure is a formal statement of the Council officially disciplining one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the Member as an elected official. Censure should be used for cases in which the Council determines that the violation of law or policy is a serious offense. To protect the overriding principle of freedom of speech, the Council shall not impose censure on any Member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District. Nothing in this rule shall be construed to prohibit the Council, as a body, from condemning and expressing its strong disapprobation.

COUNCIL RULES, PERIOD XXIII

(b)(1) The Council may, by a 2/3rds vote of Councilmembers present and voting, adopt a resolution of censure if it finds, based on substantial evidence, that a Councilmember took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure.

656. EXPULSION.

(a) Expulsion is the most severe punitive action, serving as a penalty imposed for egregious wrongdoing. Expulsion results in the removal of the Member. Expulsion should be used for cases in which the Council determines that the violation of law is of the most serious nature, including those violations that substantially threaten the public trust. To protect the exercise of official Councilmember duties and the overriding principle of freedom of speech, the Council shall not impose expulsion on any Member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District.

(b)(1) The Council may, by a 5/6 vote of Councilmembers, adopt a resolution of expulsion if it finds, based on substantial evidence, that a Councilmember took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of expulsion.

ARTICLE VII—BUDGET PROCEDURES.**A. BUDGET REVIEW PROCEDURES.****701. ROLE OF THE COMMITTEE OF THE WHOLE.**

The Mayor's annual proposed budget for the District government and any supplement or amendments to the budget submitted to the Council pursuant to section 442 of the Charter (D.C. Official Code § 1-204.42) shall be referred to the Committee of the Whole.

702. BUDGET-REVIEW SCHEDULE.

(a) The Budget Director, at the direction of the Chairman, shall prepare a budget-review schedule that includes a hearing schedule, provides a template for the required format of and the submitting and filing of committee budget reports, and schedules other budget activities as necessary or appropriate.

(b) The budget-review schedule shall be presented to the Committee of the Whole for approval. The Budget Director, at the direction of the Chairman, may change the

COUNCIL RULES, PERIOD XXIII

schedule as necessary or appropriate and shall circulate the updated budget-review schedule and publish it on the Council website.

703. ROLE OF COUNCIL COMMITTEES.

(a) Each standing committee shall be responsible, in accordance with the budget-review schedule, for reviewing the proposed budget for agencies within its purview, including:

(1) Holding public hearings on the proposed budget for agencies within its purview;

(2) Recommending funding and personnel levels for each agency;

(3) Recommending appropriations language changes;

(4) Identifying additional budget needs not included in the committee's recommendation under paragraph (2) of this subsection, for which funding is sought;

(5) Identifying legislative actions required to implement the committee's budget recommendations; and

(6) Identifying issues for further analysis by the Mayor pursuant to section 442(a)(6) of the Charter (D.C. Official Code § 1-204.42(a)(6)).

(b)(1) Each committee shall submit, in accordance with the budget-review schedule and the Budget Director's report template, its committee report to the Budget Director for certification within 48 hours of markup.

(2) No committee may submit a report that results in a net increase in the total amount of the budget request for all agencies under its purview, unless that report also identifies additional revenue sources, additional budget reductions, or both, within the committee's jurisdiction, sufficient to provide funding for the increase, unless another committee has directed funds to the committee for a specific purpose.

(3) Following certification by the Budget Director, each committee shall file its report with the Secretary.

704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED BUDGET.

(a) The Budget Director, at the direction of the Chairman, upon receipt of committee reports, shall prepare a summary of committee recommendations for presentation to the Committee of the Whole. This summary shall also include a comparison of the budget levels recommended by committees with any revenue level recommended by the Budget Director, at the direction of the Chairman, and the Chairman.

COUNCIL RULES, PERIOD XXIII

(b) The Committee of the Whole shall meet to consider committee reports, recommendations, and comments, and the Chairman’s recommendations, if any, and shall proceed to mark up the proposed budget. No amendment shall have the effect of putting the budget out of balance. The Budget Director, at the direction of the Chairman, shall prepare a draft report and act reflecting the Committee of the Whole action.

705. COUNCIL CONSIDERATION OF THE BUDGET.

Following the markup and report on the budget by the Committee of the Whole, the reported budget shall be presented for 2 readings at the next legislative meetings or additional meetings called by the Chairman for that purpose.

B. REPROGRAMMING POLICY ACT PROCEDURES.

711. EFFECT OF RECESS ON PROCEDURES.

Reprogramming requests and grant budget modification requests may not be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of the requests will continue to run during a recess of the Council.

712. COMMITTEE REFERRAL OF REQUESTS.

The Chairman may refer reprogramming requests and grant budget modification requests to the Committee of the Whole. The Chairman may also refer reprogramming requests for comments to the standing committee having oversight responsibility for the program or agency affected.

713. CIRCULATION OF REQUESTS.

The Secretary shall circulate a copy of a reprogramming request within one business day of the filing of the request with the Secretary.

714. PUBLICATION OF NOTICE.

Upon receipt of a reprogramming request or a grant budget modification request, the Secretary shall publish a “notice of reprogramming request” or a “notice of grant budget modification request”, as the case may be, in the Register that, at a minimum, includes:

- (1) A description of the action requested;
- (2) The date the request was received by the Council; and
- (3) A statement that the request will be deemed approved 14 days from the date it was received by the Council unless a notice of disapproval has been filed before that time by a member of the Council, and that, if a notice of disapproval is filed,

COUNCIL RULES, PERIOD XXIII

the request will be deemed approved 30 days from the date the request was received unless, before that time, the Council adopts a resolution to disapprove the request.

715. WITHDRAWAL OF REPROGRAMMING REQUESTS.

The Mayor may withdraw a reprogramming request or grant budget modification request at any time before the Council takes final action on the request, or before it takes effect without Council action.

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.

(a) To initiate disapproval of a reprogramming request or a grant budget-modification request, a Councilmember shall file a written notice of disapproval with the Secretary within 14 days after the Council receives the request. The Secretary shall circulate copies of the written notice of disapproval.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 calendar days after the Council receives the request.

717. AUTOMATIC APPROVAL OF REQUESTS.

If the notice of disapproval provided in Rule 716 is not given within 14 days after the Council receives the request, the reprogramming request shall be deemed approved. If the notice is given as provided in Rule 716(a) and the Council does not take final action to disapprove the request as provided in Rule 716(b), the reprogramming request shall be deemed approved.

718. TRANSMITTAL TO MAYOR.

The Chairman shall transmit, by letter to the Mayor, notification of the Council’s disapproving or failure to disapprove a reprogramming request.

C. FUNDS CONTROL ACT PROCEDURES.

[RESERVED].

D. SPECIFIED FUNDING ALLOCATION PROCEDURES.

730. REQUIRED INFORMATION PRIOR TO APPROVAL.

(a) To receive an earmarked grant through the budget process or a supplemental budget, each grantee shall submit 2 copies of the following, postmarked or hand delivered to the Budget Director no later than 7 days following the date of the first reading of the Council on the budget:

- (1) The organization’s Articles of Incorporation;

COUNCIL RULES, PERIOD XXIII

(2) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

(3)(A) The organization’s most recent financial audit, not more than 2 years old; or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and that delineates its:

- (i) Existing assets and liabilities;
- (ii) Pending lawsuits, if any; and
- (iii) Pending and final judgments, if any;

(4) Internal Revenue Service Form 990 covering the organization’s most recently completed fiscal year;

(5) A notarized statement from the grantee certifying that:

(A) The organization is current on District and federal taxes;

(B) The Council of the District of Columbia is authorized to verify the organization’s tax status with the District of Columbia Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the Council, the Mayor, and the Auditor;

(C) The organization focuses primarily on services to District of Columbia; and

(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the Auditor to access its books, accounts, records, findings, and documents related to the grant; and

(6) A comprehensive program statement that includes a detailed:

- (A) Scope of work; and
- (B) Budget that describes how the grant funds shall be spent.

(b) Nothing in this title shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.

(c)(1) If an organization cannot meet the submission requirements established in subsection (a) of this section, the organization shall be required to submit:

COUNCIL RULES, PERIOD XXIII

(A) A notarized statement designating a nonprofit organization that does meet the criteria to serve as its fiscal agent or fiscal sponsor postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section; and

(B) The information required by subsection (a)(5) of this section.

(2) The fiscal agent or fiscal sponsor shall be required to submit the following, postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section.

(A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and

(B) The information required by subsection (a) of this section.

(d) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant. Before the second reading of the Budget Support Act, the Council's Budget Director shall certify which grantees have met the requirements of subsection (a) of this section. Any grantee that has not met the requirements shall be removed from the Budget Support Act on second reading, and shall not receive funding through an earmarked grant.

731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.

(a) An organization may not receive a specified funding allocation if the organization has received an award in the prior fiscal year.

(b) An organization that receives a specified funding allocation for a capital project shall be limited to only one capital award, annually.

732. LIMITS ON AWARD AMOUNTS.

Specified funding allocations per fiscal year shall be limited to \$250,000 for non-capital projects and \$1 million for all capital projects.

733. AUDIT REQUIREMENTS.

(a) Grantees shall be notified that the District of Columbia Auditor may randomly audit grant recipients.

(b) The District of Columbia Auditor's report, if applicable, shall be issued no later than March 1st of the fiscal year immediately following the year for which the grant was awarded.

COUNCIL RULES, PERIOD XXIII**734. DISCLOSURE REQUIREMENTS.**

Councilmembers and staff and the officers and directors of a proposed grantee shall be required to disclose the existence of any personal, familial, or financial relationship between a Councilmember or staff and any officer or director of the grantee.

E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN.**735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN.**

The Budget Director shall circulate and post on the Council website quarterly reports in accordance with Rule 283(b) no later than 15 days after the end of each quarter, identifying the bills adopted by the Council that reference the bills are subject to inclusion in the budget and financial plan or subject to appropriations.

736. REPEAL OF LAWS SUBJECT TO APPROPRIATIONS.

(a) A law, or provision of a law, that will be applicable subject to inclusion in a budget and financial plan that remains unfunded for 2 fiscal years shall be subject to repeal in the Budget Support Act on the third fiscal year following its enactment.

(b) The Budget Director shall prepare and submit a list of the laws, or provisions thereof, that meet the criteria for repeal to the Chairman that the Chairman may propose for approval by the Committee of the Whole for inclusion in the Budget Support Act.

ARTICLE VIII—COUNCIL RECORDS**A. COUNCIL RECORDS.****801. RESPONSIBILITY FOR RECORDS.**

(a) The Secretary shall maintain accurate and up-to-date Council records, described in Rules 806 and 807, and shall make the records available to the public.

(b) Each committee shall make records on legislation assigned to the committee and on other committee activities and shall file the records, when the record on a matter is closed post-hearing in accordance with Rule 532, with the Secretary. When records are in the custody of the committee, the committee shall make them available to the public.

802. FORM FOR INTRODUCTIONS.

(a) Each measure shall be introduced in typewritten form, signed by the Councilmember introducing it, include a long title that identifies the subject matter of

COUNCIL RULES, PERIOD XXIII

the measure, and be in substantial compliance with the form required for final adoption. The Secretary shall make the determination as to whether the measure complies with this subsection.

(b) Co-introduction of a measure shall be evidenced by the signature of the co-introducer on the face of the measure. Co-sponsorship shall be permitted up to the close of business the day following the legislative meeting or Committee of the Whole work session at which the measure was officially referred or by indication on the record at the legislative meeting.

(c) A Councilmember may withdraw as a co-introducer or a co-sponsor by filing a notice of withdrawal with the Secretary within one business day of the legislative meeting or Committee of the Whole work session at which the measure was officially referred.

803. REPORTS ON LEGISLATION.

(a) Each measure that is adopted by a committee shall be accompanied by a report.

(b) The report shall be adopted by the committee at the same meeting at which the measure is approved.

(c) Each adopted report on a measure shall be in writing, signed by the committee’s chairperson, accompanied by the final measure, and dated as of the date of the markup.

(d) Each adopted report shall contain the following information, in the order listed, regarding the reported legislation:

(1) A comprehensive section stating the measure’s background, need, purpose, and effect. This section shall also include the committee’s reasoning, analysis of relevant issues, legislative intent, and, if applicable, guidance on statutory construction;

(2) A chronology of action, including the date:

(A) Of introduction;

(B) That the notice of intent to act on the measure was published in the Register;

(C) That each notice of hearing or roundtable was published in the Register;

(D) Of each hearing or roundtable on the measure; and

COUNCIL RULES, PERIOD XXIII

(E) Of the committee meeting at which the measure and report were adopted;

(3) The position of the Executive, if any, on the measure;

(4) The committee's response to each relevant issue and concern raised in a recommendation adopted by a resolution of an affected Advisory Neighborhood Commission, if any, that has been provided to the committee before the close of the record;

(5) A list of witnesses who testified at the hearing, or who submitted a statement for the record before close of the record, and a brief summary of each witness's position;

(6) An explanation of the impact on existing provisions of law that the measure would modify or affect;

(7) A summary of the fiscal impact, including whether funds are sufficient to implement the legislation, and, if applicable, a summary of the tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701; provided, that when a measure has been sequentially referred pursuant to Rule 405(c), a fiscal impact statement is not required at markup by the first committee in the sequential referral;

(8) A detailed section-by-section analysis of the measure's substantive provisions;

(9) Any additional information that the committee decides to include; and

(10) A summary of the committee's mark-up of the measure, including:

(A) Dissenting, separate, and individual views of committee members, if members demanded the opportunity to state their views;

(B) A record of the results of a voice vote or, if a roll-call vote, the votes to adopt the legislation and the motion to adopt the report; and

(C) Any recorded votes on amendments to the measure or other motions.

(e) Attached to each report, in the following order, shall be:

(1) The measure, as introduced, along with the Mayor's transmittal letter, if applicable (but not necessarily any other attachments to the introduction), and the Secretary's memorandum of referral;

(2) Any written statements or materials that the committee decides to attach;

COUNCIL RULES, PERIOD XXIII

(3) As required by Rule 309, a fiscal impact statement;

(4) The tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701, if applicable;

(5) As required by Rule 310, a legal sufficiency determination;

(6) If reporting a bill repealing or amending existing law, a comparative print showing, by italic, underscore, strikethrough, or other typographical device, the changes proposed; except, that when a new section, or greater part is being added, such as a new chapter or title, a comparative print shall not be required but a reference to the new section or part shall be included in the committee report; and

(7) A committee print that states the number of the measure and, in the top left-hand corner of the measure, the name of the committee, the date of the committee markup, and the words “committee print”.

(f) Each report prepared by the Committee of the Whole on a Council appointment to another body and each report prepared by another committee on a confirmation shall include a current resume of the nominee.

(g) As required by Rule 309, no measure may be approved by a committee without a fiscal impact statement on the measure that is included in the committee report at the time of its consideration.

(h) As required by Rule 310, no measure may be approved by a committee without a legal sufficiency determination on the measure that is included in the committee report at the time of its consideration.

(i)(1) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 business days after committee action on the bill or resolution unless the committee votes to reconsider the bill or resolution.

(2) If a committee chairperson has failed to file a reported measure within the period of time specified in paragraph (1) of this subsection, the committee, by a majority vote of the members of the committee, may vote to have the measure as reported filed immediately with the Secretary, to be agendized at the next scheduled Committee of the Whole meeting.

(j) This section shall not apply to a budget measure or an emergency or temporary measure.

(k) The Secretary shall determine whether the report complies with this section.

804. SUPPLEMENTAL COMMITTEE REPORT.

A committee may adopt a supplemental committee report on a measure that expounds on the intent of that measure and explains the reasoning for any

COUNCIL RULES, PERIOD XXIII

amendments to the measure by the Council after the filing of the committee report on the measure. A supplemental committee report adopted by a Committee shall be filed with the Secretary.

805. IDENTIFICATION OF COUNCIL DOCUMENTS.

(a) Legislative documents shall be identified by a name that describes the type of document and a 2-part document number.

(b) Legislative documents shall be identified by the following names:

(1) A bill, whether permanent, temporary, or emergency, shall be known as a “Bill”;

(2) A resolution, before its adoption, shall be known as a “Proposed Resolution”;

(3) An enacted bill signed by the Mayor, a bill vetoed by the Mayor and approved by members of the Council, or an approved initiative certified by the Board of Elections shall be known as a “District of Columbia Act”;

(4) An adopted resolution shall be known as a “Resolution”;

(5) A ceremonial resolution, whether proposed or adopted, shall be known as a “Ceremonial Resolution”;

(6) An act that has taken effect following a congressional review period shall be known as a “District of Columbia Law”;

(7) A proposed reorganization plan shall be known as a “Reorganization Plan”;

(8) A request for a reprogramming shall be known as a “Reprogramming Request”;

(9) A proposed state plan shall be known as a “Proposed State Plan”; and

(10) A request for a grant budget modification shall be known as a “Grant Budget Modification”.

(c) The Secretary shall assign 2-part numbers to Council documents identified in subsection (b) of this section in the order of introduction, filing, adoption, or approval. The first part of the number consists of the current Council Period, and the second part consists of a consecutive serial number beginning with the number “1” in each Council Period.

COUNCIL RULES, PERIOD XXIII

(d) A report on a measure or a topic shall be titled as a “Report on _____” (with the name to be filled in as appropriate under subsection (b) of this section). Titled reports shall be further identified by:

(1) A number corresponding to the number, if any, assigned to a measure;
or

(2) If the report is not on a measure, a sequential number preceded by the year filed.

806. LEGISLATIVE FILES.

(a) The Secretary shall maintain an official file on each bill and proposed resolution, which shall include the original of the following:

(1) The introduced version of the bill or proposed resolution;

(2) Any recordings, transcripts, or items submitted for the record of hearings on the legislation;

(3) The committee report on the legislation;

(4) Files transmitted from the committee regarding committee consideration of the bill or resolution;

(5) Any amendments to the bill or proposed resolution presented in legislative meetings;

(6) The engrossed and enrolled versions of the legislation;

(7) Records of the publication and notice given of Council consideration of the legislation;

(8) Records of official transmittal of the legislation to the Mayor, to Congress, or other agencies or entities as required by law or the legislation; and

(9) Records from the Mayor, including vetoes and other statements transmitted to the Council by the Mayor, records from independent agencies or entities, such as the Office of the Chief Financial Officer and the Washington Metropolitan Area Transit Authority, and records from Congress or a member of Congress.

(b) The posting of draft measures and associated notices on the Council’s website shall not be considered official documents unless expressly incorporated in the official file by the Secretary pursuant to subsection (a) of this section.

COUNCIL RULES, PERIOD XXIII

807. OTHER OFFICIAL RECORDS.

The Secretary shall maintain other official Council records, including:

- (1) Transcripts and recordings of all legislative meetings;
- (2) Audio and video recordings and minutes of all committee meetings;
- (3) Audio and video recordings and documents submitted for the record of all legislative hearings;
- (4) Audio and video recordings and documents submitted for the record of investigative hearings, recordings and transcripts of depositions and other testimony taken in connection with investigations, and reports of investigations;
- (5) Records of all committee meetings to include the meeting agenda, the draft committee print considered at the meeting, and each amendment to a measure moved at the meeting; and
- (6) Any other document or record required by law or these Rules to be filed with the Council or with the Secretary.

808. RECORDS OF LEGISLATIVE MEETINGS.

A recording of each legislative meeting shall be produced and maintained by the Secretary. A written transcript or a transcription of each legislative meeting shall be made available upon request. The Council may establish a fee to cover the cost of production of any recording or transcript.

809. COMMITTEE RECORDS.

Whenever there is a change in the chairperson of a committee, the incumbent committee chairperson shall ensure that official committee files and records are maintained and transmitted to the incoming committee chairperson.

B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS.**811. FOIA PROCEDURES.**

(a) For the purposes of the Freedom of Information Act (D.C. Official Code § 2-531 *et seq.*) ("FOIA"), the General Counsel, or the General Counsel's designee, shall be the Council's FOIA Officer

(b) To ensure accurate and timely compliance with the law, whenever a request is received under FOIA, it shall be forwarded to the FOIA Officer within one business day of receipt. The FOIA Officer shall endeavor to provide documents under FOIA to requesters as soon as possible, and within the time period prescribed in D.C. Official Code § 2-532.

COUNCIL RULES, PERIOD XXIII

(c) (1) Within one business day after receiving a FOIA request, the FOIA Officer shall inform the Councilmember or Council office that is the subject of the request.

(2) For FOIA requests for public records within the control and possession of a Councilmember or Council office, the FOIA Officer shall instruct the subject to put a preservation hold on, to search for, and to provide copies of any public records responsive to the request.

(3) For FOIA requests for documents in any electronic format, the FOIA Officer shall instruct the subject to put a preservation hold on such records responsive to the request.

(d)(1) Upon receipt of a written request for access to a record, the FOIA Officer shall make a good-faith effort to determine if the record requested is a public record and whether the Council possesses the identified record.

(2) If a requester specifically identifies a public record that is not in the possession of the Council, but has made a reasonable showing that the record is in the possession of a Council employee, including the Chairman and each Councilmember, the FOIA Officer shall request that the employee search for and produce the public record believed to be in the employee's possession. An employee receiving a request under this paragraph shall make reasonable efforts to search for and produce the public record to the FOIA Officer within the time and in the form prescribed by the FOIA Officer.

(e) Before releasing any documents, emails, or materials, the FOIA Officer shall give the subject 48 hours to review the documents, emails, and materials, and to assert any legally cognizable privileges or statutory exemptions from disclosure for a specific document, email, or material.

(f) The General Counsel shall make the final determination on whether particular public records are responsive to the request and privileged or otherwise subject to disclosure.

(g) For the purposes of this rule, the term "public record" shall have the same meaning as provided in D.C. Official Code § 2-539.

812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.

A Council employee, including the Chairman and each Councilmember, shall use only the employee's government-provided email account, cellular phone, or tablet device to transact public business by email, text or other electronically transmitted message, including official action of any kind, unless the employee takes steps to ensure that any emails, text messages, or other electronically transmitted messages including those designed to disappear after a certain time period, sent or received on an account other

COUNCIL RULES, PERIOD XXIII

than the email account, cellular phone, or tablet device provided by the government are otherwise incorporated into the Council's records in a text-searchable format.

813. SERVICE OF PROCESS.

(a) For the purpose of receiving legal correspondence (including summonses, complaints, and subpoenas), only the Secretary and the General Counsel, or their designees, may accept service of process for the Council or any Councilmember in an official capacity.

(b) To ensure timely responses to legal pleadings, and to timely assert the Council's legislative privilege for actions taken within the scope of a Member's legislative duties, the Office of the General Counsel shall be notified immediately of receipt of any legal correspondence and such legal correspondence shall be transmitted to the Office of the General Counsel within one business day after receipt.

(c) A Member may not accept service of process of a legal document on behalf of the Council or for another Member.

ARTICLE IX—AUDITOR.**901. SELECTION.**

The Chairman shall nominate the Auditor and the Council shall, by resolution, act on the nomination.

902. TERM AND COMPENSATION.

The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Council.

903. VACANCY.

A vacancy in the Office of the Auditor shall be filled in the manner prescribed for full-term appointments to that office, and any person appointed to fill the vacancy shall serve until the end of the predecessor's term.

904. STAFF.

The Auditor shall appoint, remove, and set the relative remuneration, in accordance with the budget of the Office of the Auditor, of the Auditor's subordinate staff.

905. REPORTS AVAILABLE TO THE PUBLIC.

The Council shall make audit reports submitted to the Council by the Auditor, and any other material it deems pertinent to the report, available for public inspection.

COUNCIL RULES, PERIOD XXIII**ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES.****1001. PARLIAMENTARY AUTHORITY.**

Matters not covered by these Rules shall be governed by Mason's Manual of Legislative Procedure. It is the duty of the Chairman to interpret the Rules. Matters not covered by Mason's Manual of Legislative Procedure shall be determined by the Chairman subject to the right of a Member to appeal the Chairman's ruling.

1002. GENDER RULE OF CONSTRUCTION.

Unless the context indicates otherwise, words importing one gender include the other gender.

1003. SUSPENSION OF RULES.

(a) Except for rules regarding notice, quorum, or amendment of these Rules and any requirement of the Charter or other law, any Rule governing procedures of the Council may be suspended during the consideration of a specified matter by motion to suspend the Rules approved by 2/3rds of the Members present and voting.

(b) A motion to suspend the Rules is not debatable and may not be reconsidered.

1004. AMENDMENT OF RULES.

(a) These Rules may be amended by a vote of a majority of the Council.

(b) The proposed rules to be adopted at the organizational meeting pursuant to Rule 301 shall be filed by the Chairman with the Secretary no later than the business day before the organizational meeting. An amendment to the Rules moved at a meeting other than the organizational meeting shall be noticed and a draft circulated by noon on the third business day before the meeting.

(c) The current version of these Rules shall be featured prominently on the Council website, including any amendments adopted since the Rules were first adopted at the organizational meeting held pursuant to Rule 301.

1005. EFFECTIVE PERIOD.

These Rules shall be effective until superseded by Rules of Organization and Procedure adopted in a succeeding Council Period, as provided in Rule 301.

APPENDIX A.

TO: _____

(Address)

PURSUANT TO D.C. Official Code § 1-204.13, YOU ARE COMMANDED TO APPEAR before the (Council/Committee on) _____, of the Council of the District of Columbia, at ____ (a.m./p.m.) on the day of _____, 20__, to testify before the Council/Committee concerning:

_____ and bring with you: _____.

ISSUED BY: _____ ATTEST: _____

Chairman/Member of the Secretary to the Council

Council of the District of Columbia (Seal of the District)

IMPORTANT: If you fail to appear at the time and place stated or to bring with you the documents or items requested, the Council may refer the matter to the Superior Court of the District of Columbia for an order compelling your attendance or the production of the documents or items requested.

Failure to obey such an order may be punished as contempt of Court. DO NOT FAIL TO APPEAR OR PRODUCE THE REQUESTED ITEMS AT THE REQUIRED TIME.

RETURN:

I, _____ certify that I served a copy of this subpoena on the named party at _____ (address), on the _____ day of _____, 20__, at _____, (a.m./p.m.) by the following means:

PROCESS SERVER: _____

(Address) Washington, D.C.

DISTRICT OF COLUMBIA: SS

SUBSCRIBED AND AFFIRMED TO ME BEFORE THIS __ DAY OF _____, 20__

NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

You may obtain a copy of the Rules of Organization and Procedure for the Council of the District of Columbia and the Resolution authorizing this investigation from the Council’s Legislative Services Division, John A. Wilson Building, Room 10, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

ENROLLED ORIGINAL

COUNCIL OF THE DISTRICT OF COLUMBIA
CODE OF OFFICIAL CONDUCT
COUNCIL PERIOD 23

TABLE OF CONTENTS

I. Conflicts of Interest.....2

II. Outside Activities 6

III. Gifts from Outside Sources8

IV. Conferences, Travel, and Receptions and Donations to the Council..... 12

V. Gifts Between Employees 15

VI. Use of Government Resources..... 16

VII. Use of Confidential Information..... 19

VIII. Post-Governmental Employment Conflicts of Interest..... 20

IX. Political Activities 22

X. Official Mail Rules..... 24

XI. Ethics Training, Financial Disclosures, and Ethics Counseling 30

XII. Decorum of Councilmembers..... 32

ENROLLED ORIGINAL

I. CONFLICTS OF INTEREST

- (a) GENERALLY. No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (b) WAIVERS. An employee other than a Councilmember may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if:
- (1) The employee advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;
 - (2) Makes full disclosure of the financial interest; and
 - (3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:
 - (A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from such employee; or
 - (B) Another legally cognizable basis for waiver exists.
- (c)(1) Any employee other than a Councilmember who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest and:
- (A) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and
 - (B) Deliver the statement to the employee's supervisor and to the Ethics Board.

ENROLLED ORIGINAL

- (2) Upon receipt of the statement provided in subsection (c)(1) of this section, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.
- (d)(1) RECUSAL STATEMENT. A Councilmember who, in the discharge of the Councilmember's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to the Council Chairman.
- (2) During a proceeding in which a Councilmember would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:
- (A) Read the statement provided in subsection (d)(1) of this section into the record of proceedings; and
 - (B) Excuse the elected official from votes, deliberations, and other actions on the matter.
 - (C) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (e) SPECIFIC CONFLICT SITUATIONS.
- (1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from any source other than the District government for the employee's performance of official duties.
 - (2) No employee or member of the employee's household may knowingly acquire:
 - (A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly

ENROLLED ORIGINAL

influencing the employee in the conduct of his or her official duties and responsibilities; or

- (B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to matters over which the employee could wield any influence, official or otherwise.

(f) DEFINITIONS. For the purposes of this Rule, the term:

- (1) "Affiliated organization" means an organization or entity:
 - (A) In which the employee serves as officer, director, trustee, general partner, or employee;
 - (B) In which the employee or member of the employee's household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value; or
 - (C) That is a client of the employee or member of the employee's household; or
 - (D) With whom the employee is negotiating for or has an arrangement concerning prospective employment.
- (2) "Direct and predictable effect" means there is:
 - (A) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest; and
 - (B) A real, as opposed to a speculative possibility, that the matter will affect the financial interest.
- (3) "Member of the employee's household" means a person who resides in the same household as the employee and is:
 - (A) A spouse or domestic partner of the employee;
 - (B) A parent, sibling, or child of the employee or of any person in subparagraph (A) of this paragraph; or

ENROLLED ORIGINAL

- (C) A spouse or domestic partner of any person in subparagraph (B) of this paragraph.
- (4) “Particular matter” is limited to deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.
- (5) “Person closely affiliated with the employee” means a spouse, dependent child, general partner, a member of the employee’s household, or an affiliated organization.

ENROLLED ORIGINAL

II. OUTSIDE ACTIVITIES

(a) GENERALLY.

- (1) No employee shall engage in outside employment or private activity that conflicts or would appear to conflict with the fair, impartial, and objective performance of the employee’s official duties and responsibilities or with the efficient operation of the Council.
- (2) Before engaging in outside employment, an employee other than a Councilmember shall obtain the approval of his or her supervisor.

(b) LIMITATIONS ON PERMISSIBLE ACTIVITIES.

- (1) An employee may engage in outside employment or activities such as teaching, writing for publication, consultative activities, and speaking engagements if the activities are:
 - (A) Consistent with subsection (a) of this Rule;
 - (B) Not otherwise prohibited by law or regulation; and
 - (C) Conducted outside of regular working hours, while the employee is on annual leave or leave without pay, or at a minimal level during work hours in a manner that does not interfere with the employee’s official duties.
- (2) The information used by an employee engaging in outside employment or activities shall not draw on official data or ideas that are not public information, unless the employee has written authorization from the employee’s supervisor to use such information.

(c) SPECIFIC RESTRICTION ON REPRESENTATION.

- (1) Except as provided in paragraph (2) of this subsection, an employee shall not:
 - (A) Represent another person, have a financial interest, or provide assistance in prosecuting a claim against the District of Columbia before any regulatory agency or court of the District of Columbia; or

ENROLLED ORIGINAL

- (B) Represent another person before any regulatory agency or court of the District of Columbia in a matter in which the District of Columbia is a party or has a direct and substantial interest.
- (2) The prohibition in paragraph (1) of this subsection shall not apply to an employee, who, if not inconsistent with the faithful performance of the employee's duties, and acting without compensation, represents:
- (A) A person who is the subject of disciplinary or other personnel administration proceedings in connection with those proceedings; or
 - (B) A nonprofit cooperative, voluntary, professional, recreational, or similar organization or group, if a majority of the organization's or group's members are current officers or employees of the United States government or of the District of Columbia government, or their spouses or dependent children; provided, that this exception shall not apply to any matter that:
 - (i) Is a claim under paragraph (1)(A) of this subsection;
 - (ii) Is a judicial or administrative proceeding where the organization or group is a party; or
 - (iii) Involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of federal funds to the organization or group.

ENROLLED ORIGINAL

III. GIFTS FROM OUTSIDE SOURCES

- (a) Except as provided in subsection (c) of this Rule and Rule IV, employees shall not solicit or accept, either directly or indirectly, any gift from a prohibited source.
- (b) An employee who receives a gift from a prohibited source shall:
 - (1) Return the gift to the donor;
 - (2) Reimburse the donor the market value of the gift; or
 - (3) If the gift is perishable and it would not be practical to return it to the donor, donate the gift to charity, share it with the office staff, or destroy it.
- (c) Notwithstanding subsection (a) of this Rule, an employee may accept the following gifts:
 - (1) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;
 - (2) Loans from banks and other financial institutions on terms generally available to the public;
 - (3) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public;
 - (4) Opportunities and benefits, including favorable rates and commercial discounts:
 - (A) Available to the public or to a class consisting of all District employees;
 - (B) Offered to members of a group or class in which membership is unrelated to District employment; or
 - (C) Offered to members of an organization, such as an employees' association or agency credit union, in which membership is related to District employment if the same offer is broadly available to large segments of the public through organizations of similar size;

ENROLLED ORIGINAL

- (5) Pension and benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;
- (6) Anything that is paid for by the Council or the District or the employee or secured by the Council or the District under contract;
- (7)(A) Unsolicited gifts having an aggregate market value of \$50 or less per source per occasion, provided that the aggregate market value of individual gifts received from any prohibited source under the authority of this paragraph shall not exceed \$100 in a calendar year.
- (B) When the market value of a gift or the aggregate market value of gifts offered on any single occasion under this paragraph exceeds \$50, the employee may not pay excess value over \$50 in order to accept that portion of the gift or those gifts worth \$50;
- (C) When the aggregate value of tangible items offered on a single occasion exceeds \$50, the employee may decline any distinct and separate item in order to accept those items aggregating \$50 or less; or
- (D) This paragraph shall not apply to gifts of cash, stock, bonds, or certificates of deposit;
- (8) Gifts given to an employee under circumstances that make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift;
- (9) Reduced membership or other fees for participation in organization activities offered to all District employees by professional organizations if the only restrictions on membership relate to professional qualifications;

ENROLLED ORIGINAL

- (10) Gifts approved in advance by the employee's supervising Councilmember in exceptional circumstances that are disclosed on Sterling and posted on the Council's website.
- (d) A gift that is solicited or accepted indirectly includes a gift given:
- (1) With the employee's knowledge and acquiescence to his parent, sibling, spouse, domestic partner, child, or dependent relative because of that person's relationship to the employee; or
 - (2) To any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items under subsection (b)(3) of this Rule.
- (e) SPECIFIC GIFT RESTRICTIONS., Except as provided in Rule IV, no employee shall:
- (1) Solicit or accept anything of value from a registered lobbyist that is given for the purpose of influencing the actions of the employee in making or influencing the making of an administrative decision or legislative action.
 - (2) Directly or indirectly demand, seek, receive, accept, or agree to receive or accept anything of value personally or for any other person or entity, in return for:
 - (A) Any official act performed or to be performed by the employee;
 - (B) Being influenced in the performance of any official act;
 - (C) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the District of Columbia; or
 - (D) Being induced to do or omit to do any act in violation of the employee's official duty.

ENROLLED ORIGINAL

(f) GOVERNMENT RESOURCES AVAILABLE TO THE PUBLIC. Employees are not prohibited from accepting any material, article, or service that is available as part of any District government program or provided free to District residents or visitors.

(g) DEFINITIONS. For the purposes of this Rule, the term:

- (1) “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. Gifts may also consist of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has incurred.
- (2) “Prohibited source” means any person or entity that:
 - (A) Has or is seeking to obtain contractual or other business or financial relations with the District government;
 - (B) Conducts operations or activities that are subject to regulation by the District government; or
 - (C) Has an interest that may be favorably affected by the performance or non-performance of the employee’s official responsibilities.

ENROLLED ORIGINAL

IV. CONFERENCES, TRAVEL, AND RECEPTIONS AND DONATIONS TO THE COUNCIL

(a) CONFERENCES AND TRAVEL.

- (1) Employees may accept reasonable expenses for food, travel, lodging, and scheduled entertainment to attend a meeting, conference, or to participate in educational travel, if:
 - (A) The donor is neither a registered lobbyist nor a prohibited source (an entity that has substantial interests before the Council);
 - (B) The meeting or conference is an organized event;
 - (C) The topics or subjects are related to official Council business;
 - (D) The event is widely attended by a range of attendees other than District employees; and
 - (E) Other attendees are treated similarly in terms of the food, travel, lodging, and entertainment expenses that they are offered.
- (2) Spouses and domestic partners of employees may share lodging with the employee who is attending an event under this subsection; however, the spouse or domestic partner may not accept food, travel, or entertainment expenses unless the spouse or domestic partner pays market value for the same.
- (3) Employees are encouraged to submit a copy of the itinerary of the meeting, conference, or educational travel in advance to the General Counsel for review.

(b) WIDELY ATTENDED EVENTS.

- (1) An employee may accept:
 - (A) An offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner, gala, viewing, reception, or similar event; provided, that:

ENROLLED ORIGINAL

- (i) At least 25 persons from outside the District government are expected to be in attendance;
 - (ii) Attendance at the event is open to members from throughout a given industry or profession, or to a range of persons interested in an issue; and
 - (iii) Attendance is connected to the attendee's official Council duties.
 - (B) Free attendance for one accompanying individual to the event described in subparagraph (A) of this paragraph; and
 - (C) A meal that is offered to all attendees as part of the event described in subparagraph (A) of this paragraph.
- (2) For the purposes of this subsection, the term "connected to the attendee's official Council duties" includes participation in the event as a speaker or a panel participant, presenting information related to the Council or matters before the Council, performing a ceremonial function appropriate to the official position of such individual, or attending when otherwise appropriate to the representative function of the Council.
- (c) GIFT BAGS. An employee may not accept a gift bag for an event under subsections (a) or (b) of this Rule if the organizing event sponsor is a prohibited source, unless the contents of the bag meet the requirements under Rule III.
- (d)(1) DONATIONS TO THE COUNCIL. An employee may solicit or accept, pursuant to D.C. Official Code § 1-329.01(a), a thing of a value as a donation made to the Council to carry out authorized functions or duties of the Council. Donations are considered Council property and may not be used for unauthorized purposes.

ENROLLED ORIGINAL

(2)(A) Recognition of Donors. Donors may be recognized for their donations through letters of acceptance and appreciation, press releases, certificates, and other items that commemorate the donation.

(B) Recognition of corporate donations must not give the impression of advertising or commercialization. A short, discreet unobtrusive donor credit line may be used as recognition, but no product names or logos may be used.

(c) DISCLOSURE.

(1) An employee accepting a thing of value under this rule shall disclose the acceptance in accordance with paragraph (2) of this subsection.

(2)(A) An employee accepting a thing of value under this rule shall, by the last business day of the month, disclose on Sterling a list of the following for each event and thing of value:

- (i) Donor;
- (ii) Date; and
- (iii) Estimated value.

(B) Disclosures filed pursuant to this subsection shall be published on the Council's website on the first Friday in the first full week of each month or, if the Friday is a holiday, the next business day.

(C) Councilmembers who do not attend a qualifying event or accept a donation during the reporting period shall file a report indicating that nothing of value was accepted during the period.

(3) For the purposes of this subsection, the term "thing of value" shall not include an offer of free attendance to an event if the employee does not attend the event.

ENROLLED ORIGINAL

V. GIFTS BETWEEN EMPLOYEES

- (a) Except as provided in subsections (c) and (d) of this Rule, an employee may not:
 - (1) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or
 - (2) Solicit a contribution from another employee for a gift to either the employee's official superior or the other employee's official superior.
- (b) An employee may not accept a gift, directly or indirectly, from an employee receiving less pay unless:
 - (1) The two employees are not in a subordinate-official superior relationship; and
 - (2) There is a personal relationship between the two employees that would justify the gift.
- (c) On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (1) Items, other than cash, with an aggregate market value of \$50 or less per occasion;
 - (2) Items such as food and refreshments to be shared in the office among several employees;
 - (3) Personal hospitality provided at a residence that is of a type and value customarily provided by the employee to personal friends; or
 - (4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
- (d) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (1) In recognition of special occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
 - (2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

ENROLLED ORIGINAL

VI. USE OF GOVERNMENT RESOURCES

- (a) GENERALLY. Employees shall not:
- (1) Use Council time or government resources for purposes other than official business or other government-approved or sponsored activities, with the exception of *de minimis* use that does not interfere with an employee's official duties and responsibilities, including the incidental use of Council time or resources for purposes of scheduling;
 - (2) Order, direct, or request an employee to perform during regular working hours any personal services not related to official Council functions and activities, with the exception of incidental use of Council time or resources for purposes of scheduling; or
 - (3) Use or permit the use of government resources to support or oppose any candidate for elected office, to promote a political committee, or to support or oppose any initiative, referendum, or recall measure.
- (c)(1) PRESTIGE OF OFFICE. An employee may not knowingly use the prestige of office or public position for that employee's private gain or that of another.
- (2) The performance of usual and customary constituent services, without additional compensation, is not prohibited under paragraph (1) of this subsection.
 - (3) Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.
 - (4) A Councilmember may serve as an honorary chair or honorary member, or speak or appear at of a nonprofit entity's fundraising event, so long as the entity for which funds are raised supports a nongovernmental bona fide charitable activity. Use of the

ENROLLED ORIGINAL

Councilmember's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as the Councilmember may prescribe. The authority granted by this paragraph shall not extend to the use of the Councilmember's name or title in solicitations made by or on behalf of the Councilmember directly to individual contributors.

- (d)(1) SPECIAL RULES FOR LETTERS OF RECOMMENDATION. Employees may sign a letter of recommendation using their official titles only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual or entity with whom they have dealt in the course of their Council employment.
- (2) Letters of recommendation may be written on Council letterhead if the applicant is a current or former Council employee or has worked with the Council in an official capacity and the letter relates to the duties performed by the applicant.
- (3) If an employee does not have personal knowledge of an individual or entity's work ability or performance, the employee may sign a letter of recommendation on Council letterhead addressing only the character or residence of the individual or entity requesting the letter.

(e) DEFINITIONS.

For the purposes of this Rule, the term:

- (1) "Government Resources" means any property, equipment, or material of any kind, including that acquired through lease, and the personal services of an employee during his or her hours of work.
- (2) "Usual and customary constituent services" includes an employee's representational activities, such as advocacy, communications, inquiry, oversight, and other actions, made on another person's behalf; provided, that the employee does not, directly or indirectly,;

ENROLLED ORIGINAL

(A) Threaten reprisal or promise favoritism for the performance or nonperformance of another person's duties; or

(B) Request that another person abuse or exceed the discretion available to that person under law.

ENROLLED ORIGINAL

VII. USE OF CONFIDENTIAL INFORMATION

Employees and former employees may not:

- (1) Willfully or knowingly disclose or use confidential or privileged information acquired by reason of their position without authorization or unless authorized or required by law to do so.
- (2) Divulge information in advance of the time prescribed for its authorized issuance or otherwise make use of or permit others to make use of information not available to the general public.

ENROLLED ORIGINAL

VIII. POST-GOVERNMENTAL EMPLOYMENT CONFLICTS OF INTEREST

- (a) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS. No employee, after the termination of his or her service or employment with the Council, shall knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the District of Columbia, on behalf of any other person (except the District of Columbia) in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
 - (2) In which the person participated personally and substantially as such officer or employee; and
 - (3) Which involved a specific party or specific parties at the time of such participation.
- (b) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY. No employee shall, within 2 years after the termination of his or her service or employment with the Council, knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the Council, on behalf of any other person (except the District of Columbia), in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
 - (2) Which the person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of one year before the termination of his or her service or employment with the Council; and
 - (3) Which involved a specific party or specific parties at the time it was pending.

ENROLLED ORIGINAL

- (c) SPECIAL RULES FOR FORMER COUNCIL EMPLOYEES. A former Council employee shall not, within one year after leaving government service or employment, knowingly make, with the intent to influence, any communication to or appearance before the Councilmember for whom the employee worked or any former subordinate employee, on behalf of any other person, other than the District of Columbia, in connection with any matter on which the former employee seeks action by a Councilmember or Council employee in his or her official capacity.
- (d)(1) EXCEPTIONS. The prohibitions contained in this Rule shall not apply to acts done in carrying out official duties on behalf of:
- (A) The United States or the District of Columbia, as an elected official of a state or local government;
 - (B) An agency or instrumentality of a state or local government if the appearance, communication, or representation is on behalf of such government; or
 - (C) An accredited, degree-granting institution of higher education, as defined in the Higher Education Act of 1965, approved November 8, 1965 (79 Stat. 1219; 20 U.S.C. § 1001), or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.
- (2) Nothing in this Rule shall prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former employee of the Council who is subject to the restrictions in subsection (a) of this Rule with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person, other than the District of Columbia, in that matter.

ENROLLED ORIGINAL

IX. POLITICAL ACTIVITIES

- (a) PROHIBITIONS. No Council employee shall:
- (1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - (2) Directly or indirectly solicit, accept, or receive a political contribution from any person;
 - (3) Run for nomination or as a candidate for election to a partisan political office; or
 - (4) Knowingly solicit or discourage the participation in any political activity of any person who:
 - (A) Has a measure pending before the Council; or
 - (B) Is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the Council;
 - (5) Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.
- (b) No Council employee shall:
- (1) Engage in political activity:
 - (A) While the employee is on duty;
 - (B) In any room or building occupied in the discharge of official duties by an individual employed or holding office in the District government or in the Government of the United States or any agency or instrumentality thereof;
 - (C) While wearing a uniform or official insignia identifying the office or position of the employee; or
 - (D) Using any vehicle owned or leased by the District government or the Government of the United States or any agency or instrumentality thereof.

ENROLLED ORIGINAL

- (2) Coerce, explicitly or implicitly, any subordinate employee to engage in political activity.
- (c) DESIGNATED EMPLOYEES. Each member of the Council may designate one employee while on annual or unpaid leave to perform any of the functions described in subsection (a)(2) of this Rule; provided, that:
- (1) The employee shall not perform the functions in the circumstances described in subsection (b) of this Rule;
 - (2) The employee may only perform the functions for a principal campaign committee, exploratory committee, or transition committee;
 - (3) Any designation pursuant to this subsection shall be made in writing by the member of the Council to the Secretary of the Council; and
 - (4) Any designated employee shall file a report, in a form as prescribed by the Ethics Board, with the Ethics Board within 15 days after being designated.
- (d) DEFINITIONS. For purposes of this Rule, the term:
- (1) “Employee” shall not include members of the Council.
 - (2) “Political activity” means an activity that is regulated by the District directed toward the success or failure of a political party, candidate for partisan political office, partisan political group initiative, referendum, or recall. For the purposes of subsection (b) of this Rule, political activity is not limited to activities regulated by the District.
- (e) CONSTRUCTION. Nothing in this rule should be construed as prohibiting a Council employee from taking an active part in political management or in political campaigns unless the employee’s activity violates subsection (a) or subsection (b) of this Rule.

ENROLLED ORIGINAL

X. OFFICIAL MAIL RULES

- (a) DEFINITIONS. For the purposes of this rule, the term:
- (1) “Electronic newsletter” means more than 500 substantially identical newsletters or similar types of materials, transmitted through the internet at public expense, during any 30-day period related to a Councilmember’s activities, including such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action.
 - (2) “Mass mailing” means more than 100 substantially identical newsletters or similar types of material, transmitted through the mails, during any 30-day period, but shall not include a response to a communication initiated by a constituent.
 - (3) “Newsletter” means the usual and customary correspondence that deals with such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action. The term “newsletter” includes a news release.
 - (4) “Official mail” means correspondence, including newsletters or similar types of materials, suitable to be mailed at public expense that pertains directly or indirectly to the legislative process or to a Council legislative function, including any matter related to a past or current Council, the performance of official duties by a Councilmember in connection with a Council function, or other related matters of public concern or public service.
- (b) PERMITTED CATEGORIES OF OFFICIAL MAIL. Except as otherwise provided in this Rule, an employee may not mail, as official mail, any matter, article, material, or document for any reason other than the following:
- (1) A request for a matter, article, material, or document that has been previously received by the Council;
 - (2) The mailing of the document is required by law;

ENROLLED ORIGINAL

- (3) The material or matter requests information pertinent to the conduct of the official business of the Council;
 - (4) The material contains information relating to the activities of the Council or to the availability of Council publications or other documents;
 - (5) The enclosures are forms, blanks, cards, or other documents necessary or beneficial to the administration of the Council;
 - (6) The materials are copies of federal, state, or local laws, rules, regulations, orders, instructions, or interpretations thereof; or
 - (7) The materials are being mailed to federal, state, or other public authorities.
- (c) OFFICIALLY MARKED ENVELOPES. An envelope or other material that is used to enclose official mail shall bear on its face the name and address of the Council and the words “official business.” Envelopes and other materials shall not be used to enclose materials, documents, or other articles except those enumerated in subsections (b) and (e) of this Rule or other materials not prohibited by subsection (d) of this Rule.
- (d) PROHIBITED USES OF OFFICIAL MAIL BY ELECTED OFFICIALS.
- (1) A Councilmember may not mail, as official mail, a mass mailing within the 90-day period that immediately precedes a primary, special, or general election in which the Councilmember is a candidate for office.
 - (2) A Councilmember may mail, as official mail, newsletters; provided, that these materials do not contain any of the following:
 - (A) Autobiographical articles;
 - (B) Political cartoons;
 - (C) Reference to past or future campaigns;
 - (D) Announcements of filings for reelection;
 - (E) Announcements of campaign schedules;
 - (F) Announcements of political or partisan meetings;
 - (G) Reports on family life;

ENROLLED ORIGINAL

- (H) Personal references that are included for publicity, advertising, or political purposes;
 - (I) Pictures of the official members with any partisan label such as "Democrat," "Republican," "Statehood Party," or any other label that purports to advertise the member rather than to illustrate the accompanying text;
 - (J) Articles about community events that are unrelated to official government business; and
 - (K) Reports on non-official activities of the Councilmember that have the effect of lending the franking privilege to others, no matter how worthwhile or charitable the endeavors of those to whom the franking privilege would be loaned.
- (3) A Councilmember may not use official mail to solicit directly or indirectly funds for any purpose.
 - (4) A Councilmember may not use official mail for transmission of matter that is purely personal to the sender and is unrelated to the official duties, activities, and business of the member.
 - (5) A Councilmember may not mail, as official mail, cards or other materials that express holiday greetings from the Councilmember or the Councilmember's family;
- (e) AUTHORIZED USES OF OFFICIAL MAIL. The provisions of subsection (d) of this Rule do not prohibit a Councilmember or the Councilmember's staff from mailing, as official mail, any of the following:
- (1) The whole or part of a record, speech, debate, or report of the Council or a committee of the Council;
 - (2) The tabulation of a Councilmember's vote or explanation of the vote;
 - (3) An expression of condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction; provided, that mass mailings of a congratulatory nature that are substantially the same except for individualized addresses are not authorized;

ENROLLED ORIGINAL

- (4) Information concerning the Councilmember's schedule of meeting constituents;
 - (5) Information concerning the meeting schedule and agenda for committees and subcommittees upon which the Councilmember serves;
 - (6) Information concerning financial disclosure information, whether or not required by law;
 - (7) Matter that consists of federal, state, or local laws, regulations or publications paid for by public funds;
 - (8) Questionnaires that relate to matters on public policy or administration; and
 - (9) Matter that contains a picture of the member or biographical or autobiographical data whenever the matter is mailed in response to a specific request.
- (f) USE OF ELECTRONIC NEWSLETTERS.
- (1) A Councilmember or Council employee shall not transmit an electronic newsletter within the 90-day period immediately before a primary, special, or general election in which the Councilmember is a candidate for office, unless the electronic newsletter conforms with the following requirements:
 - (A) The recipients have individually subscribed to receive the electronic newsletter;
 - (B) The electronic newsletter contains a clear and conspicuous notice of the method by which a recipient can request not to receive future electronic newsletters; and
 - (C) The proposed newsletter has been submitted for review by the General Counsel or the Office of Campaign Finance.
 - (2) An electronic newsletter shall comply with the requirements of subsection (d)(2) of this Rule.

ENROLLED ORIGINAL

- (3) An electronic newsletter shall not be transmitted at public expense unless, when viewed as a whole, it:
 - (A) Is informational rather than self-promotional; or
 - (B) Is directly related to a Councilmember's official legislative or representative duties.
- (g) PHOTOGRAPHS AND SKETCHES CONTAINED IN NEWSLETTERS. Each photograph or sketch contained in a newsletter or report on constituent service activities shall relate to the official legislative duties of the Councilmember and shall not, because of excessive use and size, have the effect of advertising or publicizing the Councilmember. In addition, to be mailed at public expense as official mail, a newsletter or report on constituent service activities may not contain any of the following:
 - (1) More than one photograph or likeness of the Councilmember appearing alone;
 - (2) A photographic likeness of the Councilmember appearing alone that covers more than 6% of a single page or that exceeds 6 square inches on 8 1/2" x 11" paper;
 - (3) More than 2 photographs per page that include the Councilmember with other persons;
 - (4) Two photographs on a single page that include the Councilmember and exceed 20% of the page;
 - (5) A photograph of a Councilmember with a label such as "Democrat," "Republican," "Statehood Party," or any other label that purports to advertise the Councilmember rather than to illustrate the accompanying text; and
 - (6) A photograph that does not relate to, illustrate, or explain the accompanying text.

ENROLLED ORIGINAL

- (h) SIZE AND PRINT TYPES FOR NAMES.
- (1) A Councilmember's name in the masthead of a newsletter shall not appear in print type larger than 1/2" in height.
 - (2) A Councilmember's name in the text of a newsletter shall not appear in type style or size larger than the other matter, nor in print size larger than 1/4" in height.
- (i) USE OF OFFICIAL MAIL BY OFFICIALS-ELECT. In addition to Councilmembers, the Chairman elect and members elect of the Council may mail materials as official mail.
- (j) GENERAL COUNSEL REVIEW. The General Counsel shall be available to Councilmembers and their staff to review materials intended to be mailed as official mail to ensure that the materials comply with the laws and rules governing official mail. Upon written request of a Councilmember, the General Counsel shall provide a written opinion concerning whether the materials, submitted by the Councilmember and intended to be mailed as official mail, comply with the laws and rules governing official mail.

ENROLLED ORIGINAL

**XI. ETHICS TRAINING, FINANCIAL DISCLOSURES,
AND ETHICS COUNSELING**

- (a) DEFINITIONS. For the purposes of the Code of Conduct, the term:
- (1) “Employee” shall include all Council staff and Councilmembers, unless specifically stated otherwise.
 - (2) “General Counsel” means the General Counsel to the Council of the District of Columbia, or a designated employee within the Office of the General Counsel to the Council of the District of Columbia.
- (b) ETHICS TRAINING.
- (1) NEW EMPLOYEES. All employees shall complete a mandatory ethics-training course within 2 months of beginning employment with the Council.
 - (2) ANNUAL CERTIFICATION. The General Counsel shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to employees on at least an annual basis.
 - (3) MATERIALS ON COUNCIL WEBSITE. The General Counsel shall ensure that ethics training materials, including summary guidelines to all applicable laws and regulations, shall be made readily available online and in print.
- (c) FINANCIAL DISCLOSURE.
- (1) An employee who is covered under section 224 or 225 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 § 1-1162.24 or 1-1162.25) (“Government Ethics Act”), shall file the required disclosures in accordance with the Government Ethics Act.
 - (2) A departing employee who would have been required to file a disclosure pursuant to section 225 of the Government Ethics Act shall file a to-date disclosure with the employee’s personnel authority within 30 days after termination of employment.

ENROLLED ORIGINAL

- (d) ETHICS COUNSELING AND SAFE HARBOR.
- (1) The General Counsel shall provide at the request of an employee confidential advice about compliance with the Code of Conduct and any other applicable laws and regulations.
- (2)(A) An employee who, after providing full disclosure of all relevant facts, obtains advice from the General Counsel and acts in accordance with that advice, even if that action is later found to constitute a violation of this Code of Conduct, shall not, subject to subparagraph (B) of this paragraph, be found to have violated the provisions of the Code of Conduct.
- (B) If the employee knows or has reason to know that the General Counsel's advice was based upon fraudulent, misleading, or otherwise incorrect information provided by the employee, subparagraph (A) of this paragraph shall not apply.
- (C) An employee is responsible for providing and maintaining appropriate documentation of the underlying facts.

ENROLLED ORIGINAL

XII. DECORUM OF COUNCILMEMBERS

- (a) **GENERALLY.** During any meeting of the Council that is open to the public, as defined by section 405 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575), a Councilmember shall treat other Councilmembers with dignity and respect and refrain from using profane, indecent, or abusive language directed at another Councilmember or the Council as an institution.
- (b) **REMOVAL OF COUNCILMEMBERS.**
- (1) The Chairman shall maintain order during any meeting of the Council. The Chairman may order the removal of a Councilmember from a meeting if:
- (A) The Chairman determines that:
- (1) The Councilmember has violated subsection (a) of this Rule; and
- (2) Removal of the Councilmember is necessary to maintain order; and
- (B) The Chairman has warned the Councilmember to come to order.
- (2) This subsection shall not be construed to apply to any regular, additional, or special meeting of the Council or Committee of the Whole held pursuant to Rules 231, 301, 302, or 303 of the Rules of Organization and Procedure for the Council of the District of Columbia.
- (3) This subsection shall not be construed to otherwise limit the ability of the Council to enforce this Rule.
- (c) **CONSTRUCTION.**
- (1) The conduct prohibited by subsection (a) of this Rule shall not be considered a violation of the Code of Official Conduct for purposes of discipline if a Councilmember promptly comes to order upon warning by the Chairman.

ENROLLED ORIGINAL

- (2) This Rule shall not be construed to prohibit the exercise of a Councilmember's First Amendment rights.

ENROLLED ORIGINAL

A RESOLUTION

23-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

To appoint the Chairperson Pro Tempore and chairpersons and members of each standing committee of the Council of the District of Columbia during Council Period 23.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019”.

Sec. 2. Pursuant to section 212 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, effective January 2, 2019 (Res. 23-1; 66 DCR ___) (“Rules”), the Council appoints Kenyan McDuffie as Chairperson Pro Tempore.

Sec. 3. Pursuant to section 221 of the Rules, the Council appoints the following committee chairpersons and members:

(1) The chairperson of the Committee on Business and Economic Development, established by section 232 of the Rules, shall be Kenyan McDuffie, and its members shall be Charles Allen, Mary Cheh, Jack Evans, and Vincent Gray.

(2) The chairperson of the Committee on Education, established by section 233 of the Rules, shall be David Grosso, and its members shall be Charles Allen, Anita Bonds, Robert White, and Trayon White.

(3) The chairperson of the Committee on Facilities and Procurement, established by section 234 of the Rules, shall be Robert White, and its members shall be Mary Cheh, Jack Evans, Vincent Gray, and Elissa Silverman.

(4) The chairperson of the Committee on Finance and Revenue, established by section 235 of the Rules, shall be Jack Evans, and its members shall be Anita Bonds, Vincent Gray, Kenyan McDuffie, and Elissa Silverman.

(5) The chairperson of the Committee on Government Operations, established by section 236 of the Rules, shall be Brandon Todd, and its members shall be David Grosso, Brianne Nadeau, Elissa Silverman, and Trayon White.

(6) The chairperson of the Committee on Health, established by section 237 of the Rules, shall be Vincent Gray, and its members shall be Mary Cheh, David Grosso, Brianne Nadeau, and Brandon Todd.

ENROLLED ORIGINAL

(7) The chairperson of the Committee on Human Services, established by section 238 of the Rules, shall be Brianne Nadeau, and its members shall be David Grosso, Brandon Todd, Robert White, and Trayon White.

(8) The chairperson of the Committee on Housing and Neighborhood Revitalization established by section 239 of the Rules, shall be Anita Bonds, and its members shall be Brianne Nadeau, Elissa Silverman, Robert White, and Trayon White.

(9) The chairperson of the Committee on the Judiciary and Public Safety, established by section 240 of the Rules, shall be Charles Allen, and its members shall be Anita Bonds, Mary Cheh, Jack Evans, and Vincent Gray.

(10) The chairperson of the Committee on Labor and Workforce Development, established by section 241 of the Rules, shall be Elissa Silverman, and its members shall be Charles Allen, David Grosso, Kenyan McDuffie, and Robert White.

(11) The chairperson of the Committee on Recreation and Youth Affairs, established by section 242 of the Rules, shall be Trayon White, and its members shall be Anita Bonds, Kenyan McDuffie, Brianne Nadeau, and Brandon Todd.

(12) The chairperson of the Committee on Transportation and the Environment, established by section 243 of the Rules, shall be Mary Cheh, and its members shall be Charles Allen, Jack Evans, Kenyan McDuffie, and Brandon Todd.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

To reappoint Ms. Nicole Streeter as General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “General Counsel to the Council of the District of Columbia Nicole Streeter Reappointment Resolution of 2019”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Nicole Streeter
1839 12th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as the General Counsel to the Council of the District of Columbia, beginning January 2, 2019.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

To reappoint Ms. Jennifer Budoff as Budget Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2019”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Jennifer Budoff
4410 49th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as the Budget Director to the Council of the District of Columbia, beginning January 2, 2019.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

To reappoint Ms. Nyasha Smith as Secretary to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Secretary to the Council of the District of Columbia Nyasha Smith Reappointment Resolution of 2019”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Nyasha Smith
1716 Fort Davis Street, S.E.
Washington, D.C. 20020
(Ward 7)

as the Secretary to the Council of the District of Columbia, beginning January 2, 2019.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2019

To reappoint Mr. Jack Evans, Councilmember of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Jack Evans Reappointment Resolution of 2019”.

Sec. 2. The Council of the District of Columbia reappoints:

Mr. Jack Evans
3141 P Street, N.W.
Washington, D.C. 20007
(Ward 2)

Councilmember of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Mayor, and the Washington Metropolitan Area Transit Authority.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To posthumously recognize and honor the full and vibrant life of Robert McDuffie.

WHEREAS, Robert McDuffie, a Washingtonian, was known to many as a pillar in the District and specifically a stronghold for several District residents and youth in the Ward 5 neighborhoods of Langdon and Woodridge;

WHEREAS, Robert McDuffie was committed to creating a space for District residents and youth to learn martial arts, to create self-worth, and build confidence;

WHEREAS, Robert McDuffie was one of the few African-American martial artists in the District and metropolitan area;

WHEREAS, Robert McDuffie was said to “epitomize the essence of strength, integrity, [and] character....”;

WHEREAS, Robert McDuffie’s martial arts studio, the DC Dragon’s Karate Training Center, was located in Ward 5 at 1731 Rhode Island Avenue, N.E.;

WHEREAS, Robert McDuffie opened his doors to the community by allowing the DC Dragon’s Karate Training Center to be used for events other than martial arts practice, including, dance and health screening events;

WHEREAS, Robert McDuffie was a devoted husband to Gale McDuffie and loving father;

WHEREAS, Robert McDuffie passed away in November 2018; and

WHEREAS, Robert McDuffie leaves a legacy of discipline and generosity and will be dearly missed by family and friends.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Robert McDuffie Posthumous Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia posthumously recognizes and honors Robert McDuffie for his life of abundance and commitment to the community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To recognize and honor Capitol Hill Group Ministry for 50 years of service to individuals and families at risk of or experiencing homelessness on Capitol Hill and across the District of Columbia.

WHEREAS, Capitol Hill Group Ministry was incorporated 50 years ago by Capitol Hill churches collectively seeking to address the challenges faced by their congregants and communities;

WHEREAS, Capitol Hill Group Ministry strives every day towards fulfilling its vision of a District of Columbia that is a thriving and diverse community where all people can obtain and remain in safe, affordable, and comfortable homes;

WHEREAS, Capitol Hill Group Ministry advocates to prevent and end homelessness in Washington, D.C., and ensure that the well-being of the people it serves is at the forefront of policy decisions, provides meaningful ways for people with lived experience to be involved in this work, and collaborates with others to identify causes and propose solutions to end homelessness in the District;

WHEREAS, Capitol Hill Group Ministry works with neighbors, faith communities, local businesses, and civic organizations in Washington, D.C. to provide resources for families and individuals who are homeless or in crisis so that they may lead healthy, fulfilling, and productive lives;

WHEREAS, Capitol Hill Group Ministry operates Shirley’s Place, the only daytime drop-in center in Southeast D.C. for individuals and families, which, in addition to the showers, laundry, and restroom facilities, offers a place for workshops, respite, light meals, and case management;

WHEREAS, Capitol Hill Group Ministry’s Street Outreach Program utilizes a person-centered approach to build and maintain relationships with our chronically homeless neighbors in Ward 6 and supports them in meeting their immediate needs and achieving long-term goals, including obtaining stable housing;

ENROLLED ORIGINAL

WHEREAS, Capitol Hill Group Ministry engages our Homeless Assistance Response Team (“HART”) volunteers to supplement our Street Outreach efforts by walking the streets of Capitol Hill, providing life-saving care to our homeless neighbors;

WHEREAS, in 2017, HART deployed 105 times and had 1,275 engagements with homeless neighbors, of which 30 deployments were on hypothermia alert nights when homeless neighbors are most vulnerable;

WHEREAS, Capitol Hill Group Ministry provides family homelessness prevention and housing stabilization services to families at imminent risk of homelessness, including 656 adults and 1,062 children in 2017, while 112 families in 2017 secured their own apartments and 91% of the families in its program avoided a shelter stay;

WHEREAS, Capitol Hill Group Ministry supports families in short- and long-term housing programs to stabilize their housing and increase their economic self-sufficiency; and

WHEREAS, each holiday season, Capitol Hill Group Ministry distributes hundreds of food baskets and gifts so local families can enjoy the season and, in preparation for the new school year, Capitol Hill Group Ministry distributes hundreds of backpacks filled with school supplies to encourage a fresh start to the new year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Capitol Hill Group Ministry 50th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia expresses its appreciation to Capitol Hill Group Ministry for 50 years of meeting the holistic needs of thousands of vulnerable individuals and families at risk of or experiencing homelessness on Capitol Hill and across the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To recognize and honor The Eric C. Savader Memorial Disabilities Fund for providing assistive equipment and technical devices to people with disabilities in the Washington, D.C. metropolitan area and to celebrate its 20th anniversary.

WHEREAS, The Eric C. Savader Memorial Disabilities Fund (“The Eric Fund”), founded in 1998, is dedicated to its mission of helping people with disabilities in the Washington, D.C. metropolitan area live more independent lives;

WHEREAS, The Eric Fund purchases assistive equipment for people who have exhausted all other available resources to acquire the essential devices;

WHEREAS, The Eric Fund assists both children and adults with disabilities, and The Eric Fund awards impact the lives of their families, friends, teachers, social workers, and workplace colleagues;

WHEREAS, The Eric Fund has provided assistive equipment to nearly 100 worthy people with disabilities in the Washington, D.C. metropolitan community;

WHEREAS, in 2 decades The Eric Fund has delivered equipment valued at more than \$200,000 to people with disabilities in the Washington, D.C. metropolitan area; and

WHEREAS, The Eric Fund is grateful for the support it receives from many private donors and supporters who make the mission of this all-volunteer, nonprofit organization possible.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “The Eric Fund 20th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia honors The Eric Fund for its many contributions to people with disabilities in the Washington, D.C. metropolitan area and congratulates it on its 20th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To recognize and honor 10 teen authors from Beacon House, who co-authored the award-winning book *The Day Tajon Got Shot*, for their commitment to using their voices to contribute to a national dialogue and to act as leaders in their community.

WHEREAS, in 2015, T'Asia Bates, J'yona Calloway, Reiyanna Davis, Jonae Haynesworth, Makiya Holmes, Rose McKoy, Najae Purvis, Serenity Summers, Jeanet Teneyck, and Temil Whipple began writing *The Day Tajon Got Shot* through a teen writing program offered by Beacon House in partnership with Shout Mouse Press;

WHEREAS, through creative writing, Beacon House staff, teen writers, and parents dedicated themselves to excellence for and in the community;

WHEREAS, the teen writers met on Friday afternoons to brainstorm, write, review, and edit their work;

WHEREAS, the teen writers were inspired to tell the story of what happens in a community when Black youths are the victim of violence by police;

WHEREAS, in 2018, *Foreword Reviews* selected *The Day Tajon Got Shot* as a “Gold” Book of the Year Award winner, for books written by child authors under the 17 years of age, among books published in 2017 from small, independent, and university presses, as well as by self-published authors;

WHEREAS, in 2018, the In the Margins Book Awards Committee selected *The Day Tajon Got Shot* as its top Fiction winner among books published in 2016 and 2017 that appeal to the reading needs of young adults living in difficult circumstances;

WHEREAS, Beacon House is dedicated to serving youth in the District of Columbia by providing afterschool education and youth development programs to children and families in Ward 5; and

ENROLLED ORIGINAL

WHEREAS, Shout Mouse Press is dedicated to serving youth in the District of Columbia by facilitating writing workshops that lead to professional publication and empower those from marginalized backgrounds to tell their stories in their own voices and to act as leaders and agents of change.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Beacon House Teen Writers Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Beacon House teen writers for their creative writing, commitment to excellence, and courage to tell the stories of their local communities.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

- | | |
|--------|--|
| B23-1 | Comprehensive Plan Amendment Act of 2017

Intro. 1-3-19 by Chairman Mendelson and referred to the Committee of the Whole |
| <hr/> | |
| B23-4 | Sexual Assault Victims' Rights Amendment Act of 2019

Intro. 1-2-19 by Councilmember Allen and referred to the Committee on Judiciary and Public Safety |
| <hr/> | |
| B23-5 | Criminal Record Accuracy Assurance Act of 2019

Intro. 1-3-19 by Councilmember R. White and referred sequentially to the Committee on Judiciary and Public Safety and the Committee on Government Operations |
| <hr/> | |
| B23-12 | Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Act of 2019

Intro. 1-4-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole |
| <hr/> | |

- B23-14 Landlord Accountability through Expedited Receivership Amendment Act of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Judiciary and Public Safety
-
- B23-15 Landlord Transparency Amendment Act of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- B23-16 Second Chance Amendment Act of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- B23-17 Natural Disaster Consumer Protection Amendment Act of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- B23-18 Ghost Guns Prohibition Amendment Act of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- B23-21 Randall School Museum and Housing Development Real Property Tax Abatement Act of 2019
- Intro. 1-7-19 by Councilmember Allen and referred to the Committee on Finance and Revenue
-
- B23-22 Adelaide Alley Designation Act of 2019
- Intro. 1-7-19 by Councilmember Allen and referred to the Committee of the Whole
-

B23-23 Crowdy Court Designation Act of 2019
Intro. 1-7-19 by Councilmember Allen and referred to the Committee of the Whole

B23-24 Washington Area Professional Football team Franchise Facility Interstate Compact Establishment Act of 2019
Intro. 1-7-19 by Councilmember Grosso and referred to the Committee of the Whole with comments from the Committee on Finance and Revenue

B23-25 Sports Wagering Procurement Practices Reform Exemption Act of 2019
Intro. 1-8-19 by Chairman Mendelson and referred to the Committee on Finance and Revenue

PROPOSED RESOLUTIONS

PR23-1 Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council

PR23-2 Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council

PR23-3 General Counsel to the Council of the District of Columbia Nicole Streeter Reappointment Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council

PR23-4 Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council

- PR23-5 Secretary to the Council of the District of Columbia Nyasha Smith
Reappointment Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council
-
- PR23-6 Board of Directors of the Washington Metropolitan Area Transit Authority
Jack Evans Reappointment Resolution of 2019
Intro. 1-2-19 by Chairman Mendelson and Retained by the Council
-
- PR23-8 District of Columbia Board of Ethics and Government Accountability
Charles Nottingham Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety
-
- PR23-9 District of Columbia Board of Ethics and Government Accountability Tameka
Collier Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety
-
- PR23-10 Statewide Health Coordinating Council Karl Von Batten Confirmation
Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR23-11 Statewide Health Coordinating Council Emily Swartz Confirmation Resolution
of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR23-12 Statewide Health Coordinating Council Stephen Neuman Confirmation
Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-

- PR23-13 Board of Industrial Trades Keith Jones Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-14 Board of Industrial Trades Robert Louis Smith Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-15 Board of Industrial Trades Michael Dalton Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-16 Board of Physical Therapy Ana Quinones Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-17 Health Benefit Exchange Authority Executive Board Khalid Pitts Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-18 Board of Medicine Vikisha Fripp Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-19 Board of Medicine Jeffrey Smith Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-20 Board of Psychology Louis Ferguson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

- PR23-21 Board of Optometry Dr. LaMia Jones Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-22 Board of Dietetics and Nutrition Annina Burns Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-23 Board of Industrial Trades Michael Johnson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-24 Science Advisory Board Robert Thompson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- PR23-25 Interagency Council on Homelessness Amanda Chesney Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-26 Interagency Council on Homelessness Jill Carmichael Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-27 Interagency Council on Homelessness Natalie Avery Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-

- PR23-28 Interagency Council on Homelessness Waldon Adams Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-29 Interagency Council on Homelessness Rico Harris Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-30 Interagency Council on Homelessness Ellen Jones Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-31 Interagency Council on Homelessness Jennifer McLaughlin Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-32 Interagency Council on Homelessness Kelly McShane Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-33 Interagency Council on Homelessness Tonia Wellons Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-

- PR23-34 Interagency Council on Homelessness Jorge Membrano Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-35 Commission on Fathers, Men, and Boys Jelani Murrain Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Recreation and Youth Affairs
-
- PR23-36 Commission on Fathers, Men, and Boys Silas H. Grant, Jr. Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Recreation and Youth Affairs
-
- PR23-37 Commission on Re-Entry and Returning Citizen Affairs Larry Moon Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement
-
- PR23-38 Commission on African Affairs Richmond Danso Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-39 Commission on African Affairs Dieynaba Sall Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-

PR23-40 Commission on African Affairs Etayensah Asfaw Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR23-41 Commission on Out of School Time Grants and Youth Outcomes Rev. Gary Hill Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR23-42 Board of Barber and Cosmetology Richard DeCarlo Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-43 Board of Barber and Cosmetology Erwin Gomez Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-44 Board of Barber and Cosmetology Raymond Kibler Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-45 District of Columbia State Athletics Commission Dwayne Foster Confirmation Resolution of 2018

Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

- PR23-46 Interagency Council on Homelessness Katherine Coventry Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-47 Interagency Council on Homelessness Ramina Davidson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR23-48 District of Columbia Commission on Human Rights Dr. Alberto Figueroa- Garcia Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-49 District of Columbia Commission on Human Rights Mark Herzog Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-50 District of Columbia Commission on Human Rights Dr. John D. Robinson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
-
- PR23-51 Medical Marijuana Ingestible Items Rulemaking Approval Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-52 Alcoholic Beverage Control Board Marcus C. Goodwin Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-

- PR23-53 Attestation and Seal Change Approval Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-54 Board of Medicine Joelle Simpson Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-55 Not-For-Profit Hospital Corporation Board of Directors Robert Bobb Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-56 Commission on the Arts and Humanities Kymber Menkiti Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-
- PR23-57 Commission on the Arts and Humanities Kay Kendall Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-
- PR23-58 Commission on the Arts and Humanities Gretchen Wharton Confirmation Resolution of 2018
Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-

- PR23-59 Compensation and Working Conditions Collective Bargaining Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and the American Federation of State, County, and Municipal Employees District Council 20, Local 1959, Approval Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
-
- PR23-60 Food Policy Director Ona Balkus Confirmation Resolution of 2018
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR23-61 Commission on Re-Entry and Returning Citizen Affairs John Matthews Confirmation Resolution of 2019
- Intro. 1-2-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement
-
- PR23-67 Chancellor of the District of Columbia Public Schools Dr. Lewis D. Ferebee Confirmation Resolution of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-
- PR23-69 State Superintendent of Education Hanseul Kang Confirmation Resolution of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-
- PR23-70 Director of the Office of Planning Andrew Trueblood Confirmation Resolution of 2019
- Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-

PR23-71 Chief Technology Officer Lindsey Parker Confirmation Resolution of 2019
Intro. 1-7-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Government Operations

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 23-25, the “Sports Wagering Procurement Practices Reform Exemption Act of 2019”

Monday, January 28, 2019

10:00 a.m.

Room 412 - John A. Wilson Building

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Monday, January 28, 2019 at 10:00 a.m. in Room 412, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 23-25, the “Sports Wagering Procurement Practices Reform Exemption Act of 2019” would exempt the initial procurement used in connection with the Sports Wagering Lottery Amendment Act of 2018 and the Sports Wagering Lottery Amendment Emergency Act of 2018 from the Procurement Practices Reform Act of 2010, Chapter 3A, Government Procurement of Title 2, Government Administration of the D.C. Official Code.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Friday, January 25th, 2019. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. The hearing record will close at 10:00 a.m. on Tuesday, January 29, 2019. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE &
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
&
COUNCILMEMBER DAVID GROSSO, CHAIRPERSON
COMMITTEE ON EDUCATION**

ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

**Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of
Reform Initiatives**

on

**Thursday, January 31, 2019
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember David Grosso announce a joint public oversight hearing of the Committee of the Whole and the Committee on Education on Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of Reform Initiatives in the District. This oversight hearing will be held at 10:00 a.m. on Thursday, January 31, 2019 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of this oversight hearing is to receive testimony from government witnesses and partners, including the Office of the Deputy Mayor for Education, the Office of the State Superintendent of Education, the Child and Family Services Agency, the District of Columbia Public Schools, the Public Charter School Board, and the Office of Victim Services and Justice Grants, regarding the District's efforts to improve school attendance and to reduce truancy and chronic absenteeism. Additionally, the hearing will consider continued implementation of initiatives required by D.C. Law 18-242, the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010," D.C. Law 19-141, the "South Capitol Street Memorial Amendment Act of 2012," D.C. Law 20-17, the "Attendance Accountability Amendment Act of 2013," and D.C. Law 21-140, the "School Attendance Clarification Amendment Act of 2016." Improving school attendance improves educational outcomes. Targeting truancy is also a strategy for identifying children at risk of involvement in the juvenile justice system.

Testimony at this hearing is limited to government witnesses. However, citizens and organizations may submit statements. If submitted by the close of business on January 29, 2019, these statements will be distributed to Councilmembers before the hearing. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>. Written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on February 14, 2019.

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

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE

on

Destruction of Historic Elements in the Franklin School Renovation

on

Tuesday, January 15, 2019, 11:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public oversight roundtable before the Committee of the Whole on Destruction of Historic Elements in the Franklin School Renovation. The hearing will be held at 11:30 a.m. on Tuesday, January 15, 2019 in Room 412 of the John A. Wilson Building.

The Franklin School was one of the District's first co-ed high schools, built in 1869. It later served as the headquarters for the District's school system, an adult education center, and most recently as a homeless shelter until 2008. On January 5, 2018, the Council approved the disposition of the historic Franklin School to Franklin School Development, LLC. The building is currently being renovated and will become Planet Word, a museum dedicated to language arts and literacy. In 1996, the building was designated as a National Historic Landmark by the National Parks Service and later received historic designation by the Historic Preservation Review Board. The designation includes interior elements of the building.

In the summer of 2018, it was learned that much of the historic interior elements were removed as part of the renovation in violation of the applicable building permits. An investigation by the D.C. State Historic Preservation Officer found that most of what was removed, including all original plaster wall finishes, brick structural walls, wainscoting, and pressed tin ceilings, had been destroyed and sent to landfills and disposal sites. The District subsequently issued a stop work order on the property. The purpose of this roundtable is to learn how such a violation could have occurred, how it will be prevented from occurring elsewhere, and what is being done to restore the historic Franklin School.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash, Committee and Legislative Director at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Monday, January 14, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, January 29, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-3, Sports Wagering Lottery Clarification Temporary Amendment Act of 2019 and **B23-20**, Rental Housing Registration Extension Temporary Amendment Act of 2019, were adopted on first reading on January 8, 2019. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on February 5, 2019.

<p style="text-align: center;">COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF DECEMBER 31, 2018</p>

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Stum, Blaine	Senior Legislative Assistant	7	Excepted Service - Reg Appt
Fuller, DaVon	Constituent Services Coordinator	4	Excepted Service - Reg Appt
Giraldo, Carolina	Constituent Services Coordinator	4	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 11, 2019
Protest Petition Deadline: February 25, 2019
Roll Call Hearing Date: March 11, 2019
Protest Hearing Date: May 8, 2019

License No.: ABRA-112460
Licensee: Dukes 2000 LLC
Trade Name: Duke’s Grocery
License Class: Retailer’s Class “C” Restaurant
Address: 2000 Pennsylvania Avenue, N.W., Suite 122
Contact: Daniel Kramer: (310) 926-9920

WARD 2

ANC 2A

SMD 2A08

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 March 11, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 8, 2019 at 4:30 p.m.

NATURE OF OPERATION

A new class C Restaurant. Seating Capacity of 120 inside. Total Occupancy Load of 140. Sidewalk Café with 24 seats. The license will include an Entertainment Endorsement to provide live entertainment indoors only.

HOURS OF OPERATION INSIDE PREMISES AND FOR THE SIDEWALK CAFE

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

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

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

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES ONLY

Sunday through Thursday 12pm – 2am, Friday and Saturday 12pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 11, 2019
Protest Petition Deadline: February 25, 2019
Roll Call Hearing Date: March 11, 2019
Protest Hearing Date: May 8, 2019

License No.: ABRA-112472
Licensee: Officina Café, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 1615 L Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 2

ANC 2B

SMD 2B05

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 March 11, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 8, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Restaurant delivering food and alcohol to offices throughout the building. Summer Garden with 60 seats. Total Occupancy Load is 150 with seating for 60 inside premises. Requesting an Entertainment Endorsement to provide live entertainment and dancing indoors and outdoors.

HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 11, 2019
Protest Petition Deadline: February 25, 2019
Roll Call Hearing Date: March 11, 2019
Protest Hearing Date: May 8, 2019

License No.: ABRA-112356
Licensee: 700 Wine, LLC
Trade Name: The Eastern
License Class: Retailer’s Class “C” Tavern
Address: 700 Pennsylvania Avenue, S.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6B

SMD 6B02

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 March 11, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 8, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Tavern operating as a wine bar and serving a limited food menu. Sidewalk Café with 30 seats. Total Occupancy Load is 75 with seating for 55.

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

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES**

NOTICE OF PUBLIC HEARING

**Notice of Consideration of Proposed Amendments to
Title 31 (Taxicabs and Public Vehicles for Hire)
of the District of Columbia Municipal Regulations**

**Tuesday, January 15, 2019
6:30 PM**

**Wednesday, January 16, 2019
10:00 AM**

The Department of For-Hire Vehicles announces two public hearings seeking stakeholder input on the Notice of Proposed Rulemaking to amend the District of Columbia Municipal Regulations (DCMR) by adding a new Title 31 (Vehicles for-Hire), which was published in the *D.C. Register* on November 16, 2018 at 65 DCR 012649. The rules, which are available on our [website](#), revise the entire Title 31. The Department of For-Hire Vehicles (“DFHV”) has scheduled two Public Hearings at 6:30pm on Tuesday, January 15, 2019; and 10:00am on Wednesday, January 16, 2019, at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032.

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Monday, January 14 at 5:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

The public hearing will take place at the following times and location:

TUESDAY, JANUARY 15, 2019 AT 6:30 PM

WEDNESDAY, JANUARY 16, 2019 AT 10:00 AM

**2235 SHANNON PLACE, S.E.
WASHINGTON, DC 20020
HEARING ROOM, SUITE 2032**

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

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

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

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

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

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

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

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

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

How to participate as a party.

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

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

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

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

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

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to

zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

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

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

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

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

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

ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓፊያ) ካስፈለገዎት እባክዎን ከስብሰባው አጠካላ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡ በነጻ ናቸው።

OFFICE OF RISK MANAGEMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Risk Officer of the Office of Risk Management (ORM), Executive Office of the Mayor, pursuant to the authority set forth in Section 2344 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.44 (2016 Repl. & 2018 Supp.)); the Office of Administrative Hearings Establishment Act of 2001 (OAH Act), effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.* (2016 Repl. & 2018 Supp.)); Section 7 of Reorganization Plan No. 1 of 2003 for the Office of Risk Management, effective December 15, 2003 (D.C. Official Code § 1-15-35 (2016 Repl.)); and Mayor’s Order 2004-198, dated December 14, 2004; hereby gives notice of the intent to adopt the following amendments to Chapter 1 (Public Sector Workers’ Compensation Benefits) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the publication of this notice in the *D.C. Register*.

The proposed amendments would amend Sections 102.3; 103.3; 104.1 – 104.4; 104.6; 105.1 – 105.5; 106.1; 108.1 – 108.2; 109.1 – 109.3; 110.3; 111.1; 111.2; 112.1; 114.1; 114.2; 114.4 – 114.5; 115.1 – 115.2; 115.4 – 115.5; 115.7 – 115.15; 119.3; 122.1; 123.1 – 123.5; 124.1 – 124.5; 125.1 – 125.8; 126.1 – 126.6; 127.1; 127.3 – 127.14; 130.1 – 130.9; 135.1; 138.1; 138.3; 139.2; 140.1 – 140.5; 140.9 – 140.11; 142.2 – 142.9; 143.1 – 143.2; 144.1 – 144.10; 145.1 – 145.6; 145.7 – 145.9; 153.1; 155.1; 156.1; 156.3 – 156.4; 157.1 – 157.3; 159.2; 159.4; 160.1 – 160.2; 160.4; 162.1; 199.1; and the following new sections are added: 107.4; 108.3; 120.10; 122.2; 123.6; 124.6 – 124.12; 125.9 – 125.14; 126.7 – 126.15; 127.15 – 127.18; 130.13; 136.14; 140.10; 140.12; 141.7; 143.3; 144.11; 149.4; 156.6-156.7; 157.4; 159.5 – 159.6; 160.6.

Directions for submitting comments may be found at the end of this notice.

Chapter 1, PUBLIC SECTOR WORKERS’ COMPENSATION BENEFITS, of Title 7 DCMR, EMPLOYMENT BENEFITS, is amended as follows:**Section 102, FORMS, is amended as follows:****Subsection 102.3 is amended as follows:**

102.3 The following forms are approved:

- (a) Form A-1 – Employee Request for Calculation and Certification of Award;
- (b) Form 1 – Employee’s Notice of Injury / Claim for Continuation of Pay;
- (c) Form CA1 – Request to Reinstate COP;
- (d) Form 2 – Employing Agency’s Report of Injury / Response to COP

Request;

- (e) Form CA2 – Election of COP Charge Back;
- (f) Form 3 – Physician’s Report;
- (f-1) Form 3S – Supplemental Physician’s Report;
- (g) Form 3RC – Annual Medical Recertification;
- (h) Form 3A – Employee Statement of Medical History;
- (i) Form CA3 – Employing Agency Report of Return to Work;
- (j) Form 4 – Employee Authorization for Release of Medical Records;
- (k) [Repealed];
- (l) Form 6 – Employee Authorization for Release of PSWCP Records;
- (m) Form 7 – Employee Request for PSWCP File;
- (n) Form CA7, Part A – Employee Claim for Compensation;
- (o) Form CA7, Part B – Employing Agency Statement;
- (p) Form 8 – Employee Report of Earnings;
- (q) Form 9 – Employee Application for Hearing Appeals Forms;
- (q-1) Form 9A – Appeal to Chief Risk Officer;
- (q-2) Form 9H – Request for Hearing before Chief Risk Officer;
- (q-3) Form 9PH – Provider Request for Hearing;
- (q-4) Form 9RC – Provider Request for Reconsideration;
- (r) Form CA10 – Request for Leave Restoration;
- (s) Form 10 – Agreement to Off-set;
- (t) Form 11 – Employee Request for Travel Reimbursement;
- (u) Form 12 – Employee Claim for Permanent Disability Compensation;

- (v) Form 12A – Employee Request for Hearing on Permanent Disability;
- (v-1) Form 13 – Employee Request for Waiver or Appeal of Overpayment;
- (v-2) Form 13F – Employee Financial Statement Form;
- (v-3) Form 15 – Employee Representative Authorization Form;
- (v-4) Form 16 – Employee Change of Address Form;
- (w) Form MR – Request for Medical Reimbursement;
- (x) [REPEALED];
- (y) Form M3 – Request to Change Treating Physician; and
- (z) Form M4 – Request for Pre-authorization of Medical Procedure.

Section 103, INFORMATION IN PROGRAM RECORDS, is amended as follows:

Subsection 103.3 is amended to read as follows:

103.3 The Program shall provide the claimant with access to his or her Program file at a mutually convenient time within five (5) business days after a request for copies or to review the file is made. The claimant shall be entitled to one (1) set of copies of the documents in the file in electronic format or hard copy. Additional electronic or hard copies of documents in the file that have already been provided shall be provided at the cost of five cents (5¢) per page.

Section 104, NOTICE OF INJURY; EMPLOYEE OR REPRESENTATIVE ACTION, is amended as follows:

Subsections 104.1 – 104.4 are amended to read as follows:

104.1 Notice of an employee’s injury or death shall be given in accordance with Section 2319 of the Act (D.C. Official Code § 1-623.19) or § 104.6 of this chapter. Notice of recurrence of disability or medical condition shall be given in the same manner as a notice of injury.

104.2 The notice required by § 104.1 of this chapter shall be deemed given upon:

- (a) Electronic submission of a workers’ compensation incident report through the Program’s online portal, as designated on the Office of Risk Management’s website, or the filing of Form 1 in hard copy with the Program or employee’s immediate supervisor; and

- (b) The Program or employee's immediate supervisor's receipt of the following completed documents:
 - (1) Form 4 – Employee Authorization for Release of Medical Records; and
 - (2) IRS Form 4506-T – Request for Transcript of Tax Return.

104.3 The workers' compensation incident report and Form 1 shall:

- (a) Be in writing;
- (b) Be signed by the individual giving notice; and
- (c) Contain the email and physical mailing address of the individual giving notice.

104.4

- (a) When notice is given in accordance with § 104.1 of this chapter, the person giving notice shall designate an email address(es) to receive notices and correspondence from the Program. The person giving notice shall be responsible for checking the designated email account for notices and correspondence from the Program. Anyone who cannot comply with this provision may apply to the Program for a waiver. A waiver shall be granted, where good cause is established.
- (b) While the Program may mail notices or correspondence to the designated physical mailing address, any notice or correspondence sent to the designated email address, unless returned, shall be presumed received and the date of issuance shall be used to calculate any deadlines that arise from the notice or correspondence issued.

Subsection 104.6 is amended to read as follows:

104.6 An exception for providing timely adequate notice under Section 2319(b)(2) of the Act (D.C. Official Code § 1-623.19(b)(2)) may be granted only where the Chief Risk Officer or his or her designee finds a satisfactory reason as to why adequate notice could not be given in a timely manner.

Section 105, NOTICE OF INJURY, DISEASE OR DEATH; EMPLOYING AGENCY ACTION, is amended as follows:

Subsections 105.1 – 105.5 are amended to read as follows:

- 105.1 In accordance with Section 2320 of the Act (D.C. Official Code § 1-623.20), the immediate supervisor of an employee shall report any injury to the employee that results in the employee’s death, bodily harm, or probable disability to the Program by telephone or through the Program’s online portal, as designated on the Office of Risk Management’s (ORM) website.
- 105.2
- (a) The immediate supervisor shall make an initial report of injury to the Program through the Program’s online portal found on ORM’s website within twenty-four (24) hours of learning of the injury, and preferably before the end of the shift during which the supervisor learned of the injury.
 - (b) No later than three (3) days after receipt of a grant access link requesting additional information from the Program, the immediate supervisor shall log onto the online portal through the grant access link and submit the requested information through the online portal.
- 105.3 If an immediate supervisor receives Form 1, the immediate supervisor shall report the incident in accordance with § 105.2 of this chapter.
- 105.4 The immediate supervisor shall supply all information identified in the online portal and upload all available supporting documentation through the online portal at the time the report of injury is submitted.
- 105.5 If an employee elects COP, the employing agency shall respond to the employee’s request for COP in accordance with §109 of this chapter.

Section 106, NOTICE OF INJURY; PSWCP ACTION, is amended as follows:

Subsection 106.1 is amended to read as follows:

- 106.1
- (a) Promptly, after receiving notice of an employee’s injury or death, the Program shall:
 - (1) In the event of injury, notify the employee or employee’s representative that a report of injury has been received for the employee, if the report was filed by the employing agency;

- (2) In the event of an employee’s death, notify eligible beneficiaries of record that a report of death of the employee has been received; and
 - (3) Provide the employee, employee’s representative, or eligible beneficiaries, as applicable, with instructions on how to file a claim for workers’ compensation.
- (b) The Program’s failure to provide notification pursuant to this subsection shall not be prima facie evidence of good cause for a delay in submitting a claim.

Section 107, CONTINUATION OF PAY (COP), ELIGIBILITY, is amended as follows:

Subsection 107.4 is added to read as follows:

- 107.4 An employee is only eligible for COP for the period during which he or she is placed out of work by a qualified health professional as a result of a work injury. For purposes of COP, a work injury is a traumatic injury that is sustained by an employee at work and is not the result of the injured employee’s intentionally wrongful act.

Section 108, COP, EMPLOYEE’S RESPONSIBILITIES, is amended as follows:

Subsections 108.1 and 108.2 are amended to read as follows:

- 108.1 To file a claim for COP, the employee or employee’s representative shall:
- (a) Submit notice of injury pursuant to § 104 of this chapter and complete the indicated portion for COP as soon as possible, but no later than thirty (30) days after the traumatic injury;
 - (b) Submit Forms 3, 3A, 4, and IRS Form 4506-T to the Program through the Program’s designated online portal or by mail or fax or to the employee’s immediate supervisor by hand delivery;
 - (c) Ensure that medical evidence supporting disability resulting from the claimed traumatic injury, including a statement as to when the employee can return to his or her date of injury job, is provided to the employing agency’s workers’ compensation coordinator and the Program within ten (10) calendar days after the claim for COP is filed;
 - (d) Cooperate with the Program and the employing agency’s workers’ compensation coordinator in developing the claim; and

- (e) Ensure that the qualified health professional specifies work limitations and that the work limitation information is provided to the employee's immediate supervisor, the employing agency's workers' compensation coordinator, and the Program within ten (10) calendar days after the claim for COP is filed.

108.2 An employee's COP status shall not be construed to preclude the employee from filing a claim for workers' compensation pursuant to § 115 of this chapter. COP payments shall terminate upon the Program's acceptance or denial of the claim for workers' compensation.

Subsection 108.3 is added to read as follows:

108.3 Employee or employee's representative must tender evidence in support of the employee's out-of-work status to the workers' compensation coordinator no later than the date by which time must be approved in PeopleSoft for the applicable pay period.

Section 109, COP, EMPLOYING AGENCY'S RESPONSIBILITIES, is amended as follows:

Subsections 109.1 - 109.3 are amended to read as follows:

- 109.1 After the employing agency learns of a work injury sustained by an employee, it shall:
- (a) Refer the employee to ORM's Public Sector Workers' Compensation website;
 - (b) Advise the employee of the right to receive COP for any period of disability;
 - (c) Review and respond to the employee's claim for COP by completing the COP determination section of the Program's online form and uploading all relevant documents, forms, and pertinent information (including the basis for any controversion) to the Program online portal within three (3) business days after receiving a request for additional information through a grant access link or the employee's completed Form 1, Form 3, Form 3A, Form 4, and Form IRS 4506-T from the employee; and
 - (d) If controverting employee's claim for COP, inform the employee of the basis for doing so.
- 109.2 An employing agency that learns of a recurrent disability arising out an injury for which a claim for COP has already been accepted shall place the employee on COP status if:

- (a) The employee has any time remaining from the last time the employee was on COP status for the same injury;
- (b) No claim for wage-loss compensation has been accepted by the Program; and
- (c) The employee submits evidence in support of the recurrence of disability and its causal relation to the original work injury.

109.3 An employing agency’s failure to provide an employee with the requisite forms as outlined in § 109.1 shall not be prima facie evidence of good cause for a delay in submitting a claim for compensation under Section 2321 of the Act.

Section 110, CONTROVERSION OF COP, is amended as follows:

Subsection 110.3 is amended to read as follows:

110.3 Failure to provide evidence in support of an employee’s out-of-work status may result in controversion of COP for that pay period.

Section 111, DETERMINATION OF COP, is amended as follows:

Subsection 111.1 is repealed and shall read as follows:

111.1 [REPEALED]

Subsection 111.2 is amended to read as follows:

111.2 The final determination on entitlement to COP rests with the Program.

Section 112, CALCULATION OF COP, is amended as follows:

Subsection 112.1 is amended to read as follows:

112.1 Once an employee makes a claim for COP, the first three (3) days of leave must be charged to leave without pay, unless the disability:

- (a) Exceeds fourteen (14) calendar days; or
- (b) Is followed by permanent disability.

Section 114, LEAVE REINSTATEMENT, is amended as follows:

Subsection 114.1 is amended to read as follows:

114.1 Once an employing agency accepts a claim for COP or the Program accepts a claim for wage-loss compensation, an employee shall not be required to use his or her sick or annual leave while the employee is not working as a result of the compensable injury, except as provided in §§ 112 and 113 of this chapter.

Subsection 114.2 is repealed and shall read as follows:

114.2 [REPEALED]

Subsections 114.4 and 114.5 are amended to read as follows:

114.4 An employee who is eligible for leave restoration under this section may request leave restoration by completing Form CA10 and submitting the form to the Program.

114.5 Once the Program determines that an employee is eligible to have leave reinstated pursuant to § 114.3 of this chapter, sixty-six and two-thirds percent (66 2/3%) or, if the employee is entitled to augmented pay pursuant to Section 2310 of the Act, seventy-five percent (75%), of the employee’s leave will be reinstated upon the acceptance of the claim, provided that employee agrees to:

- (a) Off-set his or her award for retroactive benefits by the total amount needed to reinstate his or her leave;
- (b) Pay, if any, the difference between employee’s unadjusted wage-loss compensation rate and the total value of leave to be restored; and
- (c) Indicate on Form 10 the employee’s consent to the off-set of benefits for reinstatement of leave and returning it to the Program within seven (7) days of receiving the Program’s determination.

Section 115, CLAIM FOR PSWCP BENEFITS; EMPLOYEE OR REPRESENTATIVE ACTION, is amended as follows:

The title of Section 115 is amended to read as follows:

115 CLAIM FOR PSWCP BENEFITS; CLAIMANT OR REPRESENTATIVE ACTION

Subsections 115.1 – 115.2 are amended to read as follows:

- 115.1 The claimant or claimant’s representative shall provide all information required by the Program to make a determination on the claim.
- 115.2 A claim for compensation is deemed filed only upon:
- (a) The filing of a claim for workers’ compensation through the Program’s online portal, as designated on the Office of Risk Management’s website, or the filing of Form CA7, Part A in hard copy with the Program; and
 - (b) The Program’s receipt of the following completed documents:
 - (1) Form 3 – Physician’s Report of Employee’s Injury;
 - (2) Form 3A – Employee’s Statement of Medical History;
 - (3) Form 4 – Employee Authorization for Release of Medical Records; and
 - (4) IRS Form 4506-T – Request for Transcript of Tax Return.

Subsections 115.4 and 115.5 are amended to read as follows:

- 115.4 At the time the claimant or claimant’s representative submits a claim, an email address and physical mailing address must be provided for the claimant and if applicable the claimant’s representative, for the purpose of receiving Program notices and correspondence. Any notice or correspondence sent to the designated email address or physical mailing address shall be presumed received, unless returned.
- 115.5 In the case of the death of an employee, the claimant or claimant’s representative shall also provide documentation establishing the claimant’s relationship to the deceased. Documentation may include:
- (a) A certified copy of a birth certificate;
 - (b) A certified copy of a marriage license;
 - (c) Documentation of the executor of the employee’s estate; or
 - (d) Other documentation satisfactory to the Program.

Subsections 115.7 - 115.15 are amended to read as follows:

- 115.7 The employee shall complete, sign, and return to the Program, Form 3A, Employee's Statement of Medical History, which shall:
- (a) Describe any and all accidents the employee was involved in, or physical disability or illness the employee suffered, prior or subsequent to the reported injury;
 - (b) For each accident, illness, or physical disability, identify the time, date, circumstance, and location of the accident or incident, the parties involved, the disposition of any subsequent trial or legal action(s), any injuries relating from the previous accident(s) or incident(s), and the hospital, medical facilities, doctors, physicians, dentists, or any other individual that treated any injury, illness, or physical disability;
 - (c) Identify the physician who treated the employee and the approximate dates of such treatments, if employee alleges aggravation of a previous injury or condition;
 - (d) Describe in detail each instance during the past five (5) years that the employee has been absent from employment due to an illness or injury, including the nature and dates of each such illness or injury. The employee or employee's representative shall specify the date and time for all absences from employment due to each illness and injury claimed; and
 - (e) Describe any similar condition, disability, or injury that occurred prior to the alleged injury or any pre-existing condition that may be related to the condition or disability caused by the injury.
- 115.8 The claimant or claimant's representative shall submit proper medical documentation as requested by the Program to document the employee's ongoing injury and substantiate the employee's absence from work to justify continued payment of wage-loss compensation. These documents shall include, but are not limited to, the following:
- (a) Statements and medical documentation regarding any similar condition, disability, or injury that occurred prior to the alleged injury or any pre-existing condition that may be related to the injury;
 - (b) Statements and medical documentation regarding any other injury or incident of a similar character; and
 - (c) A written statement showing why there was a delay in seeking medical care, if applicable.

- 115.9 After a claim is initiated, a claimant who wishes to continue representation by his or her representative must complete and return Form 15 – Declaration of Representative Form to the Program, so the claimant’s representative may continue to receive communication and information related to the claim, unless the representative is appointed by a court of law or is the claimant’s attorney, and a court order or retainer agreement, respectively, is submitted to the Program in lieu of Form 15. If the claimant is a minor child, documentation establishing legal guardianship may be submitted in lieu of Form 15.
- 115.10 The claimant or claimant’s representative shall file supplemental reports when required by the Program or when there is any change in information provided to the Program.
- 115.11 A claimant seeking to supplement his or her original claim to add additional disabilities or conditions arising out of the same injury, but not already reported, shall:
- (a) File a supplemental claim to add the additional disability or condition within two (2) years after the earlier of:
 - (1) The date on which the claimant first sought medical attention for the additional disability or condition and was aware or, by the exercise of reasonable diligence should have been aware, of the causal relationship between the claimant’s condition and employment, whether or not the claimant ceased work; or
 - (2) The date on which the claimant became disabled and was aware or, by the exercise of reasonable diligence should have been aware, of the causal relationship between the claimant’s disability and employment.
 - (b) The supplemental claim shall include a signed statement under penalty of perjury explaining the cause for delay in reporting the additional disability or condition.
- 115.12 Claims for aggravated injury shall be filed as an original claim for compensation pursuant to Section 2321 of the Act (D.C. Official Code § 1-623.21) and §§ 115.1 through 115.10 of this chapter within two (2) years from the injury that aggravated, worsened or exacerbated the employee’s pre-existing disease, illness or condition, unless otherwise authorized by law.
- 115.13 Claims for latent disability shall be filed pursuant to Section 2322 of the Act (D.C. Official Code § 1-623.22) and §§ 115.1 through 115.10 of this chapter within two (2) years after the earlier of:

- (a) The date on which the claimant first sought medical attention for the claimant’s condition and was aware or, by the exercise of reasonable diligence should have been aware, of the causal relationship between the claimant’s condition and employment, whether or not the claimant ceased work; or
- (b) The date on which the claimant became disabled and was aware or, by the exercise of reasonable diligence should have been aware, of the causal relationship between the claimant’s disability and employment.

115.14 Claims for the recurrence of disability shall include medical evidence to establish that the recurrence is for the same condition and injury for which the claim was originally accepted and be filed pursuant to §§ 115.1 through 115.10 of this chapter through within one (1) year after the date wage-loss compensation terminates or, if such termination is appealed, within one (1) year after the date of the final order was issued by a judicial entity, unless

- (a) The inability to work occurred because a modified duty assignment made specifically to accommodate the employee's physical limitations due to his or her work-related injury or illness is withdrawn or when the physical requirements of such an assignment are altered so that they exceed his or her established physical limitations.

115.15 All other original claims for compensation for disability or death arising out of a single injury shall be filed within two (2) years after the injury or death pursuant to Section 2321 of the Act and § 115 of this chapter, except as provided by Section 2322(a) of the Act (D.C. Official Code § 1-623.22(a)).

Section 119, EVIDENCE AND BURDEN OF PROOF; CLAIMS, is amended as follows:

Subsection 119.3 is amended to read as follows:

- 119.3 In seeking to file a supplemental claim pursuant to § 115.11 of this chapter, the claimant must establish the following by a preponderance of the evidence:
- (1) Good cause for the delay in reporting;
 - (2) That the additional disability or condition is timely reported in accordance with § 115.11 of this chapter;
 - (3) That the additional disability or condition is compensable under Section 2302 of the Act;
 - (4) If the claimant seeks indemnity compensation, the nature and extent of his or her inability to work and its causal connection to the work-related

injury, disease, or death; and

- (5) That the additional disability or condition is directly related to the original injury for which the claim was initially accepted.

Section 120, DECISIONS ON ENTITLEMENT TO BENEFITS, is amended as follows:

Subsection 120.10 is added to read as follows:

- 120.10 The Program shall issue a Notice of Benefits within fourteen (14) days of an ID or DRD granting an award of compensation. The Notice of Benefits shall set forth the calculation of benefits pursuant to the award.

Section 122, MEDICAL BENEFITS AND SERVICES; GENERAL, is amended as follows:

Subsection 122.1 is amended to read as follows:

- 122.1 Pursuant to Section 2303(a) of the Act (D.C. Official Code § 1-623.03(a)), the District government shall furnish to an employee or claimant who is injured while in the performance of duty the services, appliances, or supplies prescribed or recommended by a qualified health professional whom the Program has admitted into its Panel of Healthcare Providers, except as provided in § 125.7 of this chapter.

A new Subsection 122.2 is added to read as follows:

- 122.2 Payment for services, appliances, or supplies pursuant to Section 2303 of the Act (D.C. Official Code § 1-623.03(a)) shall only be made, where the services, appliances, or supplies are:
- (a) Rendered for treatment of a condition that has been accepted as compensable under the Act by the Program or necessary for the Program to issue a compensability determination, and
 - (b) Ordered by a District of Columbia government medical officer or hospital, or a qualified health professional pursuant to the rules prescribed at § 124 of this chapter, subject to utilization review.

Section 123, MEDICAL BENEFITS AND SERVICES; EMPLOYEE RESPONSIBILITY, is amended as follows:

Subsections 123.1 – 123.5 are amended to read as follows:

- 123.1
- (a) All medical services, appliances, or supplies provided to an injured employee or claimant must be pre-authorized by the Program in order to

be paid or reimbursed by the Program, except as provided in paragraph (b) of this subsection.

- (b) If there is a need for emergency treatment the employee or claimant may, without prior authorization by the Program, select a healthcare provider to provide reasonably necessary emergency medical care prescribed by a qualified health professional for an injury sustained in the performance of duty, and such medical services, appliances, or supplies may be paid or reimbursed by the Program, subject to utilization review, if notice of such medical care is given to the Program no later than thirty (30) days after the care is rendered.

123.2 In order for the Program to pay for the medical services, appliances, or supplies provided by a healthcare provider and prescribed by a qualified health professional, the healthcare provider must be a member of the Program's Panel of Healthcare Providers, except as provided in §§ 123.1(b) and 123.4 of this chapter.

123.3 The Program's reimbursement for any expenses incurred for medical services, appliances, or supplies provided pursuant to Section 2303 of the Act (D.C. Official Code § 1-623.03) shall be limited by the fee schedule prescribed in this chapter.

123.4 Once an employee or claimant selects a qualified health professional from the Program's Panel of Healthcare Providers, the Program will not pay for or reimburse the costs of medical care provided or prescribed by another qualified health professional without authorization of the Program, except as provided in § 123.1(b) of this chapter.

123.5 An employee or claimant who is not satisfied with medical services provided by the qualified health professional selected from the Program's Panel of Healthcare Providers shall file Form M3 with the Program to request to change the qualified health professional, with justification in support of the request. The Program shall authorize a change where the Program finds the change is in the best interest of the employee or claimant.

Subsection 123.6 is added to read as follows:

123.6 An employee or claimant may request reimbursement of expenses for medical services, appliances, or supplies that are incurred prior to (i) acceptance of the claim or (ii) reinstatement of the claim pursuant to a compensation order by completing and submitting Form MR with a copy of the bill and medical record to the Program, provided such expenses have not otherwise been paid for by insurance.

- (a) If the Program does not respond within thirty (30) days of receipt of a request for reimbursement submitted pursuant to this subsection, the

Claimant may file a request for an audit to request review of the reimbursement request by the Chief Risk Officer pursuant to § 153 of this chapter.

Section 124, MEDICAL BENEFITS AND SERVICES; PROGRAM RESPONSIBILITY, is amended as follows:

Subsections 124.1 – 124.5 are amended to read as follows:

- 124.1 The Program shall establish a Program Panel of Healthcare Providers (hereinafter the “Panel”) to furnish medical services, appliances, or supplies to District government employees or claimants who are injured while in the performance of duty, in accordance with the Act and rules and regulations of the Program.
- 124.2
- (a) The Program shall select members of the Panel based on the healthcare provider’s ability to cure, give relief, reduce the degree or length of injury, or aid in lessening the amount of the monthly compensation.
 - (b) A qualified health professional shall apply to be a member of the Panel, pursuant to an application issued by the Program. Any other healthcare provider may be designated a member by the Program without application.
 - (c) The Program may add and remove healthcare providers from the Panel at its discretion. A decision by the Program to remove a member from the Panel shall be final.
- 124.3 If the Program decides to remove a qualified health professional from the Panel, the Program shall give all of the claimants currently being treated by that qualified health professional notice of the decision, as well as a list of up to three (3) alternative Panel qualified health professionals, at least thirty (30) days before the qualified health professional is removed from the Panel.
- 124.4 The Program shall take appropriate steps to ensure that medical records are maintained in a confidential manner.
- 124.5 The Program may require a claimant to submit to physical examinations as frequently as may be reasonably required to investigate a claimant’s initial and continued eligibility for benefits under the Act, as provided at § 136 of this chapter.

Subsections 124.6 – 124.12 are added to read as follows:

- 124.6 Upon notification of an injury or acceptance of a claim for compensation, the Program shall provide the employee or claimant with a list of up to three (3)

qualified health professionals from the Panel and inform the employee or claimant of the requirements in § 123 of this chapter.

- 124.7 Within thirty (30) days after receipt of a written request for prior authorization for any medical care, supply, or service, the Program shall provide the claimant and qualified health professional written notice approving, denying, or disputing the request. If no authorization is granted within thirty (30) days the medical care, supply, or service shall be deemed approved, provided the medical care, supply, or service is for a condition that has been accepted as compensable by the Program.
- 124.8 When the Program disputes or denies a request for prior authorization by a qualified health professional pursuant to § 124.7 of this chapter because the Program believes the necessity, character, or sufficiency of the medical care is improper, the Program shall:
- (a) Provide written notice of the dispute or denial to the claimant and qualified health professional; and
 - (1) Initiate utilization review;
 - (2) Request a hearing on the matter before the Chief Risk Officer; or
 - (3) Provide, with the written notice of denial or dispute, information about the claimant's rights to initiate utilization review and the claimant and the qualified health professional's right to request a hearing before the Chief Risk Officer.
- 124.9 If the Program denies a request for prior authorization for medical care, pursuant to § 124.7 of this chapter on any basis other than the necessity, character, or sufficiency of the medical care, the Program shall:
- (a) Provide written notice of the denial to the claimant and qualified health professional; and
 - (b) Provide, with the written notice of denial to claimant, information about the claimant's right to appeal the decision to the Chief Risk Officer pursuant to § 156 of this chapter.
- 124.10 The Program shall not reimburse or pay costs incurred for services rendered by a healthcare provider who is not a member of the Program's Panel of Healthcare Providers, unless otherwise authorized by law or regulation or awarded on appeal. Reimbursement for costs incurred for services rendered by non-Panel healthcare providers shall be subject to utilization review and limited by the fee schedule prescribed in this chapter.

124.11 The Program may enter into a provider agreement with a healthcare provider that sets forth the provisions of this chapter and additional terms and conditions relating to the provision of services to District government employees and claimants, as determined by the Program to be reasonable and necessary to ensure appropriate care, including fee and payment guidelines.

124.12 The Program shall issue a decision on a request for reimbursement of medical services, appliances, or supplies submitted by a claimant pursuant to § 123.6 of this chapter within thirty (30) days of receipt of Form MR and required supporting documentation. The Program’s decision shall include notice of claimant’s right to appeal pursuant to § 156 of this chapter.

Section 125, MEDICAL BENEFITS AND SERVICES; TREATING PHYSICIAN RESPONSIBILITY, is amended to read as follows:

125 MEDICAL BENEFITS AND SERVICES; HEALTHCARE PROVIDER RESPONSIBILITY

Subsections 125.1 – 125.8 are amended to read as follows:

125.1 A healthcare provider who provides medical services, appliances, or supplies to an injured employee or claimant must comply with the provisions in this chapter.

125.2 Unless otherwise directed or required by the Program, the following information shall be included in a Form 3, Form 3S, Form 3RC, or other Program-approved medical report(s) submitted by a qualified health professional:

- (a) Date(s) of examination and treatment, if any;
- (b) History given by the employee;
- (c) Physical findings;
- (d) Results of diagnostic tests;
- (e) Medical records reviewed;
- (f) Diagnosis;
- (g) Nature of injury;
- (h) Manner and mechanism of injury, to include the qualified health professional’s opinion, with medical reasons and bases, as to the probable cause and mechanism of injury;

- (i) Description of any other conditions found that are not due to the claimed injury, including indications of pre-existing conditions that may be the cause of or contribute to any alleged disabling condition;
- (j) Treatment given, if any;
- (k) Course of treatment, including treatment plan recommended for the claimed injury or recurrence of disability to bring about maximum medical improvement, if any;
- (l) In the case of a claimed recurrence of disability, the qualified health professional's opinion, with medical reasons and bases, as to causal relationship between the diagnosed condition(s) and the original workplace injury and resulting condition(s);
- (m) Nature, extent, and expected duration of disability affecting the employee's or claimant's ability to work due to the injury;
- (n) Prognosis for recovery, including an estimate regarding when the employee or claimant will be able to return to work; and
- (o) All other material findings.

125.3 Unless otherwise authorized by the Program, a qualified health professional shall, within five (5) business days after any medical care is provided following the initial examination of the injured employee or claimant, transmit Form 3S or other Program-approved medical report(s) containing information required under § 125.4 of this chapter to the Program electronically at the email address or fax number designated on the Healthcare Provider Information Page of the Office of Risk Management website.

125.4 Unless otherwise authorized by the Program, within seven (7) business days after an initial examination of the injured employee or claimant, a qualified health professional shall transmit Form 3 or other Program-approved medical report(s) containing information required under § 125.4 of this chapter to the Program electronically at the email address or fax number designated on the Healthcare Provider Information Page of the Office of Risk Management website.

125.5 A healthcare provider who provides medical services, appliances or supplies, to an injured employee or claimant shall, at no cost, provide medical reports and records pertaining to the services, appliances, or supplies rendered no later than ten (10) days after receipt of the Program's request for such reports and records.

125.6 A healthcare provider shall include in each medical report for services rendered under the Act, the code, as published by the American Medical Association (AMA) in the most current edition of the Current Procedural Terminology (CPT

codes), for detailing the billing of each medical procedure provided by the healthcare provider and the diagnosis code established by the most recent edition of the International Classification of Diseases (ICD), as published by the U.S. Department of Health and Human Services, for diagnosing the claimant's condition. If there is no standard CPT code for a procedure provided by the healthcare provider, additional CPT Codes may be prescribed by the Program, as published on the ORM website.

- 125.7 In order to be paid by the Program for compensable medical services, appliances, or supplies provided to an employee or a claimant, a healthcare provider must be a member of the Program's Panel of Healthcare Providers at the time service is provided, unless:
- (a) The medical care is provided pursuant to § 123.1(b) of this chapter;
 - (b) The healthcare provider belongs to a network of healthcare providers to which the Program has secured access to care for employees or claimants through a license or working agreement and within two hundred and forty (240) days after first treating an injured District government employee or claimant as a healthcare provider participating within such a network:
 - (1) Is designated a member of the Panel by the Program; or
 - (2) With respect to a qualified health professional, applies for admission to the Program's Panel of Healthcare Providers (only for so long as the application is pending).
 - (c) The healthcare provider is a pharmacy or pharmacist licensed in the jurisdiction where medication or prescription drugs are dispensed.

- 125.8 A qualified health professional must apply to be a member of the Program's Panel of Healthcare Providers to provide or prescribe medical care to a claimant or employee, and any other healthcare provider must be designated a member of the panel by the Program in order to provide services, appliances or supplies, except as provided in § 125.7.

Subsections 125.9 – 125.14 are added to read as follows:

- 125.9 A healthcare provider selected to be a member of the Program's Panel of Healthcare Providers shall:
- (a) Submit the following documentation, as applicable, pertaining to the jurisdiction in which the healthcare provider is licensed
 - (1) License number;

- (2) Board name;
 - (3) The name of the state in which the provider is certified or licensed; and
 - (4) At the Program’s request, information regarding any sanctions the provider may have received since licensure or certification;
- (b) Possess and maintain appropriate insurance as determined by the Program;
 - (c) Notify the Program of any material changes, including changes to licensure, insurance coverage, staff who provide treatment to injured employees or claimants, or certification or history of sanctions or adverse action taken against the provider or staff, within fourteen (14) days of a change;
 - (d) Comply with the payment guidelines prescribed by the District of Columbia Office of the Chief Financial Officer, published on the Healthcare Provider Information Page of the Office of Risk Management website; and
 - (e) Comply with the terms and conditions of a Provider Agreement (if any).

- 125.10 A healthcare provider who provides compensable medical care to a District government employee or claimant shall comply with the medical billing rules prescribed at § 126 of this chapter as a condition for payment of services rendered.
- 125.11 Unless the medical care is needed for emergency care pursuant to § 123.1 of this chapter or the service to be rendered is limited to an office or clinic visit with a qualified health professional, any prescribed medical services, appliances, or supplies requires prior authorization from the Program.
- 125.12 To seek prior authorization, a qualified health professional shall complete and electronically submit Form 3PA to the Program in the manner prescribed on the Healthcare Provider Information page found at the ORM website.
- 125.13 The cost of physical examinations ordered by the Program shall be paid by the Program.
- 125.14 A Panel healthcare provider who provides medical services, appliances, or supplies to a District government employee or claimant for a condition that is accepted by the Program as compensable under the Act shall not attempt to collect payment for such medical services, appliances, or supplies from the employee or claimant.

Section 126, MEDICAL BILLS, is amended as follows:**Subsections 126.1 – 126.6 are amended to read as follows:**

126.1

- (a) Medical services, appliances, or supplies shall be billed and reimbursed at a rate that does not exceed the rate set forth on the medical fee schedule adopted by the Program.
- (b) For medical services, appliances, or supplies included on a Medicare fee schedule, the rate set forth on the Program's fee schedule shall be one hundred-thirteen percent (113%) of Medicare's reimbursement rates. For purposes of this chapter, medical supplies include medication and prescription drugs.
- (c) For medical services, appliances, or supplies not included on a Medicare fee schedule, the billing and reimbursement rate shall be the rate set forth for the services, appliances, or supplies on the Program's fee schedule published on the Healthcare Provider Information Page of the Office of Risk Management website.
- (d) If a medical service, appliance, or supply is not included on a Medicare fee schedule or the Program's published fee schedule, the billing and reimbursement rates shall be limited to the reasonable and customary charges prevailing in the local medical community, as determined by the Program.
- (e) Notwithstanding the foregoing, dispensing fees for prescription drugs shall not exceed five dollars (\$5.00) per prescription filled.

126.2

If a healthcare provider intends to bill for medical services, appliances, or supplies, where prior authorization is required, that provider must request or verify the existence of such prior authorization from the Program before providing services, appliances, or supplies. All medical bills submitted to the Program lacking required prior authorization will be automatically denied.

126.3

Unless otherwise authorized by the Program, all bills for medical services, appliances, or supplies rendered under the Act must be submitted on a CMS1500, Health Insurance Claim Form and shall:

- (a) Include the code, as published by the American Medical Association (AMA) in the most current edition of the Current Procedural Terminology (CPT codes) for each care, supply, and service rendered and the codes established by the most recent edition of the International Classification of Diseases (ICD), as published by the U.S. Department of Health and Human Services, for diagnosing the claimant's condition. If there is no

standard CPT code for a care, supply, or service rendered, the health care provider shall refer to the Program’s fee schedule for the procedure code prescribed by the Program;

- (b) Include the “From” and “Through” dates with the appropriate units for each CPT code billed, when billing for care, supplies, or services over a period of time;
- (c) Include the name, address, telephone number, signature, and date of signature of the healthcare provider who rendered care, supplies, or services;
- (d) Be generated and submitted by the healthcare provider; and
- (e) Be supported by medical evidence documented on Form 3, 3S, 3RC, or other Program approved forms, as provided in § 125 of this chapter.

126.4 The Program may withhold payment for an authorized service, appliance, or supply until a bill for such service, appliance, or supply is submitted in accordance with § 126.3 of this chapter.

126.5 A medical report or medical evidence that is not on a Program form submitted in support of a bill shall be typewritten on the healthcare provider’s letterhead and signed and dated by the healthcare provider and include information required under § 125 of this chapter or as requested by the Program.

126.6 Unless otherwise authorized by the Program, all bills shall be submitted by first-class U.S. mail or electronically to the email address or fax number designated on the Healthcare Provider Information Page of the Office of Risk Management website.

Subsections 126.7 – 126.15 are added to read as follows:

126.7 No bill will be paid for expenses incurred if the bill is received more than one (1) year after the later of:

- (a) The end of the calendar year in which the expense was incurred, or the medical service, appliance, or supply was provided; or
- (b) The end of the calendar year in which the claim was first accepted as compensable by the Program.

126.8 Within thirty (30) days after receipt of a bill for medical services, appliances, or supplies submitted pursuant to the requirements of this section, the Program shall provide the claimant and healthcare provider with written notice approving, adjusting, denying, or disputing the bill.

- 126.9 If the Program fails to respond to a bill from a healthcare provider in accordance with this section and Section 2303(f) of the Act (D.C. Official Code § 1-623.03(f)), the Program shall be deemed to have authorized payment of the bill, provided that the medical service, appliance, or supply is:
- (a) For a condition that has been accepted as compensable by the Program; and
 - (b) Prior authorization requirements are met.
- 126.10 If the Program adjusts, denies, or disputes a bill, the Program shall issue a written Explanation of Review to the claimant and healthcare provider.
- 126.11 The Explanation of Review shall inform the recipients of the recipients' right to request a hearing before the Chief Risk Officer to dispute the Program's decision, unless the Program has:
- (a) Initiated utilization review; or
 - (b) Requested a hearing on the matter before the Chief Risk Officer.
- 126.12 A request for a hearing before the Chief Risk Officer to dispute the Program's decision regarding the bill pursuant to Section 2323(a-2)(4) of the Act (D.C. Official Code § 1-623.23(a-2)(4)) shall be submitted by filing Form 9H with the Office of Risk Management no later than six (6) months of the later of:
- (a) The date of the bill;
 - (b) The date of initial payment of the bill; or
 - (c) The date of the initial Explanation of Review.
- 126.13 Prior to requesting a hearing before the Chief Risk Officer pursuant to § 126.12 of this chapter, a healthcare provider, but not a claimant, may seek reconsideration of the Program's adjustment, denial, or dispute of a bill as follows:
- (a) For an Explanation of Review issued by the Program, complete and electronically submit Form 9R by email or fax to the email address or fax number designated on the Healthcare Provider Information Page of the Office of Risk Management website.
 - (b) For an Explanation of Review prepared by a bill review vendor and issued by the Program, resubmit the bill directly to the vendor or contact the vendor directly to discuss the bill.

- 126.14 A request for reconsideration does not toll the time to request a hearing as set forth in § 126.12 of this chapter.
- 126.15 Nothing in this section shall be construed to allow for payment of any medical service, appliance, or supply provided for a condition that is not accepted by the Program as being compensable under the Act.

Section 127, UTILIZATION REVIEW, is amended as follows:

Subsections 127.1 is amended to read as follows:

- 127.1 Any medical care or service furnished or scheduled to be furnished under the Act shall be subject to utilization review, regardless of whether prior authorization was required for the medical care or service. The utilization review may be performed before, during, or after the medical care or service is provided. Medical care under this section includes medical appliances and supplies.

Subsections 127.3 – 127.14 are amended to read as follows:

- 127.3 The claimant, the Program, or the Chief Risk Officer’s hearing representative may initiate utilization review if it appears that the necessity, character, or sufficiency of medical care or services furnished or scheduled to be furnished is improper or needs to be clarified.
- 127.4 Utilization review shall be initiated only for medical care or services provided, or scheduled to be provided, for treatment of a condition that the Program has accepted as being compensable under the Act.
- 127.5
- (a) If a utilization review is initiated under this section, the utilization review organization or individual shall make a decision no later than sixty (60) days after the utilization review is requested.
 - (b) If the utilization review is not completed within one hundred twenty (120) days of the request, the medical care or service under review shall be deemed approved if:
 - (1) The medical care or service was provided, or is scheduled to be provided to treat a condition that the Program has accepted as being compensable under the Act; and
 - (2) The medical care or service, is provided, or scheduled to be provided, by a member of the Program’s Panel of Healthcare Providers.

- 127.6 The utilization review report shall specify the medical records considered and shall set forth rational medical evidence and standards to support each finding. The report shall be authenticated or attested to by the utilization review individual or by an officer of the utilization review organization. The report shall be provided to the claimant, qualified health professional, and the Program.
- 127.7 A utilization review report which conforms to the provisions of this section shall be admissible in all proceedings with respect to any claim to determine whether a medical care or service was, is, or may be necessary and appropriate to treat a condition that has been accepted by the Program as being compensable under the Act.
- 127.8 A decision issued by the utilization review organization or individual under this section shall inform the claimant and qualified health professional of their right to reconsideration before the utilization review organization.
- 127.9 If the qualified health professional or claimant disagrees with the opinion of the utilization review organization or individual, the qualified health professional or claimant may submit a written request to the utilization review organization or individual for reconsideration of the opinion.
- 127.10 The request for reconsideration shall:
- (a) Be in writing;
 - (b) Contain reasonable medical justification for the reconsideration;
 - (c) Provide additional information, if the medical care or service was denied because insufficient information was initially provided to the utilization review organization or individual; and
 - (d) Be made within sixty (60) calendar days after the claimant's receipt of the utilization review report if the claimant is requesting reconsideration, or within sixty (60) calendar days after the qualified health professional's receipt of the utilization review report, if the qualified health professional is requesting reconsideration.
- 127.11 A decision issued on reconsideration pursuant to Section 2323(a-2)(3) of the Act (D.C. Official Code § 1-623.23(a-2)(3)) is final and not subject to further review on the issue of necessity, character, or sufficiency of the medical care or service provided, or scheduled to be provided.
- 127.12 Where utilization review has not been initiated, a dispute regarding the issue of necessity, character, or sufficiency of the medical care or service provided, or scheduled to be provided may, pursuant to Section 2323(a-2)(4) of the Act (D.C. Official Code § 1-623.23(a-2)(4)), be resolved upon an application for a hearing

before the Chief Risk Officer pursuant to § 157 of this chapter within thirty (30) calendar days after the date of the Program’s decision denying authorization for medical care or services.

- 127.13 A request for a hearing under § 127.12 of this chapter may be made by the Program, qualified health professional, or claimant.
- 127.14 As provided in Section 2323(a-2)(4) of the Act (D.C. Official Code § 1-623.23(a-2)(4)), the Superior Court of the District of Columbia may review the Chief Risk Officer’s decision. The decision may be affirmed, modified, revised, or remanded at the discretion of the court. The decision shall be affirmed if supported by substantial competent evidence of the record, pursuant to the District of Columbia Superior Court Rules of Civil Procedure Agency Review.

Subsections 127.15 – 127.18 are added to read as follows:

- 127.15 The District of Columbia government shall pay the cost of a utilization review if the claimant seeks the review and is the prevailing party. The claimant shall pay the cost of a utilization review if the claimant seeks the utilization review and the Program is the prevailing party. Utilization review services, if paid by the Program, may be recovered under Section 2329 of the Act (D.C. Official Code § 1-623.29).
- 127.16 The Program may deny a request by a qualified health professional for authorization for medical care or services furnished, or scheduled to be furnished, where insufficient information has been provided to initiate utilization review.
- 127.17 If the Program makes payment for medical care or services that are later denied pursuant to utilization review, the Program shall recoup such payment as an overpayment in accordance with Section 2329 of the Act (D.C. Official Code § 1-623.29).
- 127.18 The Program may enter into a working agreement with a utilization review organization or individual to carry out the utilization reviews authorized under this section. Each such agreement shall set forth terms and conditions to ensure appropriate review, including fee, and payment guidelines.

Section 130, COMPUTATION OF WAGE INDEMNITY; PARTIAL DISABILITY, is amended as follows:

Subsections 130.1 – 130.9 are amended to read as follows:

- 130.1 A disability is partial, when a qualified health professional determines that a claimant can perform work with restrictions, provided that:
- (a) The restrictions arise out of a work-related injury;

- (b) A claim has been filed for the work-related injury and accepted by the Program; and
- (c) The qualified health professional has examined the employee and reviewed his or her medical records.

130.2 If the disability is partial, subject to the limitations in Section 2306a of the Act (D.C. Official Code § 1-623.06a), the claimant's monthly monetary compensation shall be sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) (or seventy-five percent (75%), if an augmented rate of wage-loss compensation is permitted) of the difference between the claimant's monthly pay, as defined at Section 2301(4) of the Act (D.C. Official Code § 1-623.01(4)), and the claimant's monthly wage-earning capacity after the beginning of the partial disability.

130.3

- (a) Determination based on actual wages. If the claimant has current or a history of actual earnings which fairly and reasonably represent his or her wage-earning capacity, those earnings shall form the basis for payment of wage-loss compensation for partial disability.
- (b) Determination based on labor market survey. If the claimant's actual earnings do not fairly and reasonably represent his or her wage-earning capacity, or if the claimant has no actual earnings, the Program shall perform a labor market survey, using the factors set forth in § 130.5 of this chapter, to select a position that represents his or her wage-earning capacity.
- (c) Determination pending labor market survey. If a claimant is released to work in any capacity, the Program may calculate earnings at the highest minimum wage rate in effect within a fifty (50) mile radius of the claimant's residence at the time, taking into account the total hours the claimant is medically authorized to work, to construct a temporary wage-earning capacity until a labor market survey is completed.

130.4 In establishing a wage-earning capacity, the Program is not obligated to secure employment for the claimant in the position selected for establishing a wage-earning capacity.

130.5 The phrase "labor market survey" means a determination of the types of positions that a claimant is capable of doing, based on the following factors, as set forth in Section 2315 of the Act (D.C. Official Code § 1-623.15):

- (a) The nature of his or her injury;
- (b) The degree of physical impairment;

- (c) His or her usual employment;
- (d) His or her age;
- (e) His or her qualifications for other employment;
- (f) The availability of suitable employment; and
- (g) Other factors or circumstances which may affect his or her wage-earning capacity as a worker with a disability.

130.6 When conducting a labor market survey, the Program shall identify at least three (3) suitable positions that are available at the time. The claimant's wage-earning capacity shall be calculated based on the annual earnings of the lowest-paid position identified, taking into account the total hours the claimant is medically authorized to work, unless it is reasonable to select a higher-paid position based on the factors set forth in § 130.5 of this chapter.

130.7 The Program shall determine whether the positions selected are reasonably available and vocationally suitable. The fact that a claimant is not successful in securing employment does not establish that the selected positions are not vocationally suitable.

- 130.8
- (a) When calculating wage-earning capacity pursuant to Section 2315 of the Act (D.C. Official Code § 1-623.15) and this section, it is necessary to establish that the selected positions are medically suitable given the claimant's injury-related and pre-existing impairments.
 - (b) A wage-earning capacity determination must be based on a current or contemporaneous medical evaluation.
 - (c) Medical conditions not related to the work-related injury or condition that has been accepted as compensable by the Program will not be considered, unless they pre-existed the accepted injury or condition.
 - (d) Considerations shall be based on well-defined work restrictions in the medical or claim record.

130.9 The positions selected for determining the wage-earning capacity must be reasonably available in the general labor market within fifty (50) miles of the claimant's residence.

Subsection 130.13 is added to read as follows:

- 130.13 The Program may apply a wage-earning determination retroactively if the evidence shows that partial, rather than total, disability existed. A claimant's receipt of actual earnings shall be deemed to support the retroactive application of a wage-earning capacity determination to at least the period when wages were first earned. Following the Program's initial determination, a retroactive determination based solely on a labor market survey may not encompass any period during which wage-loss benefits were actually paid.

Section 135, ELIGIBILITY, is amended as follows:**Subsection 135.1 is repealed and reads as follows:**

- 135.1 [REPEALED]

Section 136, ADDITIONAL MEDICAL EXAMINATIONS, is amended as follows:**Subsection 136.14 is added to read as follows:**

- 136.14 The Program may enter into a working agreement to provide AME services under this section. Each such agreement shall set forth terms and conditions to ensure appropriate evaluations, including fee and payment guidelines.

Section 138, REPORT OF EARNINGS, is amended as follows:**Subsection 138.1 is amended to read as follows:**

- 138.1 If a claimant is subject to forfeiture of his or her right to workers' compensation pursuant to Section 2306b(b) of the Act (D.C. Official Code §1-623.06b(b)), such forfeiture shall commence on the earlier of:
- (a) The thirty-first (31st) day after the date on which the report of earnings was requested; or
 - (b) The date the Program receives a report of earnings in which the claimant knowingly omitted or understated any part of his or her earnings.

Subsection 138.3 is amended to read as follows:

- 138.3 A complete report of earnings shall include:
- (a) An accurate statement of all earnings for the period requested;
 - (b) A signed and notarized affidavit on a form provided by the Program;

- (c) Copies of tax returns, if filed; and
- (d) A signed authorization authorizing the Program to obtain copies of tax documents.

Section 139, COST OF LIVING ADJUSTMENTS, is amended as follows:

Subsection 139.2 is amended to read as follows:

139.2 The following cost-of-living adjustments apply in the calculation of compensation for disability or death:

- (a) Cost-of-living adjustments under 5 USC § 8146(a), FECA Bulletin No. 14-03:

EFFECTIVE DATE	RATE	EFFECTIVE DATE	RATE
10/01/66	12.5%	06/01/75	4.1%
01/01/68	3.7%	01/01/76	4.4%
12/01/68	4.0%	11/01/76	4.2%
09/01/69	4.4%	07/01/77	4.9%
06/01/70	4.4%	05/01/78	5.3%
03/01/71	4.0%	11/01/78	4.9%
05/01/72	3.9%	05/01/79	5.5%
06/01/73	4.8%	10/01/79	5.6%
01/01/74	5.2%	04/01/80	7.2%
07/01/74	5.3%	09/01/80	4.0%
11/01/74	6.3%	03/01/81	3.6%

- (b) Cost-of-living adjustments under § 2341 of the CMPA, effective March 3, 1979 (D.C. Law 2-139: as enacted; 25 DCR 5740, 5995 (December 29, 1978)).

EFFECTIVE DATE	RATE	EFFECTIVE DATE	RATE
11/01/81	5.1%	02/01/87	3.8%
12/01/82	4.0%	12/01/87	4.2%
10/01/83	3.7%	12/01/88	4.0%
09/01/84	4.6%	05/01/89	3.7%
09/01/85	4.1%		

- (c) Cost-of-living adjustments under § 2341 of the CMPA; D.C. Official Code § 1-623.41 (1990 Supp.):

EFFECTIVE DATE	RATE	EFFECTIVE DATE	RATE
10/03/93	5.0%	10/05/03	2.5%
04/02/95	-4.0%	07/10/05	3.5%
10/01/95	4.2%	10/02/05	4.0%
10/11/98	6.0%	10/01/06	3.0%
04/09/00	6.0%	10/14/07	3.25%
10/08/00	4.0%		

- (d) Cost-of-living adjustments under § 2341 of the CMPA; D.C. Official Code § 1-623.41 (2012 Repl. & 2018 Supp.):

After December 15, 2015, the percentage amount and effective date of an across-the-board salary increase reflected in any Career Service (General) District Government Salary Schedule that is approved in accordance with Sections 1105 and 1006 of the Act (D.C. Official Code §§ 1-611.05 and 1-611.06).

EFFECTIVE DATE	RATE	EFFECTIVE DATE	RATE
10/02/16	3.0%	10/01/17	3.0%
10/14/18	2.0%		

Section 140, PERMANENT DISABILITY, is amended as follows:

Subsections 140.1 – 140.5 are amended to read as follows:

- 140.1 A claimant may be eligible to apply for permanent disability compensation upon:
 - (a) Reaching maximum medical improvement (MMI) for a disability;
 - (b) Receiving four hundred-forty-eight (448) weeks of temporary total or partial disability wage-loss compensation; or
 - (c) Loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes.

- 140.2 A claim for permanent disability compensation by a claimant who is eligible to request an award pursuant to § 140.1(a) of this chapter shall be filed with the Program:
 - (a) Within one hundred and eighty (180) days after the termination of temporary disability wage-loss benefits by the Program where the claimant has reached MMI. A claimant who fails to file a claim for permanent disability within one hundred and eighty (180) days after termination of temporary disability wage-loss benefits shall not be entitled

to permanent disability benefits thereafter, unless there is good cause found by the Program to excuse the delay; or

- (b) At any time after the claimant has been determined to have reached MMI and to have a permanent impairment involving the loss of use of a member or function of the body, or disfigurement, subject to limitations provided at Section 2321 of the Act (D.C. Official Code § 1-623.21).

140.3 A claim for permanent disability compensation by a claimant who is eligible to request an award pursuant to § 140.1(b) of this chapter shall be filed as a hearing for permanent disability with the Office of Administrative Hearings within fifty-two (52) weeks after receipt of the four hundred forty-eighth (448th) week of temporary total or partial disability wage-loss benefits. A claimant who fails to request a hearing within the last fifty-two (52) weeks of five hundred (500) weeks of benefits shall not be entitled to permanent disability benefits.

140.4 A claimant who is eligible to receive permanent disability compensation pursuant to § 140.1(c) of this chapter may be awarded a scheduled award for permanent disability in lieu of temporary disability wage-loss benefits upon filing a claim for temporary total disability wage-loss compensation.

140.5 To file a claim for permanent disability compensation under Section 2307 of the Act (D.C. Official Code § 1-623.07), the claimant shall complete Form 12 and provide supporting information and documentation, including a permanent disability rating performed in accordance with the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment (AMA Guides) from a qualified physician, if a permanent disability rating has already been provided to the claimant by the treating physician. If a permanent disability rating has not been provided, the claimant may request authorization to obtain an impairment rating on Form 12 and the Program will designate a physician to evaluate the claimant accordingly.

Subsections 140.9 – 140.11 are amended to read as follows:

140.9 A medical report submitted to the Program in support of a determination of eligibility for a schedule award under Section 2307 of the Act (D.C. Official Code § 1-623.07) shall be prepared by a physician with specific training and experience in the use of the most recent edition of the AMA Guides. The medical report must identify the specific page number, paragraph, and table relied upon within the AMA Guides to establish where and how the physician arrived at the impairment rating.

140.10 A claimant who requests or receives a schedule award pursuant to Section 2307 of the Act (D.C. Official Code § 1-623.07) shall be ineligible for further wage-loss compensation for temporary disability arising out of the same injury for which the schedule award has been approved or paid.

140.11 A claimant may not receive wage-loss compensation for temporary disability and a schedule award for the same injury at the same time.

Subsection 140.12 is added to read as follows:

140.12 Permanent disability compensation shall be limited to those body parts and functions listed in the schedule set forth in Section 2307 of the Act (D.C. Official Code § 1-623.07).

Section 141, VOCATIONAL REHABILITATION, is amended as follows:

Subsection 141.7 is added to read as follows:

141.7 The Program may enter into a working agreement with vocational counselors and organizations to provide vocational rehabilitation services to claimants. Each such agreement shall set forth terms and conditions necessary to ensure appropriate service, including fee and payment guidelines.

Section 142, RETURN TO WORK PROGRAM, is amended as follows:

The title to Section 142 is amended to read as follows:

142 MODIFIED DUTY AND RETURN TO WORK

Subsections 142.2 – 142.9 are amended to read as follows:

142.2 An employee who is medically released to work in full or modified duty shall notify the Program immediately within one (1) business day after receiving the medical release.

142.3 The Program shall attempt to place a medically released employee in a position with the employing agency or, when modified work assignments are not available with the employing agency, with another agency. Once assigned to a modified duty assignment, the employing agency shall be responsible for the salary of the employee.

142.4 While on modified duty assignment, the employee’s rate of pay shall be adjusted as follows:

- (a) An employee with medical restrictions, who is able to perform the full scope of duties of his or her pre-injury position during the modified duty assignment period shall be entitled to receive the same rate of pay as received prior to the injury and wage-loss compensation shall cease.

- (b) An employee who is not able to perform the full scope of duties of his or her pre-injury position shall receive a modified rate of pay closest to the rate of pay prior to the injury, without exceeding it. A modified duty compensation benefit shall be applied at the rate of sixty-six and two-thirds percent (66 2/3%) or, if the employee is eligible for augmented pay pursuant to Section 2310 of the Act (D.C. Official Code § 1-623.10), seventy-five percent (75%), of the difference between the pre-disability rate and the modified duty rate. Cost-of-living adjustments pursuant to Section 2341 of the Act (D.C. Official Code § 1-623.41) and § 139 of this chapter shall not apply to the modified duty rate of compensation.
- (c) The pre-injury rate of pay shall not be exceeded during the modified duty assignment.

142.5 The modified duty assignment shall be temporary. The modified duty assignment may have a minimum duration of two (2) basic non-overtime workdays, as that term is defined in Section 1201 of the Act (D.C. Official Code § 1-612.01), and a maximum duration of one hundred eighty (180) days (assigned in ninety (90)-day increments) in any twelve (12)-month period. For those employees whose basic non-overtime workday may exceed eight (8) hours, the basic non-overtime workday shall be the shift, or tour of duty, worked on a regularly recurring basis for the three (3) months immediately preceding the injury.

142.6 An employee with a medical work restriction who is offered a modified duty assignment and does not accept the modified duty assignment within three (3) days after the employee receives written notice of the assignment pursuant to §§ 142.7 and 142.8 of this chapter shall forfeit any further disability compensation benefits and such benefits shall be terminated by the Program. If compensation benefits were paid during the period of forfeiture, the Program shall recover the payments through a deduction from future compensation benefits owed to the employee or otherwise recovered under Section 2329 of the Act (D.C. Official Code § 1-623.29).

142.7 The Program shall provide the employee notice of an available modified duty assignment orally and in writing.

142.8 Notice of an available modified duty assignment shall include:

- (a) The return to work date and time;
- (b) The shift and schedule of the assignment; provided, that if the shift or schedule varies, the notice shall inform the employee of the shift and schedule for the remainder of the pay period;
- (c) Location to which the employee shall report and to whom the employee shall report;

- (d) Notification that if the employee fails to report to work on the scheduled date and time without an excused absence, his or her failure to report may be designated as an absence without leave (AWOL), which may result in disciplinary action;
- (e) Duties and responsibilities of the position, if the employee is directed to a position other than his or her pre-injury position;
- (f) Rate of pay;
- (g) The medical restrictions and accommodations provided, if the employee is returning to a position with accommodations;
- (h) Duration of the assignment, and
- (i) Notification that the employee must elect to accept the position within three (3) days of issuance of the notice or his or her disability compensation benefits will be forfeited.

142.9 An employee must report to the modified duty assignment on the assigned date. Failure to report to the modified duty assignment shall be deemed a rejection of the modified duty assignment, which shall result in the forfeiture of all disability compensation benefits and such benefits shall be terminated by the Program.

Subsections 142.10 is added to read as follows:

142.10 The employing agency or assigned agency shall notify the Program if, after the employee returns to work, the same injury causes the employee to stop work again.

Section 143, NOTICE OF RETURN TO WORK, is amended as follows:

The title to Section 143 is amended to read as follows:

143 EMPLOYEE RETENTION

Subsections 143.1 – 143.2 are amended to read as follows:

143.1 (a) An employee whose claim of disability is accepted by the Program shall have the right to resume the position he or she occupied before the date of the disability, or an equivalent position, if the employee overcomes the disability within two (2) years after commencement of compensation and provision of all necessary medical treatment needed to lessen the disability.

- (b) If an employee whose claim of disability is accepted by the Program resumes regular full-time employment with the District government when the original disability is overcome, and the disability thereafter recurs, the employee shall have the right to resume the position he or she occupied before the date of the recurrence of the compensable disability, if the employee overcomes the recurrence of the disability within two (2) years after the disability recurs.

143.2 For the purposes of this section, the phrase “overcome an accepted work injury, disease, or condition” means able to perform the essential functions and duties of the job.

Subsections 143.3 is added to read as follows:

143.3 For the purposes of this section, the phrase “lessen the disability” means an increased ability to work or increase in wage-earning capacity from the time of injury or initial disability after receipt of treatment that is supported by medical evidence.

Section 144, MODIFICATION, FORFEITURE, SUSPENSION OR TERMINATION OF BENEFITS, is amended as follows:

The title to Section 144 is amended to read as follows:

144 MODIFICATION OF AWARD OF COMPENSATION

Subsections 144.1 - 144.10 are amended to read as follows:

144.1 The Program may modify an award of compensation if the Program has reason to believe that the claimant’s PSWCP file and records establish:

- (a) A change of condition has occurred pursuant to Section 2324(d)(1) of the Act (D.C. Official Code § 1-623.24(d)(1));
 - (1) A change of condition means a change to a claimant’s accepted medical condition or other circumstance, such as incarceration, vocational or other education studies, that affect the claimant’s ability to earn wages; or
- (b) A change to the claimant’s accepted medical condition has occurred pursuant to Section 2324(d)(4) of the Act (D.C. Official Code § 1-623.24(d)(4)) for one of the following reasons:
 - (1) The disability for which compensation was paid has ceased or lessened;

- (2) The disabling condition is no longer causally related to the accepted work injury;
- (3) Claimant's condition has changed from total disability to partial disability;
- (4) Claimant has been released to return to work with or without restrictions; or
- (5) The Program determines based on compelling evidence that the initial decision was in error.

144.2 An "award of compensation" means a Program determination or Compensation Order issued pursuant to section 2324 of the Act (D.C. Official Code § 1-623.24) and shall not include calculations set forth in a Notice of Benefits or adjustments to benefits made pursuant to § 145 of this chapter.

144.3 Except as provided at subsection 144.3(a), the Program will provide the claimant with prior written notice of the proposed action to modify an award of compensation pursuant to § 144 of this chapter and give the claimant thirty (30) days to submit relevant evidence or argument to support entitlement to continued payment of compensation prior to issuance of an Eligibility Determination (ED), where the Program has a reason to believe that compensation should be modified due to a change of condition pursuant to Sections 2324(d)(1) and (4) of the Act. An ED shall be accompanied by information identifying the employee's appeal rights and, for termination of wage loss benefits, claimant's one hundred eighty (180)-day time limitation from the date of the notice to make a claim for permanent disability compensation.

(a) Prior written notice will not be given when:

- (1) The claimant dies;
- (2) The Program either reduces or terminates compensation upon a claimant's return to work or release to return to work,
- (3) The claimant has been convicted of fraud in connection with the claim;
- (4) When the award of compensation was for a closed period, which has expired;
- (5) The Program issues an initial determination where a claim has been deemed accepted pending such issuance; or
- (6) The claimant's benefits are suspended for failure to:

- (A) Participate in vocational rehabilitation, if the claimant is hired on or after January 1, 1980;
- (B) Follow prescribed and recommended course of medical treatment from the treating physician; or
- (C) Attend an appointment for Additional Medical Examination (AME), bring medical records under the claimant's possession and control, or any other obstruction of the examination.

144.4 Prior notice provided under this section will include a description of the reasons for the proposed action and a copy of the specific evidence upon which the Program is basing its determination. Payment of compensation will continue until any evidence or argument submitted has been reviewed and an appropriate decision has been issued, or until thirty (30) days have elapsed after the issuance of the notice if no additional evidence or argument is submitted.

144.5

- (a) If a claimant timely files his or her response to the Program's prior written notice of proposed modification and identifies additional evidence the claimant wishes to submit, the Program shall allow the claimant additional time to submit evidence, where claimant establishes good cause for the delay in acquiring the evidence.
- (b) If the claimant submits evidence or argument prior to the issuance of the decision, the Program will evaluate the submission in light of the proposed action and undertake such further development as it may deem appropriate, if any. Evidence or argument that is repetitious, cumulative, or irrelevant will not require any further development. If the claimant does not respond within thirty (30) days of the prior written notice, the Program will issue a decision consistent with its prior written notice. The Program will not grant any request for an extension of this thirty (30) day period.
- (c) Evidence or argument that refutes the evidence upon which the proposed action was based will result in the continued payment of compensation. If the claimant submits evidence or argument that fails to refute the evidence upon which the proposed action was based but which requires further development of the evidence and basis for the decision, the Program will not provide the claimant with another notice of its proposed action upon completion of such development. Once any further development of the evidence is completed, the Program will either continue payment or issue a decision consistent with its prior written notice or further developed evidence.

144.6

- (a) If substantial evidence in the claimant’s Program file establishes that a claimant hired before January 1, 1980, without good cause failed to apply for or undergo vocational rehabilitation, when directed by the Program:
- (1) The Program may propose a reduction of wage-loss compensation and present the proposed reduction to the Compensation Review Board (CRB) for review; and
 - (2) The CRB shall affirm the reduction in benefits, if it determines that there is substantial evidence in the record to show that the wage-earning capacity of the individual would probably have substantially increased, absent the claimant’s failure to attend vocational rehabilitation, as directed by the Program.
- (b) For the purposes of this subsection, the term “substantially increase” means an increase in wage-earning capacity of fifty percent (50%) or more.
- (c) The Program shall compute the claimant’s wage-earning capacity by conducting a labor market survey or applying the factors provided at Section 2315 of the Act (D.C. Official Code § 1-623.15) based on the assumption the claimant has enrolled completed in vocational rehabilitation. The claimant’s annual wage-earning capacity shall be divided by twelve (12) to arrive at the claimant’s monthly wage-earning capacity. The claimant’s monthly wage-earning capacity assuming enrollment incompleteness of vocational rehabilitation shall be compared against the claimant’s wage-earning capacity without enrollment or incompleteness of vocational rehabilitation. If the claimant’s wage-earning capacity assuming enrollment in completion of vocational rehabilitation exceeds the claimant’s wage-earning capacity without vocational rehabilitation by fifty percent (50%) or more, the Program may propose a reduction of wage-loss compensation.

144.7

Failure to apply for or undergo vocational rehabilitation shall include failure to attend meetings with the vocational rehabilitation counselor, failure to apply for jobs that have been identified for the claimant, or failure to otherwise participate in good faith in the job application process.

144.8

In all claims, the claimant is responsible for continual submission, or arranging for the continual submission of, a medical report from the attending physician as evidence supporting the reason for continued payment of compensation under the award of compensation.

144.9

For wage-loss compensation benefits, “reason to believe” that the disability for which compensation was paid has ceased pursuant to §§ 144.1(b)(1) and 144.3(a)

of this chapter includes a claimant’s failure to provide contemporaneous medical evidence to show that:

- (a) The accepted condition remains disabling; and
- (b) The nature and extent of the ongoing disability necessitate claimant’s continued absence from work or restricts claimant from performing the full scope of pre-injury duties.

144.10 For medical compensation benefits, “reason to believe” that the condition for which compensation was paid has ceased pursuant to § 144.3(a) of this chapter includes a claimant’s lack of treatment for the accepted condition for one year or more.

Subsection 144.11 is added to read as follows:

144.11 Compensation benefits that have been suspended under this section may be resumed if a claimant cures the deficiency that gave rise to the suspension, unless benefits have been terminated. Resumption of compensation benefits that have been suspended shall occur on a prospective basis.

Section 145, ADJUSTMENTS AND CHANGES TO BENEFITS, is amended as follows:

The title to Section 145 is amended to read as follows:

145 ADJUSTMENTS TO BENEFITS

Subsections 145.1 – 145.6 are amended to read as follows:

145.1 A claimant’s benefits shall be adjusted, where the claimant’s PSWCP file and records establish substantial evidence that:

- (a) The claimant’s benefits shall be forfeited for failure to:
 - (1) Complete a report of earnings pursuant to § 138 of this chapter; or
 - (2) Accept a modified duty assignment offered within the time prescribed at § 142 of this chapter.
- (b) The claimant’s benefits shall be terminated because the claimant’s compensation benefits have been subject to forfeiture for failure to complete a report of earnings for more than ninety (90) days;
- (c) The claimant’s eligibility for wage-loss compensation is subject to limitations provided at Section 2316 of the Act (D.C. Official Code § 1-623.16) and § 134 of this chapter; or

(d) The claimant is no longer eligible for benefits for reasons not otherwise prescribed at Section 2324(d) of the Act (D.C. Official Code § 1-623.24(d)).

145.2 The Program shall provide a written notice to a claimant when benefits are adjusted pursuant to § 145.1 of this chapter and inform the claimant of his or her right to appeal to the Chief Risk Officer.

145.3 Prior written notifications pursuant to Section 2324(d) of the Act (D.C. Official Code § 1-623.24(d)) shall not apply to adjustments to benefits issued pursuant to § 145 of this chapter.

145.4 The Program shall provide a written Notice of Benefits to a claimant if there is an adjustment in the claimant’s wage-loss compensation benefits or a correction of a technical error that results in a change to the claimant’s wage-loss compensation benefits and inform the claimant of his or her right to appeal to the Chief Risk Officer.

145.5 Compensation benefits that have been forfeited under this section may be resumed if a claimant cures the deficiency that gave rise to the forfeiture, unless benefits have been terminated. Resumption of compensation benefits that have been forfeited shall occur on a prospective basis; except, that compensation benefits may be restored on a retroactive basis where a good cause determination has been made, pursuant to § 147 of this chapter, for reversal of the suspension or forfeiture decision.

145.6 Periods of forfeiture shall be counted toward the five hundred (500)-week limitation in Section 2306a of the Act (D.C. Official Code § 1-623.06a).

Subsections 145.7 – 145.9 are repealed as follows:

145.7 [REPEALED]

145.8 [REPEALED]

145.9 [REPEALED]

Section 149, COMPUTATION OF TIME, is amended as follows:

Subsection 149.4 is added to read as follows:

149.4 For the purposes of the Act and this chapter, a form or required document is deemed timely filed if it is received by the Program by the due date.

Section 153, REQUESTS FOR AUDIT OF INDEMNITY BENEFITS, is amended as follows:

The title to Section 153 is amended to read as follows:

153 REQUESTS FOR AUDIT OF COMPENSATION BENEFITS

Subsection 153.1 is amended to read as follows:

153.1 A claimant who believes that the Program has incorrectly calculated his or her medical compensation, wage-loss compensation, or death benefit may request an audit of the Program’s calculation by completing Form A-1 and submitting it to the Chief Risk Officer, provided that the claimant’s medical compensation, wage-loss compensation or death benefits were not terminated more than three (3) years before the date of the Form A-1 submission.

Section 155, OFFICE OF ADMINISTRATIVE HEARINGS (OAH), AND OFFICE OF HEARINGS AND ADJUDICATION (OHA), JURISDICTION, is amended as follows:

The title to Section 155 is amended to read as follows:

155 OFFICE OF ADMINISTRATIVE HEARINGS (OAH), JURISDICTION

Subsection 155.1 is amended to read as follows

155.1 Beginning December 1, 2016, the following decisions shall be appealed to the Office of Administrative Hearings (OAH):

- (a) Initial awards for or against compensation benefits pursuant to Section 2324(b) of the Act (D.C. Official Code § 1-623.24(b)); and
- (b) Modification of awarded compensation benefits pursuant to Section 2324(d) of the Act (D.C. Official Code § 1-623.24(d)).

Section 156, OFFICE OF RISK MANAGEMENT, JURISDICTION, is amended as follows:

Subsection 156.1 is amended to read as follows:

156.1 A claimant who is dissatisfied with a decision issued by the Program, other than a decision subject to review by OAH as set forth in § 155 of this chapter, may only appeal the decision to the Chief Risk Officer.

Subsections 156.3 - 156.4 are amended to read as follows:

- 156.3 The Chief Risk Officer shall affirm the Program’s decision if it is supported by substantial evidence in the record. Otherwise, at the discretion of the Chief Risk Officer, the claimant’s appeal may be dismissed for failure to state a claim, lack of jurisdiction, procedural errors, or other appropriate reason or the Program’s decision may be affirmed, modified, or remanded to the Program with instructions.
- 156.4 The Chief Risk Officer shall notify the claimant in writing of his or her decision within thirty (30) days after the Program’s receipt of the appeal. If no decision is issued within the thirty (30)-day period, the Program’s decision shall be deemed the final decision of the agency for appeal to the Superior Court of the District of Columbia as provided in § 156.5 of this chapter, unless the Chief Risk Officer issues a decision before the date on which the appeal to the Superior Court is filed.

Subsections 156.6 - 156.7 are added to read as follows:

- 156.6 A dispute arising under Section 2323 of the Act (D.C. Official Code § 1-623.23) between a qualified health professional, claimant, or the Program on the issue of necessity, character, or sufficiency of the medical care, supply, or service furnished, or scheduled to be furnished, or the fees charged by the healthcare provider (including a physician or organization providing Additional Medical Examination or utilization review services) shall be resolved by the Chief Risk Officer upon application for a hearing by the Program, claimant, or healthcare provider, in accordance with the applicable hearing rules provided at § 157 of this chapter.
- 156.7 As provided in Section 2323(a-2)(4) of the Act (D.C. Official Code § 1-623.23(a-2)(4)):
- (a) The decision of the Chief Risk Officer pursuant to § 156.6 of this chapter may be reviewed by the Superior Court of the District of Columbia;
 - (b) The decision may be affirmed, modified, revised, or remanded in the discretion of the court; and
 - (c) The decision shall be affirmed by the court if supported by substantial competent evidence on the record.

Section 157, OAH AND OHA, HEARING RULES, is amended as follows:

The title to Section 157 is amended to read as follows:

157 HEARING RULES

Subsection 157.1 – 157.3 are amended to read as follows:

- 157.1 OAH Rules 2950 through 2969 (OAH Rules) shall apply to management of PSWCP cases filed pursuant to Section 2324 of the Act (D.C. Official Code § 1-623.24) with the Department of Employment Services, Office of Hearings and Adjudications (OHA) and Office of Administrative Hearings (OAH).
- 157.2 If no procedure is specifically prescribed by the OAH Rules, the Superior Court for the District of Columbia Rules may be used as guidance, to the extent practicable.
- 157.3 The OAH Rules shall govern the conduct of hearing of cases filed pursuant to Section 2324 of the Act (D.C. Official Code § 1-623.24), unless the ALJ determines that their application impairs the ALJ’s ability to ascertain the claimant’s rights pursuant to Section 2324(b)(2) of the Act (D.C. Official Code § 1-623.24(b)(2)).

Subsection 157.4 is added to read as follows:

- 157.4 Hearings before the Chief Risk Officer (CRO) requested pursuant to Section 2323 of the Act (D.C. Official Code § 1-623.23) shall be conducted under the following rules (the “ORM Hearing Rules”):
- (a) Hearings before the CRO shall be held by a hearing representative appointed by the CRO.
 - (b) A claimant, healthcare provider, or the Program may request an oral hearing or a hearing on the written record and shall so indicate on Form 9H:
 - (1) Within thirty (30) calendar days after the date of the Program’s decision denying authorization for medical care or services; or
 - (2) Within six (6) months of the later of the date of the bill, the date of initial payment of the bill, or the date of the initial Explanation of Review.
 - (c) The party requesting the hearing (hereinafter “hearing proponent”) shall submit, with his or her request for a hearing, all evidence or written argument that he or she wants to present to the hearing representative.

- (d) If the Program is requesting the hearing pursuant to Section 2323 of the Act (D.C. Official Code § 1-623.23), the Program shall mail a copy of the hearing request to all parties involved. Each other party shall have fifteen (15) days to file a written response with supporting evidence or written argument to the Program hearing request with the hearing representative.
- (e) If requested by any party, the hearing representative shall schedule an oral hearing and determine, at his or her discretion, whether the oral hearing will be conducted in person, by teleconference, by videoconference, or by other electronic means. The hearing representative shall have sole discretion to set the time, place, and method of the hearing. The hearing representative shall provide written notice through an acknowledgment letter to each party of the time, place, and method of the hearing. The acknowledgment letter shall be provided within a reasonable period of time prior to, but no less than seven (7) days before, the date and time of the hearing
- (f) After the oral hearing has been scheduled and the hearing representative has transmitted appropriate written notice to the parties, the hearing representative may, upon submission of proper written documentation of an unavoidable serious scheduling conflict (such as court-ordered appearance or trial, jury duty, or a previously scheduled medical procedure), grant a request from any party to reschedule the hearing, as long as the hearing can be rescheduled to a date and time that is no more than thirty (30) days after the originally scheduled date and time. When a request to postpone a scheduled hearing by the hearing proponent cannot be accommodated under this paragraph, no further opportunity for an oral hearing shall be provided. Instead, the hearing will take the form of a review of the written record.
- (g) Where either party or its representative is hospitalized for a non-elective reason or where the death of the claimant's, healthcare provider's, or representative's parent, spouse, child, or other immediate family member prevents attendance by the party or its representative at the hearing, the hearing representative shall, upon submission of proper documentation, grant a postponement beyond the period prescribed in paragraph (f) of this subsection.
- (h) A decision regarding rescheduling under paragraphs (d) through (g) of this subsection shall be in the sole discretion of the hearing representative.
- (i) When the proponent of an oral hearing fails to appear at the scheduled hearing, the hearing shall take the form of a review of the written record and a decision shall issue accordingly.

- (j) Before the date of the oral hearing, the hearing representative may change the format of the hearing from an oral hearing to a review of the written record upon the hearing proponent's request. The decision to grant or deny a change of format from an oral hearing to a review of the written record shall be in the sole discretion of the hearing representative.
- (k) A request for reasonable accommodation by an individual with a disability shall be made through the procedure described in the initial acknowledgement letter.
- (l) The hearing shall be an informal process, and the hearing representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by the Administrative Procedure Act.
- (m) During the hearing, the party requesting the hearing shall be given up to thirty (30) minutes to present argument in support of the relief sought; each responding party shall be given up to thirty (30) minutes to present argument in support of its position. The hearing representative may ask questions of those presenting information on behalf of any party.
- (n) When conducting the hearing, the hearing representative may review the claim file and any additional evidence submitted by the parties that has already been exchanged between the parties in advance of the hearing.
- (o) The hearing representative shall determine the conduct of the oral hearing. Oral hearings shall be limited to no more than ninety (90) minutes. The hearing representative may extend this limitation at his or her discretion or terminate the hearing at any time he or she determines that all relevant evidence has been obtained, or because of misbehavior on the part of the claimant and/or representative. The hearing representative may stay the hearing and direct the parties to address matters that come up during the hearing.
- (p) Argument at an oral hearing, including an oral hearing conducted by teleconference, videoconference, or other electronic means, shall be recorded and placed in the record. The transcript of the hearing shall be the official record of the hearing.
- (q) The Office of Risk Management shall file a transcript of the oral hearing with the Superior Court as a part of the agency record, upon request for a review of the hearing representative's decision made pursuant to Section 2323 of the Act (D.C. Official Code § 1-623.23).
- (r) The hearing record shall be closed after the hearing is held, unless the hearing representative, in his or her discretion, grants an extension. A

request for an extension must be made orally at the hearing or submitted in writing no later than ten (10) days after the hearing is held. Only one (1) such extension may be granted. A copy of the hearing representative's decision on the extension request shall be transmitted to all parties.

- (s) When conducting a hearing on the written record, the hearing representative shall issue a decision within forty-five (45) days after receipt of the hearing request.
- (t) When conducting an oral hearing, the hearing representative shall issue a decision within thirty (30) days after the date of the oral hearing.
- (u) When conducting a hearing regarding the necessity, character, or sufficiency of medical care or service furnished, or scheduled to be furnished, the hearing representative may initiate a utilization review pursuant to Section 2323 of the Act (D.C. Official Code § 1-623.23), and the relevant time periods set forth in paragraphs (s) and (t) of this section shall be stayed pending completion of the utilization review. The hearing representative shall issue a notice to all parties informing the parties that a utilization review has been initiated and that the time period for a decision has been stayed pending completion of utilization review.
- (v) The proponent of the hearing may withdraw the hearing request at any time up to the time the decision is issued.

Section 159, HEARINGS, BURDEN OF PROOF, is amended as follows:

Subsection 159.2 is amended to read as follows:

159.2 Burden of Proof, Termination, or Modification of Award.

- (a) If the Program seeks to terminate or modify an award, it must present substantial evidence that the Program had reason to believe:
 - (1) Claimant's accepted medical condition or other circumstance that affects the claimant's ability to earn wages has sufficiently changed to warrant modification or termination of benefits; or
 - (2) The claimant's medical condition had sufficiently changed to warrant modification or termination of benefits;
 - (3) The claimant had been convicted of fraud in connection with the claim; or
 - (4) The initial decision was in error.

- (b) Once the Agency presents such evidence, the claimant shall have the burden to prove, by a preponderance of the evidence, the entitlement to ongoing benefits, as well as the nature and extent of disability.

Subsection 159.4 is amended to read as follows:

- 159.4 Burden of Proof, Permanent Disability. The claimant shall have the burden to prove, by a preponderance of the evidence, that he or she is entitled to an award for permanent disability, when requesting a permanent disability award pursuant to Section 2306a of the Act (D.C. Official Code § 1-623.06a).

Subsections 159.5 - 159.6 are added to read as follows:

- 159.5 Burden of Proof, Necessity, Character, Sufficiency of Medical Service, Supply, or Care. The party that requests the hearing has the burden to prove, as applicable, by a preponderance of the evidence, that the medical care or service furnished or sought to be furnished:

- (a) Is proper to treat a condition that has been accepted by the Program as compensable under the Act;
- (b) Is improper to treat a condition that has been accepted by the Program as compensable under the Act; or
- (c) Treated or would treat a condition that has not been accepted by the Program as compensable under the Act.

- 159.6 Burden of Proof, Healthcare Provider Fees. The healthcare provider shall have the burden to prove, by a preponderance of the evidence, that the healthcare provider is entitled to the relief sought.

Section 160, HEARING DECISIONS, COMPLIANCE AND ENFORCEMENT, is amended as follows:

Subsections 160.1 – 160.2 are amended to read as follows:

- 160.1 The ALJ shall issue an order to reverse, modify, affirm, or remand a determination rendered by the Program within thirty (30) days after the hearing ends or the record closes.
- 160.2 Unless the OHA or OAH decision is stayed by a reviewing administrative or judicial forum, the Program shall comply with the decision within thirty (30) calendar days after the date the decision becomes final.

Subsection 160.4 is amended to read as follows:

- 160.4 A claimant may dispute the Program’s benefits calculations by appealing the Notice of Benefits to the Chief Risk Officer pursuant to § 156 of this chapter.

Subsection 160.6 is added to read as follows:

- 160.6 A decision issued on an appeal filed pursuant to Section 2324 or 2328 of the Act (D.C. Official Code §§ 1-623.24 or 1-623.28) shall be limited to a decision for or against the payment of compensation. The Program shall calculate and issue a Notice of Benefits in accordance with a compensation order which determines the rate of compensation and period of award.

Section 162, ATTORNEY’S FEES, is amended as follows:**Subsection 162.1 is amended to read as follows:**

- 162.1 “Actual benefit secured” for the purposes of Section 2327 of the Act (D.C. Official Code § 1-623.27) means the total established amount of benefits secured by an attorney in connection with a hearing or court proceeding through the date of the compensation order only and shall not include any amount offered in settlement prior to a hearing or future benefits.

Section 199, DEFINITIONS, is amended as follows:**Subsection 199.1 is amended to read as follows:**

- 199.1 The definitions set forth in Section 2301 of Title 23 (Workers’ Compensation) 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 §§ 1-623.01 *et seq.* (2016 Repl. & 2018 Supp.)) shall apply to this chapter. In addition, for purposes of this chapter, the following definitions shall apply and have the meanings ascribed:

The Act -- the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-623.01 *et seq.* (2016 Repl. & 2018 Supp.)), as amended and as it may be hereafter amended.

Administrative Law Judge or ALJ -- a hearing officer of the Office of Hearings and Adjudication in the Administrative Hearings Division of the Department of Employment Services or Administrative Law Judge in the Office of Administrative Hearings.

Aggravated injury -- The exacerbation, acceleration, or worsening of a pre-existing disability or condition caused by a discrete event or occurrence

and resulting in substantially greater disability or death.

Alive and well check -- an inquiry by the Program to confirm that a claimant who is receiving benefits still meets the eligibility requirements of the Program.

Award of Compensation -- a Program determination or Compensation Order issued pursuant to Section 2324 of the Act (D.C. Official Code § 1-623.24) and shall not include calculations set forth in a Notice of Benefits or adjustments to benefits made pursuant § 145 of this chapter.

Beneficiary -- an individual who is entitled to receive death benefits under the Act.

Claim -- an assertion properly filed and otherwise made in accordance with the provisions of this chapter that an individual is entitled to compensation benefits under the Act.

Claim file -- all program documents, materials, and information, written and electronic, pertaining to a claim, excluding that which is privileged or confidential under District of Columbia law.

Claimant -- an individual who receives or claims benefits under the Act (D.C. Official Code §§ 1-623.01 *et seq.*).

Claimant's Representative -- means an individual or law firm properly authorized by a claimant of this chapter to act for the claimant in connection with a claim under the Act or this chapter.

Controversion -- means to dispute, challenge or deny the validity of a claim for Continuation of Pay.

Disability -- means the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of injury. It may be partial or total.

Earnings -- for the purposes of § 138 of this chapter, any cash, wages, or salary received from self-employment or from any other employment aside from the employment in which the worker was injured. It also includes commissions, bonuses, and cash value of all payments and benefits received in any form other than cash. Commissions and bonuses earned before disability but received during the time the employee is receiving workers' compensation benefits do not constitute earnings that must be reported.

Eligibility Determination (ED) -- a decision concerning, or that results in, the termination or modification of a claimant's existing Public Sector

Workers' Compensation benefits that is brought about as a result of a change to the claimant's condition.

Employee – means

- (a) A civil officer or employee in any branch of the District of Columbia government, including an officer or employee of an instrumentality wholly owned by the District of Columbia government, or of a subordinate or independent agency of the District of Columbia government;
- (b) An individual rendering personal service to the District of Columbia government similar to the service of a civil officer or employee of the District of Columbia, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service or authorizes payment of travel or other expenses of the individual, but does not include a member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department who has retired or is eligible for retirement pursuant to D.C. Official Code §§ 5-707 through 5-730 (2012 Repl. & 2018 Supp.)). The phrase “personal service to the District of Columbia government” as used for the definition of employee means working directly for a District government agency or instrumentality, having been hired directly by the agency or instrumentality; it does not mean working for a private organization or company that is providing services to the District government or its instrumentalities; and
- (c) An individual selected pursuant to federal law and serving as a petit or grand juror and who is otherwise an employee for the purposes of this chapter as defined by paragraphs (i) and (ii) above.

Employee's Representative -- means an individual or law firm properly authorized by an employee in writing of this chapter to act for the employee in connection with a request for continuation of pay under the Act or this chapter.

Employing agency -- the agency or instrumentality of the District of Columbia government which employs or employed an individual who is defined as an employee by the Act.

Good cause -- omissions caused by “excusable” neglect or circumstances beyond the control of the proponent. Inadvertence, ignorance or mistakes construing law, rules and regulations do not constitute “excusable” neglect.

Healthcare provider -- means any person or organization who or that renders medical services, appliances or supplies directly to claimants or employees and is licensed to practice or operate in the jurisdiction where care is provided.

Healthcare organization -- An organization comprised of allied health professionals, as defined under Section 2301 of the Act (D.C. Official Code § 1-623.01).

Immediate supervisor -- the District government officer or employee having responsibility for the supervision, direction, or control of the claimant, or one acting on his or her behalf in such capacity.

Indemnity -- See Wage-loss Compensation.

Initial Determination (ID) -- a decision regarding initial eligibility for benefits under the Act, including decisions to accept or deny new claims, pursuant to this chapter.

Latent disability -- a condition, disease or disability that arises out of an injury caused by the employee's work environment, over a period longer than one workday or shift and may result from systemic infection, repeated physical stress or strain, exposure to toxins, poisons, fumes or other continuing conditions of the work environment.

Marriage -- both civil marriage, which is represented by a marriage license, and common-law marriage, which must be proved by a preponderance of the evidence based on the law of the applicable jurisdiction.

Mayor -- the Mayor of the District of Columbia or a person designated to perform his or her functions under the Act.

Medical opinion -- a statement from a physician, as defined in Section 2301 of the Act (D.C. Official Code § 1-623.01) that reflects judgments about the nature and severity of impairment, including symptoms, diagnosis and prognosis, physical or mental restrictions, and what the employee or claimant is capable of doing despite his or her impairments.

Notice of Benefits -- a notice provided to a claimant that sets forth the Program's calculation of a claimant's benefits as a result of an initial award or subsequent change in benefits.

Office of Administrative Hearings (OAH) -- the office where Administrative Law Judges adjudicate public sector workers' compensation claims under Sections 2323(a-2)(4), 2324(b)(1), and (d)(2) of the Act (D.C. Official Code §§ 1-623.23(a-2)(4), 1-623.24(b)(1) and (d)(2)), pursuant to

jurisdiction under D.C. Official Code § 2-1831.03(b)(1) (2016 Repl.), Section 2306a of the Act, and rules set forth in this chapter.

Office of Hearings and Adjudication (OHA) -- the office in the Administrative Hearings Division of the Department of Employment Services where Administrative Law Judges adjudicate workers' compensation claims, including public sector workers' compensation claims under Sections 2323(a-2)(4), 2324(b)(1), and (d)(2) of the Act (D.C. Official Code §§ 1-623.23 (a-2)(f), 1-623.24(b)(1) and (d)(2)), and rules set forth in this chapter.

Office of Risk Management (ORM) -- the agency within the Government of the District of Columbia that is responsible for the District of Columbia's Public Sector Workers' Compensation Program (PSWCP).

Panel physician – means a physician approved by the Program pursuant to §§ 124 and 125 of this chapter to provide medical treatment to persons covered by the Act.

Pay rate for compensation purposes -- means the employee's pay, as determined under Section 2314 of the Act, at the time of injury, the time disability begins, or the time compensable disability recurs if the recurrence begins more than six months after the injured employee resumes regular full-time employment with the District of Columbia government, whichever is greater, except as otherwise determined under Section 2313 of the Act (D.C. Official Code § 1-623.13) with respect to any period. Consideration of additional remuneration in kind for services shall be limited to those expressly authorized under Section 2314(e) of the Act (D.C. Official Code § 1-623.14(e)).

Permanent disability compensation -- schedule award compensation payable when a qualified physician has determined that a claimant has reached maximum medical improvement and has full or partial loss of use of a body part or disfigurement pursuant to Section 2307 of the Act (D.C. Official Code 1-623.07) and § 140 of this chapter.

Permanent total disability payment (PTD) -- schedule award and wage-loss compensation payable to a completely disabled claimant, when a qualified physician has determined that a claimant has reached maximum medical improvement and is unable to work on a permanent basis. PTD has been repealed since February 26, 2015. However, claimants who were awarded PTD prior to the repeal may continue to receive PTD benefits.

Program -- the Public Sector Workers' Compensation Program of the Office of Risk Management, including a third party administrator thereof.

Provider agreement – a working agreement developed by the Program in accordance with Section 2302b of the Act (D.C. Official Code § 1-623.02b) with a healthcare provider or other public or private organization comprised of healthcare providers to furnish medical care or services (including transport incident to such care or services) to an employee. Disputes regarding fees or the necessity, character or sufficiency of services pursuant to such agreements shall be resolved in accordance with Section 2323 of the Act (D.C. Official Code § 1-623.23) and § 156.6 and 156.7 of this chapter.

Qualified health professional – means a physician, as that term is defined by section 2301 of the Act (D.C. Official Code § 1-623.01) and includes a surgeon, podiatrist, dentist, clinical psychologist, optometrist, orthopedist, neurologist, psychiatrist, chiropractor, or osteopath practicing within the scope of his or her practice as defined by state law. The term includes a chiropractor only to the extent that reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist and subject to guidelines established by the Program. For purposes of initial treatment or emergency care, or with respect to of a managed care organization, as that term is defined by Section 2301 of the Act (D.C. Official Code § 1-623.01), the term also includes physician assistants and nurse practitioners who are authorized by the jurisdiction where they practice and who are performing within the scope their practice as defined by said jurisdiction.

Recurrence of disability – means a disability that reoccurs within one (1) year after the date wage-loss compensation terminates or, if such termination is appealed, within one (1) year after the date of the final order issued by a judicial entity, caused by a spontaneous change in a medical condition which had resulted from a previous compensable injury or illness without an intervening injury or new exposure to the work environment that caused the illness.

Recurrence of medical condition -- means a documented need for further medical treatment after release from treatment for the accepted condition or injury when there is no accompanying work stoppage. Continuous treatment for the original condition or injury is not considered a “need for further medical treatment after release from treatment,” nor is an examination without treatment.

Traumatic injury -- means a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including physical stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected.

Temporary partial disability payment (TPD) – wage-loss compensation payable to a claimant, who has a wage-earning capacity and has not reached maximum medical improvement, calculated pursuant to Section 2306 of the Act (D.C. Official Code § 1-623.06) and § 130 of this chapter.

Temporary total disability payment (TTD) – wage-loss compensation payable to a claimant, who has a complete loss of wage earning capacity and has not reached maximum medical improvement, calculated pursuant to Section 2305 of the Act (D.C. Official Code § 1-623.05) and § 129 of this chapter.

Treating physician -- the physician, as defined in Section 2301 of the Act (D.C. Official Code § 1-623.01), who provided the greatest amount of treatment and who had the most quantitative and qualitative interaction with the employee or claimant.

Wage-loss compensation -- the money allowance paid to a claimant by the Program to compensate for the wage-loss experienced by the claimant as a result of a disability directly arising out of an injury sustained while in the performance of his or her duty, calculated pursuant to the provisions of this chapter.

Working agreement – means a provider agreement or other agreement developed by the Program in accordance with Section 2302b of the Act (D.C. Official Code § 1-623.02b) with: (1) a utilization review organization or individual certified to perform such reviews, as specified in Section 2323 of the Act (D.C. Official Code § 1-623.23); (2) a physician or an organization comprised of physicians, including an organization with a proprietary panel of physicians affiliated exclusively with such organization, who conduct Additional Medical Examinations, as described in § 136 of this chapter; (3) a provider of vocational rehabilitation services; or (4) a physician or other public or private organization to facilitate the functions of the Program. The fees and other conditions contained in such agreements shall be approved by the Chief Risk Officer. Except in the case of a provider agreement, disputes arising under such agreements shall be resolved by the Superior Court for the District of Columbia, or as otherwise provided by law.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Michael Krainak, General Counsel, Office of Risk Management, 441 4th Street, N.W., Suite 800S, Washington, D.C. 20001. Comments may be submitted through <https://www.dcregs.dc.gov/>. Copies of this proposed rulemaking are available upon written request to the above address or orm.regulations@dc.gov, and are also available electronically on the Office of Risk Management’s website at www.orm.dc.gov.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (the “Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 25 (Health Home Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

A Health Home is a service delivery model that focuses on providing comprehensive care coordination centered on improving the management of chronic behavioral and physical health conditions for consumers with a serious and persistent mental illness. Health homes organize person-centered care plans that facilitate access to physical health services, behavioral health care, community-based services and supports for individuals determined eligible for Health Home services by the Department. Care coordination is provided through a team-based approach and involves all health care practitioners, family members, and other social support networks identified by the consumer as relevant and necessary. The goal of the Health Homes service delivery model is to improve the health and life expectancy of consumers and reduce avoidable health care costs, specifically preventable hospital admissions, readmissions, and avoidable emergency room visits, for consumers and the enrolled Health Home population as a whole.

The purpose of these proposed amendments is to align the Health Home regulations to the revised State Plan Amendment (“SPA”). The three main revisions include establishing the requirements and process for certifying a Freestanding Mental Health Clinic (“FSMHC”) as a Health Home provider; removing community support from the ineligible services so it can be billed as a separate service; and making the edits to Health Home service definitions to reflect programmatic changes and changes to the SPA.

Emergency action is necessary for the immediate preservation of health, safety, and welfare of beneficiaries who are in need of comprehensive care coordination through the Medicaid Health Home State Plan benefit. These rules are adopted in conjunction with Emergency and Proposed rate changes published by the Department of Health Care Finance. The Health Home reimbursement rates included in DHCF’s rules along with the corresponding programmatic changes in these Emergency and Proposed Rulemaking are needed at this time to ensure that Health Home providers receive payment for Health Home services delivered, and to ensure that Health Home providers can continue to deliver the level of Health Home services that beneficiaries require. To preserve beneficiaries’ health, safety, and welfare, and to avoid any lapse in access to Health Home services, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on November 14, 2018 and will become effective on February 1, 2019, contingent upon approval of the corresponding SPA by CMS. The emergency

rules shall remain in effect for one hundred and twenty (120) days after adoption, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Chapter 25, HEALTH HOME CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

The following subsections in Section 2500, HEALTH HOME PROGRAM, are amended to read as follows:

- 2500.1 These rules establish the requirements and process for certifying a Mental Health Rehabilitation Services (MHRS) Core Services Agency (CSA) or a Freestanding Mental Health Clinic (FSMHC) as a Health Home provider in the District of Columbia.
- 2500.2 A Health Home is an MHRS CSA or FSMHC that serves as the coordinating entity for services offered to a person with a serious and persistent mental illness (consumer) who has or is at risk of developing co-occurring chronic medical conditions. The provider is the central point for coordinating patient-centered and population-focused care for both behavioral health and other medical services. The Health Home provider is compensated on a per member per month (PMPM) basis to coordinate care between itself as the behavioral health provider, and other physical and specialty health care providers and community-based services and supports. The purpose and goal of individualized care coordination is to increase collaboration and integration of behavioral, health and community based services, improve management of chronic conditions, and reduce avoidable health care costs, specifically for hospital admissions, readmissions and emergency room visits.

The following subsections in Section 2501, CERTIFICATION REQUIREMENTS, are amended to read as follows:

- 2501.2 The following minimum eligibility requirements shall apply to any FSMHC or CSA seeking certification as a Health Home:
- (a) Current certification as an MHRS CSA in accordance with Chapter 34 of this subtitle or FSMHC in accordance with Chapter 8 of Title 29 (Public Welfare) of the D.C. Municipal Regulations;
 - (b) Current enrollment as a D.C. Medicaid provider for the delivery of MHRS or FSMHC services;
 - (c) Use of the Department of Behavioral Health's (the Department's), data management system for all Health Home-related services and functions;

- (d) No current or pending exclusions, suspensions or debarment from any federal or D.C. healthcare program; and
- (e) Demonstrated ability through readiness assessments and training to comply with the terms and requirements of this chapter.

2501.3 A FSMHC or MHRS CSA seeking certification shall submit an application in a format established by the Department.

...

2501.6 The Department’s certification shall specify the number of Health Home teams certified at each provider. A Health Home team can serve up to three hundred (300) individuals and consists of the following required staff: Health Home Director, Primary Care Liaison, and Nurse Care Manager(s). No provider shall add additional Health Home teams unless the addition is approved by the Department.

Section 2504, HEALTH HOME SERVICES ELIGIBILITY, is amended to read as follows:

2504.1 To be eligible for Health Home services, a consumer shall:

- (a) Be eligible for Medicaid;
- (b) Be diagnosed as having a serious and persistent mental illness;
- (c) Be enrolled in a CSA or FSMHC; and
- (d) Consent to be enrolled in a Health Home and authorize the disclosure of his or her mental health, physical health and other relevant information for the purpose of integrating primary and behavioral health care and services.

2504.2 Consumers may only be enrolled with one (1) Health Home at a time and may opt-out at any time. Providers shall document in writing and in forms prescribed by the Department a consumer’s informed consent to opt-in or opt-out of the Health Home program.

2504.3 The following categories of beneficiaries shall not be eligible for the Health Home program under this chapter:

- (a) Consumers currently enrolled in Assertive Community Treatment (ACT) as described in Chapter 34;
- (b) Consumers enrolled in the Home and Community-Based Services (HCBS) Waiver for the Elderly and Individuals with Physical Disabilities, as

described in Chapter 42 of Title 29 of the District of Columbia Municipal Regulations (DCMR);

- (c) Consumers enrolled in the HCBS Waiver for Persons with Intellectual and Developmental Disabilities, as described in Chapter 19 of Title 29 DCMR;
- (d) Consumers residing in a nursing facility;
- (e) Consumers residing in an Intermediate Care Facility for Individuals with Intellectual Disabilities; and
- (f) Consumers enrolled in the *My Health GPS* program, as described in Chapter 102 of Title 29 DCMR. A consumer who is eligible for both this Health Home and the *My Health GPS* Program may choose to enroll in either program but not both.

Section 2506, COMPREHENSIVE CARE MANAGEMENT, is amended as follows:

2506.1 One of the goals of the Health Home Program is to maintain and/or improve the health of their population through the delivery of appropriate services. Comprehensive Care Management requires Health Home teams to gather demographic and health data about their consumers and tailor interventions and evidence based practices to meet the specific needs of their population. This population management approach requires the following:

- (a) Construction of standardized, evidence-based protocols and clinical pathways for mental health, physical health, social, employment, and economic needs;
- (b) Tracking and monitoring of the consumer’s health, social and employment status based on the protocols and pathways;
- (c) Development and dissemination of reports on satisfaction, health status, cost and quality to guide Health Home service delivery and design;
- (d) Development of partnerships with physical health care providers and community-based entities in order to facilitate the sharing of information and timely responses to each consumer’s needs; and
- (e) Health Homes will use aggregated data to determine levels of consumer engagement, progress toward goals, and adherence to or variance from treatment guidelines. Based on this analysis, Health Homes will prioritize outreach, reminders and notifications to individuals and/or providers. Health Homes will systematically review and report quality metrics, assessment results, and service utilization in order to evaluate health status, service delivery, and consumer satisfaction.

- 2506.2 Comprehensive Care Management is the assessment and identification of health risks leading to the development and implementation of a care plan that addresses health risks and the individualized needs of the whole person. Care plan development will be led by qualified practitioners operating within their scope of practice with input from members of the Health Home team and external resources. Activities include but are not limited to the following:
- (a) Monitoring of the consumer and population health status and service use;
 - (b) Conduct an assessment of health risks and identification of high risk sub groups;
 - (c) Collect behavioral, primary, acute and long-term care information from health and social service providers, including but not limited to MHRS Diagnostic Assessments and individual recovery or treatment plans, physical assessments from PCPs, and hospital discharge planners to facilitate the creation of a person-centered care plan for every enrolled individual, that is updated at set intervals (as detailed in the DCMR) and following an unplanned inpatient stay;
 - (d) Reassessment of health assessment(s) annually or more frequently as required by the consumer’s health;
 - (e) Identification of service needs of consumers and construction of a person-centered comprehensive care plan addressing physical and behavioral health chronic conditions, current health status, and goals for improvement; and
 - (f) Review and updates persons-centered care plan every one hundred eighty (180) days and as needed.

Section 2507, CARE COORDINATION, is amended as follows:

- 2507.1 Care Coordination is the facilitation or implementation of the comprehensive care plan through appropriate linkages, referrals, coordination and follow-up to needed services and support. Care Coordination provides assistance with the identification of individual strengths, resources, preferences and choices. Care Coordination is a function shared by the entire Health Home Team and may involve, but is not limited to, the facilitation or implementation of the following:
- (a) Developing strategies and supportive mental health intervention for avoiding out-of-home placement and building stronger family support skills and knowledge of the consumer’s strengths and limitations;
 - (b) Providing telephonic and other electronic reminders of appointments;

- (c) Providing telephonic consults and outreach;
- (d) Communicating with family members;
- (e) Identifying outstanding items on patient visit summaries such as referrals, immunization, self-management goal support and health education needs;
- (f) Assisting with medication reconciliation;
- (g) Making appointments;
- (h) Providing patient education materials;
- (i) Assisting with arrangements such as transportation, directions and completion of durable medical equipment requests;
- (j) Obtaining missing records and consultation reports;
- (k) Participating in hospital and emergency room (ER) transition care;
- (l) Coordination with other health care providers to ensure screenings follow-up is completed;
- (m) Coordinating with Fire and Emergency Medical Services to promote appropriate utilization of emergency medical and transport services; and
- (n) Ensure that consumers continue connections to and maintain eligibility for any public benefit to which the beneficiary may be entitled, including Medicaid.

Section 2508, COMPREHENSIVE TRANSITIONAL CARE, is amended as follows:

2508.1 Comprehensive Transitional Care includes the Health Home's efforts to reduce hospital emergency department and inpatient admissions, readmissions and length of stay through planned and coordinated transitions between health care providers locations, settings and levels of care. Health Homes will increase individual's and family members' ability to manage care and live safely in the community, shifting the use of reactive or emergency care and treatment to proactive health promotion and self-management. Comprehensive Transitional Care includes, but is not limited to:

- (a) Contact with the consumer within forty-eight (48) hours of the completed transition from inpatient settings and ER visits;
- (b) Outreach to consumers to ensure appropriate follow-up after transitions;

- (c) Ensuring visits for consumers with the appropriate health and community-based service providers following the completed transition;
- (d) Developing strategies and supportive health interventions that reduce the risk for or prevent out-of-home placements for adults and builds stronger family support skills and knowledge of the adult's strengths and limitations;
- (e) Developing chronic health prevention and illness management strategies and plans;
- (f) Reviewing the discharge summary and instructions;
- (g) Ensuring that medication reconciliation has been completed;
- (h) Ensuring that follow-up appointments and tests are scheduled and coordinated;
- (i) Assessing the patient's risk status for readmission or other failure to obtain appropriate community-based care;
- (j) Arranging for follow-up care, if indicated in the discharge plan;
- (k) Planning for appropriate clinical care post-discharge, including home health services or other necessary skilled care;
- (l) Planning for appropriate housing support services post-discharge, including facilitating linkages to temporary or permanent housing;
- (m) Arranging transportation for transitional care and follow-up appointments as needed;
- (n) Scheduling appointments for the beneficiary with a primary care provider or appropriate specialist(s) within one (1) week of discharge; and
- (o) Opting out of the Health Home Program.

Section 2509, HEALTH PROMOTION, is amended as follows:

2509.1 Health Promotion service involves the provision and facilitation of health education to the individual (family member and or significant other) specific to his/her chronic illness. The service may also involve the use of data to identify and prioritize particular areas of need within the patient population; research best-practice interventions; coordinate or refer individuals to appropriate health promotion activities in group and individual settings; evaluate the effectiveness of

the interventions, and plan accordingly. Health promotion also involves ensuring the connection of the individual to peer/recovery supports including self-help/self-management and advocacy groups, to support for improving an individual's social network, and to educational opportunities for the individual about accessing care in appropriate settings. This service may include but is not limited to:

- (a) Providing consumer education and development of self-monitoring and health management related to consumers' particular chronic conditions as well as in connection with healthy lifestyle and wellness; nutrition counseling, substance abuse prevention, smoking prevention and cessation and physical activity;
- (b) Assisting with medication reconciliation;
- (c) Developing and implementing health promotion campaigns;
- (d) Connecting consumers with peer and recovery supports including self-help and self-management and advocacy groups;
- (e) Educating the consumer about accessing care in appropriate settings, including appropriate utilization of 911 services;
- (f) Assessing the consumer's understanding of their health conditions and motivation to engage in self- management; and
- (g) Using coaching and evidence-based practices such as motivational interviewing to enhance the beneficiary's understanding of his or her health conditions and motivation to achieve health and social goals.

Subsection 2510.2 of Section 2510, INDIVIDUAL AND FAMILY SUPPORT SERVICES, is amended as follows:

2510.2 Individual and Family Support Services include:

- (a) Activities that facilitate the continuity in relationships between consumer/family and physician and care manager;
- (b) Advocacy on a consumers' behalf to identify and obtain needed resources such as medical transportation and other benefits for which they may be eligible;
- (c) Consumer education on how to self-manage their chronic condition (s);
- (d) Providing opportunities for the families to participate in consumers' assessment and care treatment plan developments;

- (e) Efforts that ensure that Health Home services are delivered in a manner that is culturally and linguistically competent;
- (f) Efforts that promote personal independence and empower the consumers to improve their own environment and health. This may include engagement with consumers' families in identifying solutions to improve consumers' health and environment and helping consumers and their families with consumer's authorizations to access the consumers' health record information or other clinical information;
- (g) Language interpretation services;
- (h) Housing assistance services;
- (i) Providing consumers with access to their EHR or other clinical information, and providing access to their family members and authorized representatives if the beneficiary provides written authorization to do so;
- (j) Developing family support materials and services, including creating family support groups where appropriate;
- (k) Include the consumer family in the quality improvement process including surveys to capture their experience with Health Home services; and
- (l) Facilitate referrals to support services that are available in the individual's community and assist with the establishment of and connection to natural supports.

Subsection 2511.2 of Section 2511, REFERRAL TO COMMUNITY AND SOCIAL SUPPORT SERVICES, is amended as follows:

2511.2 The types of community and social support services to which consumers will be referred to may include, but are not limited to:

- (a) Wellness programs, including smoking cessation, fitness, weight loss programs;
- (b) Specialized support groups (*i.e.*, cancer, diabetes support groups, and others);
- (c) Substance use recovery support groups;
- (d) Housing resources;
- (e) The Supplemental Nutrition Assistance Program;

- (f) Legal assistance resources;
- (g) Faith-based organizations;
- (h) Access to employment and educational program or training;
- (i) Financial assistance, such as Temporary Assistance for Needy Families or Social Security
- (j) Child care; and
- (k) Social integration.

The following subsections of Section 2512, COMPREHENSIVE CARE PLAN, are amended as follows:

2512.1 A Comprehensive Care Plan (CCP) is the document that drives the delivery of all services. The CCP shall be the plan that collates all the consumer’s services and providers of service in order to reduce any instances of duplication of service, prioritize the consumer’s goal(s) and monitor the progress of the goal(s) in the plan.

2512.2 The development of a CCP shall include:

- (a) Active participation and partnership with the consumer;
- (b) Risk factors identified from the completion of the comprehensive health assessment. The assessment includes a physical health, behavioral health, substance-use and socioeconomic assessment;
- (c) The consumer’s goals as identified by the comprehensive health assessment, prioritized and the timeframes and strategies for addressing each;
- (d) The delineation of the specific roles and responsibilities of the members of the Health Home Team who are assisting the consumer in achieving his/her goals;
- (e) The signature of all participants in the development of the CCP. The Nurse Care Manager or the Primary Care Liaison from the Health Home Team must participate in the care planning process and sign the plan; and
- (f) All services the Health Home provider delivers to the consumer.

...

2512.4 The CCP shall be developed in coordination with the consumer’s healthcare providers. If the Health Home team develops the CCP, the MHRS Individual Recovery Plan (IRP), developed in accordance with Section 3408 of Chapter 34 of this title, shall be incorporated into the CCP. If the MHRS team develops the care plan the Health Home team will collaborate and participate in the care planning process to ensure the care plan is comprehensive.

The following subsections of Section 2513, HEALTH HOME STAFFING REQUIREMENTS, are amended as follows:

2513.1 Health Homes shall have the following staff:

- (a) Health Home Director;
- (b) Nurse Care Manager(s); and
- (c) Primary Care Liaison.

...

2513.4 The Primary Care Liaison shall be staffed with a licensed clinician or combination of clinicians based on the needs of the individual Health Home consumer. The Primary Care Liaison shall have experience in the care and treatment of the serious mentally ill and be a Medical Doctor, APRN, Nutritionist, Licensed Independent Clinical Social Worker, Licensed Professional Counselor, Physician Assistant or Registered Nurse. A provider may use a combination of these staff to meet the full time equivalent (FTE) requirement. The Primary Care Liaison shall be licensed in the District of Columbia. The Health Home provider shall ensure one (1) full-time Primary Care Liaison per five hundred (500) Health Home enrollees. The responsibilities of the Primary Care Liaison shall include the following:

- (a) Provide medical consultation to the Health Home team;
- (b) Coordinate care with external medical and behavioral health providers; and
- (c) Assist with developing effective Health Home comprehensive care management and coordination of care protocols involving community and hospital medical providers.

2513.5 All Health Homes shall provide Health Home services in accordance with their Human Care Agreement (HCA) with the Department.

Subsection 2513.6 – 2513.8 is deleted.

Section 2514, ACUITY LEVELS, is amended to read as follows:

2514 [RESERVED]

The following subsections of Section 2515, HEALTH HOME REIMBURSEMENT, are amended as follows:

2515.1 The Department shall require all FSMHCs and CSAs certified as a Health Home provider to enter into a HCA with the Department. All payment for services shall be implemented through terms and conditions contained in the HCA and the D.C. Medicaid program.

2515.2 Only one (1) Health Home provider will receive payment for delivering Health Home services to a consumer in a particular month. A provider may not bill for ACT services for any consumer enrolled in the Health Home.

...

2515.4 The Health Home shall provide monthly a minimum of one (1) Health Home service.

The following subsections of Section 2516, HEALTH HOME RECORDS AND DOCUMENTATION REQUIREMENTS, are amended as follows:

2516.1 Each Health Home shall utilize the Department’s designated electronic health record for documenting and billing all Health Home services.

...

2516.3 Health Home providers shall document each Health Home service and activity in the consumer’s record in the Department’s designated electronic health record. Any claim for services shall be supported by written documentation which clearly identifies the following:

- (a) The specific service type rendered;
- (b) The date, duration, and actual time, a.m. or p.m. for both the beginning and ending times, during which the services were rendered (there is no predetermined expectation of time spent with each service this requirement is only to verify when the service began and when it ended);
- (c) Name, title, and credentials of the person who provided the services;
- (d) The setting in which the services were rendered;

- (e) Confirmation that the services delivered are contained in the consumer's CCP;
- (f) Identification of any further actions required for the consumer's well-being raised as a result of the service provided;
- (g) A description of each encounter or service by the Health Home team member which is sufficient to document that the service was provided in accordance with this chapter; and
- (h) Dated and authenticated entries, with their authors identified, which are legible and concise, including the printed name and the signature of the person rendering the service, diagnosis and clinical impression recorded in the terminology of the International Statistical Classification of Diseases and Related Health Problems – 10 (ICD-10 CM) or subsequent revisions, and the service provided.

The following definitions in Subsection 2599.1 of Section 2599, DEFINITIONS, are amended as follows:

Mental Health Rehabilitation Services or MHRS – behavioral health services provided by a Department-certified community behavioral health provider to consumers in accordance with the District of Columbia State Medicaid Plan and Chapter 34 of this subtitle.

Serious and Persistent Mental Illness – a diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the DSM-V or its ICD-10-CM equivalent (and subsequent revisions) with the exception of DSM-V, "Z" codes, substance abuse disorders, intellectual disabilities and other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with James Wotring, Department of Behavioral Health, 64 New York Avenue, N.E., Third Floor, Washington, D.C. 20002, or at james.wotring@dc.gov. Additional copies of these proposed rules are available from the Office of the General Counsel, Department of Behavioral Health.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in Sections 104(8) and 105(5) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04(8) and 7-1131.05(5) (2018 Repl.)), and Sections 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapters 34 (Mental Health Rehabilitation Services Provider Certification Standards) and 39 (Psychosocial Rehabilitation Clubhouse Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to Chapters 34 and 39 of Title 22-A DCMR is to alter current certification requirements restricting a Psychosocial Rehabilitation Clubhouse (Clubhouse) from legally operating in the District; reduce the limitations imposed on a Clubhouse as a variant of the Mental Health Rehabilitation Service (MHRS) Community Support Service; and respond to a need in the District to expand the continuum of care for consumers. The amendments will also create new certification standards for a MHRS Clubhouse. Psychosocial Rehabilitation Clubhouse services assist individuals with behavioral health diagnoses in social networking, independent living, budgeting, self-care, and other skills that affect their ability to live in the community and secure and retain employment. Clubhouses that operate in accordance with established standards coordinated by Clubhouse International have proved to be effective throughout the world.

The current regulations prevent new providers of Clubhouse services from legally operating in the District. Chapter 39 requires a potential provider to obtain Department certification prior to delivering Clubhouse services, which would only be issued if the provider is accredited by the International Center for Clubhouse Development, or its successor, Clubhouse International. Since accreditation by Clubhouse International requires a provider to operate as a Clubhouse for at least two years, no new provider of Clubhouse services could legally operate in the District. Chapter 39 also requires a Clubhouse be operated by a core service agency with current certification by the Department. The amendments would eliminate both of these hurdles.

In addition, the rulemaking would change how Clubhouse services are reimbursed. In the past year, the Department, MHRS providers, and stakeholders engaged in discussions to identify areas where the regulations could improve to better serve individuals with behavioral health diagnoses. The Department, MHRS providers, and stakeholders found Clubhouse services to be an alternative service to Rehabilitation/Day Services, and concluded that the Clubhouse model is best conceived as an independent specialty service, rather than a variant of Community Support Services. The reimbursement model for Clubhouse services are thus amended to parallel the model for Rehabilitation/Day Services, which use a per diem rate rather than a fifteen (15) minute rate.

Emergency rulemaking is necessary for the immediate preservation of the health, welfare and safety of adults with mental illness in need of behavioral health services. Since there are currently no Clubhouses in the District, issuance of these rules on an emergency basis is necessary to fulfill the need of a Clubhouse and to expand the availability of mental health rehabilitative services for behavioral health consumers in the District of Columbia. Promulgation of the rules would allow Medicaid funding to assist in the provision of these services so that more people could benefit.

The emergency rulemaking was adopted and became effective on January 1, 2019. The emergency rules will remain in effect for one hundred twenty (120) days after the date of adoption unless superseded by publication of another rulemaking notice in the *D.C. Register*.

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

Chapter 34, MENTAL HEALTH REHABILITATION SERVICES PROVIDER CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended to read as follows:

Section 3402, SERVICE COVERAGE, is amended by amending § 3402.4 to read as follows:

3402.4 Rehabilitative services covered as MHRS are:

- (a) Diagnostic/Assessment;
- (b) Medication/Somatic Treatment;
- (c) Counseling;
- (d) Community Support;
- (e) Crisis/Emergency;
- (f) Rehabilitation/Day Services;
- (g) Intensive Day Treatment;
- (h) CBI;
- (i) ACT; and
- (j) Psychosocial Rehabilitation Clubhouse.

Section 3407, TREATMENT PLANNING PROCESS, is amended by amending § 3407.1 to read as follows:

- 3407.1 Each CSA shall coordinate the treatment planning process for its enrolled consumers, except that the treatment planning process for consumers authorized to receive:
- (a) CBI shall be coordinated by the consumer’s CBI provider;
 - (b) ACT services shall be coordinated by the consumer’s ACT provider; and
 - (c) Psychosocial Rehabilitation Clubhouse (Clubhouse) services shall be coordinated by the member's Clubhouse provider, if the member is not linked with a CSA, CBI, or ACT provider.

Section 3418, COMMUNITY SUPPORT, is amended by repealing § 3418.13 in its entirety.

Section 3499, DEFINITIONS, is amended by amending § 3499.1 as follows:

The definition of “specialty services” is amended to read as follows:

Specialty services – Assertive Community Treatment, Community-Based Interventions, Clubhouse, Crisis Intervention/Emergency, Intensive Day Treatment, and Rehabilitation/Day Services.

The following new definitions are added as follows in alphabetical order:

Member – a consumer who has joined a Psychosocial Rehabilitation Clubhouse.

Psychosocial Rehabilitation Clubhouse or Clubhouse – MHRS specialty services that assist individuals with behavioral health diagnoses to develop social networking, independent living, budgeting, self-care, and other skills that will assist them to live in the community and to prepare for securing and retaining employment. A Clubhouse shall operate in accordance with established standards coordinated by Clubhouse International (<http://clubhouse-intl.org/resources/quality-standards/>), which have proved to be effective throughout the world.

Chapter 39, MENTAL HEALTH CLUBHOUSE CERTIFICATION STANDARDS, is amended in its entirety to read as follows:

**CHAPTER 39 PSYCHOSOCIAL REHABILITATION CLUBHOUSE
CERTIFICATION STANDARDS**

**3900 PSYCHOSOCIAL REHABILITATION CLUBHOUSE CERTIFICATION
STANDARDS**

3900.1 This chapter establishes the requirements and process for obtaining and maintaining certification to provide mental health rehabilitation services as a Psychosocial Rehabilitation Clubhouse (Clubhouse) in the District of Columbia. Clubhouse services:

- (a) Are structured, specialty services provided primarily in a group rehabilitative setting;
- (b) Utilize behavioral, cognitive or supportive interventions to improve a member’s potential for establishing and maintaining social relationships and obtaining occupational or educational achievements; and
- (c) Are provided in a collaborative environment where Clubhouse staff and members work side by side.

3900.2 Clubhouse participants are referred to collectively as “members” and each individually as a “member.”

3900.3 Clubhouse members, with staff assistance, shall:

- (a) Operate all aspects of the Clubhouse, including food service, clerical, reception, janitorial, and other member supports and services such as employment, housing, and education;
- (b) Participate in the day-to-day decision-making and governance of the Clubhouse; and
- (c) Plan community projects and activities to engage members in the community.

3900.4 Each Clubhouse shall be organized through a Work-Ordered Day in accordance with Clubhouse Standards. The goal of the Work-Ordered Day, including all Clubhouse decision-making opportunities and activities, shall be for the members to achieve or regain the confidence and skills necessary to lead vocationally-productive and socially-satisfying lives.

- 3900.5 A Clubhouse shall be:
- (a) Organized and operated in accordance with the International Standards for Clubhouse Programs established by Clubhouse International, as amended from time to time;
 - (b) Certified by the Department as a Clubhouse in accordance with the requirements of this chapter;
 - (c) In compliance with the qualification standards described in § 3410 of this subtitle and the certification standards as required by this chapter, except an affiliation agreement with a CSA is not necessary for the provision of Clubhouse services; and
 - (d) Currently accredited by Clubhouse International as a Clubhouse, or during its first thirty (30) months of operation, have applied for Clubhouse International accreditation as a Clubhouse and be declared by Clubhouse International to be in reasonable compliance with the Clubhouse International accreditation action plan.
- 3900.6 A Clubhouse specialty provider shall establish and adhere to policies and procedures governing its relationship with a CSA, which address access to records, clinical responsibilities, legal liability, dispute resolution, and all other MHRS certification standards (CSA Referral Policy).
- 3900.7 A Clubhouse specialty provider shall establish and adhere to policies and procedures governing its collaboration with the referring CSA in the development, implementation, evaluation, and revision of each consumer's Plan of Care that comply with DBH rules (Collaboration Policy). The Collaboration Policy shall:
- (a) Be a part of each Clubhouse's Plan of Care Review Policy;
 - (b) Require sub-providers and specialty providers to incorporate CSA-developed Diagnostic/Assessment material into the sub-provider and specialty provider's Plan of Care process; and
 - (c) Require Clubhouse providers to coordinate the member's treatment with the member's primary treatment team.
- 3900.8 Each Clubhouse specialty provider shall offer access or referrals to core and specialty services, as clinically indicated.
- 3900.9 Each Clubhouse specialty provider with total annual revenues at or exceeding three hundred thousand dollars (\$300,000) shall have an annual audit by a certified public accounting firm in accordance with generally accepted auditing

standards. The resulting financial audit report shall be consistent with formats recommended by the American Institute of Public Accountants. Each Clubhouse specialty provider shall submit a copy of the financial audit report to DBH ninety (90) days after the end of the fiscal year.

3900.10 Each Clubhouse specialty provider with total annual revenues less than three hundred thousand dollars (\$300,000) shall submit financial statements reviewed by an independent certified public accounting firm one hundred twenty (120) days to DBH after the end of the fiscal year.

3900.11 Each Clubhouse specialty provider shall have the capability to submit timely and accurate claims, encounter data, and other necessary submissions directly to the DBH contract management system.

3900.12 DBH shall review and approve the CSA Referral Policy and the Collaboration Policy upon certification and recertification.

3901 CERTIFICATION APPLICATION

3901.1 No person shall operate a Psychosocial Rehabilitation Clubhouse unless certified in accordance with this chapter.

3901.2 An organization seeking certification from the Department as a Clubhouse shall submit an application to the Department in the format established by the Department. The completed application shall include:

(a) Evidence of current accreditation as a Clubhouse by Clubhouse International, or, for the first thirty (30) months of operation, evidence of having applied for Clubhouse International accreditation as a Clubhouse and having been declared by Clubhouse International to be in reasonable compliance with the Clubhouse International accreditation action plan; and

(b) Other evidence that may be required by the Department.

3901.3 Applications for certification as a Clubhouse shall be processed by the Department in accordance with the rules established for MHRS certification set forth in § 3401 of this subtitle.

3901.4 Certification as a Clubhouse is effective for a maximum of two (2) calendar years from the date of issuance of certification by the Department, subject to the provider's continuous compliance with the certification requirements in this chapter and the following limitations:

(a) Certification shall remain in effect until it expires, or is renewed or revoked;

- (b) Certification shall specify the effective date of the certification, which shall be included on the Clubhouse certification;
- (c) For new Clubhouse providers that are not yet accredited by Clubhouse International but are seeking accreditation, department certification shall be for one (1) calendar year, which can be renewed for a total of up to three (3) years; and
- (d) For existing providers accredited by Clubhouse International and seeking renewal, certification shall be for two (2) calendar years.

3901.5 Certification is not transferable to any other organization.

3902 CERTIFICATION REQUIREMENTS

3902.1 A Clubhouse providing services to members shall comply with all of the requirements set forth in Chapter 34 of this subtitle except for the requirements set forth in §§ 3408, 3410.7, 3410.9, 3410.12-3410.15, 3410.16, 3410.18, 3410.20, 3410.24, 3410.28(d), 3410.31(c), 3411, 3412, and 3415-3423.

3902.2 In addition to complying with the requirements set forth in § 3410.27 of this subtitle, each Clubhouse specialty provider Quality Improvement (QI) program shall be directed by a coordinator (QI Coordinator) who is a qualified practitioner and who has direct access to the Chief Executive Officer of the Clubhouse. The QI Coordinator shall review unusual incidents, deaths, and other sentinel events, monitor and review utilization patterns, and track consumer complaints and grievances. The QI Coordinator shall also collect and submit clinical outcome data using the process, timeline and tools specified or approved by DBH.

3903 CLUBHOUSE SERVICES ELIGIBILITY

3903.1 To be eligible for Clubhouse services, a consumer shall:

- (a) Be eligible for MHRS services in accordance to Chapter 34; and
- (b) Be at least eighteen (18) years of age.

3904 CLUBHOUSE SERVICES

3904.1 Clubhouse services are primarily rehabilitative in nature. Clubhouse services assist individuals with behavioral health diagnoses to develop social networking, independent living, budgeting, self-care, and other skills that will assist them to live in the community and to prepare for securing and retaining employment.

- 3904.2 Services within the Clubhouse may be delivered through individual (one-to-one) or group interaction between staff and members within the Clubhouse setting. Experiential opportunities through operating and maintaining the Clubhouse should include all of the formal activities engaged in during the Work-Ordered Day.
- 3904.3 A Clubhouse shall provide members with coping and wellness strategies to improve functioning through experiential learning opportunities, peer and professional support, and psycho-education. Areas of focus include:
- (a) Identification and management of situations and prodromal symptoms to reduce the frequency, duration, and severity of psychological relapses;
 - (b) Competence responding to a psychiatric crisis;
 - (c) Competence in understanding the role psychotropic medication plays in the stabilization of the members' well-being;
 - (d) Independent living competencies (such as self-care, cooking, money management, personal grooming, and maintenance of living environment);
 - (e) Social and interpersonal abilities (such as conversational competency, developing or maintaining a positive self-image, and the ability to evaluate the motivations and feelings of others to establish and maintain positive relationships);
 - (f) Personal adjustment abilities to reduce dependency on professional caregivers and to enhance independence (such as stress management, leisure time management, coping with symptoms of mental illness);
 - (g) Cognitive and adult role competency (such as using task-oriented activities to develop and maintain cognitive abilities or to maximize adult role functioning by improving attention, concentration, and memory, enhancing the ability to learn and establishing the ability to develop empathy);
 - (h) Identification and development of organizational support (such as sustaining personal entitlements, locating and using community resources or other supportive programs); and
 - (i) Identification and development of existing natural supports for addressing personal needs (such as families, employers, and friends).

3905 CLUBHOUSE STAFF

- 3905.1 A provider of Clubhouse services must have one or more staff persons certified by the Psychiatric Rehabilitation Association (PRA) as a Certified Psychiatric Rehabilitation Practitioner (CPRP) or that have an equivalent certification.
- 3905.2 Any staff members who have not been certified from the PRA as a CPRP must have at least a bachelor's level degree or two (2) years of work experience providing psychiatric rehabilitation services, and have received the training required by § 3911 of this chapter.
- 3905.3 Staffing ratios must comply with Clubhouse Standards.
- 3905.4 Clubhouse services may be provided by a team of staff that is responsible for an assigned group of consumers, or by staff who are individually responsible for assigned consumers.
- 3905.5 Clubhouse staff who are credentialed must be supervised by a Qualified Practitioner (QP) who is a psychiatrist, psychologist, licensed independent clinical social worker, and licensed professional counselor.
- 3905.6 Each Clubhouse shall satisfy the following minimum staffing requirements:
- (a) A Chief Executive Officer with professional qualifications and experience, who shall meet the requirements as established by the MHRS provider's governing authority, and is responsible for day-to-day management of the MHRS provider;
 - (b) A Consulting Psychiatrist who is a physician that has completed all training in a program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, approved by the American Board of Psychiatry and Neurology, Inc., or who is board-certified in psychiatry and advises the specialty provider on the quality of medical and psychiatric care provided;
 - (c) A Clinical Director who is a qualified practitioner with overall responsibility for oversight of the clinical program of the specialty provider; and
 - (d) The required staff listed in this subsection shall be either employees of the Clubhouse specialty provider or under contract to the Clubhouse specialty provider for an amount of time sufficient to carry out the duties assigned.

3906 DISTRICT REIMBURSEMENT LIMITATIONS

- 3906.1 Clubhouse treatment duration varies but generally last up to one hundred eighty (180) days. Clubhouse treatment can continue long-term in accordance with the Plan of Care for individuals experiencing ongoing rehabilitation needs. Clubhouse services may be reimbursed according to the consumer's Human Care Agreement (HCA) with the Department and medical necessity.
- 3906.2 The Department shall reimburse Clubhouse specialty providers for clubhouse services at a per diem rate. The services will only be reimbursable if the following requirements are met:
- (a) The member has engaged in at least three (3) hours of Clubhouse services per day; and
 - (b) A daily encounter note documenting the services provided to the member was prepared per day in accordance with § 3907.3 of this chapter.
- 3906.3 Clubhouse services require a Plan of Care.
- 3906.4 Clubhouse services may not be reimbursed for the same consumer on the same day as Rehabilitation/Day Services or Intensive Day Treatment.
- 3906.5 The District shall only reimburse one Clubhouse on behalf of each consumer per one hundred eighty (180) day period.
- 3906.6 In accordance with § 3425 of this subtitle, certain services may not be reimbursed through Medicaid.

3907 DOCUMENTATION REQUIREMENTS

- 3907.1 Each Clubhouse shall establish and adhere to policies and procedures concerning documentation, retention, maintenance, purging and destruction of clinical and rehabilitative records; security, confidentiality, and disclosure of consumer and family information that comply with applicable federal and District laws and regulations (Rehabilitation Records Policy). The Rehabilitation Records Policy shall:
- (a) Require the Clubhouse to maintain all clinical and rehabilitative records in a secured and locked storage area;
 - (b) Require the Clubhouse to maintain and secure a current, clear, organized, and comprehensive clinical and rehabilitative record for every individual assessed, treated, or served by the Clubhouse, including information deemed necessary to provide treatment or protect the Clubhouse, in a

manner that complies with applicable federal and District laws and regulations; and

- (c) Set forth requirements for documentation maintained in the clinical and rehabilitative record.

3907.2 The following documents shall be included in each member's clinical record:

- (a) Current behavioral health assessment;
- (b) Referral source and reason for referral;
- (c) Current Plan of Care prepared by the Clubhouse and if applicable, the Plan of Care prepared by the CSA in accordance with §§ 3407-3408 of this subtitle that includes a recommendation for Clubhouse services;
- (d) Identifying information about the member, including enrollment information;
- (e) Identification of individuals to be contacted in the event of emergency;
- (f) Basic screening and intake information;
- (g) Advance instructions and advance directives;
- (h) Methods for addressing the member's and his or her family's special needs, especially those which relate to communication, cultural, and social factors;
- (i) Detailed description of services provided;
- (j) Encounter notes as required by § 3907.3 of this chapter;
- (k) Discharge planning information;
- (l) Appropriate consents for service;
- (m) Appropriate release of information forms; and
- (n) A Consumer Rights Statement signed by the member, or if applicable, the member's guardian.

3907.3 The Clubhouse staff shall write a daily encounter note at the end of each member's session with the member encouraged but not required to participate in its drafting. The daily encounter note shall:

- (a) Identify the activities performed to enhance or support the member's rehabilitation in social, educational, and pre-vocational domains;
- (b) Identify what supportive interventions or activities were used to improve a member's potential for establishing and maintaining social relationships or obtaining occupational or educational achievements;
- (c) Document the member's response to that day's experience, including the choices of and perceptions by the member regarding the service(s) provided;
- (d) Demonstrate a relationship between the activities and interventions identified in the encounter note to at least one rehabilitation goal listed in the Plan of Care;
- (e) Include the arrival and departure time of the member; and
- (f) Be signed and dated by the staff member making the entry, and at the member's discretion, the member participating in the service.

3907.4 The Clubhouse shall provide the member's referring agency, if applicable, with a copy of the member's Plan of Care and any updates to the Plan of Care.

3907.5 The Clubhouse shall ensure that that all clinical and rehabilitative records of members are completed promptly, filed, and retained in accordance with the Clubhouse's Rehabilitation Records Policy.

3907.6 The member's referring agency shall provide the Clubhouse the member's current Plan of Care and any updates to the Plan of Care.

3908 CLUBHOUSE REFERRALS

3908.1 Referrals to the Clubhouse may be made by a CSA, family member, advocates, other service providers, or by the consumer.

3908.2 Referrals from a CSA shall be made in writing and include the following information:

- (a) Current Plan of Care;
- (b) Current behavioral health assessment;
- (c) Contact information for the consumer, including emergency contact information (family member, friend or guardian as applicable);
- (d) Crisis Plan for the consumer (if available); and

- (e) Advance Directives or instructions as described in § 3405.6 of this subtitle (if available).

3908.3 Self-referrals, referrals from a relative, other service provider or advocate shall be made in writing and include the following information:

- (a) Name of the person’s CSA or current behavioral health service provider (if applicable);
- (b) Current behavioral health assessment (if available);
- (c) Contact information, including emergency contact information (relative, friend or guardian as applicable);
- (d) Crisis Plan (if available); and
- (e) Advance Directives or instructions (if available).

3908.4 A person enrolled with a CSA must have a behavioral health assessment and a Plan of Care that includes Clubhouse services in order to participate in the Clubhouse.

3908.5 A Clubhouse shall establish and adhere to policies and procedures governing its collaboration with a referring CSA in the development, implementation, evaluation, and revision of each member’s Plan of Care, as appropriate, that comply with the Department rules (Collaboration Policy). The Collaboration Policy shall:

- (a) Be part of the Clubhouse’s Plan of Care Review Policy as described in § 3911.5 of this chapter;
- (b) Require the Clubhouse to incorporate CSA-developed Diagnostic/Assessment material into the rehab development process; and
- (c) Require the Clubhouse to coordinate the consumer’s program with the consumer’s primary treatment team.

3909 PLAN OF CARE DEVELOPMENT PROCESS

3909.1 The Plan of Care development process for members shall, at a minimum, include:

- (a) The completion of a Diagnostic/Assessment service and required components as described in § 3415 of this subtitle, unless the referral comes from a CSA, in which case the CSA may provide the Diagnostic/Assessment report;

- (b) Development of a Plan of Care as described in § 3910 of this chapter;
- (c) Consideration of the member’s beliefs, values, and cultural norms in how, what, and by whom Clubhouse services are to be provided; and
- (d) Consideration, screening and assessment of the member for treatment via other appropriate evidence-based practices (EBP) offered through DBH MHRS providers.

3909.2 Court-appointed guardians for members, if applicable, shall be involved in the Plan of Care planning process. Family members and significant others of adult members may participate in the Plan of Care planning process to the extent that the adult member consents to the involvement of the family member and significant other.

3909.3 The Plan of Care shall be developed by the Clubhouse in accordance with the member’s existing MHRS Plan of Care for those members enrolled in a CSA and in cooperation with other specialty providers if applicable.

3909.4 The Clubhouse Plan of Care shall be developed by the Clubhouse for those members not enrolled in a CSA or other specialty provider.

3910 PLAN OF CARE DEVELOPMENT

3910.1 Each Plan of Care shall:

- (a) Be person-centered;
- (b) Include the member’s self-identified recovery goals; and
- (c) Provide for the delivery of services in the most normative, least restrictive environment that is appropriate for the member.

3910.2 The approval of the initial Plan of Care, as demonstrated by the electronic signature and date stamp of an independently licensed qualified practitioner, shall occur within thirty (30) calendar days from when the provider obtains consent to treatment from the member.

3910.3 Each Clubhouse specialty provider shall develop and maintain a complete and current Plan of Care for each enrolled member.

3910.4 The Plan of Care shall include the following elements:

- (a) An overall broad, long-term goal statement(s) that captures the member’s short and long term goals for the future, ideally written from the member’s perspective;
- (b) A list or statement of individual and family strengths that support goal accomplishment, including abilities, talents, accomplishments, and resources;
- (c) A list or statement of barriers that pose obstacles to the member’s ability to accomplish the stated goal(s), including symptoms, functional impairments, lack of resources, consequences of substance use disorder and other challenges, which help to substantiate the medical necessity for treatment and recovery interventions;
- (d) Objective statements that identify the short-term changes in behavior, function or status that overcome the identified barriers and are building blocks toward the eventual accomplishment of the long-term goal(s) and describe outcomes that are measurable and include individualized target dates to be accomplished within the scope of the plan; and
- (e) Intervention statements that describe the Clubhouse opportunities and interventions intended to reduce or eliminate the barriers identified in the Plan of Care and support objective and eventual goal accomplishment, including natural support interventions and the non-billable supports delivered by resources outside of the formal behavioral health service-delivery system.

3911 PLAN OF CARE IMPLEMENTATION

- 3911.1 Clubhouse assigned staff and the member shall discuss the Plan of Care on an ongoing basis. An encounter note describing the member’s response to, participation in and agreement to the Plan of Care shall be recorded in the member’s clinical record.
- 3911.2 In situations where the member does not demonstrate the capacity to sign or does not sign the Plan of Care, the reasons the member does not sign shall be recorded in the member’s clinical record, including each date when signature was attempted.
- 3911.3 An independently licensed qualified practitioner shall approve and sign the Plan of Care each time it is reviewed and updated.
- 3911.4 Documentation of participation of the member’s court-appointed guardian, family and significant others in the development of the Plan of Care shall also be included in the members's clinical record, as appropriate.

3911.5 Each Clubhouse provider shall develop policies and procedures for the Plan of Care review (Plan of Care Review Policy), which shall:

- (a) Include procedures for reviewing each member’s Plan of Care and ensuring that the plan contains Goals, Objectives and Interventions designed to meet the Treatment Goals set forth in the Plan of Care with respect to the provision of Clubhouse services to the member; and
- (b) Require that the Plan of Care be reviewed and updated every one hundred eighty (180) days and at any time there is a significant change in the member’s condition or situation, which reflects progress toward or the lack of progress toward the treatment or recovery goals. The Plan of Care may be reviewed more frequently, as necessary, based on the member’s progress or circumstances.

3911.6 In addition to the requirements of § 3907.4 of this chapter, each Clubhouse shall provide a copy of the Plan of Care for each member when updated to:

- (a) The member;
- (b) Legal guardian (if applicable); and
- (c) Anyone designated by the member.

3912 CLUBHOUSE STAFF TRAINING REQUIREMENTS

3912.1 A staff member shall receive training in accordance with the Clubhouse Standards before he or she may work independently with a member.

3912.2 A Clubhouse provider shall have a current written plan for staff development and organizational onboarding, which shall be approved by the Department, that reflects the training and performance improvement needs of all employees working in that Clubhouse. The plan shall address the steps the Clubhouse provider will take to ensure the recruitment and retention of highly qualified employees and the reinforcement of staff development through training, supervision, the performance management process, and activities such as shadowing, mentoring, skill testing and coaching. The plan shall include culturally competent training and onboarding activities in the following core areas:

- (a) The program’s approach to addressing psychosocial rehabilitation services, including philosophy, goals, and methods;
- (b) The staff member’s specific job description and role in relationship to other staff;

- (c) Emergency preparedness plan and all safety-related policies and procedures;
- (d) The proper documentation of services in individual member records, as applicable;
- (e) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (f) Laws and policies governing confidentiality of client information and release of information;
- (g) Laws and policies governing reporting abuse and neglect;
- (h) Consumer rights; and
- (i) Other trainings deemed necessary and communicated by the Department.

3999**DEFINITIONS**

3999.1 The definitions in § 3499 of this subtitle are incorporated by reference into and applicable to this chapter unless otherwise defined in § 3999.2.

3999.2 The following terms have the following meaning:

Clubhouse International – the international organization that establishes standards for the operation of accredited psychosocial rehabilitation Clubhouse services. Clubhouse International is responsible for evaluating and accrediting psychosocial rehabilitation clubhouse services.

Clubhouse Standards – the International Standards for Clubhouse Programs established by Clubhouse International.

Core Services Agency or **CSA** – a Department-certified community-based MHRS provider that has entered into a Human Care Agreement with the Department to provide specified MHRS in accordance with the requirements of 22-A DCMR Chapter 34.

Consumer – an adult, children, or youth who seek or receive mental health services or mental health supports funded or regulated by the Department.

Crisis Plan – a written plan designed to describe behaviors and help prepare for a crisis before one happens.

Department or **DBH** – the Department of Behavioral Health, the successor in interest to the Department of Mental Health (DMH), established pursuant

to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.01 *et seq.*).

Member – a consumer who has joined a Psychosocial Rehabilitation Clubhouse.

Mental Health Rehabilitation Services or MHRS - mental health rehabilitative or palliative services provided by a Department-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the MAA (now Department of Health Care Finance)/DMH (now Department of Behavioral Health) Interagency Agreement, and this chapter.

Plan of Care – the individualized service plan for a person who is receiving MHRS.

Psychiatrist - a physician who has completed all training in a program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, approved by the American Board of Psychiatry and Neurology, Inc., or who is board-certified in psychiatry. A Psychiatrist is a qualified practitioner.

Qualified Practitioner – a Qualified Practitioner is a behavioral health clinician appropriately licensed by the jurisdiction where services are delivered and who may practice MHRS independently within the scope of their license.

Rehabilitation plan – the plan developed to provide services to Clubhouse members in accordance with ICCD standards.

Specialty services - ACT, CBI, Clubhouse, Crisis Intervention/Emergency, Psychosocial Rehabilitative Clubhouse, Intensive Day Treatment, and Rehabilitation/Day Services.

Work-Ordered Day – the structure of the day-to-day activity within a Clubhouse, organized to help members develop self-esteem, confidence and friendships, which make up the foundation of the recovery process. The general concept is that hours of operation mirror those of local businesses, and that the treatment comes with working alongside staff to jointly operate the Clubhouse.

All persons desiring to comment on these proposed regulations should submit comments in writing to Randall Raybon, MHRS Coordinator, Department of Behavioral Health, 64 New York Avenue, N.E., Washington, D.C. 20002 or via e-mail at Randall.Raybon@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the Department of Behavioral Health's website at www.dbh.dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING****Clean Rivers Impervious Surface Area Charge Relief Programs and Determinations of Eligibility for Residential Customer Assistance Programs**

The Director of the Department of Energy and Environment (Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2018 Supp.)); the District of Columbia Water and Sewer Authority Rate Increase Mitigation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official § 34-2202.16b (2018 Supp.)); Section 203(15) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.03(15) (2012 Repl. & 2018 Supp.)); Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2018 - 104, dated December 31, 2018, hereby gives notice of the adoption of the following emergency rules to add a new Chapter 37 (Customer Assistance Programs Eligibility Determinations) to Title 20 (Environment), and amend Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation), of the District of Columbia Municipal Regulations (DCMR).

The Clean River Impervious Surface Area Charge (CRIAC) fees charged to DC Water customers have increased significantly over the past few years to pay for the large-scale combined sewer system infrastructure expansion necessary to comply with federally mandated requirements and a judicial consent decree to reduce combined sewer overflows from the Anacostia and Potomac Rivers and their tributaries. The cost of this work has imposed a significant burden on low income residents, residents on fixed incomes, some moderate income residents, and on nonprofit organizations that serve District residents, especially churches and cemeteries.

The rulemaking establishes eligibility criteria related to two new assistance programs for DC Water residential customers, referred to as the Customer Assistance Program II (CAP2) and the Customer Assistance Program III (CAP3) for which the Department will be providing funding. The CAP2 Program provides eligible customers with Department-funded benefits towards their Clean River Impervious Surface Area Charge (CRIAC), while DC Water will fund benefits towards their water and sewer charges. The eligibility criteria will be the same for both the Department and the DC Water funded parts of the program. The CAP3 program provides eligible customers with Department-funded benefits towards their CRIAC. CAP2 households (with incomes between 60% State Median Income and 80% Area Median Income) receive a credit of 50% of their CRIAC and a portion of their water and sewer fees and CAP3 households (with incomes between 80% Area Median Income and 100% Area Median Income) receive a credit of 75% of their CRIAC. On average, CAP2 participants will receive an approximate monthly discount of 40% on their overall water bill and CAP3 participants will receive an approximate average discount of 15% percent on their overall bill.

DC Water also has a Customer Assistance Program (CAP) that provides DC Water-funded benefits to eligible residential customers to assist with both their water and sewer charges and

their CRIAC. Under proposed regulations promulgated by DC Water, the eligibility criteria for the CRIAC portion of CAP will mirror the eligibility criteria for the water and sewer charge portion.

Accordingly, pursuant to DC Water regulations and Mayor’s Order 2018-104, the Department will determine whether residents meet the eligibility criteria for receiving CRIAC benefits under CAP, CAP2, and CAP3, and will advise DC Water as to whether residents meet the eligibility criteria for receiving water and sewer benefits under CAP and CAP2. These regulations establish a process for DC Water residential customers to apply for benefits under the CAP, CAP2 and CAP3 programs, and for the Department to make a determination of eligibility.

Finally, the rulemaking establishes a Clean Rivers Impervious Surface Area Charge (CRIAC) nonprofit relief program for certain nonprofit organizations located within the District of Columbia. Under this program, nonprofit organizations that meet specified eligibility requirements, including financial hardship and implementation of stormwater mitigation activities, will be eligible to receive credits of up to 90% of their CRIAC charge.

This rulemaking is being promulgated as an emergency to allow eligible DC Water Residential Customers and nonprofit organizations to immediately have access to the described benefits. The CRIAC fees have increased significantly over the past few years to pay for the large-scale combined sewer system infrastructure expansion necessary to comply with federally mandated requirements and a judicial consent decree to address combined sewer overflows into the Anacostia and Potomac Rivers and their tributaries. The cost of this work has imposed a significant burden on low income residents, residents on fixed incomes, some moderate income residents, and on nonprofit organizations that serve District residents, especially churches and cemeteries. Notwithstanding the environmental benefits of the Clean Rivers Program, it is necessary to adopt this rule immediately to preserve and promote the public welfare, which is being adversely and significantly impacted by the CRIAC fees increases.

These emergency rules will remain in effect for up to one hundred twenty (120) days from the date of adoption or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 37 as follows:

CHAPTER 37 CUSTOMER ASSISTANCE PROGRAMS ELIGIBILITY DETERMINATIONS

- 3700 CUSTOMER ASSISTANCE PROGRAMS**
- 3701 APPLICATION PROCESS**
- 3702 ELIGIBILITY**
- 3703 BENEFITS**
- 3704 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**
- 3705 ADMINISTRATIVE APPEALS**
- 3799 DEFINITIONS**

3700 CUSTOMER ASSISTANCE PROGRAMS

- 3700.1 This chapter sets forth the process and appeal procedures for the Department's determination of income eligibility for the CRIAC portion of DC Water's Customer Assistance Program (CAP) and Customer Assistance Program II (CAP2), and for the Department's Customer Assistance Program III (CAP3).
- 3700.2 This chapter also sets forth the Department's eligibility criteria for the CRIAC benefits under the CAP2 and CAP3 programs.

3701 APPLICATION PROCESS

- 3701.1 In order for the Department to determine the financial eligibility of an applicant to receive CAP, CAP2, or CAP3 benefits, a person shall file an application with the Department.
- 3701.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed by the applicant. The application shall state that the making of a false statement in the application, or the signing of the application with knowledge that facts stated in the application are not true, carries criminal penalties in accordance with Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).
- 3701.3 An authorized representative may apply on behalf of an applicant if the applicant provides:
- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
 - (b) The name and address of the person authorized to act on the applicant's behalf.
- 3701.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3701.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 3701.5 The Department may also assist an applicant in the application process who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant's home, if:
- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or

- (b) The applicant’s residence is located in a building or complex of buildings that house many other likely applicants.

3702 ELIGIBILITY

3702.1 In order to be eligible for a benefit, the applicant household shall:

- (a) Be financially eligible, by meeting the following annual income eligibility requirements:
 - (1) For participation in the CRIAC portion of CAP, the income requirements established at 21 DCMR § 4102.1 (a)(2), which are that the applicant’s annual household income is below sixty percent (60%) of the State Median Income (SMI) for the District of Columbia;
 - (2) For participation in the CRIAC portion of CAP2, the income requirements established at 21 DCMR § 4102.2 (a)(2) for water and sewer bill benefits, which are that the applicant’s annual household income is at or above sixty percent (60%) of the SMI for the District of Columbia and at or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia not capped by the United States median low income limit (USLIL); and
 - (3) For participation in CAP3, the applicant’s annual household income is above eighty percent (80%) of the AMI for the District of Columbia not capped by the USLIL and at or below one-hundred percent (100%) of the AMI for the District of Columbia; and
- (b) Be responsible for payment of DC Water’s water and sewer services bill or the CRIAC; and
- (c) Reside in the District of Columbia.

3702.2 The applicant must be at least eighteen (18) years old or emancipated.

3702.3 A determination of financial eligibility shall be based on the adjusted gross income of the household, unless the applicant can provide sufficient evidence that the adjusted gross income is not an accurate representation of current income.

3702.4 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.

3702.5 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the Department may require.

3702.6 The Department may obtain the information used in determining eligibility from:

- (a) A document;
- (b) A telephone conversation or interview for which notes are taken;
- (c) Data from another government agency or utility provider;
- (d) Internet data; and
- (e) Other relevant sources.

3702.7 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

3703 BENEFITS

3703.1 Benefits for CAP and CAP2 will be provided in accordance with the provisions of 21 DCMR § 4102.

- 3703.2 Households eligible for CAP3 shall receive seventy-five percent (75%) off of the monthly billed CRIAC, subject to the availability of funds.
- 3703.3 CAP3 benefits will be applied through a credit on the DC assessed water and sewer bill after the Department transfers funds to DC Water for this purpose.
- 3703.4 The benefits shall be applied for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds.
- 3703.5 Nothing in this chapter shall be interpreted to mean that a CAP2 or CAP3 benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.
- 3703.6 If the Department determines that remaining available funds may be insufficient to provide relief during a fiscal year, the Department may:
- (1) Suspend the process of taking applications;
 - (2) Suspend the process of awarding benefits; or
 - (3) Revise the level of benefits established by § 3703.2 to provide lower amounts.

3704 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

- 3704.1 If an applicant is determined ineligible for the CAP, CAP2, or CAP3 program, the Department will provide to the applicant notice of ineligibility, to include:
- (a) A statement of the determination of ineligibility and an explanation of that determination;
 - (b) A statement of the action that the applicant must take, if any, to be found eligible; and
 - (c) Notice of the applicant's right to appeal the determination, as provided in § 3705.
- 3704.2 If the Department determines that a prior eligibility decision for the CAP, CAP2, or CAP3 program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
 - (b) Inform the applicant of the Department's final action or intended action;
 - (c) Provide the applicant with a reasonable opportunity to respond; and

(d) Revise or revoke the determination of eligibility.

3704.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

3705 ADMINISTRATIVE APPEALS

3705.1 With respect to a matter governed by §§ 3701 to 3704 of this chapter, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.

3799 DEFINITIONS

3799.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

CAP – DC Water's Customer Assistance Program that provides eligible single-family and individually-metered residential customers exemptions from their billed water and sewer service charges, Payment-in-Lieu of Taxes and Right-of-Way fees, and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.1.

CAP2 – DC Water's and DOEE's expanded Customer Assistance Program that provides eligible single family and individually-metered residential customers exemptions from their billed water and sewer service charges and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.2.

CAP3 – The Department's expanded Customer Assistance Program that provides eligible single-family and individually metered DC Water residential customers credits towards their billed water and sewer services and CRIAC charges that the Department determines to be eligible in accordance with § 3702 of this chapter.

DC Water - the District of Columbia Water and Sewer Authority.

Department – the District of Columbia Department of Energy and Environment.

Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended by adding new Sections 564 – 570, and amending Section 599 Definitions, as follows:

564 CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE RELIEF PROGRAM FOR NONPROFIT ORGANIZATIONS

564.1 The provisions in this section and Sections 565 through 570 provide the eligibility criteria, payment guidance, and appeal procedures for the Clean Rivers Impervious Surface Area Charge (CRIAC) Relief Program for Nonprofit Organizations (CRIAC Nonprofit Relief Program).

564.2 The purpose of the CRIAC Nonprofit Relief Program is to assist certain nonprofit organizations in the District with payment of the DC Water CRIAC.

564.3 Benefits granted to a nonprofit organization by the CRIAC Nonprofit Relief Program may not exceed the amount of the CRIAC on the nonprofit organization's water and sewer bill when combined with any DC Water Clean Rivers Impervious Surface Area Charge Incentive Discount.

564.4 Benefits granted through the CRIAC Nonprofit Relief Program shall be applied as a credit on the water and sewer bill, provided that:

- (a) Nothing in this chapter shall be interpreted to mean that a benefit provided to a nonprofit organization through the CRIAC Nonprofit Relief Program is an entitlement, continuing or otherwise;
- (b) Benefits provided by the Department under the CRIAC Nonprofit Relief Program are subject to the availability of funds; and
- (c) If the Department determines that remaining available funds may be insufficient to provide further benefits during a fiscal year, the Department may:
 - (1) Suspend the process of taking applications;
 - (2) Suspend the process of awarding benefits; or
 - (3) Lower the level of benefit established by section 568.3 as necessary based on the available funds.

565 ELIGIBILITY CRITERIA FOR NONPROFIT ORGANIZATIONS

565.1 To be eligible for the CRIAC Nonprofit Relief Program, an organization shall have:

- (a) An active account with DC Water and responsibility for paying DC Water's CRIAC;
- (b) Successfully obtained the status of a nonprofit organization with the District's Department of Consumer and Regulatory Affairs; and
- (c) Applied for and obtained from the District's Office of Tax and Revenue (OTR) a real property tax exemption pursuant to:
 - (1) D.C. Official Code § 47-1002(12) (certain cemeteries);
 - (2) D.C. Official Code §§ 47-1002(13), (14), (15), or (16) (certain property of religious institutions); or
 - (3) D.C. Official Code § 47-1002(8) (certain charitable institutions).

565.2 To qualify for the CRIAC Nonprofit Relief Program, an eligible nonprofit organization shall:

- (a) Show significant financial hardship in paying its CRIAC in accordance with § 565.3;
- (b) At the Department's request, allow the Department, or an organization approved by the Department, to visit the site of the nonprofit organization and recommend potential stormwater mitigation project(s) on the site; and
- (c) Submit for the Department's approval, a written proposal to mitigate stormwater runoff through one of the following:
 - (1) Install and maintain on the site of the nonprofit organization a stormwater runoff mitigation project that meets the requirements of § 565.4;
 - (2) If a stormwater runoff mitigation project on the site of the nonprofit organization is infeasible, implement or have implemented an alternative, off-site stormwater runoff mitigation measure or activity in the District that meets the requirements of § 565.5;
 - (3) Maintain on the site of the nonprofit organization an existing stormwater mitigation project that meets the requirements of § 565.4; or
 - (4) For a major regulated project, as defined in § 599, maintain compliance with the Stormwater Management Performance Requirements in §§ 520 and 522.

- (d) For any project under paragraphs (c)(1) and (c)(2) of this subsection, the nonprofit organization must complete, implement, or have implemented the stormwater mitigation project within one (1) year after receiving the Department's approval of the written proposal.

565.3 For eligible organizations, as determined by § 565.1 (c), significant financial hardship, as referred to in § 565.2(a), shall be established as follows:

- (a) For an organization that, in the most recent completed tax year, filed a U.S. Department of the Treasury, Internal Revenue Service (IRS) form 990, either as required by IRS rules or voluntarily, submit a copy of the IRS Form 990 and a signed declaration, executed under penalty of perjury, attesting that the annual CRIAC is at least one percent (1%) of the organization's annual revenue, less expenses, as reported on Part I, Line 19 of the IRS Form 990..
- (b) For an organization that, in the most recent completed tax year, was not required by the IRS to file, or has not voluntarily filed, an IRS form 990, submit a signed declaration and income statement, consistent with the requirements of an IRS Form 990, executed under penalty of perjury, prepared in accordance with standard accounting practices, documenting that the annual CRIAC is at least one percent (1 %) of the organization's annual revenue, less expenses. The Department will apply best practices, such as testing a subset of signed declarations, to help ensure that the submission and declaration process is valid.

565.4 For an on-site stormwater mitigation project to qualify under §§ 565.2(c)(1) or (c)(3), the organization must:

- (a) Plant, or have planted after May 1, 2009, one tree per equivalent residential unit (ERU) of the property of the nonprofit organization for which the CRIAC benefit is sought; or
- (b) Manage ten percent (10%) of the total impervious area through the installation of BMPs that are eligible for a Stormwater Fee Discount as described in § 558.

565.5 For an off-site stormwater mitigation project to qualify under § 565.2(c)(2), the organization must:

- (a) Obtain and retire ten (10) Stormwater Retention Credits (SRCs) per ERU, which may be SRCs obtained prior to the commencements of the CRIAC nonprofit relief program; or
- (b) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per ERU, to fund stormwater mitigation efforts

elsewhere in the District. The Department shall use this funding through a Department program to provide stormwater mitigation on behalf of the organization.

565.6 A non-profit organization may implement a combination of the above stormwater mitigation options, including on-site and off-site, to receive benefits.

565.7 As a requirement of continued eligibility in the CRIAC Nonprofit Relief Program:

(a) A nonprofit organization that met the requirements of § 565.2(c) in whole or in part through on-site stormwater mitigation must both meet the requirements of § 565.4 and:

(1) Properly maintain the tree(s) or qualifying BMP(s) so that they continue to function as designed and approved; and

(2) Allow the Department access to the property to inspect the tree or BMP; or,

(b) A nonprofit organization that met the requirements of § 565.2(c) in whole or in part through off-site stormwater mitigation must, as applicable:

(1) Retire ten (10) SRCs per ERU annually; or

(2) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per ERU, to fund stormwater mitigation efforts elsewhere in the District through a Department-approved program.

566 INITIAL APPLICATION

566.1 In order to obtain CRIAC benefits, a nonprofit organization must submit an application to the Department.

566.2 The application shall be submitted on such forms, in hard copy or electronically, as the Department may designate.

566.3 The Department shall notify the applicant whether the funding request has been approved, denied, or if additional information is needed to make a determination. Incomplete applications shall be returned to the applicant.

567 RENEWAL APPLICATION

567.1 Renewal applications must be received by the Department at least thirty (30) days, and no more than sixty (60) days, before the expiration of the benefit period described in § 568.1 and stated in the initial award.

567.2 Upon receipt of a renewal application, the Department may perform an inspection to verify that the BMP or stormwater mitigation project remains eligible for the discount.

567.3 For a renewal applicant who had proposed a stormwater mitigation project, the applicant shall submit proof that the organization made a reasonable and good faith effort, as determined by the Department, to fulfill its proposal.

568 APPROVAL; AMOUNT AND DURATION OF BENEFITS

568.1 If the Department approves a CRIAC Nonprofit Relief Program application, the benefits shall be available for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds.

568.2 A nonprofit organization that is approved by the Department to obtain benefits, or continue to obtain benefits, under the CRIAC Nonprofit Relief Program shall obtain a benefit equal to ninety percent (90%) of its CRIAC bill, subject to the limits in §§ 564.3, 564.4 and the requirements of §§ 565.5 and 565.7.

568.3 The Department may calculate a retroactive benefit to account for the period from the start of the fiscal year in which the application or renewal application was received through the date of approval, which would be provided as a one-time credit on the nonprofit's water and sewer bill.

569 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

569.1 The Department may:

- (a) Deny an application for a benefit period based on an applicant's failure to meet the eligibility requirements of the CRIAC Nonprofit Relief Program, or deny an application in whole or in part based on lack of available funding;
- (b) Reduce or revoke a benefit for:
 - (1) A tree that the Department determines is unhealthy or dying;
 - (2) The failure of the BMP to retain the stormwater runoff volume for which the discount was approved, or
 - (3) The organization's failure to obtain SRCs; and
- (c) Require reimbursement of any portion of the benefits, based on the organization's:
 - (1) Submission of false or invalid documentation, including:

(A) Documents required to be filed under § 565.3 to establish financial hardship; and

(B) Other required application materials; or

(2) Failure to make a good faith effort to fulfill the stormwater mitigation project required in § 565.2(c) or § 565.4 that generated the CRIAC benefit.

569.2 The Department shall provide notice of a decision to the non-profit organization, stating the basis for the decision and the organization’s right to appeal the Department’s decision, as provided in § 570.

569.3 If denial, reduction, or revocation is based on failure to maintain or fulfill the terms of a project as proposed, notice shall also include a statement of:

(a) Each deficiency;

(b) Corrective action necessary;

(c) Deadline for completion of the corrective action, if any; and

(d) The requirement, if any, for an inspection or re-inspection by the Department.

569.4 The Department may extend the period for corrective action for good cause shown.

569.5 The nonprofit organization shall not have a right to appeal a reduction, suspension, or revocation of CRIAC benefit that is based on a lack of available funding.

570 ADMINISTRATIVE APPEALS

570.1 With respect to a matter governed by Sections 564 through 569 of this chapter, an organization adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director’s designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department’s action. The appeal must be filed within fifteen (15) calendar days after receipt of the notice of the action.

Section 599, DEFINITIONS, Subsection 599.1, is amended by adding the following terms:

CRIAC - DC Water’s Clean Rivers Impervious Surface Area Charge or Clean Rivers Impervious Area Charge.

Equivalent Residential Unit (ERU) –A measure of impervious area based on one thousand (1,000) square feet of impervious surface area, taking account of a statistical median of residential properties. The number of ERUs is determined based on the amount of impervious area and the customer’s classification as residential, multi-family, or non-residential.

All persons desiring to comment on the proposed regulations should file comments in writing not later than forty-five (45) days after the publication of this notice in the *D.C. Register*. All comments should be labeled “Clean Rivers Impervious Surface Area Charge Relief Programs” and filed with the Department of Energy and Environment, Regulatory Review Division, 1200 First Street, N.E., 5th Floor, Washington D.C. 20002, Attention: Impervious Area Charge Relief Programs Comments, or by e-mail to Matt.Johnson2@dc.gov. All comments will be treated as public documents and will be made available for public viewing on the Department’s website at www.doe.dc.gov. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will automatically be captured and included as part of the comment that is placed in the public record and made available on the Department’s website.

The Department will receive comments on this proposed rulemaking at a public hearing, which is scheduled from 4:00 p.m. to 6:00 p.m. on Tuesday, February 12, 2019, at the Department of Energy and Environment, 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002. A Notice of Public Hearing and the agenda for the hearing will be published in the *D.C. Register*.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**2019 Payment Standard**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the authority set forth in the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 83 (Rent and Housing Assistance Payments) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

This amendment increases the Payment Standards, allowing DCHA to authorize and pay higher rent subsidies on behalf of participants of the Housing Choice Voucher Program. Currently, DCHA can only pay up to one hundred seventy five percent (175%) of the Fair Market Rent, and participants are responsible for any amount in excess, regardless of their income. This often restricts their rental options to less expensive neighborhoods and can put the most vulnerable D.C. residents at risk for eviction for non-payment of rent. As housing costs in D.C. continue to increase, this change will enable participants in the Housing Choice Voucher Program to more easily find housing that is both safe and affordable.

Per D.C. Official Code § 2-505(c), emergency rulemakings are promulgated when the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals. Increasing DCHA's payment standard effective January 1, 2019, will allow DCHA to provide the rental assistance HCVP participants need going into the winter months, when the threat of homelessness can prove especially dangerous.

These emergency regulations were adopted by the Board on December 12, 2018 and became effective immediately. They will remain in effect for up to one hundred twenty (120) days from the date of adoption, until April 11, 2019, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

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

Chapter 83, RENT AND HOUSING ASSISTANCE PAYMENTS, of Title 14 DCMR, HOUSING, is amended as follows:

Section 8300, PAYMENT STANDARD AMOUNT, Subsection 8300.2(e), is amended to read as follows:

- (e) The Payment Standard is up to one hundred eight-seven percent (187%) of the Fair Market Rents for all size units in all areas of the District of Columbia. Any change to the Payment Standard shall be implemented by

regulatory action of the Commission and shall apply to all vouchers issued after the date of the adoption of any regulation modifying the Payment Standard.

Interested persons are encouraged to submit comments regarding this Emergency and Proposed Rulemaking to DCHA’s Office of General Counsel. Copies of this Emergency and Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Edward Kane at the Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase “Comment to Emergency and Proposed Rulemaking” in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane at: PublicationComments@dchousing.org.
3. No facsimile will be accepted.

Comments Due Date: February 11, 2019

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

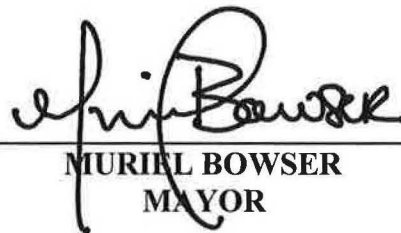
Mayor’s Order 2019-001
January 4, 2019

SUBJECT: Delegation of Authority – Individual Health Insurance Requirement Rules

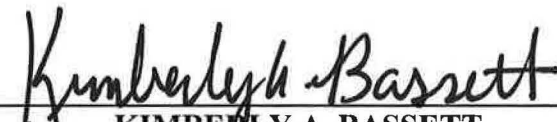
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) (2016 Repl.), and section 47-5109(a)(2)(A) of the District of Columbia Official Code, as enacted by section 5002 of the Individual Health Insurance Requirement Amendment Act of 2018, effective October 30, 2018, D.C. Law 22-168, 65 DCR 9388, it is hereby **ORDERED** that:

1. The Commissioner of the Department of Insurance, Securities, and Banking is delegated the authority of the Mayor to issue rules pursuant to section 47-5109(a)(2)(A) of the District of Columbia Official Code and to amend the regulations and guidance referred to in section 47-5109(a)(2)(A) of the District of Columbia Official Code.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
 KIMBERLY A. BASSETT
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 16, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah

Protest Hearing (Status) **9:30 AM**
Case # 18-PRO-00081; Wyoming Cube & Bale, LLC, t/a Sandbox Restaurant
3251 Prospect Street NW, License #110062, Retailer CR, ANC 2E
Application for a New License

Protest Hearing (Status) **9:30 AM**
Case # 18-PRO-00083; Greenleaf Buzzard, LLC, t/a Buzzard Point Fish House
2100 2nd Street SW, License #111655, Retailer CR, ANC 6D
Application for a New License

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00194; Yohannes A. Woldemichael, t/a Capitol Fine Wine and
Spirits, 415 H Street NE, License #82981, Retailer A, ANC 6C
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 18-251-00095; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC
1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) **9:30 AM**
Case # 18-251-00084; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT,
ANC 1C
Failed to Comply with Board Order No. 2017-439

Board's Calendar

January 16, 2019

Show Cause Hearing (Status) 9:30 AM

Case # 18-CC-00104; L Street Market, Inc., t/a 7th L Street Market, 700 L Street SE, License #88611, Retailer B, ANC 6B

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status) 9:30 AM

Case # 18-251-00142 and 18-251-00142(a); MDM, LLC, t/a Takoma Station Tavern, 6914 4th Street NW, License #79370, Retailer CT, ANC 4B

Violation of Settlement Agreement and Failed to Follow Security Plan

Show Cause Hearing (Status) 9:30 AM

Case # 18-CC-00118; Hananians Food Service, Inc., t/a Reyna Mkt & Deli 4201 Massachusetts Ave NW, License #93799, Retailer A, ANC 3D

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status) 9:30 AM

Case # 18-CMP-00199; Black Whiskey, LLC, t/a Black Whiskey, 1410 14th Street NW, License #91434, Retailer CT, ANC 2F

Failed to Allow an ABRA Investigator or MPD to Inspect Without Delay your Books and Records and Interfered with an Investigation, Operating After Hours, Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM

Case # 18-CMP-00223; Washington DC Asian Food Corporation, t/a Sushi Keiko, 2309 Wisconsin Ave NW, License #94610, Retailer CR, ANC 3B

Failed to adhere to filing requirements

Show Cause Hearing (Status) 9:30 AM

Case # 18-CMP-00181; 1336 U Street, LLC, t/a Hawthorne, 1336 U Street NW License #99603, Retailer CT, ANC 1B

Offering Entertainment After Board Approved Entertainment Hours, Violation of Settlement Agreement

Board's Calendar

January 16, 2019

Contested Fact Finding Hearing* **10:00 AM**

Soloman Enterprises, LLC, t/a Climax Restaurant & Hookah Bar, 900 Florida Ave NW, License #88290, Retailer CT, ANC 1B

Request to Extend Safekeeping

Show Cause Hearing* **10:00 AM**

Case # 18-CMP-00051; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C

Failed to Comply with Board Order No. 2017-436

Fact Finding Hearing* **11:00 AM**

Case # 18-251-00202; FD, LLC, t/a Unity, 1936 9th Street NW, License #109064, Retailer CT, ANC 1B

Assault With a Deadly Weapon, Failed to Preserve a Crime Scene, Delayed an Investigation, Provided False or Misleading Information, Failed to Make a Copy of Settlement Agreement Immediately Accessible

Fact Finding Hearing* **11:30 AM**

Case # 18-251-00215; Gevani, Inc., t/a Zeba Bar & Grill, 3423 14th Street NW License #79449, Retailer CT, ANC 1A

Assault With a Deadly Weapon, Operating After Hours, Violation of Settlement Agreement

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing* **1:30 PM**

Case # 18-CMP-00092; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B

Failed to Comply with Board Order No. 2017-603 and No. 2017-151, Operating After Hours, Violation of Settlement Agreement

Show Cause Hearing* **2:30 PM**

Case # 18-CMP-00140; The Juniper Group, LLC, t/a The Blaguard, 2003 18th Street NW, License #86012, Retailer CR, ANC 1C

Substantial Change Without Board Approval

Show Cause Hearing* **3:30 PM**

Case # 18-CMP-00186; Yohannes A. Woldemichael, t/a Capitol Fine Wine and Spirits, 415 H Street NE, License #82981, Retailer A, ANC 6C

No ABC Manager on Duty

Board's Calendar

January 16, 2019

Show Cause Hearing*

4:30 PM

Case # 18-CMP-00144; Dos Ventures, LLC, t/a Saint Yves, 1220 Connecticut Ave NW, License #99876, Retailer CT, ANC 2B

Operating After Hours

Show Cause Hearing*

4:30 PM

Case # 18-CMP-00150; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street NW, License #100537, Retailer CR, ANC 2F

Failed to Obtain a Summer Garden Endorsement, Cover Charge

Endorsement, Operating After Board Approved Hours, Exceeded Capacity

Protest Hearing*

4:30 PM

Case # 18-PRO-00071; Pax Liquor, Inc., t/a Pax Spirits, 4944 South Dakota Ave NE, License #110690, Retailer A, ANC 5A

Application for a New License

***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, JANUARY 16, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-092484 – **Pal the Mediterranean Spot** – Retail – C – Restaurant – 1501 U Street NW
[Licensee did not pay the Safekeeping fee within 30 days.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 16, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 5C. SMD 5C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Eritrean Cultural Center*, 2154 24th Place NE, Retailer CX Multipurpose Facility, License No. 015698.

2. Review Application for Safekeeping of License – Original Request. ANC 2E. SMD 2E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Deli Corner Store*, 1643 34th Street NW, Retailer B, License No. 108585.

***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.**

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR
ADVISORY NEIGHBORHOOD COMMISSION SECURITY FUND
ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2018

December 5, 2018

Purpose

As required by law¹, the Office of the District of Columbia Auditor presents the Advisory Neighborhood Commission (ANC) Security Fund Annual Financial Report for Fiscal Year 2018. This report was drafted, reviewed, and approved in accordance with the standards outlined in ODCA's Policy and Procedure Manual.

Historical Background of the Fund

The Advisory Neighborhood Commission Security Fund (Fund) was established to insure ANCs against unauthorized expenditures or loss of funds.² The Fund does not cover any loss as the result of an expenditure authorized by a vote of a Commission. The Fund is held in the custody of a Board of Trustees (Trustees) composed of the Secretary of the District of Columbia, the General Counsel to the Council of the District of Columbia, and the District of Columbia Auditor (Auditor).

An ANC is eligible to participate in the Fund if the Treasurer and the Chairperson of the ANC agree in writing to be personally liable to the Fund for any sum paid out by the Fund as a result of the Treasurer or Chairperson's wrongful misappropriation or loss of ANC monies. An ANC becomes a participant of the Fund and is eligible to recover losses upon payment to the Fund of an annual contribution at the beginning of the fiscal year in an amount to be determined by the Trustees³.

D.C. law requires the assets of the Fund to be held in an interest-bearing account located in the District of Columbia.⁴ In addition, the law requires that the Fund publish an annual report in the District of Columbia register no later than 90 days after the end of each fiscal year.⁵

ANC 5B lost approximately \$30,000 due to unauthorized expenditures made by their elected Chairman between August 2010 and April 2011. To recover the losses associated with the unauthorized expenditures, ANC 5B, a participant of the ANC Security Fund at the time, requested a reimbursement totaling \$15,467.67 from the ANC Security Fund Board of Trustees. On December 7, 2011, the Board approved the request and authorized the transfer of \$15,467.67 from the Fund to ANC 5B.

Related to this earlier action, on December 19, 2011, a settlement agreement between the District government and the former Chairman of ANC 5B ordered the former Chairman to make a

¹ D.C. Code § 1-309.14(f)

² D.C. Code § 1-309.14(a)

³ D.C. Code § 1-309.14(b)

⁴ D.C. Code § 1-309.14(e)

⁵ D.C. Code § 1-309.14(f)

payment sum of \$28,878.46 payable to the D.C. Treasurer. At a minimum, according to the agreement, \$15,467.67 will be reimbursed to the security fund.

Results

Advisory Neighborhood Commission Security Fund Commercial Savings Account Fund Activities & Balance for Fiscal Year 2018

Description	FY 2018	FY 2017
Beginning Balance	\$ 67,345.15	\$ 65,422.64
Deposits	1,250.00	1,853.32
Interest	101.74	69.19
Withdrawal/Adjustment	0.00	0.00
Total Fund Balance	<u>\$ 68,696.89</u>	<u>\$ 67,345.15</u>

On October 1, 2017, the beginning balance of the Advisory Neighborhood Commission Security Fund was \$67,345.15. Deposits totaling \$1,351.74⁶ and no disbursements during FY 2018 resulted in a Fund balance of \$68,696.89, as of September 30, 2018.

The Fund was held by Colombo Bank which was insured by Federal Depository Insurance up to \$250,000. To document the Fund's activity, at the end of each quarter and after receiving the quarterly bank statement, the Auditor reconciled and recorded all Fund activity and balances into the District of Columbia Financial System. Additionally, a quarterly and annual reconciliation/closing report of the Fund's activity and balance was submitted to the District of Columbia's Chief Financial Officer (see Attachment A).

Attachment A

To view the full report, please go to:

<http://dcauditor.org/report/advisory-neighborhood-commission-security-fund-annual-financial-report-for-fiscal-year-2018/>

Please direct questions regarding this report to Diane Shinn, Communications Manager, at diane.shinn@dc.gov.

⁶ The \$1,351.74 includes: \$825.00 ANC annual security fund participation fee (\$25 per ANC), \$101.74 earned interest and \$425.00 court mandated settlement payments to the Fund.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC MEETINGS**D.C. Family Support Council to Hold 2019 Meetings**

The District of Columbia Family Support Council (FSC) announces its 2019 Meeting Schedule. These meetings are open to the public. For those persons who are unable to attend the public meeting, a conference call-in number will be available.

DATELOCATION

January 24, 2019, 12:30-2:30 p.m.	D.C. Office of the State Superintendent of Education (OSSE) 1050 First Street, NE 1st Floor, Eleanor Holmes Norton Conference Room II Washington, DC 20002
March 28, 2019, 12:30-2:30 p.m.	441 4 th Street, NW 11 th Floor, Room 1107 Washington, DC 20001
May 23, 2019, 12:30-2:30 p.m.	Department on Disability Services 250 E Street, SW 5 th Floor, Franklin D. Roosevelt Conference Room - 510 Washington, DC 20024
July 25, 2019, 12:30-2:30 p.m.	Department on Disability Services 250 E Street, SW 5 th Floor, Franklin D. Roosevelt Conference Room - 510 Washington, DC 20024
September 26, 2019, 12:30-2:30 p.m.	Department on Disability Services 250 E Street, SW 5 th Floor, Franklin D. Roosevelt Conference Room - 510 Washington, DC 20024

November 21, 2019, 12:30-2:30 p.m.

Department on Disability Services
250 E Street, SW
5th Floor, Franklin D. Roosevelt Conference
Room - 510
Washington, DC 20024

Notice of these public meetings will be published on the DDS website.

The FSC provides recommendations, assists, and advises the Department on Disability Services (DDS) and sister agencies on developing person and family-centered systems of support for families throughout the life course of their family members with intellectual and developmental disabilities (IDD). The FSC operates pursuant to D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*), and according to “Family Support Council Procedure,” 2017-DDA-PR04 (April 18, 2017), at <https://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Family%20Support%20Council%20Procedures%204-2017%20%283%29.pdf>.

The FSC works to fulfill a need for ongoing and meaningful engagement between government agencies and people with IDD and their family members. The FSC provides a forum for this engagement and ensures that government agencies are held accountable to the needs of the people they are serving. The FSC consists of eleven (11) voting members, the majority of whom are people with IDD and their family members. There are two (2) additional non-voting member positions for emerging leaders with IDD.

To request a conference call-in number, translation/interpretation services, sign language interpretation, or other accommodations, please contact Ms. Teresa Peel, Executive Assistant, at (202) 442-8423 or email teresa.peel@dc.gov, at least fourteen (14) calendar days before the meeting to submit a request.

Please call (202) 442-8423 at least five (5) business days prior to the meeting and/or check the DDS website at www.dds.dc.gov to ensure the meeting has not been cancelled or rescheduled.

For more information, contact Emily Price, Program Development Specialist, DDS Office on Policy, Planning and Innovation, at (202) 730-1687 or emily.price@dc.gov, or Erin Leveton, Deputy Director, DDS Quality Assurance & Performance Management Administration, at (202) 730-1754 or erin.leveton@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue permits (Nos. 7067 and 7068) to the District of Columbia Water and Sewer Authority (DC Water) to construct and operate the Grit and Screening Loading Stations 1 and 2 Scrubbers (GSLs-1 and GSLs-2) listed below. This emission control equipment is located at 5000 Overlook Avenue SW, Washington DC 20032. The contact person for the facility is Meena Gowda, Principal Counsel, at (202) 787-2628.

Odor Scrubbers to be Permitted

Permit No.	Equipment Location	Address	Equipment Size	Description
7067	Blue Plains WWTP - Grit and Screening Loading Station 1 – West Headworks Building	5000 Overlook Ave SW Washington DC 20032	45,000 cfm	GSLs-1 - Packed Bed Tower Scrubber
7068	Blue Plains WWTP - Grit and Screening Loading Station 2 – East Headworks Building	5000 Overlook Ave SW Washington DC 20032	71,400 cfm	GSLs-2 - Packed Bed Tower Scrubber

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the equipment covered by this permit. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this condition, this condition shall not be applicable. [20 DCMR 201]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- c. The Permittee shall ensure that each grit screening and loading station odor scrubber is properly constructed and operated to achieve removal of a minimum of 90 percent of hydrogen sulfide from the air stream or a maximum outlet concentration of 1.5 ppm hydrogen sulfide, whichever results in a higher outlet emission rate. [20 DCMR 201]

The estimated emissions from the odor scrubbers are as follows:

Note that the uncontrolled emissions shown below represent existing potential emissions from the facility. The controlled emissions show potential emissions after proper installation and operation of the odor scrubbers.

		Flow acfm	Hydrogen Sulfide (H ₂ S)			
			Removal Efficiency %	Emissions ¹		
				ppm	lb/hr	tpy
GSLs-1	Uncontrolled	45,000	0	15	3.58	16
	Controlled		90	1.5	0.358	1.57
GSLs-2	Uncontrolled	71,400	0	15	5.69	25
	Controlled		90	1.5	0.569	2.49
Project Total	Controlled					4.06

¹ Total emissions are based on operation of all four fans simultaneously.

The applications to construct and operate the odor scrubbers and the draft renewal permits and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in making any final decision on the permit applications.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
 Chief, Permitting Branch
 Air Quality Division
 Department of Energy and Environment
 1200 First Street NE, 5th Floor
 Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after February 11, 2019 will be accepted.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

2019 Washington DC Electric Vehicle Grand Prix

The Department of Energy and Environment (the Department) seeks eligible entities to provide hands-on educational and technical assistance to District-based high school students to prepare them for the Washington DC Electric Vehicle Grand Prix Competition (DC EVGP). Applicants are invited to propose an innovative, creative education and technical assistance program, which may include hands-on support to the students, which will generate enthusiasm for science and engineering principles at a crucial stage in the educational development of young adults. The amount available for the project is approximately \$50,000.

Beginning 1/11/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2019EVGPRFA.grants@dc.gov with "Request copy of RFA 2019-1904-EA" 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 Eric Campbell at (202) 671-1744 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Eric Campbell RE:2019-1904-EA" on the outside of the envelope.

The deadline for application submissions is 2/11/2019, 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 2019EVGPRFA.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: eric.campbell@dc.gov.

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective candidates to provide:

Consulting Services to assist FPCS Leadership with district-wide strategic planning and implementation of a strategy to increase student state test scores in literacy and mathematics.

The full scope of work will be posted in a competitive Request for Proposal that can be found on FPCS website at <http://www.friendshipschools.org/procurement/>. Proposals are due no later than 4:00 P.M., EST, **Monday, February 11th, 2019**. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to amend the designations the following historic landmark properties in the D.C. Inventory of Historic Sites. The properties, with the amended designations, are subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 17-10: Wardman Park Tower amendment (boundary extension and lobby interior)

2600/2660 Woodley Road NW (Square 2132, Parts of Lot 32 and 850)

Applicant: Woodley Park Community Association

Affected Advisory Neighborhood Commission: 3C

Designated November 15, 2018

Designation Case No. 18-16: Folger Shakespeare Memorial Library amendment (partial interior)

201 East Capitol Street SE (Square 760, Lot 31)

Applicant: Folger Shakespeare Memorial Library

Affected Advisory Neighborhood Commission: 6B

Designated December 20, 2018

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

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, January 24, 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, for additional information call (202) 442-7832 or e-mail 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
 - Election of Officers
 - April 2019 Financial Literacy Month event
 - Appointment of DISB representative to DC Financial Literacy Council
- VI.** Adjournment

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Recess Program Services**

KIPP DC is soliciting proposals from qualified vendors for Recess Program Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on January 23, 2019. Questions can be addressed to donny.tiengtum@kippdc.org.

**MARY MCLEOD BETHUNE DAY ACADEMY
PUBLIC CHARTER SCHOOL**

REVISED NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACT

Mary McLeod Bethune Day Academy Public Charter School intends to enter into a sole source contract with The Achievement Network (“ANet”) for student assessment and professional development services to help identify and close gaps in student learning for the upcoming school year. The annual cost of these contracts will be approximately \$27,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to the materials and training. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement. For further information regarding this notice contact purchasing@mmbethune.org no later than 5:00 pm, January 18, 2019.

**MARY MCLEOD BETHUNE DAY ACADEMY
PUBLIC CHARTER SCHOOL**

REVISED REQUEST FOR PROPOSALS

Mary McLeod Bethune Day Academy Public Charter School is seeking bids from prospective vendors to provide;

STUDENT TRAVEL: Mary McLeod Bethune Day Academy seeks a qualified vendor to provide educational trip packages to Costa Rica for approximately 24 students and 6 adult chaperones for 6 days and 5 nights in the second week of June, 2019. Pricing should be inclusive of all air travel, ground transportation, hotel accommodations, educational experiences, and at least two meals per day. Please email rates, itineraries, and proposals to purchasing@mmbethune.org

Proposals are due no later than 5:00 pm, January 18, 2019. Questions can be addressed to: purchasing@mmbethune.org

DISTRICT OF COLUMBIA RETIREMENT BOARD
ANNUAL OPEN PUBLIC MEETING SCHEDULE

As of January 3, 2019

The District of Columbia Retirement Board (DCRB) holds Open Board of Trustee meetings on the third Thursday of each month at 1:00 p.m., unless specified differently. The meetings will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C 20001. The meeting place and time are subject to change without prior notice.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant to the Executive Director/Office Manager, at (202) 343-3200 or email Deborah.reaves@dc.gov

2019 Annual Open Board Meeting Schedule

January 17, 2019

February 21, 2019

March 21, 2019

April 18, 2019

May 16, 2019

June 20, 2019

July 18, 2019

August – No Meeting

September 19, 2019

October 17, 2019

November 21, 2019

December 19, 2019

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF INVESTMENT COMMITTEE MEETING

January 17, 2019
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, January 17, 2019, at 10:00 a.m. to consider investment matters. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|------|--|--------------|
| I. | Call to Order and Roll Call | Chair Warren |
| II. | Approval of Investment Committee Meeting Minutes | Chair Warren |
| III. | Chair's Comments | Chair Warren |
| IV. | Chief Investment Officer's Report | Mr. Barnette |

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

- | | | |
|-----|----------------|--------------|
| V. | Other Business | Chair Warren |
| VI. | Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

January 17, 2019
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, January 17, 2019, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|--------------------|
| I. | Call to Order and Roll Call | Chair Clark |
| II. | Approval of Board Meeting Minutes | Chair Clark |
| III. | Chair's Comments | Chair Clark |
| IV. | Executive Director's Report | Ms. Morgan-Johnson |
| V. | Investment Committee Report | Mr. Warren |
| VI. | Operations Committee Report | Mr. Smith |
| VII. | Benefits Committee Report | Ms. Collins |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chair Clark |
| XI. | Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF PUBLIC INTEREST****CERTIFICATION OF WINNER OF THE ELECTION TO SERVE AS
THE ACTIVE POLICE OFFICER MEMBER OF THE BOARD**

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its active member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager Election-America, conducted an election for a representative of District of Columbia Active Police Officers to serve on the Board.

The ballots were counted on Monday, December 7, 2018, at 1775 Eye Street NW, Suite 1150, Washington, D.C., in the presence of Board representatives, and under the supervision of Election-America.

Election-America submitted the Certification of Results to the Board on December 20, 2018. Pursuant to the Election Rules at 7 *DCMR* § 1522, the Board hereby certifies the results of the election and declares the winner to be Gregory Pemberton, an active District of Columbia police officer.

Pursuant to the Election Rules at 7 *DCMR* § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board’s executive office located at 900 7th Street, N.W., 2nd Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY (NOFA)****DC Business Certification Program: Living Wage**

The Department of Small and Local Business Development (DSLBD) is excited to announce that we are soliciting applications for the **DC Business Certifications Program: Living Wage**. DSLBD intends to award up to \$125,000 in available funding to an eligible DC-based non-profit, with the possibility of renewal of a portion of the funding for up to an additional two years.

The grant is to administer the Living Wage Certification Program, as outlined in DC Code §2- 218.15, to certify employers that apply and meet the criteria of the law. In this baseline year the administrator will establish a framework and systems in partnership with the Department, to include combining the list of employers with the Made in DC program, DC Code § 2– 1208.31-6. DSLBD seeks a grantee administrator that will work to build a broad, inclusive, and innovative framework for incentivizing employers to certify as DC living wage employers.

How do I apply?

For additional guidance please see the Request for Applications (RFA) on the DSLBD website that will be released on or before January 2, 2019:

<http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Deadline

The deadline to apply online is February 15, 2019 at 2:00 p.m. Applications will only be accepted through the online application system.

Who can apply?

DC-based non-profit organizations. See the Request for Applications for additional eligibility requirements.

How can the funds be used?

The funds can be used to establish the program, the logo, and build a community of businesses and the positive branding around the program. Examples of allowable and disallowed uses are detailed in the RFA linked to above.

How will awardees be selected?

Grant recipients will be selected through a competitive application process. All applications from eligible applicants received on or before the deadline will be forwarded to an independent review panel to be evaluated, scored, and ranked based on the following criteria:

1. Capacity and Experience of the Applicant (25 points)
2. Adherence to DC Code §2-218.15 (25 points)
3. Strength of the Proposal (25 points)
4. Creativity and Innovation (25 points)

A DC Government team will review the recommendations. The Director of DLSBD will make the final determination of grant awards. Grantees will be selected by March 1, 2019.

Questions?

We encourage interested applicants to attend an *Application Information Session*. Please refer to the RFA for the most accurate information about the date, time and location of this meeting.

Questions may be sent to Kate Mereand or Virginia-Marie Roure at the Department of Small and Local Business Development at Katherine.Mereand-Sinha@dc.gov or Virginia-Marie.Roure@dc.gov. All questions not asked during the information session must be submitted in writing.

Reservations

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of this Notice of Funding Availability (NOFA) or RFA, or to rescind the NOFA or RFA at any time.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Caterer for Fundraising Gala**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school located in Southeast Washington, DC—seeks a caterer to provide food and logistical support for its annual fundraising gala to be held in Spring 2019.

Full RFP:

Interested parties can find the full Request For Proposals at the following link:

<https://thurgoodmarshallacademy.org/about/employment-opportunities/>

They can also obtain the full RFP by emailing Giselle Pole at gpole@tmapchs.org.

Questions & Information:

- Please address questions concerning this RFP to **Giselle Pole**, gpole@tmapchs.org, **202-563-6862 ext. 151**
- To ensure a response, submit queries for or about the full RFP no later than 5:00 pm Washington, DC, time on Tuesday, January 22, 2019.
- Amendments/changes (if any) to the RFP will be posted at the website link above.
- Further information about Thurgood Marshall Academy—including the school’s nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission:

- Submissions must respond to the full RFP.
- All submissions shall be sent by email to gpole@tmapchs.org with a **25-page limit and a 5 MB file-size limit** (including exhibits) by **Wednesday, January 23, 2019, at 5:00 pm, Washington, DC, time**. Earlier submissions are encouraged.

DISTRICT DEPARTMENT OF TRANSPORTATION

Meeting Notice:
Major Crash Review Task Force

The Major Crash Review Task Force will be hold the following meetings in 2019:

Date	Time	Location	Room Number
January 30, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
February 27, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
March 27, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
April 24, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
May 29, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
June 26, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
July 31, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
August 28, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
September 25, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
October 30, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
November 20, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404
December 18, 2019	3:00 PM – 5:30 PM	55 M St. SE Washington, DC 20003	404

Each meeting will take place at 55 M St. SE, Washington, DC 20003, on the 4th floor, in the room listed above. The location is nearest to the Navy Yard-Ballpark Metro station on the Metrorail green line. The initial and concluding portions of the meeting are open to the public. Due to the sensitive nature of personal information discussed during the detailed review of major crashes, the crash review portion of the meeting is not open to the public. The draft agenda for meetings is available below. If you have any questions about the task force or its meetings, please contact vision.zero@dc.gov via e-mail or (202) 741-5960 via phone.

Draft Agenda

Public Portion of Meeting

- I. Welcome and Introductions
- II. Confirm any new Voting Members or Alternate Members
 - a. Vote on any new non-voting members
 - b. Sign non-disclosure agreements
- III. Approval of meeting minutes

Closed Portion of Meeting

- IV. Review of Major Crashes

Public Portion of Meeting

- V. New Business
- VI. Adjournment

ጠቃሚ ማስታወቂያ

ይህ ሰነድ ጠቃሚ መረጃ ይዟል። በአማርኛ እርዳታ ከፈለጉ ወይም ስለዚህ ማስታወቂያ ጥያቄ ካለዎት በ 202-741-5960 ይደውሉ። የትኛውን ቋንቋ እንደሚናገሩ ለደንበኞች አገልግሎት ተወካይ ይንገሩ። ያለምንም ክፍያ አስተርጓሚ ይመደብልዎታል። እናመሰግናለን።

重要通知

本文件包含重要資訊。如果您需要用（中文）接受幫助或者對本通知有疑問，請電洽 202-741-5960。請告訴客戶服務部代表您所說的語言，會免費向您提供口譯員服務。謝謝！

AVIS IMPORTANT

Ce document contient des informations importantes. Si vous avez besoin d'aide en Français ou si vous avez des questions au sujet du présent avis, veuillez appeler le 202-741-5960. Dites au représentant de service quelle langue vous parlez et l'assistance d'un interprète vous sera fournie gratuitement. Merci.

안내

이 안내문은 중요한 내용을 담고 있습니다. 한국어로 언어 지원이 필요하시거나 질문이 있으실 경우 202-741-5960 로 연락을 주십시오. 필요하신 경우, 고객 서비스 담당원에게 지원 받고자 하는 언어를 알려주시면, 무료로 통역 서비스가 제공됩니다. 감사합니다.

AVISO IMPORTANTE

Este documento contiene información importante. Si necesita ayuda en Español o si tiene alguna pregunta sobre este aviso, por favor llame al 202-741-5960. Infórmele al representante de atención al cliente el idioma que habla para que le proporcione un intérprete sin costo para usted. Gracias.

THÔNG BÁO QUAN TRỌNG

Tài liệu này có nhiều thông tin quan trọng. Nếu quý vị cần giúp đỡ về tiếng Việt, hoặc có thắc mắc về thông báo này, xin gọi 202-741-5960. Nói với người trả lời điện thoại là quý vị muốn nói chuyện bằng tiếng Việt để chúng tôi thu xếp có thông dịch viên đến giúp quý vị mà không tốn đồng nào. Xin cảm ơn.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, January 17, 2019 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|-----|-------------------------------|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Vice-President,
Wastewater Ops |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Senior VP Chief Engineer,
Engineering |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items | Senior VP Chief Engineer,
Engineering |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Senior Director, Water Ops |
| 7. | Action Items | Senior VP Chief Engineer
Senior Director, Water Ops
Director, Customer Care |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Monday, January 14, 2019 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Monday, January 14, 2019 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | |
|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Union Topics | Union Presidents |
| 3. Other Business | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19894 of 2020 M Street LLC and 2030 M Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C §§ 1304.2 and 1312 from the roof-mounted antenna setback and height requirements of Subtitle C § 1304.1(a) and (b), to locate three antennas on the roof of a to-be-constructed 11-story office building in the D-5 Zone at premises 2050 M Street, N.W. (Square 100, Lot 122).

HEARING DATE: December 19, 2018
DECISION DATE: December 19, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 17, 2018, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 12.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

No letters were submitted by neighbors either in support of or in opposition to the application, and no one from the community testified at the hearing.

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 C §§ 1304.2 and 1312 from the roof-mounted

antenna setback and height requirements of Subtitle C § 1304.1(a) and (b), to locate three antennas on the roof of an 11-story office building to-be-constructed in the D-5 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C §§ 1304.2, 1312, 1304.1(a) and (b), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 31A – PREHEARING STATEMENT: TAB A (REVISED DRAWINGS).**

VOTE: 5-0-0 (Peter G. May, Lesylleé M. White, Frederick L. Hill, Lorna L. John, Carlton E. Hart 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: December 27, 2018

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

BZA APPLICATION NO. 19894

PAGE NO. 2

APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-002
January 11, 2019

SUBJECT: Delegation - Authority to the Secretary of the District of Columbia Regarding Marriage Licensing


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790; Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (6) and (11) (2016 Repl.), and Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901, 31 Stat. 1391; D.C. Official Code § 46-401 *et seq.* (2012 Repl. and 2018 Supp), as amended by the Let Our Vows Endure Emergency Amendment Act of 2019, effective January 4, 2019, Bill 23-0013; 66 DCR 000578 (January 11, 2019), it is hereby **ORDERED** that:

1. The District of Columbia government will step in when the current federal government shutdown has limited the Clerk of the Superior Court of the District of Columbia's ability to serve a vital function for residents of the District of Columbia and its visitors. The inability of District residents, and others choosing to celebrate their marriage in the District, to obtain a marriage license can be highly disruptive to personal lives, particularly where a marriage has been planned to occur in the near future. This Order will allow residents and others to legally solemnize their marriages at the time of their choosing in the District
2. The Secretary of the District of Columbia ("**Secretary**") is delegated the authority of the Mayor under Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*), including the authority to celebrate marriages, issue marriage licenses, authorize officiants, transmit true copies of licenses and officiant authorizations to the Superior Court of the District of Columbia, execute certified copies of licenses issued pursuant to the authority delegated by this Order, and execute all other documents necessary to issue and certify licenses that solemnize a marriage in the District of Columbia.
3. The authority delegated to the Secretary by this Order may be further delegated by the Secretary to subordinates under his or her jurisdiction.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

District of Columbia REGISTER – January 11, 2019 – Vol. 66 - No. 2 000183 – 000579