

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 22-305, Sense of the Council in Support of Legislative Action to Protect Dreamers Resolution of 2017
- D.C. Council schedules a public hearing on firearms trafficking in the Washington Metropolitan Region and legislative strategies to respond to firearm violence
- D.C. Council schedules a public oversight roundtable on “Hate Crimes in the District of Columbia and the Failure to Prosecute by the Office of the United States Attorney”
- D.C. Council schedules a public oversight roundtable on “Environmental Hazards in Recreational Spaces and the Facilities Management Division of the Department of General Services”
- Office of the Chief Financial Officer releases the Tax Year 2020 eligibility guidelines for the Reduced Recordation Tax Rate for first-time homebuyers
- Department of Health sets guidelines and schedule of fees for body art establishments in the District
- Department of Small and Local Business Development announces availability of the WeAspire Returning Citizen Entrepreneurial Ecosystem Grants

DISTRICT OF COLUMBIA REGISTER

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AN ACT
D.C. ACT 23-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 4, 2019

To enact and amend, on an emergency basis, due to congressional review, provisions of law necessary to support the Fiscal Year 2020 budget.

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TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. CAPTIVE INSURANCE AGENCY

Sec. 1001. Short title.

This subtitle may be cited as the "Captive Insurance Agency Congressional Review Emergency Amendment Act of 2019".

Sec. 1002. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 3(c) (D.C. Official Code § 1-307.82(c)) is amended by striking the phrase "Captive Trust Fund" and inserting the phrase "Captive Trust Fund and the Medical Captive Insurance Claims Reserve Fund" in its place.

(b) A new section 12a is added to read as follows:

"Section 12a. Medical Captive Insurance Claims Reserve Fund.

"(a) There is established as a special fund the Medical Captive Insurance Claims Reserve Fund, which shall be administered by the Agency in accordance with subsection (c) of this section.

"(b) Such amounts as may be appropriated to the Fund shall be deposited in the Fund; provided, that remaining amounts assigned in the FY 2018 balance of the District's General Fund for this purpose shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the payment of claims and losses under medical liability policies of insurance issued by the Agency.

"(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned 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."

Sec. 1003. Applicability.

This subtitle shall apply as of September 30, 2019.

ENROLLED ORIGINAL**SUBTITLE B. ADVISORY NEIGHBORHOOD COMMISSION
ACCOUNTABILITY**

Sec. 1011. Short title.

This subtitle may be cited as the “Advisory Neighborhood Commission Accountability Congressional Review Emergency Amendment Act of 2019”.

Sec. 1012. Section 16(j)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(j)(3)), is amended to read as follows:

“(3) If a Commission has failed to timely file two or more consecutive quarterly reports approved by the OANC, the Commission shall forfeit the allotments associated with the untimely quarterly reports and shall forfeit additional allotments until the Commission files the required reports; provided, that any forfeited funds shall be returned to the District’s General Fund.”.

SUBTITLE C. DISCRETIONARY FUNDS CLARIFICATION

Sec. 1021. Short title.

This subtitle may be cited as the “Discretionary Funds Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 1022. Section 26(a) of An Act To authorize certain programs and activities of the government of the District of Columbia, and for other purposes, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10(a)), is amended to read as follows:

“(a) The Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, the Chief Judge of the District of Columbia Court of Appeals, the Chief Judge of the Superior Court of the District of Columbia, the Executive Officer of the District of Columbia Courts, the Attorney General for the District of Columbia, the Chief Financial Officer of the District of Columbia, the Chancellor of the District of Columbia Public Schools, the City Administrator, the Executive Director of the District of Columbia Public Library, and the President of the University of the District of Columbia are authorized to provide for the expenditure, within the limits of specified annual appropriation, of funds for appropriate purposes related to their official capacities as they may respectively deem necessary, including for official reception and representation activities. A determination to authorize such expenditures made by one of the foregoing officials shall be final and conclusive, and a certification by such official shall be sufficient voucher for an expenditure of appropriations pursuant to this section.”.

ENROLLED ORIGINAL

SUBTITLE D. COUNCIL STUDENT LOAN PROGRAM

Sec. 1031. Short title.

This subtitle may be cited as the “Council Employee Student Loan Repayment Assistance Program Congressional Review Emergency Act of 2019”.

Sec. 1032. Student loan repayment assistance for Council employees.

(a) There is established within the Council of the District of Columbia a Council Employee Student Loan Repayment Assistance Program to provide eligible post-secondary loan repayment assistance to Council employees who have been employed at the Council for one or more years as of the start of the fiscal year in which funds are appropriated for such purpose.

(b) The Council shall develop guidelines for the Council Employee Student Loan Repayment Assistance Program to include eligible loans, employee obligations, and calculation of benefits.

SUBTITLE E. FAIR ELECTIONS AND CAMPAIGN FINANCE REFORM AMENDMENT

Sec. 1041. Short title.

This subtitle may be cited as the “Fair Elections and Campaign Finance Reform Congressional Review Emergency Amendment Act of 2019”.

Sec. 1042. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 1-1161.01) is amended as follows:

(1) Paragraph (47A) is amended by striking the phrase “a deposit of money” and inserting the phrase “a deposit of money, including in cash or in kind, with a value of \$5 or more” in its place.

(2) Paragraph (53) is amended by striking the phrase “candidate.” and inserting the phrase “candidate and no other candidate.” in its place.

(b) Section 309(b-1) (D.C. Official Code § 1-1163.09(b-1)) is amended as follows:

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

“(1) In addition to the reports required by subsection (a) of this section, candidates seeking certification and participating candidates shall submit reports of qualified small-dollar contributions and contributions from non-District resident individuals that include the information required by section 332b(b) on the 10th day of the October preceding the date on which an election is held for the office sought and on such other dates as the Director of Campaign Finance shall establish by rulemaking.”.

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

“(3) Candidates seeking certification may file for certification pursuant to section 332c(a)(2) and receive the base amount and initial disbursement of matching payments to which they are eligible pursuant to sections 332d and 332e, respectively, at any time.”.

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(c) Section 310a(a)(2)(A) (D.C. Official Code § 1-1163.10a(a)(2)(A)) is amended by striking the phrase “Campaign Finance Board” and inserting the phrase “Director of Campaign Finance” in its place.

(d) Section 312a(b) (to be codified at D.C. Official Code § 1-1163.12a(b)) is amended by striking the phrase “Campaign Finance Board” and inserting the phrase “Director of Campaign Finance” in its place.

(e) Section 313(b)(2) (D.C. Official Code § 1-1163.13(b)(2)) is amended by striking the phrase “Campaign Finance Board” and inserting the phrase “Director of Campaign Finance” in its place.

(f) Section 315(b) (D.C. Official Code § 1-1163.15(b)) is amended by striking the phrase “of the Campaign Finance Board.” and inserting a period in its place.

(g) Section 324(a)(2) (D.C. Official Code § 1-1163.24(a)(2)) is amended by striking the phrase “Campaign Finance Board” and inserting the phrase “Director of Campaign Finance” in its place.

(h) Section 327(a)(2) (D.C. Official Code § 1-1163.27(a)(2)) is amended by striking the phrase “Campaign Finance Board” and inserting the phrase “Director of Campaign Finance” in its place.

(i) Section 332b (D.C. Official Code § 1-1163.32b) is amended as follows:

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

(A) The lead-in language is amended to read as follows:

“(b) For each qualified small-dollar contribution and contribution from a non-District resident individual, the candidate shall collect and retain the following information:”

(B) Paragraph (1) is amended by striking the phrase “digital or physical signature, printed name, home address, telephone number,” and inserting the phrase “physical or electronic signature or other indicia of identity (such as an affirmation checkbox), printed or typed name, address,” in its place.

(C) Paragraph (2) is amended by striking the phrase “A written and signed oath or affirmation declaring” and inserting the phrase “An indication, including by clicking a checkbox or button, that the contributor has sworn or affirmed” in its place.

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

“(b-1) Notwithstanding subsection (b)(2) of this section:

“(1) If a contributor agrees to make contributions to a candidate that recur automatically on a periodic basis, the contributor’s initial indication made pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection is sufficient to indicate continuous assent, and the contributor need not provide an indication pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection for each recurring contribution.

“(2) If a contributor makes a contribution to a candidate over the phone, the indication required by subsection (b)(2) of this section may be provided by the contributor orally.”

(j) Section 332c (D.C. Official Code § 1-1163.32c) is amended as follows:

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

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(A) The lead-in language is amended by striking the phrase “5 days” and inserting the phrase “10 business days” in its place.

(B) Paragraph (2)(B) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days after the candidate receives the determination” in its place.

(2) Subsection (d) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

(k) Section 332d (D.C. Official Code § 1-1163.32d) is amended as follows:

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

“(a)(1)(A) Within 5 days after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.

“(B) Within 5 days after the participating candidate qualifies for the ballot, the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate the other half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(2) The lead-in language of subsection (b)(2) is amended to read as follows:

“(2) If an uncontested election becomes a contested election after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct, no later than 5 days after the uncontested election becomes a contested election, the Office of the Chief Financial Officer to disburse to the participating candidate, and the Office of the Chief Financial Officer shall disburse, within 5 business days after receiving direction to do so from the Director of Campaign Finance:”.

(l) Section 332e (D.C. Official Code § 1-1163.32e) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Qualified-small-dollar” and inserting the phrase “Qualified small-dollar” in its place.

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

“(e) Within 5 days after the receipt of a report made under section 309(a) and (b-1), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse payments under this section. The Office of the Chief Financial Officer shall disburse the payments within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(3) Subsection (f) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

(m) Section 332f(d)(7) (D.C. Official Code § 1-1163.32f(d)(7)) is amended by striking the phrase “section 332k” and inserting the phrase “section 332l” in its place.

(n) Section 332g(b) (D.C. Official Code § 1-1163.32g(b)) is amended by adding a new paragraph (4) to read as follows:

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“(4) Any candidate who has qualified for ballot access for a covered office listed in paragraph (1) of this subsection, in accordance with the procedures required by the Elections Board pursuant to section 8 of the Election Code, and who is not a participating candidate, may participate in a debate for that covered office held pursuant to this section.”.

(o) Section 332h (D.C. Official Code § 1-1163.32h) is amended as follows:

(1) The section heading is amended by striking the phrase “turning over equipment to the Office of Campaign Finance” and inserting the phrase “donating equipment” in its place.

(2) Subsection (a) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” both times it appears and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(3) Subsection (b)(1) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(4) Subsection (d) is repealed.

(p) Section 332j(a)(1)(H) (D.C. Official Code § 1-1163.32j(a)(1)(H)) is amended by striking the phrase “funds of the” and inserting the phrase “funds that the” in its place.

(q) Section 332l(a)(2) (D.C. Official Code § 1-1163.32l(a)(2)) is amended to read as follows:

“(2) Rules relating to the donation of equipment.”.

Sec. 1043. Section 10(a) of the Campaign Finance Reform Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-250; 66 DCR 985), is amended as follows:

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

“(a)(1) Except as provided in subsection (b) of this section, sections 2, 3, 4(a)(1), (b), (c), and (d)(2), 5(c), (d), and (e), 6(a)(2), (b)(1), (4), (8), (9), (11), (12)(B), (19), and (22), (f), (g), (h)(1)(A)(i), (iv), and (viii) and (B), (2), and (3), (i)(11)(B) and (12), (j), (k)(3)(B), (l), (m)(1),

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(2), and (3), (n)(2), (r), (v), (ee)(4), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo)(2)(C), (pp), (qq), (ss), 8, and 9 of this act shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.”.

(b) Paragraph (3)(B) is amended by striking the phrase “this act” and inserting the phrase “the provisions identified in paragraph (1) of this subsection” in its place.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**SUBTITLE A. NEGOTIATED EMPLOYEE AFFORDABLE HOME PURCHASE FUND**

Sec. 2001. Short title.

This subtitle may be cited as the “Negotiated Employee Affordable Home Purchase Fund Congressional Review Emergency Act of 2019”.

Sec. 2002. Negotiated Employee Affordable Home Purchase Fund.

(a) There is established as a special fund the Negotiated Employee Affordable Home Purchase Fund (“Fund”), which shall be administered by the Department of Housing and Community Development in accordance with subsection (c) of this section.

(b) There shall be deposited into the Fund:

(1) Amounts the District is required to allocate pursuant to a collective bargaining agreement to fund the Negotiated Employee Affordable Home Purchase Program (“NEAHP Program”) that is administered by the Department of Housing and Community Development and the Office of Labor Relations and Collective Bargaining with the assistance of the Greater Washington Urban League, Inc.; and

(2) Any required repayment to the District of a financial award made through the NEAHP Program.

(c) The Fund shall be used to provide financial assistance to District government employees pursuant to the terms of the applicable collective bargaining agreement and the NEAHP Program.

(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.

SUBTITLE B. TAX INCREMENT FINANCING

Sec. 2011. Short title.

This subtitle may be cited as the “Tax Increment Financing Congressional Review Emergency Amendment Act of 2019”.

Sec. 2012. The Union Market Tax Increment Financing Act of 2017, effective February 15, 2018 (D.C. Law 22-58; D.C. Official Code § 2-1217.36e *et seq.*), is amended as follows:

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(a) Section 2 (D.C. Official Code § 2-1217.36e) is amended as follows:

(1) Paragraph (7) is amended as follows:

(A) Strike the phrase “or other obligations (including refunding bonds, notes, and other obligations)” and inserting the phrase “or other obligations” in its place.

(B) Strike the phrase “pursuant to this act.” and insert the phrase “pursuant to this act. Unless otherwise specified, the term “bonds” shall include Refunding Bonds.” in its place.

(2) A new paragraph (18A) is added to read as follows:

“(18A) “Refunding Bonds” means the District of Columbia bonds, notes, or other obligations, in one or more series, authorized to be issued pursuant to this act to refund the bonds.”.

(b) Section 9(a) (D.C. Official Code § 2-1217.36l(a)), is amended as follows:

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

(2) The newly designated paragraph (1) is amended by striking the phrase “is authorized to prescribe the final form and content of” and inserting the phrase “shall execute” in its place.

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

“(2) The Closing Documents for the infrastructure component of the Project, which may include one or more development and funding agreements, shall be executed by the Mayor and Development Sponsor. The Closing Documents for the Retail Parking components of the Project, which may include one or more development and funding agreements, shall be executed by the Mayor and the owner of the Retail Parking. No other person or entity, regardless of whether the person or entity shall own an interest in the airspace or improvements located above, below, or adjoining a Retail Parking component of the Project, shall be required to execute a development and funding agreement or any Closing Document.”.

(c) Section 14 (D.C. Official Code § 2-1217.36q) is amended to read as follows:

“Sec. 14. Expiration of issuance authority.

“The authority to issue the bonds, excluding Refunding Bonds, shall expire on March 1, 2027; provided, that the expiration of the authority shall have no effect on any bonds issued prior to the expiration date or on the District’s ability to issue Refunding Bonds on a future date.”.

Sec. 2013. The Bryant Street Tax Increment Financing Act of 2016, effective April 7, 2017 (D.C. Law 21-262; D.C. Official Code § 2-1217.37a *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1217.37a) is amended as follows:

(1) Paragraph (7) is amended as follows:

(A) Strike the phrase “or other obligations (including refunding Bonds, notes, and other obligations)” and inserting the phrase “or other obligations” in its place.

(B) Strike the phrase “pursuant to this act.” and insert the phrase “pursuant to this act. Unless otherwise specified, the term “Bonds” shall include Refunding Bonds.” in its place.

(2) A new paragraph (17A) is added to read as follows:

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“(17A) “Refunding Bonds” means the District of Columbia bonds, notes, or other obligations, in one or more series, authorized to be issued pursuant to this act to refund the Bonds.”.

(b) Section 4(d)(3) (D.C. Official Code § 2-1217.37c(d)(3)) is amended by striking the phrase “March 1, 2019, if no Bonds are issued.” and inserting the phrase “March 1, 2020, if no Bonds are issued.” in its place.

(c) Section 15 (D.C. Official Code § 2-1217.37n) is amended by striking the phrase “shall expire on March 1, 2019; provided, that the expiration of the authority shall have no effect on any Bonds issued prior to the expiration date” and inserting the phrase “, excluding Refunding Bonds, shall expire on March 1, 2020; provided, that the expiration of the authority shall have no effect on any Bonds issued prior to the expiration date or on the District’s ability to issue Refunding Bonds on a future date” in its place.

Sec. 2014. The Rhode Island Avenue (RIA) Tax Increment Financing Act of 2018, effective March 22, 2019 (D.C. Law 22-263; D.C. Official Code § 2-1217.39a *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1217.39a) is amended as follows:

(1) Paragraph (7) is amended as follows:

(A) Strike the phrase “or other obligations (including refunding bonds, notes, and other obligations)” and inserting the phrase “or other obligations” in its place.

(B) Strike the phrase “pursuant to this act.” and insert the phrase “pursuant to this act. Unless otherwise specified, the term “bonds” shall include Refunding Bonds.” in its place.

(2) A new paragraph (18A) is added to read as follows:

“(18A) “Refunding Bonds” means the District of Columbia bonds, notes, or other obligations, in one or more series, authorized to be issued pursuant to this act to refund the bonds.”.

(b) Section 15 (D.C. Official Code § 2-1217.39n) is amended to read as follows:

“Sec. 15. Expiration of issuance authority.

“(a) The authority to issue the Class A and Class B Bonds, excluding Refunding Bonds, shall expire on September 30, 2025, if no Class A Bonds have been issued; provided, that the expiration of the authority shall have no effect on any bonds issued prior to the expiration date or on the District’s ability to issue Refunding Bonds on a future date.

“(b) The authority to issue the Class B Bonds shall expire on September 30, 2029, if no Class B Bonds have been issued; provided, that the expiration of the authority shall have no effect on any bonds issued prior to the expiration date or on the District’s ability to issue Refunding Bonds on a future date.”.

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SUBTITLE C. NEW COMMUNITIES BONDS ISSUANCES

Sec. 2021. Short title.

This subtitle may be cited as the “New Communities Bond Authorization Congressional Review Emergency Amendment Act of 2019”.

Sec. 2022. Section 203(e)(2) of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03(e)(2)), is amended as follows:

(a) Strike the phrase “separate and independent” and insert the phrase “a separate series of” in its place.

(b) Strike the phrase “not as a part of an income tax secured revenue bond” and insert the phrase “not combined into a single series with income tax secured revenue bonds” in its place.

SUBTITLE D. OFFICE OF CABLE TELEVISION, FILM, MUSIC, AND ENTERTAINMENT

Sec. 2031. Short title.

This subtitle may be cited as the “Office of Cable Television, Film, Music, and Entertainment Congressional Review Emergency Amendment Act of 2019”.

Sec. 2032. Section 201(a)(3) of the Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2015, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1252.01(a)(3)), is amended as follows:

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

(b) Subparagraph (F) is amended by striking the period at the end and inserting the phrase “; and” in its place.

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

“(G) Administering the Film, Television, and Entertainment Rebate Fund established by section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 2-1204.11); and

“(H) Issuing, upon delegation of authority from the Mayor, motion picture and television production permits authorized by section 2d of the Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11d).”

Sec. 2033. The Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11 *et. seq.*) is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1204.11) is amended as follows:

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

(A) The lead in language is amended by striking the phrase “sections 2a, 2b, 2c, 2d, 2e, and 3” and inserting the phrase “sections 2a, 2c, and 3” in its place.

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

(C) Paragraph (4) is amended by striking the phrase “; and” and inserting a period in its place.

(D) Paragraph (5) is repealed.

(2) Subsection (c) is amended by striking the phrase “section 2b” and inserting the phrase “sections 2b, 2c, and 3” in its place.

(b) Section 2a (D.C. Official Code § 2-1204.11a) is amended as follows:

(1) Subsection (b)(4) is amended by striking the phrase “and total investment in qualified film and digital media infrastructure projects in the District associated with an identified qualified production” and inserting the phrase “direct District expenditures” in its place.

(2) Subsection (d)(3)(B), (C), and (D) is amended to read as follows:

“(B) Estimated qualified personnel expenditures;

“(C) Estimated qualified job training expenditures; and

“(D) Estimated direct District expenditures.”

(c) Section 2c (D.C. Official Code § 2-1204.11c) is amended by adding a new paragraph (2A) to read as follows:

“(2A) “Direct District expenditure” means a qualified production expenditure, or a qualified personnel expenditure made to a District resident who is an above-the-line or below-the-line crew member.”

(d) Section 2d(e) (D.C. Official Code § 2-1204.11d(e)) is amended by striking the phrase “section 2e” and inserting the phrase “section 203 of the Office of Cable Television, Film, Music, and Entertainment Amendment Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1252.03)” in its place.

SUBTITLE E. CHIEF TENANT ADVOCATE SALARY

Sec. 2041. Short title.

This subtitle may be cited as the “Chief Tenant Advocate Salary Congressional Review Emergency Amendment Act of 2019”.

Sec. 2042. Section 2066(c)(1) of the Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.06(c)(1)), is amended to read as follows:

“(1) The Chief shall be a statutory officeholder in the Excepted Service pursuant to section 908 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 § 1-609.08), and shall receive annual compensation under the Excepted Service salary schedule in an amount determined by the Mayor. No employee of the Office, other than the Chief, shall receive annual

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compensation above the level of that received by a District employee at a grade 14 under the District service salary schedule.”

SUBTITLE F. STREETScape BUSINESS DEVELOPMENT RELIEF FUND

Sec. 2051. Short title.

This subtitle may be cited as the “Streetscape Business Development Relief Fund Congressional Review Emergency Amendment Act of 2019”.

Sec. 2052. Section 603 of the Streetscape Fund Amendment Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code §1-325.191), is amended as follows:

(a) The heading is amended to read as follows: “Sec. 603. Streetscape Business Development Relief Fund.”

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

(1) Strike the phrase “Streetscape Loan Relief Fund (“Fund”)” and insert the phrase “Streetscape Business Development Relief Fund (“Fund”)” in its place.

(2) Strike the phrase “loans in” and insert the phrase “loans or issue grants in” in its place.

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

“(c) If the District undertakes a streetscape construction, capital infrastructure, or rehabilitation project, the Mayor, in the Mayor’s sole discretion, may make interest-free loans or issue grants from the Fund to any individual or entity that operates a retail business inside or adjoining the streetscape construction, capital infrastructure, or rehabilitation project. To obtain a loan or grant, a retail business shall submit an application in the form and with the information that the Mayor shall require. The Mayor shall determine the terms and conditions of each loan or grant based upon the application submitted by the retail business; provided, that the term of a loan or grant issued pursuant to this section shall not exceed 5 years after the termination of the streetscape construction, capital infrastructure, or rehabilitation project.”

SUBTITLE G. COMMISSION ON FASHION ARTS AND EVENTS APPROVAL

Sec. 2061. Short title.

This subtitle may be cited as the “Commission on Fashion, Arts and Events Approval Process Congressional Review Emergency Amendment Act of 2019”.

Sec. 2062. Section 3(a) of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-652(a)), is amended by striking the phrase “in accordance with section 2(e)” and inserting the phrase “in accordance with 2(f)” in its place.

Sec. 2063. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

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(a) Subsection (e)(30) is repealed.

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

(1) Paragraph (64) is amended by striking the word “and”.

(2) Paragraph (65) is amended by striking the period and inserting a semicolon in its place.

(3) Paragraph (66) is amended by striking the period and inserting the phrase “; and” in its place.

(4) A new paragraph (67) is added to read as follows:

“(67) Commission on Fashion Arts and Events, established by section 2 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-651).”.

SUBTITLE H. RETAIL PRIORITY AREA

Sec. 2071. Short title.

This subtitle may be cited as the “Retail Priority Area Congressional Review Emergency Amendment Act of 2019”.

Sec. 2072. Section 4(m) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(m)), is amended by striking the phrase “Park Road, N.W.; thence southeast on Park Road, N.W., to 14th Street, N.W.; thence north on 14th Street, N.W., to Spring Road, N.W.; thence southeast on Spring Road, N.W., to 13th Street, N.W.; thence south on 13th Street, N.W., to Monroe Street, N.W.; thence South on 11th Street, N.W., to Kenyon Street, N.W.; thence west on Kenyon Street, N.W. to 13th. Street, N.W.; thence south on 13th Street, N.W. to V Street, N.W.; thence east on V Street, N.W., to 11th Street, N.W.; thence south on 11th Street, N.W., to the point of beginning” and inserting the phrase “Lamont Street, N.W.; thence west on Lamont Street N.W., to 17th Street N.W.; then north on 17th Street N.W., to Piney Branch Road N.W.; thence northeast on Piney Branch Road N.W., to 16th Street N.W.; thence south on 16th Street N.W., to Spring Road N.W.; thence east on Spring Road N.W., to 10th Street N.W.; then south on 10th Street N.W., to Monroe Street N.W.; thence southeast on Monroe Street N.W., to Sherman Avenue N.W.; thence south on Sherman Avenue N.W., to Barry Place N.W.; thence west on Barry Place N.W. to 11th Street N.W.; thence south on 11th Street N.W., to the point of beginning” in its place.

**SUBTITLE I. DEPARTMENT OF EMPLOYMENT SERVICES GRANTS
TRANSPARENCY**

Sec. 2081. Short title.

This subtitle may be cited as the “Department of Employment Services Grants Transparency Congressional Review Emergency Amendment Act of 2019”.

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Sec. 2082. Section 2 of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05), is amended as follows:

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

“(b-1)(1) In addition to the notice required pursuant to section 1094(c) of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13(c)), before making or issuing a grant pursuant to this section, DOES shall:

“(A)(i) Issue a request for applications (“RFA”), which shall remain open for at least 30 days; and

“(ii) Beginning no later than the date the RFA is issued, post the RFA on the homepage of its website and widely advertise the RFA through public means, including social media;

“(B) Host a pre-application conference at least 14 days after the release of the RFA, at least 7 days before the deadline for submitting a Letter of Intent, if required, and at least 14 days before the deadline for submitting an application;

“(C) Verify an applicant’s reported past performance and statements of receiving prior funding for similar work; and

“(D) Notwithstanding section 1095(1) of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.14(1)), and before issuing an award selection notice, notify each applicant whose application was not selected for award, in writing, and include copies of the reviewers’ evaluations and comments.

“(2)(A) A grant reviewer for grants issued pursuant to this section may not have a financial or personal relationship with any applicant in the competition the reviewer is judging and shall recuse him or herself from any competition in which such a relationship exists.

“(B) A grant reviewer shall complete a conflict of interest form indicating the nature of any financial or personal relationships with any applicant in a grant competition the reviewer is judging.

“(3) Whenever possible, DOES shall conduct site visits and interviews with identified grant finalists before making or issuing an award.”.

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

“(e) The DOES shall:

“(1) Post on its website all executed grant agreements in full, without redactions; and

“(2) Quarterly transmit to the Council unredacted grantee performance evaluations and completed monthly status report forms.”.

SUBTITLE J. WAGE AND HOUR EDUCATION GRANTS PROGRAM

Sec. 2091. This subtitle may be cited as the “Wage and Hour Education Grants Program Congressional Review Emergency Act of 2019”.

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Sec. 2092. Definitions.

For the purposes of this subtitle:

- (1) "DOES" means the Department of Employment Services.
- (2) "Industry" means a distinct sector of the economy in which an employer operates.
- (3) "Occupation" means a person's usual work, including the type of work an unemployed person typically performs when employed or a person's actual job title.
- (4) "Program" means the Wage and Hour Education Grants Program established pursuant to this subtitle.

Sec. 2093. Wage and Hour Education Grants Program establishment.

(a) There is established a Wage and Hour Education Grants Program for the purpose of funding community-based organizations to provide accurate, engaging, and informational workshops to private-sector employees regarding their rights in the workplace under District laws.

(b) The Program shall be administered by DOES pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(c) DOES shall award grants on an annual basis to at least 2 qualified community-based organizations.

(d) The grant period shall be at least one year.

Sec. 2094. Program eligibility and review.

(a) To qualify for grant funds authorized under this subtitle, a community-based organization shall:

(1) Possess at least 3 years' experience conducting group trainings, organizing public awareness campaigns, or representing employees in administrative or legal proceedings;

(2) Demonstrate that the workshops prescribed by section 2095 will be supervised or implemented by one or more persons who each have at least 2 years' experience advocating for or representing workers' rights under District workplace laws for which administrative enforcement is conducted by DOES or under the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 *et seq.*); and

(3) Specify in its grant application the planned staff, schedule, format, and intended audience of its workshops, and provide a summary of the content of workshops that will be carried out during the grant period.

Sec. 2095. Grant requirements.

(a) Each grantee must hold at least 10 workshops aimed at informing District-based employees who are or expect to become part of the private-sector workforce about their rights under 2 or more of the following laws:

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(1) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*);

(2) The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*);

(3) An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*);

(4) The Wage Theft Prevention Amendment Act of 2014, effective October 1, 2014 (D.C. Law 20-157; 61 DCR 10157); and

(5) Title II of An Act To provide for the payment and collection of wages in the District of Columbia, effective April 27, 2013 (D.C. Law 19-300; D.C. Official Code § 32-1331.01 *et seq.*), and section 907(c)(6A) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.07(c)(6A)).

(b) Workshops may be of any duration and in any format that the grantee determines is most effective at helping employees understand their rights; provided, that all other requirements of this section are satisfied.

(c) Workshops may be directed to a general audience of District-based employees or may be tailored to a particular demographic group or industry subset of employees.

(d)(1) For each workshop held, the grantee must obtain the following information from each attendee:

- (A) Gender;
- (B) Racial or ethnic group;
- (C) Whether employed full-time, part-time, or unemployed;
- (D) Industry; and
- (E) Occupation.

(2) The grantee may permit attendees to decline to answer individual questions but shall record that the attendee declined.

(e) At the conclusion of the grant period, each grantee shall demonstrate to DOES that it presented workshops to at least 500 people over the grant period.

(f) Grantees may fulfill the requirements of the grant by contracting with or subgranting funds to another community-based organization to perform any portion of the grant requirements; provided, that the contractor or subgrantee agrees to comply with the terms of this subtitle and the grant.

(g) DOES may specify additional requirements for grantees consistent with the purpose of the Program.

Sec. 2096. Final reporting requirements.

(a) At the conclusion of the grant period, a grantee shall report the following information to DOES for each workshop held:

- (1) The date;
- (2) A summary of the workshop's content;
- (3) The total number of attendees;

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(4) The data the community-based organization compiled at each workshop in accordance with section 2095(d); and

(5) The grantee's summary of the primary or most common workplace concerns in the District according to the concerns or questions raised at the workshops.

(b) DOES shall:

(1) Post the information received pursuant to subsection (a) of this section on its website; and

(2) Upon any individual's request for the information received pursuant to subsection (a) of this section, provide the information within 5 business days.

SUBTITLE K. TIPPED WAGE WORKERS FAIRNESS CLARIFICATION

Sec. 2101. Short title.

This subtitle may be cited as the "Tipped Workers Fairness Clarification Congressional Review Emergency Amendment Act of 2019".

Sec. 2102. The Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; D.C. Official Code § 32-161 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-161) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "The Mayor shall" and inserting the phrase "By April 1, 2020, the Mayor shall" in its place.

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

"(A) Capable of being accessed and viewed via computers including mobile devices such as smartphones;"

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

(A) The lead-in language is amended by striking the phrase "The Mayor shall" and inserting the phrase "By April 1, 2020, the Mayor shall" in its place.

(B) Subparagraph (A) is amended by striking the phrase "section;" and inserting the phrase "section and a telephone number or numbers for the offices within the Department of Employment Services and the Office of the Attorney General where an employee may file a complaint or obtain additional information about the employee's rights under the laws referenced in subsection (a)(1) of this section;"

(C) Subparagraph (B) is amended to read as follows:

"(B) The following text formatted for maximum readability:
 "EMPLOYEE RIGHTS IN THE DISTRICT OF COLUMBIA: You have the right to be paid the Minimum Wage or the applicable Living Wage; the right to proper and timely payment of wages; the right to remain free from unlawful discrimination; and the right to Workers' Compensation due to accidental injury on the job. You may have the right to paid Sick and Safe Leave once you have worked for an employer for 90 days. If you are an employee affected by

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pregnancy, childbirth, or a related medical condition you may be entitled to a reasonable accommodation at work and certain other protections. If you are a parent or guardian of a child, you have the right, in any 12-month period, to up to 24 hours of unpaid Parental Leave to attend school-related events for your child. Certain employees are entitled to unpaid time off for birth or placement of a child, caring for a family member, or for the employee’s own serious health condition. Beginning July 1, 2020, employees who meet certain requirements will be eligible to receive paid leave for absences due to the birth or placement of a child, need to care for a family member with a serious health condition, or need to receive medical care for a serious health condition. This notice does not create, expand, or limit rights under District or federal law. Visit the website for more information on these rights and how to exercise them.”;

(D) Subparagraph (C) is repealed.

(E) A new subparagraph (C-1) is added to read as follows:

“(C-1) The amount of sick and safe leave that a worker may accrue annually;”.

(c) Section 4 (D.C. Official Code § 32-162) is amended as follows:

(1) Subsection (a)(1) is amended by adding a new paragraph (6) to read as follows:

“(6) All materials prepared and distributed in accordance with this subsection must contain a telephone number and internet website address for the Department of Employment Services and the Office of the Attorney General where an employee can obtain additional information about the employee’s workplace rights or file a complaint.”.

(2) Subsection (b)(2) is amended by adding a new subparagraph (B-i) to read as follows:

“(B-i) For the Internet component:

“(i) Be user-friendly, including the ability to be accessed and viewed via mobile devices such as smartphones, to enable an employee to easily report an alleged violation of the laws identified in paragraph (1) of this subsection; and

“(ii) Include video tutorials on how to report alleged violations of the laws identified in paragraph (1) of this subsection;”.

Sec. 2103. Section 10a(b)(1) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1009.01(b)(1)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “and to enable an employee to report a violation of this act”.

(b) Subparagraph (C) is repealed.

SUBTITLE L. SHORT-TERM RENTAL ZONING ANALYSIS

Sec. 2111. Short title.

This subtitle may be cited as the “Short-Term Rental Zoning Analysis Congressional Review Emergency Amendment Act of 2019”.

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Sec. 2112. Section 10 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 800; D.C. Official Code § 6-641.09), is amended by adding a new subsection (c) to read as follows:

“(c) A building permit shall not be issued to or on behalf of the District government for a construction project located at the Robert F. Kennedy Memorial Stadium (as defined in section 11 of the District of Columbia Stadium Act of 1957, approved September 7, 1957 (72 Stat. 423, D.C. Official Code § 3-330)) or at Franklin Square (Square 249) until the Office of Planning provides to the Zoning Commission for the District of Columbia an analysis of short-term transient rental uses in residential zones and a recommended text amendment to the zoning regulations to allow or disallow such uses. The Department of Consumer and Regulatory Affairs shall issue a cease and desist order to enjoin any construction project for which a permit has been issued in noncompliance with this section.”.

SUBTITLE M. OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

Sec. 2121. Short title.

This subtitle may be cited as the Office of Public-Private Partnership Congressional Review Emergency Amendment Act of 2019”.

Sec. 2122. Section 102(a) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01(a)), is amended by striking the phrase “Office of the City Administrator” and inserting the phrase “Office of the Deputy Mayor for Planning and Economic Development” in its place.

SUBTITLE N. RENTAL HOUSING DATABASE AND REGISTRATION EXTENSION

Sec. 2131. Short title.

This subtitle may be cited as the “The Rental Housing Database and Registration Extension Congressional Review Emergency Amendment Act of 2019”.

Sec. 2132. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 203c (D.C. Official Code § 42-3502.03e) is redesignated as section 203e.

(b) The second section 203a (D.C. Official Code § 42-3502.03c) is redesignated as section 203c.

(c) The newly redesignated section 203c is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and administer”.

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(2) Subsection (e) is amended by striking the phrase “December 13, 2019” and inserting the phrase “September 30, 2020” in its place.

(3) Subsection (e-1)(1) is amended to read as follows:

“(e-1)(1) OTA shall develop an online portal and database for the filing of registration statements and claims of exemption under section 205(f), which OTA shall integrate into the database created pursuant to subsection (a) of this section, by the same date required in subsection (e) of this section for database completion, testing, and operation.”.

(4) Subsection (e-2)(1) is amended by striking the phrase “no later than December 13, 2019” and inserting the phrase “by the same date required in subsection (e) of this section for database completion, testing, and operation” in its place.

(d) The second section 203b (D.C. Official Code § 42-3502.03d) is redesignated as 203d.

(e) The newly redesignated section 203d is amended as follows:

(1) The section heading is amended by striking the phrase “and registration”.

(2) The text is amended to read as follows:

“Upon completion of the publicly accessible rent control housing database created pursuant to section 203c, a housing provider shall use the online housing provider portal developed pursuant to section 203c(b)(1) to file all documents and data required to be filed pursuant to this title and all regulations promulgated pursuant to this title.”.

(f) Section 205(f) (D.C. Official Code § 42-3502.05(f)) is amended as follows:

(1) Paragraphs (1) and (2) are amended to read as follows:

“(1) Within 90 days after completion of the publicly accessible rent control housing database created pursuant to section 203c, each housing provider of a housing accommodation for which the housing provider is receiving rent or is entitled to receive rent shall file a new registration statement and, if applicable, a new claim of exemption via the online housing provider portal developed pursuant to section 203c(e-1).

“(2) A person who becomes a housing provider of a housing accommodation 90 days or more after completion of the publicly accessible rent control housing database created pursuant to section 203c, shall file a registration statement and, if applicable, claim of exemption, within 30 days after becoming a housing provider.”.

(2) Paragraph (3) is amended by striking the phrase “A housing provider shall file a registration statement and, if applicable, a claim of exemption, with the Division in accordance with section 203d, which shall solicit” and inserting the phrase “The registration statement and claim of exemption shall solicit” in its place.

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

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

“(A) No penalties for failure to previously register the housing accommodation shall be assessed against a housing provider who registers a housing accommodation under this section within 90 days after completion of the publicly accessible rent control housing database created pursuant to section 203c.”.

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(B) Subparagraph (B)(i) is amended by striking the phrase “Beginning 241 days after October 30, 2018” and inserting the phrase “Beginning 91 days after completion of the publicly accessible rent control housing database created pursuant to section 203c” in its place.

SUBTITLE O. EAST END AND OPPORTUNITY YOUTH CAREERS

Sec. 2141. Short title.

This subtitle may be cited as the “East End and Opportunity Youth Careers Congressional Review Emergency Amendment Act of 2019”.

Sec. 2142. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241 *et seq.*), is amended as follows:

(a) Sections 2 (D.C. Official Code § 32-241), 2a (D.C. Official Code § 32-242), 2b (D.C. Official Code § 32-243), and 2c (D.C. Official Code § 32-244) are redesignated as sections 2a, 2b, 2c, and 2d, respectively.

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

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Average wage” means the average wage identified in the most recent edition of the U.S. Bureau of Labor Statistics’ State Occupational Employment and Wage Estimates for the District of Columbia.

“(2) “Date of enrollment” means the date on which a participant enrolls in the summer youth jobs program.

“(3) “Host employer” means a public or private employer that employs a summer youth jobs participant.

“(4) “In-school youth” shall have the same meaning provided in section 129(a)(1)(C) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1504; 29 U.S.C. § 3164(a)(1)(C)).

“(5) “Occupation” means the broad occupational code and associated title assigned to a particular category of work in the most recent edition of the Standard Occupational Classification Manual published by the U.S. Bureau of Labor Statistics.

“(6) “Opportunity Youth” means an individual who is an out-of-school youth at the date of enrollment in the summer jobs program, not regularly employed, and whose level of educational attainment is less than an associate degree.

“(7) “Out-of-school youth” shall have the same meaning provided in section 129(a)(1)(B) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1504; 29 U.S.C. § 3164(a)(1)(B)).

“(8) “Soft skills training” means age-appropriate, non-technical skills training that helps individuals succeed in the workplace and includes training regarding communication, time management, appropriate work attire, and conflict resolution, and education regarding employers’ rights to conduct drug tests.”.

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(c) Newly designated section 2a is amended as follows:

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

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

(i) Subparagraph (A) is amended as follows:

(I) Sub-subparagraph (ii) is amended by striking the figure "\$5.25" and inserting the figure "\$6.25" in its place.

(II) A new sub-subparagraph (v) is added to read as follows:

"(v)(I) At least 100 participants shall be placed with host employers that also employ registered apprentices.

"(II) For the purposes of this sub-subparagraph, host employers may be those that participate in the summer youth jobs program through the District of Columbia Public Schools' Career Ready Internship Program."

(ii) Subparagraph (B) is amended by striking the phrase "weeks." and inserting the phrase "weeks; provided, that Opportunity Youth may be employed for up to 12 weeks." in its place.

(iii) Subparagraph (C) is amended by striking the phrase "at an hourly wage of \$9.25 to \$13" and inserting the phrase "at an hourly wage of no less than \$9.25 and no greater than the minimum wage specified in section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003)" in its place.

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

(i) Strike the phrase "In school" and insert the phrase "In-school" in its place.

(ii) Strike the phrase "An in-school" and insert the phrase "The Department of Employment Services shall implement an in-school youth" in its place.

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1) At least 66% of the local funds that the Department of Employment Services uses for training offered pursuant to subsection (a)(2) and (3) of this section each fiscal year shall be spent on in-school youth who are District of Columbia residents and reside or attend a public school or public charter school in Ward 7 or Ward 8, and who are not participants in the District of Columbia Public Schools' Career Bridge Program.

"(a-2) The following standards shall govern occupational skills training provided pursuant to subsection (a)(5) of this section through the D.C. Infrastructure Academy:

"(1) At least 66% of the participants receiving occupational skills training each fiscal year shall be trained in occupations that pay an average wage that is at least 150% of the minimum wage specified in section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003);

"(2) At least 25% of the value of each grant or contract with a provider of occupational skills training shall be contingent on the provider achieving at least one of the following results:

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“(A) At least 75% of all the provider’s participants receive an industry-recognized credential;

“(B) At least 80% of all participants who complete the provider’s program enter permanent, unsubsidized employment; or

“(C) At least 85% of all the provider’s participants enter permanent, unsubsidized employment; and

“(3) A provider of occupational skills training may be eligible for a bonus equal to up to 15% of the value of its grant or contract if at least 50% of its participants that enter permanent, unsubsidized employment retain that employment for at least 6 months.”.

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

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

(i) Insert a new subparagraph (A-i) to read as follows:

“(A-i) The number of participants who were:

“(i) Opportunity Youth;

“(ii) Opportunity Youth who participated in the program for more than 6 weeks;

“(iii) Opportunity Youth who participated in the program for 12 weeks;

“(iv) Opportunity Youth who were referred to year-round training or education;

“(v) Placed with a host employer that employs registered apprentices; and

“(vi) Employed in supervisory positions;”.

(ii) Subparagraph (C) is amended to read as follows:

“(C) Participants’ employment following the end of the program, including the number of:

“(i) Opportunity Youth employed who participated in the program for longer than 6 weeks; and

“(ii) Participants who entered a registered apprenticeship program following placement with a host employer that employs registered apprentices.”.

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

“(2) Beginning December 15, 2019, and annually thereafter, the Department of Employment Services shall publish the information collected pursuant to paragraph (1) of this subsection for the preceding summer; provided, that information responsive to paragraphs (1)(A-i) and (C)(i) and (ii) of this subsection first may be published in December 2020.”.

(d) Newly designated section 2d is amended as follows:

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

(A) Strike the date “June 1, 2011” and insert the date “December 1, 2019” in its place.

(B) Strike the phrase “the summer” and insert the phrase “the next year’s summer” in its place.

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

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

(B) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (7) and (8) are added to read as follows:

“(7) The various types of soft skills training programs offered, including pre-program bootcamps, online modules, contracted services, and in-program instruction, to determine which models were most successful at imparting soft skills; and

“(8) The causes of participant attrition, including the impact of the program’s registration and documentation requirements on attrition.”.

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

(A) Strike the date “December 30, 2011” and insert the date “December 30, 2020” in its place.

(B) Strike the phrase “evaluation to the” and insert the phrase “evaluation conducted pursuant to subsection (a) of this section to the” in its place.

SUBTITLE P. DC CENTRAL KITCHEN GRANT EXTENSION

Sec. 2151. Short title.

This subtitle may be cited as the “DC Central Kitchen Grant Extension Congressional Review Emergency Amendment Act of 2019”.

Sec. 2152. Section 2152 of the DC Central Kitchen Grants Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; 65 DCR 9388), is amended by striking the phrase “nutrition programming.” and inserting the phrase “nutrition programming; provided, that \$500,000 of the funds awarded but not expended in Fiscal Year 2019 shall be available for expenditure in Fiscal Year 2020, as authorized by the Fiscal Year 2020 Local Budget Act of 2019, passed on 2nd reading on May 28, 2019 (Enrolled version of Bill 23-208).” in its place.

SUBTITLE Q. WALTER REED ACQUISITION AUTHORITY

Sec. 2161. Short title.

This subtitle may be cited as the “Walter Reed Development Omnibus Congressional Review Emergency Amendment Act of 2019”.

Sec. 2162. The Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; D.C. Official Code § 2-1227.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1227.01) is amended by adding a new paragraph (19) to read as follows:

“(19) “Walter Reed Site” means the approximately 110.1 acres of land located in the area bounded by Fern Street, N.W., and Alaska Avenue, N.W., to the north, 16th Street,

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N.W., to the west, Aspen Street, N.W., to the south, and Georgia Avenue, N.W., to the east, and identified in the Walter Reed Reuse Plan at Figure A-01: Site Boundaries and Areas.”.

(b) A new section 7a is added to read as follows:

“Sec. 7a. Additional Walter Reed Site acquisition and procurement authority.

“(a) The Mayor may acquire by purchase, exchange, donation, assignment, bequest, or other means, real property located on the Walter Reed Site.

“(b)(1) The provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 90; D.C. Official Code § 50-2601 *et seq.*), shall not apply to the acquisition by the Mayor of property located on the Walter Reed Site or the use of such property as a parking facility.

“(2) Notwithstanding the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and consistent with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Mayor may enter into a contract with Children’s National at Walter Reed, LLC, or an affiliate thereof, for the operation and maintenance of property acquired pursuant to this section; provided, that the entity that contracts with the Mayor shall agree to be subject to the contracting and procurement requirements set forth in Subpart 2 of Part D of 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 § 2-218.41 *et seq.*), (“CBE Act”), and the employment and job creation requirements set forth in 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).

“(3) The contract entered into pursuant to paragraph (2) of this subsection shall require Children’s National at Walter Reed, LLC or its affiliate to give priority when subcontracting to businesses certified as small business enterprises pursuant to section 2332 of the CBE Act or as disadvantaged business enterprises pursuant to section 2333 of the CBE Act, and to do so in a manner to be negotiated between the Mayor and Children’s National at Walter Reed, LLC or its affiliate.”.

SUBTITLE R. DIVERSE WASHINGTONIAN STATUE FUNDING

Sec. 2171. Short title.

This subtitle may be cited as the “Diverse Washingtonian Commemorative Work Funding Congressional Review Emergency Act of 2019”.

Sec. 2172. In Fiscal Year 2020, of the funds allocated to the Non-Departmental Account, up to \$250,000 shall be transferred to the Commission on the Arts and Humanities to fund a commemorative work, as that term is defined in section 411(1) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2011 (D.C. Law 13-275; D.C. Official Code § 9-204.11(1)) (“Act”); provided, that the commemorative work be a statue of a

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prominent female native Washingtonian and that it be approved pursuant to section 401 of the Act.

SUBTITLE S. HOUSING PRODUCTION TRUST FUND TARGET MODIFICATION

Sec. 2181. Short title.

This subtitle may be cited as the “Housing Production Trust Fund Target Modification Congressional Review Emergency Amendment Act of 2019”.

Sec. 2182. Section 3(b-1)(2) of the Housing Production Trust Fund Act of 1989, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b-1)(2)), is amended as follows:

- (a) Strike the phrase “At least 40%” and insert the phrase “At least 50%” in its place.
- (b) Strike the phrase “of the 40% requirement” and insert the phrase “of the 50% requirement” in its place.

SUBTITLE T. SAFE AT HOME CLARIFICATION

Sec. 2191. Short title.

This subtitle may be cited as the “Safe at Home Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 2192. Section 2 of the Safe at Home Act of 2016, effective November 26, 2016 (D.C. Law 21-168; D.C. Official Code § 7-551.01), is amended as follows:

- (a) Subsection (b) is amended by striking the figure “\$10,000” and inserting the figure “\$6,000” in its place.
- (b) Subsection (c) is amended as follows:
 - (1) A new paragraph (4A) is added to read as follows:
“(4A) Bathtub cuts;”.
 - (2) Paragraph (5) is amended by striking the phrase “Stair lifts” and inserting the phrase “Chair lifts” in its place.
- (c) Subsection (d) is amended as follows:
 - (1) Paragraph (1) is amended by striking the phrase “Be a resident of the District of Columbia” and inserting the phrase “Be a resident of the District of Columbia who is at least 18 years of age” in its place.
 - (2) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.
 - (3) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.
 - (4) A new paragraph (5) is added to read as follows:

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“(5) Complete an assessment, performed by a licensed occupational therapist approved by the Department of Aging and Community Living, designed to measure functional ability.”.

(d) Subsection (e) is amended as follows:

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

(2) Paragraph (3) is amended by striking the phrase “; and” and adding a period in its place.

(3) Paragraph (4) is repealed.

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

“(f) The Mayor may, 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.*), issue rules to implement the provisions of this section, including rules establishing:

“(1) Household income eligibility;

“(2) Guidelines for installation projects consistent with current ADA Accessibility Guidelines (28 C.F.R. Part 36, Subpart D and 36 C.F.R. Part 1191, Appendices B and D) as published in *Guidance on the 2010 ADA Standards for Accessible Design*, Department of Justice, September 15, 2010;

“(3) Standards to ensure that accessibility modifications funded by grants issued pursuant to this section meet the needs of the applicant;

“(4) Standards for the assessments required by subsection (d)(5) of this section;

and

“(5) Standards for licensed occupational therapists to be approved to conduct the assessments required by subsection (d)(5) of this section.”.

SUBTITLE U. COMMISSION ON THE ARTS AND HUMANITIES INDEPENDENCE AND FUNDING RESTRUCTURING

Sec. 2201. Short title.

This subtitle may be cited as the “Commission on the Arts and Humanities Independence and Funding Restructuring Congressional Review Emergency Amendment Act of 2019”.

Sec. 2202. The Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-201 *et. seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 39-202) is amended to read as follows:

“Sec. 3. Definitions.

“For the purposes of this act, the term:

“(1) “Administrative costs” includes federal grant funds, intra-district funds, special purpose revenue funds, and local funds needed to support the functions of the

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Commission, to include agency-management, information-technology, contracting, and staffing costs, and funding for arts learning and outreach programs.

“(2) “Arts” includes instrumental music, vocal music, dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, media and film, and sound recording; disciplines related to the presentation, performance, execution, exhibition of those major art forms; and the study and application of the arts to the human environment.

“(3)(A) “Arts and Humanities Cohort” includes those individuals and organizations that directly produce or present content or facilitate productions of other arts and humanities organizations or provide arts education services.

“(B) The term does not include members of the National Capital Arts Cohort or local academic institutions.

“(4) “Commission” means the Commission on the Arts and Humanities established by section 4.

“(5) “Executive Director” means the executive director appointed pursuant to section 6(a).

“(6) “Grant-managing entity” means the District’s humanities council (the Humanities Council of Washington, D.C., or any successor organization), which shall make subgrants pursuant to section 6b.

“(7) “Humanities” includes the study of ancient or modern languages, literature, philosophy, history, human geography, archeology, jurisprudence, religion, law, ethics, the history, criticism, theory, and practice of the arts; those aspects of the social sciences that have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.

“(8) “Humanities Grant Program” means the grant program established by section 6b.

“(9) “National Capital Arts Cohort” includes those organizations that are:

“(A) Nonprofit corporations incorporated under the laws of the District that:

“(i) Have an annual income, exclusive of District funds, in excess of \$1 million for each of the 3 years before receipt of a grant awarded under this act;

“(ii) Have income from federal funds of less than \$1 million for each of the 3 years before receipt of a grant under this act; and

“(iii) Receive funding from the National Capital Arts and Cultural Affairs Grant Program (“NCACA Grant Program”) under Title II of the Department of Defense Appropriations Act, 1986, approved December 19, 1985 (99 Stat. 1261; 20 U.S.C. § 956a), or that are, from and after March 1, 2018, eligible for funding from the NCACA Grant Program.

“(B) The term does not include local academic institutions.

“(10) “Public art” means sculptures, murals, mosaics, bas-reliefs, frescoes, tapestries, monuments, fountains, environmental designs, and other visual art forms that are

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intended to enhance the aesthetic quality of a public building, park, street, sidewalk, or other public place with which they are physically or spatially connected. The term “public art” does not include landscape design or the incidental ornamentation of functional structural elements or accessories unless designed by a visual artist as part of an artwork design authorized by the Commission.”

(b) Section 4 (D.C. Official Code § 39-203) is amended as follows:

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

“(a) There is established, as an independent agency within the District of Columbia government, the Commission on the Arts and Humanities (“Commission”), which shall evaluate and initiate action on matters relating to the arts and humanities and encourage programs and the development of programs that promote progress in the arts and humanities.”

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

“(a-1)(1) The Commission shall consist of 18 members appointed by the Mayor, with the advice and consent of the Council, in accordance with section 2(e)(32) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(32)).

“(2) Each member appointed to the Commission shall be a District resident who has displayed an interest or an ability in the arts or humanities or has been active in the furtherance of the arts or humanities in the District of Columbia. The Commission shall include:

“(A) On or before July 1, 2019, 2 members with specific interest, ability, or experience in the humanities;

“(B) On or before July 1, 2019, 2 members with specific interest, ability, or experience in arts or humanities education;

“(C) On or before July 1, 2019, 2 members with specific interest, ability, or experience in theatre and performing arts;

“(D) On or before July 1, 2020, one member with specific interest, ability, or experience in public art; and

“(E) On or before July 1, 2020, 2 members with specific experience in arts or humanities organizational administration or governance.

“(3) When appointing members to the Commission, the Mayor shall give due consideration to recommendations made by representative civic, educational, and professional groups concerned with the arts, humanities, and culture, and shall maintain reasonable representation of all the various geographic areas and neighborhoods within the District of Columbia.”

(3) Subsection (b) is amended by striking the phrase “may be reappointed.” and inserting the phrase “may be reappointed; provided, that all 6 members who have a term end date of June 30, 2019, and 3 of the members who have a term end date of June 3, 2020, may be reappointed only if doing so would satisfy the qualification requirements set forth under subsection (a)(2) of this section.” in its place.

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

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“(d) The Mayor shall appoint a chairperson of the Commission from among the 18 members appointed pursuant to subsection (a-1) of this section with the advice and consent of the Council by resolution.”.

(5) A new subsection (f) is added to read as follows:

“(f) No District of Columbia government employee, as that term is defined by section 301(7) 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 § 1-603.01(7)), shall be eligible to serve as a member of the Commission.”.

(c) Section 5 (D.C. Official Code § 39-204) is amended as follows:

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

“(3) Issue grants, to include single or multi-year grants, for projects and productions in the arts and humanities; provided, that such grants be awarded competitively to individuals and organizations based in and primarily serving the District;”.

(2) Paragraph (5)(C) is amended by striking the phrase “in the Fund or in the” and inserting the phrase “in the” in its place.

(3) Paragraph (7) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) Paragraph (8)(B) is amended by striking the period and inserting the phrase “; and” in its place.

(5) Add a new paragraph (9) to read as follows:

“(9) Encourage and assist freedom of artistic expression essential for the well-being of the arts, without censorship.”.

(d) Section 6 (D.C. Official Code § 39-205) is amended as follows:

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

“(a)(1) On or before October 1, 2019, the Commission shall nominate, and with the advice and consent of the Council, shall appoint an Executive Director for the Commission for a renewable 4-year term. The 4-year year term shall commence on October 1 in the year of the appointment and expire on September 30 of the fourth year of the term. The Executive Director may be removed by the Commission for just and reasonable cause.

“(2) The Executive Director shall receive annual compensation fixed in accordance with the provisions of Title XI 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 § 1-611.01 *et seq.*), and shall serve as the chief administrative officer of the Commission.

“(3) In addition to any other duties set forth in this act, the Executive Director shall:

“(A) Supervise the staff of the Commission;

“(B) Assist the Commission in executing its policies and duties;

“(C) Perform other duties as directed by the Commission; and

“(D) Report regularly on the activities and operations of the agency to the members of the Commission.”.

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(2) Subsection (b) is amended by striking the phrase “Mayor, Council, Chairperson of” and inserting the phrase “Chairperson of” in its place.

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

“(b-1)(1) The Mayor shall provide the Commission with the services and facilities necessary for the Commission to carry out its duties and responsibilities.

“(2) All District agencies shall collaborate with the Commission, including sharing data to the extent permitted by law, in furtherance of the Commission’s duties and responsibilities.”.

(4) Subsection (c) is amended by striking the phrase “the Mayor an annual budget” and inserting the phrase “the Mayor, with a copy to the Council, an annual budget” in its place.

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

“(c-1) For the fiscal year 2021 budget and every fiscal year thereafter the Commission shall allocate the annual budget as follows:

“(1) Not more than 23% of the annual budget shall be allocated for administrative costs.

“(2) Not less than 77% of the annual budget shall be allocated for the following purposes:

“(A) 17% for grants to fund capital projects in support of either the Arts and Humanities Cohort or the National Capital Arts Cohort;

“(B) 50% for grants to support the Arts and Humanities Cohort;

“(C) 28% for grants to support the National Capital Arts Cohort to be allocated as follows:

“(i) 70% shall be distributed equally to each organization that belongs to the National Capital Arts Cohort; and

“(ii) 30% shall be distributed proportionally to each organization that belongs to the National Capital Arts Cohort, in an amount based on that organization’s share of the total annual income for the prior year, not including District funds, of all organizations that belong to the National Capital Arts Cohort; and

“(D) 5% the for the Humanities Grant Program.”.

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

“(e) If any member of the Commission is an employee, member, director, or officer of any organization that has applied to the Commission for a grant, such member shall:

“(1) Provide a written statement before the grant is considered by the Commission or an advisory panel describing the potential conflict of interest and deliver the statement to the Executive Director and the Chairperson of the Commission;

“(2) Not communicate with or attempt to influence any other member of the Commission or any member of an advisory panel regarding the grant application; and

“(3) Not be present when the grant application is considered by the Commission or an advisory panel.”.

(e) Section 6a (D.C. Official Code § 39-205.01) is amended to read as follows:

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“Section 6a. Arts and Humanities Fund.

“(a) There is established as a special fund the Arts and Humanities Fund (“Fund”), which shall be administered by the Commission in accordance with subsection (c) of this section.

“(b) The following shall be deposited into the Fund:

“(1) Proceeds of the sale or loan by the District government of works of art, prints, and promotions items;

“(2) Fees collected pursuant to section 2e of Title IV of the District of Columbia Revenue Act of 1937, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 50-1501.02e);

“(3) Subject to the availability of funds, up to \$2.5 million annually pursuant to section 1045(d) of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.04(d)); and

“(4) Dedicated taxes pursuant to § 47-2002(d) and § 47-2202(b) of the D.C. Official Code.

“(c) Money in the Fund shall be used for:

“(1) The administration, improvement, and maintenance of property and programs managed by the Commission; and

“(2) Purposes, including grants, consistent with section 6(c-1).

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned 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.”.

(f) New sections 6b and 6c are added to read as follows:

“Section 6b. Humanities grant program.

“(a) There is established within the Commission a Humanities Grant Program to provide subgrants in the humanities.

“(b)(1) Each year, the Commission shall make a grant in the amount provided under section 6(c-1)(2)(D) to a grant-managing entity, which shall be used to make subgrants for the purpose of promoting cross-cultural understanding and appreciation of local history in all neighborhoods of the District of Columbia.

“(2) Any costs to the Commission or the Humanities Grant Program to administer subgrants shall be paid out of the Humanities Grant Program’s budget.

“(3) Up to 30% of each disbursement from the Humanities Grant Program budget to the grant-managing entity may be utilized by the grant-managing entity for administrative expenses, capacity building, technical assistance, and evaluation of the Humanities Grant Program.

“(c) Subgrants shall be:

“(1) Awarded on a competitive basis;

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“(2) Used exclusively to fund District of Columbia residents, non-profits, neighborhood citizen or civic associations, educational institutions, alumni groups, and other entities with qualifying proposals under this section; and

“(3) Selected through a process that includes independent review panels.

“(d) The Humanities Grant Program shall be administered pursuant to the requirements of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)

“(e) The grant-managing entity shall enter into a Memorandum of Understanding (“MOU”) with the Commission. The MOU shall set forth certain administrative requirements for the grant-managing entity to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the grant-managing entity responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

“Sec. 6c. Transfer provisions.

“By October 1, 2019, the Mayor shall transfer to the Commission such positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or assigned to the Office of the Mayor for the purposes of funding and running the Commission, at which time the Commission on the Arts and Humanities within the Office of the Mayor shall be abolished.”

(g) Section 7 (D.C. Official Code § 39-206) is amended by repealing subsections (b) and (c).

Sec. 2203. Conforming amendments.

(a) Section 1045(d) of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.04(d)), is amended by striking the phrase “Humanities Enterprise Fund,” and inserting the phrase “Humanities Fund,” in its place.

(b) Section 2e(c) of Title IV of the District of Columbia Revenue Act of 1937, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 50-1501.02e(c)) is amended by striking the phrase “Humanities Enterprise Fund,” and inserting the phrase “Humanities Fund,” in its place.

(c) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; Official Code § 1-601.01 *et seq.*), is amended as follows:

(1) Section 301(17)(LL) (D.C. Official Code § 1-603.01(17)(LL)) is repealed.

(2) Section 406 (D.C. Official Code § 1-604.06) is amended as follows:

(A) Paragraph (26) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (27) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (28) is added to read as follows:

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“(28) For the Executive Director of the Commission on the Arts and Humanities, the personnel authority shall be the Commission on the Arts and Humanities, and for any other employee of the Commission on the Arts and Humanities the personnel authority shall be the Executive Director of the Commission on the Arts and Humanities.”.

(d) Title 47 of the D.C. Official Code is amended as follows:

(1) Section 47-2002(d) is amended by striking the phrase “shall be dedicated to the Commission on the Arts and Humanities, established by the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-201 *et seq.*) to support the functions, purposes, and costs of the Commission” and inserting the phrase “shall be dedicated to the Arts and Humanities Fund, established by § 39-205.01” in its place.

(2) Section 47-2202(b) is amended by striking the phrase “shall be dedicated to the Commission on the Arts and Humanities, established by the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-201 *et seq.*) to support the functions, purposes, and costs of the Commission” and inserting the phrase “shall be dedicated to the Arts and Humanities Fund, established by § 39-205.01” in its place.

Sec. 2204. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE V. REAL ESTATE GUARANTY

Sec. 2211. Short title.

This subtitle may be cited as the “Real Estate Guaranty and Education Fund Congressional Review Emergency Amendment Act of 2019”.

Sec. 2212. Section 29 of the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1706), is amended as follows:

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

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

(2) New paragraphs (2) and (3) are added to read as follows:

“(2) Such amounts as may be appropriated to the Fund shall be deposited into the Fund.

“(3) In Fiscal Year 2020, \$600,000 shall be deposited into the Fund from Fiscal Year 2019 local fund resources.”.

(b) New subsections (c) and (d) are added to read as follows:

“(c) Money in the Fund shall be used for purposes consistent with section 30.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned 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.”.

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Sec. 2221. Short title.

This subtitle may be cited as the “Historic Preservation Review Board Membership Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 2222. Section 4(b) of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103(b)), is amended to read as follows:

“(b)(1) Subject to the requirements of subsection (a) of this section, all appointments to the Historic Preservation Review Board shall be made with a view toward having its membership represent to the greatest practicable extent the composition of the adult population of the District of Columbia with regard to race, sex, geographic distribution, and other demographic characteristics.

“(2) The term of office of each member of the Review Board shall be 3 years, staggered so that one third of the appointments expire each year.

“(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

“(4) Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed; provided, that pursuant to section 2(c) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)), no member shall continue to serve in a hold-over capacity for longer than 180 days after the expiration of the term to which he or she was appointed.

SUBTITLE X. FUNDS FOR WARD 1 PUBLIC HOUSING PROPERTIES

Sec. 2231. Short title.

This subtitle may be cited as the “Funds for Ward 1 Public Housing Properties Congressional Review Emergency Amendment Act of 2019”.

Sec. 2232. Section 3(c-1) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202(c-1)), is amended as follows:

(a) Paragraph (3) is amended by striking the period and inserting the phrase “; provided, that in Fiscal Year 2020, the Authority shall expend no less than \$1 million on the repair and maintenance of public housing properties located within the boundaries of Ward 1.” in its place.

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

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

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

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

“(C) Any administrative or overhead costs not directly and specifically attributable to maintenance, repair, and rehabilitation projects.”.

Sec. 2233. Section 47-4652 of the District of Columbia Official Code is amended as follows:

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

“(1) Commence no earlier than October 1, 2020; and”.

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

“(d)(1) By August 1, 2019, the Department of Employment Services (“DOES”) shall submit to the Council the conclusions and supporting documentation of the audit described in the April 19, 2019 letter from DOES to the Sydell Group, titled “Re: Line Hotel, D.C. Code § 47-4652 First Source Compliance Audit Determination”.

“(2) Should DOES update, modify or change the conclusions of the audit described in paragraph (1) of this subsection, or perform another audit in connection with this section, it shall submit the conclusions and supporting documentation of the audit to the Council no later than 14 days after transmitting any determination of whether the hotel complied with the conditions set forth in subsection (c) of this section to the Office of the Chief Financial Officer.”.

Sec. 2234. Applicability.

Amended section 47-4652(d) within section 2233 shall apply as of September 20, 2019.

SUBTITLE Y. SHORT-TERM RENTAL FUNDING

Sec. 2241. Short title.

This subtitle may be cited as the “Short-Term Rental Funding Congressional Review Emergency Act of 2019”.

Sec. 2242. (a) The fiscal impact of revenue loss attributable to the provisions of the Short-Term Rental Regulation Act of 2018, effective April 25, 2019 (D.C. Law 22-307; D.C. Official Code § 30-201.01 *et seq.*) (“Act”), shall be offset by local fiscal year recurring revenues included in the Chief Financial Officer’s June 2019 revenue estimate and all subsequent revenue estimates that exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2020 through Fiscal Year 2023, until the Act is fully funded as certified by the Chief Financial Officer.

(b) In the June 2019 revenue estimate and each of the subsequent revenue estimates, the Chief Financial Officer shall certify:

(1) Whether and by what amount local fiscal year revenues included in the revenue estimate exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2020 through Fiscal Year 2023;

(2) Whether such excess revenues, together with the excess revenues identified pursuant to this subsection in prior revenue estimates, are in an amount sufficient to offset the

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fiscal impact of the revenue loss identified in subsection (a) of this section and, if not, the amount of additional excess revenue necessary to offset such fiscal impact; and

(3) That all such excess revenues, together with the excess revenues identified pursuant to this subsection in prior revenue estimates, have been set aside to ensure that the Act be fully funded until such time as the Chief Financial Officer certifies that the Act is fully funded.

Sec. 2243. Section 301 of the Act (D.C. Official Code § 30-201.01, note) is amended to read as follows:

“Sec. 301. Applicability.

“(a) This act shall apply upon the later of:

“(1) October 1, 2019; or

“(2) 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. 2244. Applicability.

This subtitle shall apply as of September 20, 2019.

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. CRIMINAL CODE REFORM COMMISSION TERM EXTENSION

Sec. 3001. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Congressional Review Emergency Amendment Act of 2019”.

Sec. 3002. Section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(b)), is amended as follows:

(a) Paragraph (10) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (11) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (12) is added to read as follows:

“(12) The Criminal Code Reform Commission.”.

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Sec. 3003. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

(a) Section 3123(a) (D.C. Official Code § 3-152(a)) is amended by striking the phrase “September 30, 2019” and inserting the phrase “September 30, 2020” in its place.

(b) Section 3127 (D.C. Official Code § 3-156) is amended by striking the phrase “October 1, 2019” and inserting the phrase “October 1, 2020” in its place.

SUBTITLE B. SENIOR POLICE OFFICERS PROGRAM

Sec. 3011. Short title.

This subtitle may be cited as the “Retired Police Officer Redeployment Program Congressional Review Emergency Amendment Act of 2019”.

Sec. 3012. Section 2(h) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “October 1, 2019,” and inserting the phrase “October 1, 2020,” in its place.

(b) Paragraph (3) is amended by striking the phrase “3 years” and inserting the phrase “5 years” in its place.

Sec. 3013. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE C. AUTOMATIC RENEWAL PROTECTIONS

Sec. 3021. Short title.

This subtitle may be cited as the “Automatic Renewal Protections Congressional Review Emergency Amendment Act of 2019”.

Sec. 3022. The Structured Settlements and Automatic Renewal Protections Act of 2018, effective March 13, 2019 (D.C. Law 22-235; D.C. Official Code § 28A-101 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 28A-203) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the contract.” and inserting the phrase “the contract. If an offer of sale of a good or service subject to this subsection also includes a free gift or trial, the offer shall include a clear and conspicuous explanation of the price that will be charged after the trial ends or the manner in which the subscription or purchasing price will change upon conclusion of the trial.” in its place.

(2) Subsection (c)(1) is amended by striking the phrase “renewal between one and 7 days” and inserting the phrase “renewal at least 15 and no more than 30 days” in its place.

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(b) Section 301 is amended to read as follows:

“Section 301. Applicability.

“(a) Title I shall not apply to any transfer agreement entered into before the effective date of this act.

“(b) Title II shall not apply to a contract entered into or automatically renewed before the effective date of this act, but it shall apply to automatic renewals of such contracts that renew on or after the effective date of this act.”.

SUBTITLE D. CRIME VICTIMS COMPENSATION FUNERAL AND BURIAL EXPENSES

Sec. 3031. Short title.

This subtitle may be cited as the “Crime Victims Compensation Funeral and Burial Expenses Congressional Review Emergency Amendment Act of 2019”.

Sec. 3032. Section 2(7)(A)(ii) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(7)(A)(ii)), is amended by striking the phrase “of cremation or other chosen method interment” and inserting the phrase “of embalming, burial containers, cremation, and the chosen method of interment; provided, that a claimant’s economic loss under this sub-subparagraph shall not exceed \$10,000” in its place.

Sec. 3033. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE E. OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT FUND AUTHORITY AND TRANSFER OF ROVING LEADERS PROGRAM

Sec. 3041. Short title.

This subtitle may be cited as the “Office of Neighborhood Safety and Engagement Congressional Review Emergency Amendment Act of 2019”.

Sec. 3042. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “Community Stabilization” and inserting the phrase “Family and Survivor Support Services” in its place.

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

(A) The lead-in language is amended by striking the phrase “information from” and inserting the phrase “information, by cohort, from” in its place.

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(B) Paragraph (2) is amended by striking the phrase “individuals’ participation;” and inserting the phrase “individuals’ participation, and for those individuals who did not remain in the program for the entirety of its duration, the reasons for their separation;” in its place.

(C) Paragraph (3) is amended by striking the phrase “progress; and” and inserting the phrase “progress, including whether they are employed in subsidized or unsubsidized employment and any certifications or diplomas they have obtained while participating in the program;” in its place.

(D) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) Whether any participant has been arrested or convicted during or following their participation, and for what offense or offenses.”

(3) A new subsection (g) is added to read as follows:

“(g) Agency funds may be used to purchase food and non-alcoholic beverages for participants in ONSE’s programs and activities, including violence prevention programs, short-term assistance programs, retreats, community outreach activities and events, individual outreach activities such as program recruitment, and training and education activities for community members, where the purchase is reasonably necessary to assist ONSE in the effective achievement of a statutory goal, objective, or responsibility.”

(b) Section 103 (D.C. Official Code § 7-2413) is repealed.

Sec. 3043. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE F. RETURNING CITIZENS OPPORTUNITY TO SUCCEED

Sec. 3051. Short title.

This subtitle may be cited as the “Returning Citizens Opportunity to Succeed Congressional Review Emergency Amendment Act of 2019”.

Sec. 3052. The lead-in language of section 127(b) of the Vital Records Modernization Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-231.27(b)), is amended by striking the phrase “a pilot program for Fiscal Year 2019 shall be established to waive the fee for a certificate of birth for:” and inserting the phrase “the fee for a certificate of birth shall be waived for:” in its place.

Sec. 3053. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code *passim*), is amended as follows:

(a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

(1) The lead-in language of paragraph (1)(A-ii)(i) is amended by striking the phrase “a pilot program for Fiscal Year 2019 shall be established to waive the fee described in

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subparagraph (A-i) of this paragraph for:” and inserting the phrase “the fee described in subparagraph (A-i) of this paragraph shall be waived for:” in its place.

(2) The lead-in language of paragraph (2)(A-i)(i) is amended by striking the phrase “a pilot program for Fiscal Year 2019 shall be established to waive the fee described in subparagraph (A) of this paragraph for:” and inserting the phrase “the fee described in subparagraph (A) of this paragraph shall be waived for:” in its place.

(3) The lead-in language of paragraph (2A)(A-i)(i) is amended by striking the phrase “a pilot program for Fiscal Year 2019 shall be established to waive the fee described in subparagraph (A) of this paragraph for:” and inserting the phrase “the fee described in subparagraph (A) of this paragraph shall be waived for:” in its place.

(b) The lead-in language of section 8a(a)(1B)(A) (D.C. Official Code § 50-1401.03(a)(1B)(A)) is amended to read as follows:

“(A) The application fee for a driver’s license or a special identification card issued pursuant to this section shall be waived for:”.

SUBTITLE G. MATERNAL MORTALITY REVIEW COMMITTEE

Sec. 3061. Short title.

This subtitle may be cited as the “Maternal Mortality Review Committee Establishment Congressional Review Emergency Amendment Act of 2019”.

Sec. 3062. The Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 7-671.02) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “factors,;” and inserting the phrase “factors:” in its place.

(2) Subsection (d) is amended by adding a new paragraph (3) to read as follows:

“(3) The Chief Medical Examiner shall annually, no later than 60 days after the annual report described in paragraph (1) of this subsection is made publicly available, convene a symposium at which the Chief Medical Examiner shall present the report to the public, District agencies implicated by the report’s findings, the Deputy Mayors for Public Safety and Justice and Health and Human Services, any relevant health or policy stakeholders, and the Committee’s representatives and members.”.

(b) Section 4(b) (D.C. Official Code § 7-671.03(b)) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its place.

(3) New paragraphs (11), (12), and (13) are added to read as follows:

“(11) One person who has been directly impacted by a near maternal mortality;

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- “(12) One anesthesiologist with experience in obstetrics; and
- “(13) One neonatologist with experience with high-risk pregnancies.”.

Sec. 3063. Section 16-1053 of the District of Columbia Official Code is amended as follows:

- (a) Subsection (a) is amended as follows:
 - (1) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its place.
 - (2) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place.
 - (3) A new paragraph (10) is added to read as follows:
 - “(10) The Office of Victim Services and Justice Grants.”.
- (b) Subsection (b) is amended as follows:
 - (1) Paragraph (5) is amended by striking the phrase “shelters; and” and inserting the phrase “housing organizations;” in its place.
 - (2) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.
 - (3) A new paragraph (7) is added to read as follows:
 - “(7) The federally recognized state coalition for domestic violence.”.

Sec. 3064. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE H. ATTORNEY GENERAL SUPPORT AND RESTITUTION FUNDS

Sec. 3071. Short title.

This subtitle may be cited as the “Attorney General Support and Restitution Funds Congressional Review Emergency Amendment Act of 2019”.

Sec. 3072. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

- (a) Section 106b (D.C. Official Code § 1-301.86b) is amended as follows:
 - (1) Subsection (c) is amended to read as follows:
 - “(c)(1) Money in the Fund shall be used for the following purposes:
 - “(A) Supporting general litigation expenses associated with prosecuting or defending litigation matters on behalf of the District of Columbia;
 - “(B) Funding staff positions, up to a maximum amount of \$4 million per year, and non-personnel costs related to administering any grant issued pursuant to the authority provided in section 108c(a); and
 - “(C) Crime reduction and violence interruption programming.

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“(2) Beginning in Fiscal Year 2020, up to \$3 million deposited into the Fund each fiscal year may be used for the purpose of crime reduction and violence interruption.”.

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

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

“(3)(A) The balance in the Fund, including interest earned, shall not exceed \$10 million. Any funds in excess of \$10 million shall revert at the end of a fiscal year to the unrestricted fund balance of the General Fund of the District of Columbia.

“(B) Notwithstanding subparagraph (A) of this subsection, the Office of the Attorney General may retain up to \$11.6 million in the Fund until September 30, 2020.”.

(b) A new section 106d is added to read as follows:

“106d. Vulnerable Adult and Elderly Person Exploitation Restitution Fund.

“(a) There is established as a special fund the Vulnerable Adult and Elderly Person Exploitation Restitution Fund (“Restitution Fund”) which shall be administered by the Office of the Attorney General in accordance with subsection (c) of this section.

“(b) Awards of restitution and costs to individuals imposed under a court order, judgment, or settlement in any action or investigation brought to enforce to section 203a of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, effective November 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01), shall be deposited in the Restitution Fund.

“(c) Money in the Restitution Fund shall be used for the following purposes:

“(1) The payment of restitution to individuals harmed by the conduct of persons or entities that are the subject of court orders, judgments or settlements in actions or investigations brought to enforce section 203a of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, effective November 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01); and

“(2) Costs and expenses related to maintaining the Restitution Fund or to paying amounts to harmed individuals.

“(d)(1) The money deposited into the Restitution Fund but not expended in a fiscal year shall not revert to the unassigned 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 Restitution Fund shall be continually available without regard to fiscal year limitation.

“(e) The Attorney General may promulgate regulations for the administration of the Restitution Fund and the making of payments from the Restitution Fund.”.

(c) Section 2(a) of the Omnibus Public Safety and Justice Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-614; 66 DCR 1627), is repealed.

Sec. 3073. Applicability.

This subtitle shall apply as of September 30, 2019.

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SUBTITLE I. OFFICE OF POLICE COMPLAINTS INDEPENDENT REVIEW

Sec. 3081. Short title.

This subtitle may be cited as the “Office of Police Complaints Independent Review Congressional Review Emergency Amendment Act of 2019”.

Sec. 3082. Section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), is amended by adding a new subsection (d-3) to read as follows:

“(d-3)(1) The Board or any entity selected by the Board shall cause to be conducted an independent review of the activities of MPD’s Narcotics and Specialized Investigations Division, and any of its subdivisions (“NSID”), from January 1, 2017, through December 31, 2019.

“(2) By April 30, 2021, the Board shall submit to the Mayor and Council a report summarizing the findings of the review, including:

“(A) A description of the NSID’s operations, management, and command structure;

“(B) An evaluation of stops and searches conducted by NSID officers, including an analysis of the records identified in section 386(a)(4B) of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01(a)(4B));

“(C) An evaluation of citizen complaints received by the Office regarding the alleged conduct of NSID officers;

“(D) An evaluation of the adequacy of discipline imposed by the Metropolitan Police Department on NSID officers as a result of a sustained allegation of misconduct pursuant to section 13; and

“(E) Recommendations, informed by best practices for similar entities in other jurisdictions, for improving the NSID’s policing strategies, providing effective oversight over NSID officers, and improving community-police relations.

“(3)(A) The Executive Director, acting on behalf of the Board, shall have access to all books, accounts, records, reports, findings, and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government that are necessary to facilitate the review.

“(B) If the Executive Director is denied access to any books, accounts, records, reports, findings, or any other papers, things, or property, the reason for the denial shall:

“(i) Be submitted in writing to the Executive Director no later than 7 days after the date of the Executive Director’s request;

“(ii) State the specific reasons for the denial, including citations to any law or regulation relied upon as authority for the denial; and

“(iii) State the names of the public officials or employees responsible for the decision to deny the request.

“(4) Employees of the MPD shall cooperate fully with the Office or any entity selected by the Office to conduct the review. Upon notification by the Executive Director that an MPD employee has not cooperated as requested, the Police Chief shall cause appropriate

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disciplinary action to be instituted against the employee and shall notify the Executive Director of the outcome of such action.

“(5) The Executive Director shall keep confidential the identity of all persons named in any documents transferred from the MPD to the Office pursuant to this subsection.

“(6) The disclosure or transfer of any books, accounts, records, reports, findings or any papers, things, or property from the MPD to the Office pursuant to this subsection shall not constitute a waiver of any privilege or exemption that otherwise could be asserted by the MPD to prevent disclosure to the general public or in a judicial or administrative proceeding.

“(7) A Freedom of Information Act request for any books, accounts, records, reports, findings or any papers, things, or property obtained by the Office from the MPD pursuant to this subsection may only be submitted to the MPD.”.

SUBTITLE J. ESCHEATMENT FUND CLARIFICATION

Sec. 3091. Short title.

This subtitle may be cited as the “Escheatment Fund Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 3092. Section 19-701 of the District of Columbia Official Code is amended to read as follows:

“§ 19-701. Escheatment.

“(a) When there is no surviving spouse, surviving domestic partner, or relation of the intestate within the fifth degree, reckoned by counting down from the common ancestor to the more remote, the surplus of real and personal property escheats to the District of Columbia to be deposited in the Escheatment Fund, established by subsection (b) of this section.

“(b)(1) There is established as a special fund the Escheatment Fund (“Fund”), which shall be administered by the Department of Human Services in accordance with subsection (3) of this section.

“(2) All cash, including real or personal property reduced to cash, received or obtained by the District pursuant to subsection (a) of this section shall be deposited in the Fund.

“(3) Money in the Fund shall be used for emergency assistance grants described in § 4-753.01(e).

“(4)(A) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(B) 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.

“(c) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

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Sec. 3093. Applicability.

This subtitle shall apply as of September 30, 2019.

**SUBTITLE K. EMERGENCY AND NON-EMERGENCY TELEPHONE
CALLING SYSTEMS FUNDING**

Sec. 3101. Short title.

This subtitle may be cited as the “Emergency and Non-Emergency Number Telephone Calling Systems Fund Congressional Review Emergency Amendment Act of 2019”.

Sec. 3102. Section 603(b)(2) of the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1802(b)(2)), 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 (4) is added to read as follows:

“(4) Such amounts as may be appropriated or deposited into the Fund.”.

TITLE IV. PUBLIC EDUCATION

**SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC
SCHOOLS AND PUBLIC CHARTER SCHOOLS INCREASES**

Sec. 4001. Short title.

This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools Increase Congressional Review Emergency Amendment Act of 2019”.

Sec. 4002. Section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-256; D.C. Official Code § 38-1804.01), is amended as follows:

(a) Subsection (c)(3) is amended by striking the phrase “under the Special Education Compliance Fund” and inserting the phrase “for Special Education Compliance Funding” in its place.

(b) Subsection (i) is amended by striking the phrase “Compliance Fund” and inserting the phrase “Compliance Funding” in its place.

Sec. 4003. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

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(a) Section 102 (D.C. Official Code § 38-2901) is amended as follows:

(1) Paragraph (11A) is repealed.

(2) Paragraph (11B) is amended by striking the phrase "Compliance Fund" and inserting the phrase "Compliance Funding" in its place.

(b) Section 104(a) (D.C. Official Code § 38-2903(a)) is amended by striking the phrase "\$10,658 per student for Fiscal Year 2019" and inserting the phrase "\$10,980 per student for Fiscal Year 2020" in its place.

(c) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

"Grade Level	Weighting	Per Pupil Allocation in FY 2020
"Pre-Kindergarten 3	1.34	\$14,713
"Pre-Kindergarten 4	1.30	\$14,273
"Kindergarten	1.30	\$14,273
"Grades 1-5	1.00	\$10,980
"Grades 6-8	1.08	\$11,858
"Grades 9-12	1.22	\$13,395
"Alternative program	1.44	\$15,810
"Special education school	1.17	\$12,846
"Adult	0.89	\$9,772

(d) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

"Level/Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2020
"Level 1: Special Education	Eight hours or less per school week of specialized services	0.97	\$10,650
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$13,175

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"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$21,630
"Level 4: Special Education	More than 24 hours per school week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$38,318
"Special Education Compliance Funding	Weighting provided in addition to special education level add-on weightings on a per-student basis for special education compliance	0.099	\$1,087
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney's fees	0.089	\$977
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$18,336

"General Education Add-ons:

"Level/Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2020
"ELL	Additional funding for English Language Learners.	0.49	\$5,380
"At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0.225	\$2,470

"Residential Add-ons:

"Level/Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2020
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*Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.37	\$4,062
*Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.34	\$14,713
*Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$31,731
*Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited- and non-English-proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$31,731
*LEP/NEP - Residential	Additional funding to support the after-hours limited- and non-English-proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$7,334

*Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

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"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2020
"Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.063	\$692
"Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	\$2,492
"Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$5,391
"Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$5,391

”.”.

(e) Section 108a (D.C. Official Code § 38-2907.01), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) Notwithstanding subsection (a)(2) of this section, in School Year 2019-2020, DCPS shall allocate the \$5.353 million enhancement provided to DCPS in the Fiscal Year 2020 Local Budget Act of 2019, passed on 2nd reading on May 28, 2019 (Enrolled version of B23-

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208), to the 31 schools whose budgets reflected net losses in the Mayor's Fiscal Year 2020 Proposed Budget and Financial Plan.

"(2) Each of the 31 schools shall receive an allocation proportional to its proposed net loss.

"(3) No later than November 1, 2019, DCPS shall submit to the Council a report reflecting the allocation each of the 31 schools described in paragraph (1) of this subsection received. The report shall include:

"(A) A comprehensive list of all 31 schools and the total amount of additional funding allocated to each school pursuant to paragraph (2) of this subsection; and

"(B) For each school, a breakdown of the allocation by program code and a detailed justification for allocating funding to the respective program code."

Sec. 4004. It is the intent of the Council that in the 2019-2020 school year the Uniform Per Student Funding Formula funds that would have been allocated to Monument Academy Public Charter School should follow students who were enrolled in Monument Academy Public Charter School for the 2019-2020 school year to the District of Columbia public schools or public charter schools in which they ultimately enroll.

SUBTITLE B. RECOVERY OF DELINQUENT NON-RESIDENT TUITION PAYMENTS

Sec. 4011. Short title.

This subtitle may be cited as the "Non-Resident Student Delinquent Debt Recovery Congressional Review Emergency Amendment Act of 2019".

Sec. 4012. The Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*), is amended as follows:

(a) Section 1043 (D.C. Official Code § 1-350.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "subsections (a-1) and (a-2)" and inserting the phrase "subsection (a-1)" in its place.

(2) A new subsection (a-3) is added to read as follows:

"(a-3) Beginning in Fiscal Year 2020 and for each fiscal year thereafter, funds collected and recovered by the Central Collection Unit arising out of non-resident student tuition delinquent debts transferred and referred to the Central Collection Unit by the Office of the State Superintendent of Education for collection, net of costs and fees, shall be deposited into the Student Residency Verification Fund established by section 15b of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.02), within 60 days."

(b) Section 1045(b)(2) (D.C. Official Code § 1-350.04(b)(2)) is amended by striking the phrase "section 1043(a-1) and (a-2)" and inserting the phrase "section 1043(a-1), (a-2), and (a-3)" in its place.

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SUBTITLE C. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION

Sec. 4021. Short title.

This subtitle may be cited as the “Office of Administrative Hearings Jurisdiction Congressional Review Emergency Amendment Act of 2019”.

Sec. 4022. Section 6(b-22)(3) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-22)(3)), is amended by striking the phrase “denial of federal grant application” and inserting the phrase “denial of a grant application, the termination of a grant, or other adverse enforcement action taken against a grantee related to a grant (including withholding of payment, suspension of funds, or disallowance of funds)” in its place.

SUBTITLE D. DEPUTY MAYOR FOR EDUCATION LIMITED GRANT-MAKING AUTHORITY

Sec. 4031. Short title.

This subtitle may be cited as the “Deputy Mayor for Education Limited Grant-Making Authority Congressional Review Emergency Amendment Act of 2019”.

Sec. 4032. Deputy Mayor for Education limited grant-making authority.

(a) For Fiscal Year 2020, the Deputy Mayor for Education shall have grant-making authority to provide a grant in an amount not to exceed \$300,000 for a study of the uniform per student funding formula as recommended by the February 1, 2019 report of the Uniform Per Student Funding Formula Working Group.

(b) A grant issued under this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

SUBTITLE E. STATEWIDE SPECIAL EDUCATION COMPLIANCE FUND

Sec. 4041. Short title.

This subtitle may be cited as the “Statewide Special Education Compliance Fund Congressional Review Emergency Act of 2019”.

Sec. 4042. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended by adding a new section 7h to read as follows:

“Sec. 7h. Statewide Special Education Compliance Fund.

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“(a) There is established as a special fund the Statewide Special Education Compliance Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

“(b) There shall be deposited into the Fund such amounts as may be appropriated to the Fund.

“(c) Money in the Fund shall be used for the following purposes:

“(1) To provide, establish, and maintain the supports and resources to ensure timely special education due process proceedings, timely implementation of hearing officer determinations in special education due process proceedings, and timely implementation of settlement agreements that settle special education due process complaints;

“(2) To develop, maintain, or improve new and existing data systems and applications related to the provision of special education services to students with disabilities;

“(3) To pay for state-level activities, supports, or resources related to assisting and monitoring local education agencies, schools, or any other responsible party in their compliance with federal and local laws and regulations for the provision of special education services to students with disabilities; and

“(4) To support activities required to ensure continued compliance with federal and local laws and regulations regarding the provision of special education services to students with disabilities.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned 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.”.

SUBTITLE F. DCPS CHANCELLOR SALARY

Sec. 4051. Short title.

This subtitle may be cited as the “Chancellor of the District of Columbia Public Schools Salary Conformity Congressional Review Emergency Amendment Act of 2019”.

Sec. 4052. Section 1052(b)(2)(A) 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 § 1-610.52(b)(2)(A)), is amended as follows:

(a) Sub-subparagraph (i) is amended as follows:

(1) Strike the phrase “Antwan Wilson” and insert the phrase “Lewis Ferebee” in its place.

(2) Strike the date “February 1, 2017” and insert the date “January 21, 2019” in its place.

(b) Sub-subparagraph (ii) is amended by striking the phrase “in the 2017-2018 school year.” and inserting the phrase “in each school year.” in its place.

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SUBTITLE G. STUDENT FAIR ACCESS TO SCHOOL CLARIFICATION

Sec. 4061. Short title.

This subtitle may be cited as the “Student Fair Access to School Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 4062. Title II of the Attendance Accountability Amendment Act of 2013, effective August 25, 2018 (D.C. Law 22-157; D.C. Official Code § 38-236.01 *et seq.*), is amended as follows:

(a) Section 204(a)(1) (D.C. Official Code § 38-236.04(a)(1)) is amended by striking the phrase “2019-2020, no student in grades kindergarten through 8” and inserting the phrase “2019-2020, for students in grades kindergarten through 5, and school year 2020-2021 for students in grades 6 through 8, no student” in its place.

(b) Section 206 (D.C. Official Code § 38-236.06) is amended as follows:

(1) Subsection (a)(4) is amended to read as follows:

“(4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.”.

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

“(c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.”.

SUBTITLE H. DCPL PARTNERSHIPS AND SPONSORSHIPS

Sec. 4071. Short Title.

This subtitle may be cited as the “District of Columbia Public Library Partnership and Sponsorship Congressional Review Emergency Amendment Act of 2019”.

Sec. 4072. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 39-105(a)) is amended as follows:

(1) Paragraph (14)(C) is amended by striking the period and inserting a semicolon in its place.

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(2) Paragraph (15) is amended by striking the period and inserting a semicolon in its place.

(3) Paragraph (16) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Chief Librarian or Executive Director,” and inserting the phrase “Chief Librarian or Executive Director or his or her designees,” in its place.

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

(4) A new paragraph (17) is added to read as follows:

“(17)(A) Notwithstanding section 231(b) 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 § 1-1162.31(b)), or any other provision of the law, have the authority, through its Chief Librarian or Executive Director or his or her designees, to:

“(i) Promote, endorse, co-sponsor, solicit for, or collaborate with a charitable organization whose sole mission is to support the public library;

“(ii) Contract for advertisements for and sponsorships of the public library for programming and facilities improvements for the purpose of generating resources for the public library or a charitable organization that supports the public library;

“(iii) Sell tickets to select public library events or events benefitting a charitable organization whose sole mission is to support the public library;

“(B) Deposit revenue generated pursuant to subparagraph (A)(ii) and (iii) of this paragraph for the purpose of benefitting the public library into the DCPL Revenue-Generating Activities Fund in accordance with section 17; and

“(C) Issue rules to implement the provisions of this paragraph.”.

(b) Section 7 (D.C. Official Code § 39-107) is amended by striking the phrase “shall be deposited into the Library Collections Account established by section 14.” and inserting the phrase “shall be deposited into the DCPL Revenue-Generating Activities Fund in accordance with section 17.” in its place.

(c) Section 14(a) (D.C. Official Code § 39-114(a)) is amended by repealing paragraphs (1) and (2).

(d) The second section 15 (D.C. Official Code § 39-117) is amended as follows:

(1) Strike the phrase “Sec. 15” and insert the phrase “Sec. 17” in its place.

(2) Subsection (b) is amended by striking the phrase “services described in section 5(a)(14) and (16)” and inserting the phrase “services described in sections 5(a)(14), (16), and (17)(A)(ii)-(iii) and 7” in its place.

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

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

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

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

“(3) To support the operations of the District of Columbia Public Library, including programming and facilities improvements, and to purchase food, snacks, and non-alcoholic beverages for the general public, District of Columbia Public Library program participants, and District government employees.”.

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

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

**SUBTITLE I. UNIVERSITY OF THE DISTRICT OF COLUMBIA
FUNDRAISING MATCH**

Sec. 4081. Short title.

This subtitle may be cited as the “University of the District of Columbia Fundraising Match Congressional Review Emergency Act of 2019”.

Sec. 4082. (a) In Fiscal Year 2020, of the funds allocated to the Non-Departmental Account, \$1, up to a maximum of \$1.5 million, shall be transferred to the University of the District of Columbia (“UDC”) for every \$2 that UDC raises from private donations by April 1, 2020.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC’s endowment fund.

SUBTITLE J. USE OF SCHOOL PERMIT FEES

Sec. 4091. Short title.

This subtitle may be cited as the “Use of School Permit Fees Congressional Review Emergency Amendment Act of 2019”.

Sec. 4092. Section 5(c)(1)(A) of the Ensuring Community Access to Recreational Spaces Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-434(c)(1)(A)), is amended by striking the phrase “subsection, for cleaning, maintaining, and repairing school facilities.” and inserting the phrase “subsection.” in its place.

SUBTITLE K. SELF-OPERATED SCHOOL FOOD SERVICE

Sec. 4101. Short title.

This subtitle may be cited as the “Self-Operated School Food Service Congressional Review Emergency Amendment Act of 2019”.

Sec. 4102. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

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(a) Section 101 (D.C. Official Code § 38-821.01) is amended by adding a new paragraph (8B) is to read as follows:

“(8B) “Self-operated school food service” means a District-run program of planning, purchasing, preparing, storing, serving, and ensuring the safety of food served to students in public schools staffed and overseen by District employees and established pursuant to section 203a.”.

(b) A new section 203a is added to read as follows:

“Sec. 203a. Self-operated school food service pilot program.

“(a) During the 2020-2021 and the 2021-2022 school years, the Mayor shall operate a self-operated school food service pilot program (“pilot”) in 10 public schools or the maximum number of schools that the funding appropriated will support.

“(1) By July 30, 2020, the Mayor shall:

“(A) Retrofit the selected school kitchens to accommodate self-operated school food service.

“(B) Prepare for in-house food operations, including hiring and training staff, marketing the food services program, and stocking initial supplies in advance of the 2020-2021 school year.

“(2) At least twice during the 2020-2021 school year and twice during the 2021-2022 school year, the Mayor shall administer a student satisfaction survey regarding meals provided through the pilot.

“(b) Within 3 months after the last day of the 2020-2021 and 2021-2022 school years, the Mayor shall provide to the Council a report on food services at all public schools, which shall include:

“(1) Results from student satisfaction surveys conducted at pilot and non-pilot schools, including a comparison of the level of student satisfaction with meals provided under the pilot and meals not provided under the pilot;

“(2) A description of the costs of the pilot, including a comparison of the costs of food services provided under the pilot and the costs of the food services provided at non-pilot public schools;

“(3) The cost savings created by the pilot due to changes to existing food service contracts entered into by the District;

“(4) An estimate of any federal reimbursements or other federal funding made available to the District through the implementation of a self-operated school food service model at participating schools;

“(5) A breakdown by each school of:

“(A) Meal type name;

“(B) Quantity of each meal type;

“(C) Unit cost of each meal type;

“(D) Total cost of each meal type;

“(E) Number of each meal type served at free, reduced, or paid; and

“(F) Total revenues, by revenue type, applied to each meal type;

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“(6) An analysis of whether meals served through the pilot and meals served by non-pilot public schools complied with federal and local school meals nutrition standards and requirements; and

“(7) An analysis of what infrastructure and operating enhancements would be necessary for the District of Columbia Public School system to successfully administer self-operated school food services in all public schools, including whether the District should fund the central kitchen required to be established by section 204;

“(c)(1) The Mayor shall assist all eligible local educational agencies in deciding whether to elect the community eligibility provision described in 7 C.F.R. § 245.9(f) for the local educational agency or for a school or group of schools within the local educational agency.

“(2) For the purposes of this subsection, the terms “local educational agency” and “school” shall have the same meaning as provided in 7 C.F.R. § 245.2.

SUBTITLE L. TRUANCY PREVENTION AND LITERACY PILOT PROGRAM

Sec. 4111. Short title.

This subtitle may be cited as the “Truancy Prevention and Literacy Pilot Program Congressional Review Emergency Amendment Act of 2019”.

Sec. 4112. The Community Schools Incentive Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code §§ 38-754.01 *et seq.*), is amended as follows:

(a) Section 402(4) (D.C. Official Code § 38-754.02(4)) is amended as follows:

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

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

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

“(N) Programs that provide a full continuum of school-based, early literacy intervention services for all grades pre-K through 3, consisting of developmentally appropriate components for each grade, through a comprehensive intervention model.”.

(b) Section 403 (D.C. Code § 38-754.03) is amended by adding a new subsection (g) to read as follows:

“(g)(1) In Fiscal Year 2020, the Office of the State Superintendent of Education shall award, on a competitive basis, 2 one-year grants in the amount of \$300,000 each, to increase attendance and literacy support for students in grades kindergarten through 5, with priority given to eligible consortiums that include:

“(A) An elementary school with:

“(i) More than 25% of students in grades kindergarten through 5 who were chronically truant in the 2018-2019 school year; and

“(ii) More than 25% of students who scored at level 1 or level 2 on the state assessment for English language arts in the 2018-2019 school year; and

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“(B) Three or more community partners that provide at least one of the eligible services described in section 402(4)(D), (G), and (N).

“(2) In Fiscal Year 2019, the Office of the State Superintendent of Education may solicit proposals and rank recipients in funding order for the expenditure of grant funds authorized in paragraph (1) of this subsection.

“(3) The goal of this pilot is to test whether additional resources concurrently focusing numerous community partners dealing with literacy intervention, parental engagement, and social-emotional issues with elementary school students will significantly improve attendance and state assessment outcomes.”.

**SUBTITLE M. UNIVERSITY OF THE DISTRICT OF COLUMBIA
AFFORDABLE LAW FIRM PARTICIPATION**

Sec. 4121. Short title.

This subtitle may be cited as the “University of the District of Columbia Affordable Law Firm Participation Congressional Review Emergency Amendment Act of 2019”.

Sec. 4122. The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1201.01 *et seq.*), is amended by adding a new section 514 to read as follows:

“Sec. 514. Upon recommendation of the Dean of the University of the District of Columbia School of Law and approval of the President of the University, the University may enter into an agreement with a section 501(c)(3) not-for-profit organization to permit graduates of the University of the District of Columbia School of Law to serve as post-graduate legal fellows under the supervision of District of Columbia barred attorneys; provided, that such agreement shall be exempt from the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), not including any applicable requirements imposed 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).”.

**SUBTITLE N. SPECIAL NEEDS PUBLIC CHARTER SCHOOL FUNDING
AUTHORIZATION**

Sec. 4131. Short title.

This subtitle may be cited as the “Special Needs Public Charter School Funding Authorization Congressional Review Emergency Act of 2019”.

Sec. 4132. (a)(1) Notwithstanding section 2401(b)(3)(B)(i) of the School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-136; D.C. Official Code § 38-1804.01(b)(3)(B)(i)), in Fiscal Year 2020, the Public Charter School Board (“PCSB”) shall transmit \$1.8 million to St. Coletta Special Education Public Charter School (“school”), which

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shall be in addition to any funds transmitted to the school pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*).

(2) PCSB shall transfer the funds authorized pursuant to paragraph (1) of this subsection to a bank designated by the school within 30 days of the effective date of the Fiscal Year 2020 Local Budget Act of 2019, passed on second reading May 28, 2019 (Enrolled Version of Bill 23-208).

(3) Within 2 business days of transferring the funds authorized in subsection (a) of this section to the school, PCSB shall submit documentation to the Council showing that such transfer occurred.

(b)(1) PCSB shall require the school to submit to it a quarterly accounting of all expenditures made with the additional funds the school received pursuant to subsection (a) of this section.

(2) PCSB may consider the school’s failure to submit the quarterly accounting required pursuant to paragraph (1) of this subsection as fiscal mismanagement.

SUBTITLE O. HEALTHY SCHOOLS FUNDING CLARIFICATION

Sec. 4141. Short Title.

This subtitle may be cited as the “Healthy Schools Funding Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 4142. Section 102(f) of the Healthy Schools Act of 2010, effective July 2, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02(f)), is amended to read as follows:

“(f) Beginning on October 1, 2019, an amount of \$5,110,000 from the revenues derived from the collection of the tax imposed upon all vendors by D.C. Official Code § 47-2002 shall be deposited annually into the Fund.”.

TITLE V. HEALTH AND HUMAN SERVICES

SUBTITLE A. FLEXIBLE RENT SUBSIDY PROGRAM

Sec. 5001. Short title.

This subtitle may be cited as the “Flexible Rent Subsidy Program Congressional Review Emergency Amendment Act of 2019”.

Sec. 5002. Section 31c of the Homeless Services Reform Act of 2005, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 4-756.05), is amended by adding a new subsection (c-1) to read as follows:

“(c-1) The income eligibility requirements set forth in section 2(5B)(A) for individuals and families at risk of homelessness shall not apply to Program participants.”.

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SUBTITLE B. INTERAGENCY COUNCIL ON HOMELESSNESS CONSUMER MEMBER STIPENDS

Sec. 5011. Short title.

This subtitle may be cited as the “Interagency Council on Homelessness Consumer Member Stipends Congressional Review Emergency Amendment Act of 2019”.

Sec. 5012. Section 1108 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), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “establish by rule and regulation the rates of compensation or reimbursement of expenses for members of any board or commission” and inserting the phrase “establish by rule and regulation the standards for, and rates of, compensation or reimbursement of expenses for members of any board or commission” in its place.

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

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

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) Each member of the Interagency Council on Homelessness (“Council”) appointed pursuant to section 4(b)(5) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(5)), may receive compensation in the form of a stipend of not more than \$50 per meeting of the Council, meeting of a committee of the Council, or meeting of a formal working group of the Council, in accordance with standards the Mayor may establish by rulemaking.”.

SUBTITLE C. OFFICE OF VETERANS AFFAIRS GRANT-MAKING AUTHORITY

Sec. 5021. Short title.

This subtitle may be cited as the “Office of Veterans Affairs Grant-Making Authority Congressional Review Emergency Amendment Act of 2019”.

Sec. 5022. Section 704 of the Office of Veterans Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 49-1003), is amended by adding a new paragraph (6A) to read as follows:

“(6A) Have the authority to issue grants to support the provision of services to veterans, their dependents, and their survivors;”.

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SUBTITLE D. ADULT PROTECTIVE SERVICES TRANSFER

Sec. 5031. Short title.

This subtitle may be cited as the “Adult Protective Services Transfer Congressional Review Emergency Amendment Act of 2019”.

Sec. 5032. Section 2(6) of the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901(6)), is amended by striking the phrase “Department of Human Services” and inserting the phrase “Department of Aging and Community Living” in its place.

Sec. 5033. Title III of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-503.01 *et seq.*), is amended by adding a new section 308 to read as follows:

“Sec. 308. Transfer of functions and duties from the Department of Human Services.

“All positions, personnel, property, records, equipment, and unexpended balances available or to be made available of appropriations, allocations, and other funds of the Department of Human Services dedicated to the implementation of the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901 *et seq.*), are hereby transferred to the Department of Aging and Community Living.”.

SUBTITLE E. FAMILIES FIRST DC

Sec. 5041. Short title.

This subtitle may be cited as the “Families First DC Program Implementation Congressional Review Emergency Act of 2019”.

Sec. 5042. Families First DC.

(a) The Mayor may award grants to non-profit organizations to support the establishment and operation of Families First DC centers in District neighborhoods.

(b) In providing funding to support Families First DC success centers, priority shall be given to neighborhoods that have:

- (1) Disparities related to social determinants of health;
- (2) A need for community stabilization efforts; and
- (3) Disproportionate numbers of substantiated cases of child abuse and neglect.

(c) Grants issued under this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(d) For the purposes of this section, the term “Families First DC” means a comprehensive neighborhood-based approach aimed at reducing social, economic, and health disparities among District residents and creating stronger, more resilient families, and supportive environments for children through focused access to District and private-sector services and resources based

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on neighborhood-specific needs and interests.

SUBTITLE F. DEMENTIA SERVICES COORDINATOR

Sec. 5051. Short title.

This subtitle may be cited as the “Dementia Services Coordinator Congressional Review Emergency Amendment Act of 2019”.

Sec. 5052. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new subtitle E to read as follows:

“Subtitle E. Dementia Services.

“Sec. 4948. Dementia Services Coordinator.

“There is established within the Department of Health the position of the Dementia Services Coordinator (“Coordinator”), who shall be a full-time employee of the District. The Coordinator shall be responsible for:

“(1) Organizing dementia services within the District;

“(2) Implementing and updating the District of Columbia State Plan on Alzheimer’s Disease;

“(3) Assessing and analyzing dementia-related data collected by the District;

“(4) Evaluating the District’s dementia services;

“(5) Identifying and supporting the development of dementia-specific trainings;

and

“(6) Carrying out such other duties relevant to the support of individuals with dementia as may be assigned by the Director of the Department of Health.”.

SUBTITLE G. CHILD AND FAMILY SERVICES AGENCY PREVENTION SERVICES GRANTS

Sec. 5061. Short title.

This subtitle may be cited as the “Child and Family Services Agency Prevention Services Grants Congressional Review Emergency Act of 2019”.

Sec. 5062. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.01a *et seq.*), is amended by adding a new section 310 to read as follows:

“Sec. 310. Grants.

“In Fiscal Year 2020, the Agency shall award, on a competitive basis, grants to:

“(1) Support a program that provides targeted legal intervention services in matters involving child custody, child support, domestic violence, landlord-tenant issues, housing conditions, federally subsidized housing defense, and access to public benefits, for the purpose of preventing families from unnecessarily entering the child welfare system, in the

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amount of \$200,000; provided, that the selected program shall have contracted with the Agency in Fiscal Year 2019 for the provision of such services;

“(2) Support a program that helps fathers gain the knowledge and skills necessary to improve their involvement and connection to their children through voluntary home visits, parenting support, child-development information and activities, health education and support, family goal planning, adult literacy, legal advocacy, access to community resources, and activities that promote bonding and healthy habits, in the amount of \$150,000; provided, that the selected program shall have received Community-Based Child Abuse Prevention grant funding from the Agency in Fiscal Year 2018;

“(3) Support a program that provides services to youth between 11 and 24 years of age that have been, or are at risk of, becoming victims of sex trafficking, as that term is defined in section 103(12) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(12)), that are not in the Agency’s care and custody, in the amount of \$150,000; and

“(4) Support a program that provides parenting group sessions and home visitation services to families, with an emphasis on services that assist mothers who are homeless, victims of domestic violence, and reuniting with their children following a period of incarceration, in the amount of \$160,000; provided, that the selected program shall have received Community-Based Child Abuse Prevention grant funding from the Agency in Fiscal Years 2018 and 2019.”.

SUBTITLE H. DEPARTMENT OF HEALTH CARE FINANCE GRANT-MAKING

Sec. 5071. Short title.

This subtitle may be cited as the “Department of Health Care Finance Grant-Making Congressional Review Emergency Amendment Act of 2019”.

Sec. 5072. Section 8a of the Department of Health Care Finance Establishment Act of 2007, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 7-771.07a), is amended as follows:

(a) A new subsection (a-2) is added to read as follows:

“(a-2) For Fiscal Year 2020, the Director shall:

“(1)(A) Award a competitive grant in an amount not to exceed \$150,000 to fund operating expenses associated with the provision of medical respite care services to individuals who are homeless; provided, that if such a grant is awarded to a Federally Qualified Health Center (“FQHC”), the amount of the grant shall not be offset against the FQHC’s expenses for the purpose of determining its allowable costs in accordance with section 4511.2 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 4511.2).

“(B) At a minimum, the selected entity shall possess:

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“(i) The staff capacity and expertise necessary to provide medical respite care, with a particular emphasis on care for women who are homeless; and

“(ii) The ability to provide case management services, including assistance in accessing permanent housing services.

“(C) By September 30, 2020, the Director shall submit a report to the Council that sets forth:

“(i) Recommendations for the establishment of medical respite care services for homeless individuals, through either:

“(I) An amendment to the District of Columbia Medicaid State Plan; or

“(II) A waiver pursuant to section 1115 of the Social Security Act, approved July 25, 1962 (76 Stat. 192; 42 U.S.C. § 1315), for home and community-based services

“(ii) The types of services that may be offered to homeless individuals through a medical respite care program; and

“(iii) An identification of any potential restrictions on the provision of services identified pursuant to sub-subparagraph (ii) of this subparagraph, including the use of prior authorization.

“(2)(A)(i) Award competitive grants in an amount not to exceed \$100,000 to community-based initiatives focused on addressing the social determinants of health in Wards 7 and 8.

“(ii) In establishing criteria for the award of grants pursuant to subparagraph (i) of this subparagraph, the Department shall prioritize community-based initiatives that utilize a cohort-based curriculum that incorporates design-thinking.

“(B) By November 1, 2019, the Department shall publish criteria in the District of Columbia Register governing the process for applying for and administering grants issued pursuant to subparagraph (A)(i) of this paragraph; provided, that the Department shall require grant applications to be submitted by January 15, 2020.

“(C) By March 1, 2020, the Department shall dispense final awards for all grants issued pursuant to subparagraph (A)(i) of this paragraph.”.

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

“(d-1) Funds appropriated for grants issued pursuant to subsection (a-2) of this section shall not be reprogrammed, unless the Council approves the reprogramming request by resolution.”.

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

(1) Paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Design-thinking” means a structured, human-centered creative process that synthesizes multi-disciplinary ideas to address the social determinants of health.”.

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

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“(2A) “Social determinants of health” means the conditions in the environment in which people are born, live, work, and age that have a significant impact on health outcomes, including socioeconomic status, education, physical environment, employment, social support networks, and access to health-care services.”.

SUBTITLE I. MEDICAID HOSPITAL SUPPLEMENTAL PAYMENT

Sec. 5081. Short title.

This subtitle may be cited as the “Medicaid Hospital Supplemental Payment Congressional Review Emergency Amendment Act of 2019”.

Sec. 5082. The Medicaid Hospital Outpatient Supplemental Payment Act of 2017, effective December 13, 2017 (D.C. Law 22-033; D.C. Official Code § 44-664.01 *et seq.*), is amended as follows:

(a) Section 5062(5) (D.C. Official Code § 44-664.01(5)) is amended by striking the phrase “ending between October 1, 2015, and September 30, 2016” and inserting the phrase “between October 1 and September 30 of the period 3 fiscal years prior to the fiscal year the fee is assessed” in its place.

(b) Section 5064(a) (D.C. Official Code § 44-664.03(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “October 1, 2018” and inserting the phrase “October 1, 2019” in its place.

(2) Paragraph (1) is amended by striking the phrase “District Fiscal Year (“DFY”) 2019” and inserting the phrase “each District Fiscal Year” in its place.

(3) Paragraph (2) is amended by striking the phrase “DFY 2019” and inserting the phrase “each District Fiscal Year” in its place. (c) Section 5065(b)(1) (D.C. Official Code § 44-664.04) is amended by striking the phrase “October 1, 2017” and inserting the phrase “October 1, 2018” in its place.

(d) Section 5066 (D.C. Official Code § 44-664.05) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “October 1, 2018” and inserting the phrase “October 1, 2019” in its place.

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

(i) Strike the phrase “DFY 2016” both times it appears and insert the phrase “District Fiscal Year” in its place.

(ii) Strike the phrase “District private hospital” and insert the phrase “District private hospital for the District fiscal year 3 years prior to the current fiscal year” in its place.

(C) Paragraph (3) is amended by striking the phrase “DFY 2019” and inserting the phrase “each District Fiscal Year” in its place.

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

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(A) Paragraph (1) is amended by striking the phrase “October 1, 2018” and inserting the phrase “October 1, 2019” in its place.

(B) Paragraph (3) is amended by striking the phrase “DFY 2019” and inserting the phrase “each District Fiscal Year” in its place.

(e) Section 5067(a)(2) (D.C. Official Code § 44-664.06(a)(2)) is amended by striking the phrase “October 1, 2018” and inserting the phrase “October 1 of each year” in its place.

(f) Section 5070 (D.C. Official Code § 44-664.09) is amended by striking the phrase “September 30, 2019” and inserting the phrase “September 30, 2029” in its place.

Sec. 5083. The Medicaid Hospital Inpatient Rate Supplement Act of 2017, effective December 13, 2017 (D.C. Law 22-033; D.C. Official Code § 44-664.11 *et seq.*), is amended as follows:

(a) Section 5082(4) (D.C. Official Code § 44-664.11(4)) is amended by striking the phrase “ending between October 1, 2015, and September 30, 2016” and inserting the phrase “between October 1 and September 30 of the period 3 fiscal years prior to the fiscal year the fee is assessed” in its place.

(b) Section 5084 (D.C. Official Code § 44-664.13) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “October 1, 2017” and inserting the phrase “October 1, 2018” in its place.

(B) Paragraph (2) is amended by striking the phrase “\$8.6 million” and inserting the phrase “\$8,814,004” in its place.

(2) Subsection (c) is amended by striking the phrase “August 1, 2018” and inserting the phrase “August 1, 2019” in its place.

(c) Section 5085(b) (D.C. Official Code § 44-664.14(b)) is amended by striking the phrase “October 1, 2018” and inserting the phrase “October 1 of each District Fiscal Year” in its place.

(d) Section 5089 (D.C. Official Code § 44-664.18) is amended by striking the phrase “September 30, 2019” and inserting the phrase “September 30, 2029” in its place.

SUBTITLE J. NOT-FOR-PROFIT HOSPITAL CORPORATION FISCAL OVERSIGHT AND TRANSITION PLANNING

Sec. 5091. Short title.

This subtitle may be cited as the “Not-for-Profit Hospital Corporation Fiscal Oversight and Transition Planning Congressional Review Emergency Amendment Act of 2019”.

Sec. 5092. The Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.01 *et seq.*), is amended as follows:

(a) Section 5115 (D.C. Official Code § 44-951.04) is amended as follows:

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

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

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

“(A) The Corporation shall be governed by a Board of Directors, which shall consist of 13 members, 11 of whom shall be voting members and 2 of whom shall be non-voting members.”.

(ii) Subparagraph (D) is amended to read as follows:

“(D) The Chief Executive Officer of the Corporation and the Chief Medical Officer of the Corporation shall serve as non-voting ex officio members.”.

(2) New subsections (l) and (m) are added to read as follows:

“(l)(1) Subsections (a), (b), (c), (d), (e), and (f) of this section shall expire if:

“(A) By September 15, 2019, the Board does not adopt a revised budget for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of Columbia as being balanced with a District operating subsidy of \$22.14 million or less;

“(B) At any time in Fiscal Year 2020, an annual subsidy of more than \$22.14 million is required; or

“(C) At any time after September 30, 2020, a District operating subsidy of more than \$15 million per year is required.

“(2) The Chief Financial Officer shall file written notice with the Office of the Secretary to the Council as to whether any of the conditions set forth in paragraph (1) of this subsection has been met.

“(m) If any of the conditions set forth in subsection (l)(1) of this section has been met:

“(1) The Corporation shall be governed by a Fiscal Management Board, which shall serve as a control board, consisting of 9 members, 7 of whom shall be voting members and 2 of whom shall be non-voting members.

“(2) Voting members of the Fiscal Management Board shall include:

“(A) The Chief Financial Officer of the District of Columbia, or his or her designee, who shall serve as chair of the Fiscal Management Board;

“(B) The Deputy Mayor for Health and Human Services, or his or her designee;

“(C) The Director of the Child and Family Services Agency, or his or her designee;

“(D) A citizen member from Ward 8, appointed by the Mayor;

“(E) A citizen member, appointed by the Mayor, who has experience serving as the City Administrator of the District of Columbia; and

“(F) One representative from each of the two unions maintaining the largest collective bargaining units at United Medical Center.

“(3) The Chief Executive Officer of the Corporation and the Chief Medical Officer of the Corporation shall serve as non-voting ex officio members.

“(4) Members of the Fiscal Management Board shall serve until January 31, 2023.”.

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(b) Section 5120 (D.C. Official Code § 44-951.09) is amended as follows:

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

(2) Newly designated subsection (a) is amended by striking the phrase “to the Mayor.” and inserting the phrase “to the Mayor. Prior to submission to the Mayor, the proposed operating budget must be certified by the Chief Financial Officer of the District of Columbia as being balanced.” in its place.

(3) New subsections (b) and (c) are added to read as follows:

“(b)(1) If any of the conditions set forth in section 5115(l) has been met, the Fiscal Management Board shall meet no later than 30 days thereafter and approve an operating budget that supports the following services:

“(A) An emergency department;

“(B) Behavioral health (psychiatric) services; and

“(C) The inpatient, outpatient, and support services necessary to provide services pursuant to subparagraphs (A) and (B) of this paragraph, appropriately scaled to require a District operating subsidy equal to or less than \$22.14 million in Fiscal Year 2020 or equal to or less than \$15 million per year thereafter.

“(2) No later than 15 days after the approval by the Fiscal Management Board of an operating budget pursuant to paragraph (1) of this subsection, the Chief Financial Officer of the District of Columbia shall determine whether the budget approved by the Financial Management Board can be certified as meeting the requirements set forth in paragraph (1) of this subsection.

“(3) The following requirements shall govern any reduction-in-force (“RIF”) necessitated by an operating budget adopted pursuant to paragraph (1) of this subsection:

“(A) Before implementing a RIF, the United Medical Center shall provide 30 days’ notice to the affected unions.

“(B) In structuring a RIF, the Financial Management Board shall make utmost efforts to ensure that front-line care givers and support staff are affected the least and that all reductions comply with any existing collective bargaining agreement.”.

(c) A new section 5130 is added to read as follows:

“Sec. 5130. Dissolution.

“(a) By December 31, 2022, the United Medical Center shall cease admitting new patients.

“(b) By January 31, 2023, the United Medical Center shall cease patient operations.

“(c) On January 31, 2023, the Corporation shall dissolve. All of its assets (including cash, accounts receivable, reserve funds, real or personal property, and contract and other rights), positions, personnel, and records, and the unexpended balances of appropriations, allocations, and other funds available or to be made available to it, shall revert to the District.

“(d) The Office of the Chief Financial Officer shall ensure that the Fiscal Year 2023 year-end audit for the Not-for-Profit Hospital Corporation is executed properly.”.

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Sec. 5093. The East End Health Equity Amendment Act of 2018, effective March 28, 2019 (D.C. Law 22-273; 66 DCR 1581), is repealed.

Sec. 5094. Section 8 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407), is amended as follows:

(a) Subsection (b) is amended by adding new paragraphs (18) and (19) to read as follows:

“(18) Except as provided in subsection (k) of this section, the acquisition of equipment for, and the construction of, a full-service, community hospital by the District on the St. Elizabeths Hospital Campus (“East End Hospital”) with 200 licensed beds.

“(19) Except as provided in subsection (k) of this section, the acquisition of equipment for, and the construction of, a skilled nursing facility in Ward 7 or 8 with up to 125 licensed beds that shall be constructed to accommodate the safe transition of patients who require skilled nursing from United Medical Center by December 31, 2021.”.

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

“(k) The provisions of subsection (b)(18) and (19) of this section shall apply upon the satisfaction of the following conditions:

“(1) The execution of a mutually agreed upon contract between the District and a hospital operator to operate and manage the East End Hospital that includes, without limitation, requirements to:

“(A) Provide a detailed workforce development plan that includes strategies to:

“(i) Prepare qualified District residents for employment at the East End Hospital;

“(ii) Train District residents for employment at the East End Hospital; and

“(iii) Provide preference in hiring for employment at the East End Hospital to:

“(I) Qualified employees of United Medical Center who meet the minimum standards for employment established by the hospital operator;; and

“(II) District residents, with a particular emphasis on the residents of Wards 7 and 8.

“(B) Hire a majority of the current non-supervisory employees of United Medical Center; and

“(C) Enter into a labor peace agreement with a labor organization that requests a labor peace agreement and which represents, or reasonably might represent, workers at the hospital; and

“(2)(A)(i) The filing, by the Mayor, with the Office of the Secretary to the Council of one or more academic affiliation agreements (including physician services agreements) between Howard University and one or more health care facilities to ensure that

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Howard University College of Medicine meets its applicable accreditation requirements to continue its academic mission.

“(ii) For the purposes of this subparagraph the term “health care facilities” shall not be limited to health care facilities in the District or existing health care facilities, and may include the East End Hospital; and

“(B) The submission of an academic affiliation agreement in accordance with subparagraph (A) of this paragraph that specifies accommodations for Howard University College of Medicine’s medical faculty, medical students, and medical residents; provided, that such an agreement may summarize or redact any confidential information negotiated between the contracting parties.”.

Sec. 5095. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE K. D.C. HEALTHCARE ALLIANCE REFORM

Sec. 5101. Short title.

This subtitle may be cited as the “D.C. Healthcare Alliance Reform Congressional Review Emergency Amendment Act of 2019”.

Sec. 5102. Section 7b of the Health Care Privatization Amendment Act of 2001, effective December 13, 2017 (D.C. Law 22-35; D.C. Official Code § 7-1407), is amended to read as follows:

“Sec. 7b. D.C. Healthcare Alliance recertification.

“(a) A D.C. Healthcare Alliance (“Alliance”) enrollee who enrolls in the Alliance before April 1, 2023, shall be required to recertify his or her enrollment every 6 months.

“(b) An Alliance enrollee who enrolls in the Alliance after March 31, 2023, shall be required to recertify his or her enrollment on an annual basis.

“(c) An enrollee may recertify in person with the Department of Human Services or, if the Alliance is incorporated into the D.C. Health Link program, with the District of Columbia Health Benefit Exchange Authority.”.

SUBTITLE L. FORT DUPONT ICE ARENA CONSTRUCTION ACCELERATION

Sec. 5111. Short title.

This subtitle may be cited as the “Fort Dupont Ice Arena Construction Acceleration Congressional Review Emergency Act of 2019”.

Sec. 5112. Fort Dupont Ice Arena Construction.

The Mayor is authorized to spend the funds in capital project QD738 to plan, design, and construct an ice arena at Fort Dupont; provided, that the process for doing so shall begin on

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October 1, 2019, or after \$1,300,000 is raised in private donations by the Friends of the Fort Dupont Ice Arena, whichever occurs later.

SUBTITLE M. FIRST TIME MOTHERS HOME VISITING PROGRAM

Sec. 5121. Short title.

This subtitle may be cited as the “Leverage for Our Future Congressional Review Emergency Amendment Act of 2019”.

Sec. 5122. The Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-651.01 *et seq.*), is amended as follows:

(a) A new section 105a is added to read as follows:

“Sec. 105a. First Time Mothers Home Visiting Pilot Program.

“(a)(1) DOH shall award a competitive grant in an amount not to exceed \$150,000 to a home visiting provider to support the development of a pilot program that provides evidence-based home visiting services exclusively to eligible first-time mothers in the District.

“(2) The grant issued in accordance with the subsection shall be limited to a home visiting provider that receives at least \$500,000 of its funding from private sources.”

“(b) For the purposes of this section, the term “eligible first-time mother” means a pregnant woman preparing to give birth to her first child who has enrolled in the pilot program prior to their 28th week of pregnancy and:

“(1) Has an individual income that is less than 60% of the area median income for the Washington, D.C. metropolitan area according to the statistics of the United States Department of Housing and Urban Development; or

“(2) Is eligible for Medicaid.”.

SUBTITLE N. SENIOR STRATEGIC PLAN CLARIFICATION

Sec. 5131. Short title

This subtitle may be cited as the “Senior Strategic Plan Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 5132. Section 307(b) of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-503.07(b)) is amended as follows:

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

(1) Subparagraph (B) is amended by striking the phrase “of those populations; and” and inserting the phrase “of those populations, especially those with cognitive and other disabilities who cannot care for themselves without assistance;” in its place.

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

“(B-i) The number of aged residents, listed by Ward, who spend down assets in order to qualify for Medicaid, who forgo needed care because they cannot afford the care, and who spend a significant percentage of their income or assets on health care; and”.

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(3) Subparagraph (C) is amended as follows:

(A) Sub-subparagraph (ii) is amended by striking the phrase “minorities; or” and inserting the phrase “minorities;” in its place.

(B) Sub-subparagraph (iii) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(C) A new sub-subparagraph (iv) is added to read as follows:
“(iv) Are disabled;”.

(b) Paragraph (7) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(d) A new paragraph (9) is added to read as follows:

“(9) Current licensing and training programs, administered by the Department of Health or the Department of Employment Services, for in-home healthcare workers and recommendations for improvements to licensing or training programs that would increase the number of in-home healthcare workers in the District.”.

SUBTITLE O. BIRTH-TO-THREE FOR ALL DC CLARIFICATION

Sec. 5141. Short title.

This subtitle may be cited as the “Birth-to-Three for All DC Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 5142. The Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-651.01 *et seq.*), is amended as follows:

(a) Section 107(b) (D.C. Official Code § 4-651.07(b)) is amended by striking the phrase “DOH” and inserting the phrase “OSSE” in its place.

(b) Section 110(a) (D.C. Official Code § 4-651.10(a)) is amended to read as follows:

“(a) Beginning October 1, 2019, and annually thereafter until Fiscal Year 2023, DBH shall expand the number of child development centers participating in either Healthy Futures or another evidence-based program that provides behavioral health care services by an additional:

“(1) 75 child-care centers in FY 2020;

“(2) 75 child-care centers in FY 2021; and

“(3) 75 child-care centers in FY 2022.”.

(c) Section 301(a) is amended to read as follows:

“(a) Sections 102(g)(3), (4), and (5), 104, 106(b)(2), 107(b), 109(d), 110(a)(2) and (3), new amendatory sections 11b(a)(2) - (5), 11b(b), and 11c of the Day Care Policy Act of 1979, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code §§ 4-410.02 and 4-410.03), within section 201(d), and sections 201(e) and 202(b), shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.”.

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Sec. 5143. Section 11b (a) of the Day Care Policy Act of 1979, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-410.02(a)), is amended as follows:

“(a) OSSE shall establish payment rates for child development facilities providing care for infants and toddlers. The rate of payment shall be sufficient to provide a child development center and child development home with funding to operate based on a cost modeling analysis that incorporates costs incurred as a result of implementing the salary scale and schedule developed by OSSE pursuant to section 11a(b). Subject to appropriations, the cost of care and teacher salary scale shall be increased as follows:

“(1) By October 1, 2019, \$4,298,064 of the projected fiscal impact of the full cost of care and teacher salary scale;

“(2) By October 1, 2020, at least 25% of the projected fiscal impact of the full cost of care and teacher salary scale;

“(3) By October 1, 2021, at least 50% of the projected fiscal impact of the full cost of care and teacher salary scale;

“(4) By October 1, 2022, at least 75% of the projected fiscal impact of the full cost of care and teacher salary scale;

“(5) By October 1, 2023, and on an annual basis thereafter, OSSE shall reimburse providers at the cost of care as determined by its most recent cost modeling analysis; and

“(6) By October 1, 2024, and on a triennial basis thereafter, OSSE shall revise the payment rates based on the updated cost of care and teacher salary scale developed pursuant to section 11a(b).”.

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**SUBTITLE A. HALF STREET, SE, IMPROVEMENT GRANT**

Sec. 6001. Short title.

This subtitle may be cited as the “Half Street Improvement Congressional Review Emergency Amendment Act of 2019”.

Sec. 6002. Section 3(c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(c)), is amended by adding a new paragraph (4) to read as follows:

“(4) Notwithstanding paragraph (1) of this subsection, the Director may issue grants, including grants in excess of \$1 million, for the purpose of improving the portion of Half Street, S.E., between N Street, S.E., and M Street, S.E., to the Capitol Riverfront Business Improvement District or to an owner of real property adjacent to the portion of Half Street, S.E., between N Street, S.E., and M Street, S.E.”.

ENROLLED ORIGINAL**SUBTITLE B. DDOT MASTER CAPITAL PROJECTS**

Sec. 6011. Short title.

This subtitle may be cited as the “Master Transportation Capital Projects Congressional Review Emergency Amendment Act of 2019”.

Sec. 6012. Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “directly from capital projects” and inserting the phrase “directly from Master capital projects” in its place.

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

(1) Strike the phrase “each capital project created in fiscal year 2012 or later” and insert the phrase “each capital project” in its place.

(2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its place.

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

(1) Strike the phrase “capital project created in Fiscal Year 2012 or later” and insert the phrase “capital project” in its place.

(2) Strike the phrase “created in Fiscal Year 2018 or later.” and insert a period in its place.

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

(1) Subparagraph (A) is amended by striking the phrase “to the applicable Master local transportation capital project created in Fiscal Year 2018 or later” and inserting the phrase “to an applicable Master local transportation capital project” in its place.

(2) Subparagraph (B) is amended to read as follows:

“(B) For the purposes of this paragraph, the term “associated project” means a Related Project with a current fund balance.”.

(3) Subparagraph (C) is repealed.

SUBTITLE C. DEPARTMENT OF FOR-HIRE VEHICLES AMENDMENT

Sec. 6021. Short title.

This subtitle may be cited as the “Department of For-Hire Vehicles Congressional Review Emergency Amendment Act of 2019”.

Sec. 6022. 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 8(f) (D.C. Official Code § 50-301.07(f)) is repealed.

(b) Section 20a(k) (D.C. Official Code § 50-301.20(k)), is amended by striking the phrase “monthly revenue reports on the Fund by the 15th of every month” and inserting the phrase “a

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quarterly revenue report on the Fund by the 15th of the month following the end of each quarter” in its place.

SUBTITLE D. PARKING ENFORCEMENT AUTHORITY

Sec. 6031. Short title.

This subtitle may be cited as the “Parking Enforcement When a Motor Vehicle Operator Leaves the Site of a Violation Congressional Review Emergency Amendment Act of 2019”.

Sec. 6032. Section 303(c-1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.03(c-1)), is amended by striking the phrase “When a violation is detected by an automated parking enforcement system, the Mayor shall” and inserting the phrase “When a violation is detected by an automated parking enforcement system, or when the operator of a motor vehicle leaves the site of a violation before personal service or service by affixing the notice to the vehicle can be effectuated, the Mayor may” in its place.

SUBTITLE E. TRANSIT SUBSIDIES CLARIFICATION

Sec. 6041. Short title.

This subtitle may be cited as the “Student, Foster Youth, Summer Youth Employee, and Adult Learner Transit Subsidies Congressional Review Emergency Act of 2019”.

Sec. 6042. Definitions.

For the purposes of this subtitle, the term “public transit services operated by the District government” means the D.C. Circulator bus system and the District’s streetcar system.

Sec. 6043. Transit subsidy agreement.

To accomplish the mandates of this subtitle, the Mayor may enter into one or more agreements with the Washington Metropolitan Area Transit Authority for the transportation of elementary and secondary school students, adult learners, foster youth, and summer youth employees at subsidized or free fares.

Sec. 6044. Kids Ride Free transit subsidy program.

(a) The Mayor may establish a subsidy program, to be known as Kids Ride Free (“Kids Ride Free Program”), under which District elementary and secondary school students shall receive free fares on the Metrorail system, Metrobus system, and public transit systems operated by the District government.

(b) To be eligible for the Kids Ride Free Program, a student shall be:

- (1) A resident of the District under 22 years of age; and
- (2) Enrolled in one of the following:

(A) A traditional District of Columbia public school or public charter school;

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- (B) An alternative, adult, or special education District of Columbia public school or public charter school;
- (C) A private school, including a parochial school, in the District;
- (D) An education program operated by the Office of the State Superintendent of Education; or
- (E) Homeschooling in the District.

- (c) The Mayor may require each student, student’s parent or guardian, or student’s school to file an application on behalf of the student to participate in the Kids Ride Free Program.
- (d) The Mayor may impose a fee for the issuance or replacement of a transit card.
- (e) The Mayor may establish standards for eligibility to participate in the Kids Ride Free Program and may impose such other restrictions on eligibility and the use of free fares, including limiting the use of free fares to educational and employment purposes, that the Mayor deems appropriate for the proper operational and fiscal administration of the Kids Ride Free Program.

Sec. 6045. Transit subsidy for youth in the District’s foster care system.

- (a) The Mayor may establish a program (“Foster Youth Program”) to allow youth in the District’s foster care system to receive free fares on the Metrorail system, Metrobus system, and public transit services operated by the District government.
- (b) To be eligible to participate in the Foster Youth Program, a foster youth must be under 21 years of age.
- (c) The Mayor may require each foster youth, or the foster youth’s parent, guardian, or custodian to file an application on behalf of the foster youth to participate in the Foster Youth Program.
- (d) The Mayor may impose a fee for the issuance or replacement of a transit card.
- (e) The Mayor may establish standards for eligibility to participate in the Foster Youth Program, and may impose such other restrictions on eligibility and the use of free fares, including limiting the use of free fares to educational and employment purposes, that the Mayor deems appropriate for the proper operational and fiscal administration and of the Foster Youth Program.

Sec. 6046. Summer Youth Employment Program transit subsidy.

- (a)(1) The Mayor shall establish a program (“SYEP Program”) to allow participants in the Summer Youth Employment Program (“SYEP”) administered by the Mayor pursuant to section 2(a)(1) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)), to travel at subsidized or free fares on the Metrorail system, Metrobus system, and public transit services operated by the District government.
- (2) The total subsidy provided to an individual pursuant to paragraph (1) of this subsection shall at least equal the cost of a roundtrip regular Metrobus fare for every program day of the SYEP.
- (b) To be eligible to participate in the SYEP Program, an SYEP participant:
 - (1) Must be 24 years of age or younger; and

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(2) May not receive a subsidy pursuant to section 6044 or 6045 during the individual's SYEP participation.

(c) The Mayor may require each SYEP participant or the SYEP participant's parent or guardian to file an application on the SYEP participant's behalf to participate in the SYEP Program.

(d) The Mayor may impose a fee for the issuance or replacement of a transit card.

(e) The Mayor may:

(1) Establish standards for eligibility to participate in the SYEP Program;

(2) Limit the use of subsidized fares to transportation to and from SYEP employment, internships, and related activities; and

(3) Impose such other restrictions on eligibility and the use of subsidized or free fares that the Mayor deems appropriate for the proper operational and fiscal administration of the SYEP Program.

Sec. 6047. Adult learners transit subsidy.

(a) Subject to available funds, the Mayor shall establish a program ("Adult Learners Program") for students of adult learning programs to receive subsidized fares on the Metrorail system, Metrobus system, and public transit services operated by the District government.

(b) To be eligible to participate in the Adult Learners Program, a student shall be:

(1) Eighteen years of age or older;

(2) A District resident;

(3) Not eligible for a free fare pursuant to section 6044 or 6045; and

(4) Enrolled in an adult learning program that is operated by or receives funding

from:

(A) A local education agency in the District, including the District of Columbia Public Schools or a public charter school;

(B) The District of Columbia Public Library;

(C) The Office of the State Superintendent of Education; or

(D) The University of the District of Columbia Workforce Development and Lifelong Learning Program.

(c) Beginning in Fiscal Year 2020, an eligible student shall receive a subsidy equal to at least \$70 per month for each month the student is enrolled in an adult learning program.

Sec. 6048. Rules.

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

Sec. 6049. An Act To provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia, approved August 9, 1955 (69 Stat. 616; D.C. Official Code § 35-232 *et seq.*), is repealed.

ENROLLED ORIGINAL**SUBTITLE F. CLEANENERGY DC IMPLEMENTATION**

Sec. 6051. Short title.

This subtitle may be cited as the “CleanEnergy Implementation Congressional Review Emergency Amendment Act of 2019”.

Sec. 6052. Section 210(c)(12)(A) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)(12)(A)), is amended as follows:

(a) Sub-subparagraph (ii) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Sub-subparagraph (iii) is amended by striking the period and inserting a semicolon in its place.

(c) New sub-subparagraphs (iv) and (v) are added to read as follows:

“(iv) Support the implementation of the transportation emission reduction initiative required by section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), including by covering the costs incurred by other District agencies to implement the initiative; and

“(v) Support the implementation of the energy retrofit program required by section 303(1) of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.22), including by covering the costs incurred by other District agencies to implement the program.”.

SUBTITLE G. CRIAC ASSISTANCE FUND

Sec. 6061. Short title.

This subtitle may be cited as the “Clean Rivers Impervious Area Charge Assistance Fund Congressional Review Emergency Amendment Act of 2019”.

Sec. 6062. 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.*), is amended by adding a new section 113a to read as follows:

“Sec. 113a. CRIAC Assistance Fund.

“(a) There is established as a special fund the Clean Rivers Impervious Area Charge Assistance Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Such amounts as may be appropriated to the Fund; and

“(2) Any amounts appropriated in Fiscal Year 2019 for the implementation of the financial assistance programs authorized by section 216b of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October

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30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b), that remain unspent at the end of that fiscal year.

“(c) Money in the Fund shall be used to pay for the costs of implementing the financial assistance programs authorized by section 216b of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b).

“(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.”.

Sec. 6063. Applicability.

This subtitle shall apply as of September 30, 2019.

SUBTITLE H. RESIDENTIAL PARKING PERMIT

Sec. 6071. Short title.

This subtitle may be cited as the “Residential Parking Permit Congressional Review Emergency Amendment Act of 2019”.

Sec. 6072. Section 2415.3 of Title 18 of the District of Columbia Municipal Regulations is amended to read as follows:

“2415.3 The fee for a one-year residential permit parking sticker shall be \$50 annually for the 1st vehicle permitted per legal-mailing address, \$75 for the 2nd vehicle permitted per legal-mailing address, \$100 for the 3rd vehicle permitted per legal-mailing address, and \$150 for any vehicle beyond the 1st 3 vehicles permitted per legal-mailing address, except permits issued to residents 65 years of age or older shall be \$35 annually for the 1st vehicle permitted per legal-mailing address.”.

SUBTITLE I. DRIVING WHILE USING A MOBILE TELEPHONE MINOR PROHIBITION AMENDMENT

Sec. 6081. Short title.

This subtitle may be cited as the “Driving While Using a Mobile Telephone Minor Prohibition Congressional Review Emergency Amendment Act of 2019”.

Sec. 6082. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 50-1731.05(b)) is amended by striking the phrase “A person who holds a learner’s permit” and inserting the phrase “A person who holds a learner’s permit or is under the age of 18” in its place.

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(b) Section 6(a) (D.C. Official Code § 50-1731.06(a)) is amended by striking the phrase “that the fine” and inserting the phrase “that, for a violation of section 4, the fine” in its place.

SUBTITLE J. OFFICE OF URBAN AGRICULTURE ESTABLISHMENT

Sec. 6091. Short title.

This subtitle may be cited as the “Office of Urban Agriculture Establishment Congressional Review Emergency Amendment Act of 2019”.

Sec. 6092. 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.*), is amended by adding a new section 109a to read as follows:

“Sec. 109a. Office of Urban Agriculture establishment.

“(a) There is established an Office of Urban Agriculture (“Office”) within DOEE.

“(b) The mission of the Office shall be to encourage and promote urban, indoor, and other emerging agriculture practices in the District, including:

“(1) Community gardens and farms;

“(2) Rooftop farms, indoor farms, and greenhouses;

“(3) Hydroponic, aeroponic, and aquaponic farm facilities; and

“(4) Other innovations in urban agricultural production.

“(c) The duties of the Office shall include:

“(1) Developing and implementing District-wide policies and programs to promote urban farming and agriculture, including the Urban Farming Land Lease Program under section 3a of the Food Production and Urban Gardens Program Act of 1986, effective April 30, 2015 (D.C. Law 20-248; D.C. Official Code § 48-402.01), the tax abatements under D.C. Official Code § 47-868, and the Sustainable Urban Agriculture Apiculture Act of 2012, effective April 20, 2013 (D.C. Law 19-262; D.C. Official Code § 8-1825.01 *et seq.*);

“(2) Collaborating with and providing guidance to other District agencies implementing urban agriculture programs;

“(3) Engaging in outreach to share best practices, provide mentorship, and offer technical assistance with urban agriculture programs; and

“(4) Applying for and accepting agriculture grants on behalf of DOEE.”.

Sec. 6093. Section 2(1) of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401(1)), is amended by striking the phrase “Department of General Services” and inserting the phrase “Department of Energy and Environment” in its place.

Sec. 6094. Section 2a(b)(4)(B) of the Division of Park Services Act of 1988, effective March 16, 1988 (D.C. Law 7-209; D.C. Official Code § 10-166.01(b)(4)(B)), is repealed.

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Sec. 6095. Section 47-868(d)(1) of Title 47 of the District of Columbia Official Code is amended by striking the phrase "Department of General Services" and inserting the phrase "Department of Energy and Environment" in its place.

SUBTITLE K. TEMPORARY VISITOR PARKING PERMIT PROGRAM TRANSFER

Sec. 6101. Short title.

This subtitle may be cited as the "Temporary Visitor Parking Permit Program Transfer Regulation Congressional Review Emergency Amendment Act of 2019".

Sec. 6102. Section 2414.5 of Title 18 of the District of Columbia Municipal Regulations is amended by striking the phrase "Chief of Police" both times it appears and inserting the phrase "Director of the District Department of Transportation" in its place.

Sec. 6103. Applicability.

This subtitle shall apply as of January 1, 2020.

SUBTITLE L. CONGESTION PRICING STUDY AMENDMENT

Sec. 6111. Short title.

This subtitle may be cited as the "Congestion Pricing Study Congressional Review Emergency Amendment Act of 2019".

Sec. 6112. Subsection (c)(4)(A) of the text under the heading "ASSESSMENT AND PERMIT WORK" of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes, approved August 7, 1894 (28 Stat. 247; D.C. Official Code § 9-401.06(c)(4)(A)), is amended by striking the phrase "provided," and inserting the phrase "provided, that in Fiscal Year 2020, an agreement to conduct a congestion pricing study shall not exceed \$500,000; provided further," in its place.

Sec. 6113. Section 9m of the Department of Transportation Establishment Act of 2002, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-921.21), is amended as follows:

(a) The section heading is amended by striking the word "study" and inserting the word "studies" in its place.

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

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

"(b) By July 1, 2020, the District Department of Transportation, in consultation with the Office of the Chief Financial Officer, other District agencies, or organizations such as DC Sustainable Transportation, as needed, shall make publicly available a study that evaluates and

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makes recommendations regarding the potential benefits of congestion pricing on the District, including:

- “(1) An analysis of the effect of intra-district tolls;
- “(2) An analysis of the effect of tolls for vehicles entering the District via the District’s bridges;
- “(3) An analysis of the effect of different pricing strategies;
- “(4) An analysis of how different pricing strategies would be compatible with the introduction of autonomous vehicles;
- “(5) An analysis of the effect on demographic, geographical, and income-level equity, as well as the effect on District residents and non-residents;
- “(6) An analysis of the potential to raise revenue; and
- “(7) An analysis of the potential benefits of regional collaboration.”.

SUBTITLE M. LEAD SERVICE LINE REPLACEMENT

Sec. 6121. Short title.

This subtitle may be cited as the “Lead Service Line Replacement Congressional Review Emergency Amendment Act of 2019”.

Sec. 6122. Section 6019b of the Lead Service Line Priority Replacement Assistance Act of 2004, effective March 13, 2019 (D.C. Law 22-241; D.C. Official Code § 34-2159), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “on public property is not a lead water service line” and inserting the phrase “on public property is not a lead water service line, whether in whole or in part” in its place.

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

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

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

“(2) DC Water may use funding provided pursuant to this section to pay for administrative costs incurred in administering the Program.”.

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

“(i)(1) There is established as a special fund the Lead Service Line Replacement Fund (“Fund”), which shall be administered by the Mayor in accordance with paragraph (3) of this subsection.

“(2) Revenue from the following sources shall be deposited in the Fund:

“(A) Such amounts as may be appropriated to the Fund; and

“(B) Any amounts appropriated in Fiscal Year 2020 for the implementation of the Program that remain unspent at the end of Fiscal Year 2020.

“(3) Money in the Fund shall be used to pay the costs of implementing the Program.

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“(4)(A) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

TITLE VII. FINANCE AND REVENUE**SUBTITLE A. KEEP CHILD CARE AFFORDABLE TAX CREDIT**

Sec. 7001. Short title.

This subtitle may be cited as the “Keep Child Care Affordable Tax Credit Congressional Review Emergency Amendment Act of 2019”.

Sec. 7002. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “§ 47-1806.15. Early learning tax credit.” and inserting the phrase “§ 47-1806.15. Keep child care affordable tax credit.” in its place.

(b) Section 47-1806.15 is amended as follows:

(1) The heading is amended to read as follows:

“§ 47-1806.15. Keep child care affordable tax credit.”.

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

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

(i) The existing text is designated as paragraph (1A)(A).

(ii) The newly designated subparagraph (A) is amended by striking the period and inserting the phrase “and licensed pursuant to § 7-2034 unless exempt pursuant to § 7-2033(5).” in its place.

(iii) A new subparagraph (B) is added to read as follows:

“(B) This paragraph shall apply for tax years beginning on or after January 1, 2018.”.

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

“(1) “Base year” means the calendar year beginning January 1, 2018, or the calendar year beginning one calendar year before the calendar year in which the new dollar amount of a deduction or exemption shall become effective, whichever is later.”.

(C) Paragraph (2) is amended to read as follows:

“(2) “Consumer Price Index” means the average of the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (or such successor metropolitan statistical area that includes the District), or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.”.

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

“(2A) Cost-of-living adjustment” means an amount, for any calendar year, equal to the dollar amount set forth in this section multiplied by the difference between the Consumer Price Index for the preceding calendar year and the Consumer Price Index for the base year, divided by the Consumer Price Index for the base year.”.

(3) Subsection (b)(2) is amended to read as follows:

“(2)(A) The amount of the credit shall be the lesser of:

“(i) The total amount of all eligible child care expenses paid by the taxpayer in the taxable year; or

“(ii) The limit per eligible child, as set forth in subparagraph (B) of this paragraph, multiplied by the number of the taxpayer’s eligible children.

“(B)(i) For the taxable years beginning on January 1, 2018, and January 1, 2019, the limit per eligible child shall be \$1,000.

“(ii) For each taxable year beginning after December 31, 2019, the limit per eligible child set forth in sub-subparagraph (i) of this subparagraph shall be increased annually pursuant to the cost-of-living adjustment (if the adjustment does not result in a multiple of \$5, rounded down to the next multiple of \$5).”.

(4) Subsection (d)(5) is amended to read as follows:

“(5) The taxpayer’s District taxable income for the taxable year exceeds the following amounts and increased annually pursuant to the cost-of-living adjustment (if the adjustment does not result in a multiple of \$100, rounded down to the next multiple of \$100):

“(A) For the taxable year ending December 31, 2018:

“(i) Single and head of household: \$750,000;

“(ii) Married filing jointly: \$750,000; or

“(iii) Married filing separately: \$375,000.”

“(B) For taxable years beginning on or after January 1, 2019:

“(i) Single and head of household: \$150,000;

“(ii) Married filing jointly: \$150,000; or

“(iii) Married filing separately: \$75,000.”.

(5) Subsection (f) is repealed.

SUBTITLE B. KEEP HOUSING AFFORDABLE INCREASED TAX RELIEF

Sec. 7011. Short title.

This subtitle may be cited as the “Keep Housing Affordable Increased Property Tax Relief Congressional Review Emergency Amendment Act of 2019”.

Sec. 7012. Section 47-1806.06 of the District of Columbia Official Code is amended as follows:

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

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(1) Paragraph (1) is amended by striking the phrase “a total of \$1,000” and inserting the phrase “the maximum credit amount” in its place.

(2) Paragraph (2) is amended by adding a new subparagraph (D) to read as follows:

“(D) For taxable years beginning after December 31, 2018, the percentage required under paragraph (1) of this subsection to be determined for all claimants other than eligible senior claimants shall be the percentage specified in the following table:

“If adjusted gross income is:	Tax credit equals:
“\$0 – 24,999	100% of property tax* exceeding 3.0% of adjusted gross income of the tax filing unit
“\$25,000 - \$51,999	100% of property tax* exceeding 4.0% of adjusted gross income of the tax filing unit
“\$52,000 - \$55,000	100% of property tax* exceeding 5.0% of adjusted gross income of the tax filing unit

“*or rent paid constituting property tax (20% of rent).”.

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

(1) Paragraph (9) is amended by striking the figure “\$60,000” and inserting the phrase “the eligibility income threshold amount” in its place.

(2) New paragraphs (10), (11), (12), (13), and (14) are added to read as follows:

“(10) The term “base year” means the calendar year beginning January 1, 2015, or the calendar year beginning one calendar year before the calendar year in which the new dollar amount of a maximum credit amount or eligibility income threshold amount shall become effective, whichever is later.

“(11) The term “Consumer Price Index” means, for any calendar year, the average of the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (or such successor metropolitan statistical area that includes the District), or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

“(12) The term “cost-of-living adjustment” means, for any calendar year, the difference between the Consumer Price Index for the preceding calendar year and the Consumer Price Index for the base year, divided by the Consumer Price Index for the base year.

“(13) The term “eligibility income threshold amount” means:

“(A) For the taxable year beginning January 1, 2015, \$60,000 for eligible senior claimants and \$40,000 for all other claimants;

“(B) For the taxable year beginning January 1, 2016, \$60,000 for eligible senior claimants and \$40,000 for all other claimants, increased annually pursuant to the cost-of-living adjustment (if the adjustment does not result in a multiple of \$100, rounded down to the next multiple of \$100); and

“(C) For the taxable year beginning January 1, 2019, \$75,000 for eligible senior claimants and \$55,000 for all other claimants, increased annually pursuant to the cost-of-

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living adjustment (if the adjustment does not result in a multiple of \$100, rounded down to the next multiple of \$100).

“(14) The term “maximum credit amount” means:

“(A) For the taxable year beginning January 1, 2015, \$1,000;

“(B) For the taxable year beginning January 1, 2016, \$1,000, increased annually pursuant to the cost-of-living adjustment (if the adjustment does not result in a multiple of \$25, rounded down to the next multiple of \$25); and

“(C) For the taxable year beginning January 1, 2019, \$1,200, increased annually pursuant to the cost-of-living adjustment (if the adjustment does not result in a multiple of \$25, rounded down to the next multiple of \$25).”

(c) Subsection (j)(1) is amended by striking the phrase “income tax return. The tax filing unit also includes any other persons who would be claimed as dependents on that tax return.” and inserting the phrase “income tax return.” in its place.

(d) Subsection (r) is repealed.

(e) A new subsections (s) is added to read as follows:

“(s) A claimant who is not required to file a return pursuant to § 47-1805.02 may file an alternative form prescribed by the Chief Financial Officer to claim the credit under this section. Notwithstanding § 47-1805.01(a), for taxable years beginning after December 31, 2019, claimants filing an alternative form may file it electronically in a manner prescribed by the Chief Financial Officer.”

SUBTITLE C. RECORDATION AND TRANSFER TAXES

Sec. 7021. Short title.

This subtitle may be cited as the “Recordation and Transfer Taxes Congressional Review Emergency Amendment Act of 2019”.

Sec. 7022. Section 303 of the District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103), is amended as follows:

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

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

(A) The lead-in language is amended by striking the phrase “subsection (a-4)” and inserting the phrase “subsections (a-4) and (a-5)” in its place.

(B) Subparagraph (A) is amended by striking the phrase “subsection (a-4)” and inserting the phrase “subsections (a-4) and (a-5)” in its place.

(2) Paragraph (2) is amended by striking the phrase “shall be 2.2%.” and inserting the phrase “shall be 2.2%; provided further, that, beginning October 1, 2019, at the time it is submitted for recordation, a deed that evidences a transfer of an economic interest in real property any part of which is classified as Class 2 Property under D.C. Official Code § 47-813 (except for a deed solely transferring an economic interest relating to a residential unit within a

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cooperative housing association), shall be taxed at the rate of 5.0% of the consideration allocable to the real property if the value of the consideration allocable to the real property is \$2 million or more; provided further, that for the purposes of the foregoing provision, a deed shall be considered to evidence a transfer of an economic interest in Class 2 Property if any portion of the building or structure in which the interest in real property being transferred by the deed is located is classified as Class 2 Property, regardless of whether that portion is transferred in the deed, if, prior to the execution of the deed, the majority ownership of the economic interest being transferred by the deed and a portion of the building or structure that is classified as Class 2 Property was common (whether direct or indirect).”

(3) Paragraph (3)(A) is amended by striking the phrase “subsection (a-4)” and inserting the phrase “subsections (a-4) and (a-5)” in its place.

(b) Subsection (a-4) is amended by striking the phrase “of this section. Of the funds collected under this subsection, 15% shall be deposited in the Housing Production Trust Fund established by section 3 of the Housing Production Fund Act of 1988, effective March 18, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), and the remainder shall be deposited in the General Fund of the District of Columbia” and inserting the phrase “of this section” in its place.

(c) A new subsection (a-5) is added to read as follows:

“(a-5)(1) Beginning October 1, 2019, an additional tax of 1.05%, in addition to the additional tax imposed by subsection (a-4) of this section, is imposed upon a:

“(A) Deed that is subject to the tax under subsection (a)(1) of this section if:

“(i) The deed transfers real property (or an interest in real property) any part of which is classified as Class 2 Property under D.C. Official Code § 47-813; and

“(ii) The taxed or imputed consideration for the deed is \$2 million or more.

“(B)(i) Security interest instrument that is subject to the tax under subsection (a)(3) of this section if the security interest instrument:

“(I) Encumbers real property any part of which is classified as Class 2 Property under D.C. Official Code § 47-813; and

“(II) Secures a debt of \$2,000,000 or greater and only to the extent any part thereof exceeds an exemption from taxation under this chapter.

“(ii) For the purposes of this subparagraph, debts in security interest instruments recorded on the same day and pertaining to the same real property shall be aggregated to determine whether the \$2,000,000 threshold has been met; in the case in which such threshold is met, the tax under this subsection shall apply to each such security interest instrument regardless of the amount of debt secured by such security interest instrument.

“(2) For the purposes of this subsection, a deed shall be considered to transfer Class 2 Property and a security interest instrument shall be considered to encumber Class 2 Property if any portion of the building or structure in which the real property (or interest in real property) being transferred by the deed or encumbered by the security interest instrument is

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classified as Class 2 Property, regardless of whether that portion is transferred in the deed or encumbered by the security interest instrument, if, prior to execution of the deed or security interest instrument, the majority ownership of the real property (or interest in real property) being transferred by the deed or encumbered by the security interest instrument and a portion of the building or structure that is classified as Class 2 Property was common (whether direct or indirect); provided, that this paragraph shall not apply to a deed solely transferring real property for which the homestead deduction is applied for under D.C. Official Code § 47-850, if the homestead deduction is applied for simultaneously with the recordation of the deed and the deduction is granted or to an accessory lot included within such deed.”

(d) Subsection (e)(1) is amended by striking the phrase “(a) and (a-4)” and inserting the phrase “(a), (a-4), and (a-5)” in its place.

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

“(h) Of the funds collected under this section, 15% shall be deposited in the Housing Production Trust Fund established by section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), and the remainder shall be deposited in the General Fund of the District of Columbia.”

Sec. 7023. Section 47-903 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a-4) is amended by striking the phrase “of this section. Of the funds collected under this subsection, 15% shall be deposited in § 42-2802 and the remainder shall be deposited in the General Fund of the District of Columbia” and inserting the phrase “of this section” in its place.

(b) A new subsection (a-6) is added to read as follows:

“(a-6)(1) Beginning October 1, 2019, an additional tax of 1.05%, in addition to the additional tax imposed by subsection (a-4) of this section, is imposed upon a deed that is subject to the tax under subsection (a)(1) of this section if:

“(A) The deed transfers real property (or an interest in real property) any part of which is classified as Class 2 Property under § 47-813; and

“(B) The taxed or imputed consideration for such deed is \$2 million or more.

“(2) For the purposes of this subsection, a deed shall be considered to transfer Class 2 Property if any portion of the building or structure in which the real property (or interest in real property) being transferred by the deed is located is classified as Class 2 Property, regardless of whether that portion is transferred in the deed, if, prior to execution of the deed, the majority ownership of the real property (or interest in real property) being transferred by the deed and a portion of the building or structure that is classified as Class 2 Property was common (whether direct or indirect); provided, that this paragraph shall not apply to a deed solely transferring real property for which the homestead deduction is applied for under § 47-850, if the homestead deduction is applied for simultaneously with the recordation of the deed and the deduction is granted or to an accessory lot included within the deed.”

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

“(f) Of the funds collected under this section, 15% shall be deposited in the Housing Production Trust Fund established by § 42-2802 and the remainder shall be deposited in the General Fund of the District of Columbia.”.

Sec. 7024. Sunset.

This subtitle shall expire on September 30, 2023.

SUBTITLE D. FISCAL YEAR 2019 INTERNET SALES TAX REVENUE

Sec. 7031. Short title.

This subtitle may be cited as the “Internet Sales Tax Revenue Congressional Review Emergency Amendment Act of 2019”.

Sec. 7032. Section 47-812(b-9)(2)(D)(ii) of the District of Columbia Official Code is amended to read as follows:

“(ii) IST revenue collected during the period beginning on January 1, 2019 and ending on September 30, 2019, shall be directed to the unassigned balance of the General Fund for purposes consistent with the Fiscal Year 2019 Revised Local Budget Emergency Act of 2019, passed on May 28, 2019 (Enrolled version of Bill 23-205).”.

Sec. 7033. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE E. COMMERCIAL PROPERTY TAX RATE

Sec. 7041. Short title.

This subtitle may be cited as the “Internet Sales Tax Commercial Property Tax Rate Congressional Review Emergency Amendment Act of 2019”.

Sec. 7042. Section 47-812(b-9)(2) of the District of Columbia Official Code is amended as follows:

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

(b) Subparagraph (D)(i) is repealed.

SUBTITLE F. SPORTS WAGERING REVENUE

Sec. 7051. Short title.

This subtitle may be cited as the “Sports Wagering Revenue Congressional Review Emergency Amendment Act of 2019”.

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Sec. 7052. Title III of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.01 *et seq.*), is amended as follows:

(a) Section 305(g)(3) (D.C. Official Code § 36-621.05(g)(3)) is amended to read as follows:

“(3) Obtains a waiver from DSLBD of the contracting or joint venture requirements of the CBE act; provided, that if DSLBD neither approves nor denies the request for waiver within 30 days after the submission of the request, the waiver shall be deemed approved as a matter of law.”.

(b) Section 306 (D.C. Official Code § 36-621.06) is amended as follows:

(1) Subsection (b)(3)(A) is amended by striking the figure “\$250,000” and inserting the figure “\$500,000” in its place.

(2) Subsection (c)(4)(A) is amended by striking the figure “\$50,000” and inserting the figure “\$100,000” in its place.

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

“(e) Notwithstanding section 4(c)(20), a Class A operator may apply to operate sports wagering conducted over the internet, through mobile applications, or through other digital forms, but not through a physical location, outside of the physical confines of its approved sports wagering facility, within 2 blocks of its designated facility; provided, that the sports wagering conducted by a Class A operator over the internet, through mobile applications, or through other digital forms may not function within the physical confines of a different Class A operator’s designated facility.”.

(c)(1) Section 315(c)(2) (D.C. Official Code § 36-621.15(c)(2)) is repealed.

(2) This subsection shall apply as of January 30, 2019.

SUBTITLE G. HEALTHY KIDS REVENUE

Sec. 7061. Short title.

This subtitle may be cited as the “Healthy Kids Revenue Congressional Review Emergency Amendment Act of 2019”.

Sec. 7062. Chapter 20 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2001(r-1)(1) is amended as follows:

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

“(A) At least 50% milk, including soy, rice, or similar milk substitutes;”.

(2) Subparagraph (B) is repealed.

(3) Subparagraph (C) is amended to read as follows:

“(C) 100% fruit or vegetable juice; or”.

(4) Subparagraph (D) is repealed.

(b) Section 47-2002(a) is amended by adding a new paragraph (8) to read as follows:

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“(8) The rate of tax shall be 8% of the gross receipts from the sale of or charges for soft drinks.”.

(c) Section 47-2002.02(2)(A) is amended by striking the phrase “as described in § 47-2001(n)(1)(A)” and inserting the phrase “as described in § 47-2001(n)(1)(A)(i)” in its place.

(d) Section 47-2202(a) is amended by adding a new paragraph (5) to read as follows:

“(5) The rate of tax shall be 8% of the gross receipts from the sale of or charges for soft drinks.”.

(e) Section 47-2202.01(2)(A) is amended by striking the phrase “as described in § 47-2001(n)(1)(A)” and inserting the phrase “as described in § 47-2001(n)(1)(A)(i)” in its place.

SUBTITLE H. WASHINGTON PARKS & PEOPLE EQUITABLE REAL PROPERTY TAX RELIEF

Sec. 7071. Short title.

This subtitle may be cited as the “Washington Parks & People Equitable Real Property Tax Relief Congressional Review Emergency Act of 2019”.

Sec. 7072. Chapter 10 of Title 47 of the District of Columbia Code is amended as follows:

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

“47-1099.04. Washington Parks & People; Lots 841, 847, 848, and 851, Square 2841.”.

(b) A new section 47-1099.04 is added to read as follows:

“§ 47-1099.04. Washington Parks & People; Lots 841, 847, 848, and 851, Square 2841.

“(a) The real property located in Lots 841, 847, 848, and 851 in Square 2841 shall be exempt from real property taxation so long as the real property is owned by Washington Parks & People, a District of Columbia nonprofit corporation, and is used as a park by the public generally, as a community garden, or as a children's playground, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively under this chapter.

“(b) All real property taxes, special assessments, liens of the District of Columbia (including Clean Cities liens), interest, penalties, fees, and other related charges assessed against real property located in Lots 841, 847, 848, and 851 in Square 2841 for the period beginning with tax year 1998 and continuing through to the end of the month during which the Washington Parks & People Equitable Real Property Tax Relief Act of 2019, as approved by the Committee of the Whole on May 14, 2019 (Committee Print of Bill 23-209), becomes effective shall be forgiven and any payments made during this period shall be refunded.”.

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SUBTITLE I. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 7081. Short title.

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Congressional Review Emergency Act of 2019”.

Sec. 7082. National Cherry Blossom Festival Fundraising.

(a) There is established a matching grant program to support the 2020 National Cherry Blossom Festival (“Program”), which shall be administered by the Washington Convention and Sports Authority (“Events DC”). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival (“Festival”) of up to \$1,000,000 for every dollar above \$1,000,000 that the organization has raised in corporate donations by March 31, 2020.

(b) In Fiscal Year 2020, of the funds allocated to the Non-Departmental Account, \$1,000,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by Events DC in support of the Festival.

SUBTITLE J. SENIOR RESIDENTS REAL PROPERTY TAX CAP

Sec. 7091. Short title.

This subtitle may be cited as the “Senior Residents Real Property Tax Cap Clarification Congressional Review Emergency Amendment Act of 2019”.

Sec. 7092. Section 47-864 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended to read as follows:

“(b) Beginning October 1, 2018, the credit under subsection (a) of this section shall be calculated as follows:

“(1)(A) In the case of real property that did not receive the credit under this section in the prior tax year:

“(i) Subtract the current tax year’s homestead deduction from the prior tax year’s assessed value; and

“(ii) Multiply the amount by 110% to determine the current tax year’s taxable assessment; provided, that for real property receiving in whole or in part the homestead deduction under § 47-850 or § 47-850.01 and the tax relief deduction provided under § 47-863, the multiplier shall be 105% relative to that whole or part; or

“(B) In the case of real property that did receive the credit under this section in the prior tax year:

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“(i) Multiply the prior tax year’s taxable assessment by 110%; provided, that for real property receiving in whole or in part the homestead deduction under § 47-850 or § 47-850.01 and the tax relief deduction provided under § 47-863, the multiplier shall be 105% relative to that whole or part; and

“(ii) Subtract from that amount the difference of the current tax year’s homestead deduction less the prior tax year’s homestead deduction to determine the current tax year’s taxable assessment.

“(2) Subtract the current tax year’s homestead deduction from the current tax year’s assessed value.

“(3) Subtract the current tax year’s taxable assessment determined under paragraph (1) of this subsection from the amount determined in paragraph (2) of this subsection;

“(4) If the amount determined under paragraph (3) of this subsection is a positive number, multiply the amount by the applicable real property tax rate to determine the credit for the current tax year.”.

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

“(g) Beginning October 1, 2018, for that part of a housing cooperative receiving the homestead deduction under § 47-850.01 and the tax relief deduction provided under § 47-863, the credit under this section attributable to the assessment exceeding 105% up to 110% of the prior tax year’s taxable assessment (or the current tax year’s taxable assessment if the credit was not received in the prior tax year) shall be an additional benefit to be passed on to the eligible household in the same manner as the deduction under § 47-863(c)(2)(C). No such credit attributable to such assessment increase shall be passed on unless the entire housing cooperative qualifies for a credit under this section. The part of the housing cooperative that does not qualify for both the homestead deduction under § 47-850.01 and the tax relief deduction provided under § 47-863 shall only receive the credit under this section attributable to the assessment exceeding 110% of the prior tax year’s taxable assessment (or the current tax year’s taxable assessment if the credit was not received in the prior tax year).”.

Sec. 7093. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE K. SPECIAL FUNDS REPEAL

Sec. 7101. Short title.

This subtitle may be cited as the “Special Funds Repeal Congressional Review Emergency Amendment Act of 2019”.

Sec. 7102. Section 1402 of the Productivity Bank Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 1-325.01), is repealed.

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Sec. 7103. Section 1152 of the Fee Collection Incentive Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 1-325.61), is repealed.

Sec. 7104. Section 7314 of the Internet Sales Tax, Homelessness Prevention, and WMATA Momentum Fund Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.241), is repealed.

Sec. 7105. Section 7154 of the IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.311), is repealed.

SUBTITLE L. EXPENDITURE COMMISSION ESTABLISHMENT

Sec. 7121. Short title.

This subtitle may be cited as the “Expenditure Commission Establishment Congressional Review Emergency Act of 2019”.

Sec. 7122. Expenditure Commission – Establishment.

(a)(1) There is established an Expenditure Commission (“Commission”) with the purpose of reviewing the District’s current budget structure, including expenditures and revenues, and preparing comprehensive recommendations to the Council and the Mayor on future budgets.

(2) The recommendations shall:

(A) Provide the vision for an expenditure regime that could withstand economic downturns without jeopardizing core government services;

(B) Assess sources of fiscal risks facing the District and strengths it may draw from;

(C) Identify the economic growth necessary to support the growing fiscal needs of the District; and

(D) Propose a plan to advance the District’s fiscal and economic standing and competitiveness in the region.

(3) The recommendations may not include spending or revenue caps.

(b) Specific functions of the Commission shall include the following:

(1) Analyzing the District’s budget expenditures for the current fiscal year and previous 5 fiscal years, including:

(A) Historic sources of growth or decline in spending;

(B) Whether the growth or decline is attributable to policy or external factors;

(C) Sources of risk in the current expenditure regime;

(2) Analyzing the District’s revenues for the current fiscal year and previous 5 fiscal years, including:

(A) Changes in tax policy;

(B) Comparison of tax rates with nearby jurisdictions; and

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(C) Sources or risk in the current tax structure.

(3) Reviewing General Fund growth trends, including examining the growth in personnel, non-personnel, and subsidies;

(4) Identifying the cost drivers for expenditure increases, including both internal drivers, such as policy changes, and external drivers, such as demographic changes and inflation;

(5) Identifying the drivers of revenue growth, including both internal drivers, such as tax policy changes, and external drivers, such as economic growth, change in federal tax laws, or other sources;

(6) Recommending changes to practices that could result in efficiencies within the District's budget, including simulations with different cost-driver assumptions; and

(7) Recommending benchmarks for measuring the current and future fairness and competitiveness of tax policy changes.

(c)(1) The Commission shall focus on structural changes to operations that could result in efficiencies in spending, rather than specific policy areas.

(2) Information on policy decisions identified as budget cost-drivers pursuant to subsection (b)(4) of this section may be shared with the Mayor and Council for consideration in the annual budget process.

(d) The Commission shall submit its recommendations in the form of a report or reports similar in form and scope as those transmitted by the Tax Revision Commission, established pursuant to D.C. Official Code § 47-462. The report or reports shall be accompanied by draft legislation or other specific steps for implementing the recommendations.

(e) The Commission shall submit to the Council and the Mayor its final report no later than December 31, 2020.

Sec. 7123. Expenditure Commission – Composition; selection of Director.

(a) The Commission shall be composed of 11 members, including a Chairperson.

(b) The members of the Commission shall be appointed as follows:

(1) The Mayor shall appoint 5 members, of whom:

(A) Two shall be from the Executive branch, including the City Administrator, or his or her designee;

(B) One shall be a community representative, such as a leader of a local advocacy group or public-interest group, labor union, civic association, or a tenant or housing association, with consideration for those with a housing, education, health, social-welfare, or social-justice focus;

(C) One shall be a representative of one or more important sectors of the business community, such as real estate, retail, or a business improvement district; and

(D) One shall be a representative from the research community with a focus on local government finance.

(2) The Chairman of the Council shall appoint 5 members, of whom:

(A) One shall be the Council Budget Director, or his or her designee;

(B) One shall be the D.C. Auditor, or his or her designee;

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(C) One shall be a community representative, such as a leader of a local advocacy group or public-interest group, labor union, civic association, or a tenant or housing association, with consideration for those with a housing, education, health, social-welfare, or social-justice focus;

(D) One shall be a representative of one or more important sectors of the business community, such as real estate, retail, or a business improvement district; and

(E) One shall be a representative from the research community with a focus on local government finance.

(3) The Chief Financial Officer, or his or her designee, shall be an ex officio member of the Commission.

(4) The Chairman of the Council shall appoint one member of the Commission as the Commission Chairperson.

(c) All appointments shall be made no later than 30 days of the effective date of the Fiscal Year 2020 Budget Support Act of 2019, passed on 1st reading on May 14, 2019 (Engrossed version of Bill 23-209). A vacancy shall be filled in the same manner in which the initial appointment was made.

(d) The Chairman of the Council shall select a Director who shall perform the duties required for the day-to-day functioning of the Commission as considered necessary by the members, including coordination with the Mayor and Chairman of the Council on appointment of Commission members, management of startup and operations of the Commission, appointment of staff, selection of consultants, and the administration of meetings and report production.

(e) Each member of the Commission shall serve without compensation. Each member may be reimbursed for actual expenses pursuant to section 1108 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).

(f) Members of the Commission shall act with the utmost integrity and professionalism. Each member shall avoid conflicts of interest and may seek the advice of the Board of Ethics and Government Accountability, established pursuant to section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2012, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.02), to ensure that his or her duties are being discharged ethically.

Sec. 7124. Expenditure Commission — Authority.

(a) The Chairperson of the Commission, or his or her designated representative, who must be a member of the Commission, shall convene all meetings of the Commission. Six members of the Commission shall constitute a quorum. Voting by proxy shall not be permitted.

(b) The Commission shall have the authority to create and operate under its own rules of procedure, consistent with this subtitle and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*).

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(c) All recommendations and reports prepared and submitted by the Commission shall be a matter of public record.

(d) The Commission, or committees thereof, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, and shall sit and act at such times and places and administer oaths as required.

(e) The Commission shall have the authority to request directly from each department, agency, or instrumentality of the District Government, and each department, agency, or instrumentality is hereby authorized to furnish directly to the Commission upon its request, any information reasonably considered necessary by the Commission to carry out its functions under this subtitle.

(f) The Commission is authorized to use space and supplies owned or rented by the District government. The Chairperson of the Commission is further authorized to request from the Mayor or Chairman of the Council the use of staff loaned from the Council or detailed by the Mayor for such purposes consistent with this subtitle as the Commission may determine.

(g) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and its implementing regulations, shall not apply to the Commission.

(h) The Commission's operations shall be funded by annual appropriations.

Sec. 7125. Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

(a) Paragraph (19) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (20) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (21) is added to read as follows:

"(21) The Expenditure Commission."

Sec. 7126. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE M. NONPROFIT WORKFORCE HOUSING TAX EXEMPTION

Sec. 7131. Short title.

This subtitle may be cited as the "Nonprofit Workforce Housing Properties Real Property Tax Exemption Congressional Review Emergency Amendment Act of 2019".

Sec. 7132. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

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“47-1005.03. Nonprofit Workforce Housing Properties.”.

(b) A new section 47-1005.03 is added to read as follows:

“47-1005.03. Nonprofit Workforce Housing Properties.

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

“(1) “Adjusted median income” means:

“(A) For a household of one, 70% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined;

“(B) For a household of 2, 80% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined;

“(C) For a household of 3, 90% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined;

“(D) For a household of 4, 100% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined;

“(E) For a household of 5, 108% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined;

“(F) For a household of 6 or more, 116% of the median income for a household of 4 in the Washington Metropolitan Statistical Area as published by the U.S. Department of Housing and Urban Development most recently prior to the date such household income was determined.

“(2) “Nonprofit owner” means an entity that:

“(A) Provides rental housing in land and buildings that it owns; and

“(B)(i) Is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code; or

“(ii) Is a limited liability company, the sole member of which is an entity that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code.

“(b) Subject to subsection (d) of this section, land and buildings used by a nonprofit owner to provide rental housing shall be exempt from District of Columbia real property taxation as of the date of acquisition by the nonprofit owner; provided, that beginning no later than 12 months following the date of such acquisition, each of the following requirements has been certified as having been met pursuant to subsection (f) of this section, and thereafter on an annual basis are recertified as having been met pursuant to subsection (f) of this section:

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“(1) Not fewer than 50% of the occupied units are occupied by tenants with household incomes, for the year preceding the later of the date of acquisition by the nonprofit owner or initial occupancy by such tenants, not in excess of 80% of the adjusted median income;

“(2) The remainder of the occupied units are occupied by tenants with household incomes, for the year preceding the later of the date of acquisition by the nonprofit owner or initial occupancy by such tenants, not in excess of 120% of the adjusted median income;

“(3) Rents charged to the tenants described in paragraph (1) of this subsection are not in excess of 30% of 80% of the adjusted median income; and rents charged to tenants described in paragraph (2) of this subsection are not in excess of 30% of 120% of the adjusted median income; provided, that the total rent paid to the non-profit landlord for any individual unit shall not exceed the Housing Choice Voucher Program submarket rent established annually by the District of Columbia Housing Authority;

“(4) Increases to the rents charged to the tenants described in paragraphs (1) and (2) of this subsection are limited to the levels permissible in units subject to rent control;

“(5) The nonprofit owner of the property maintains a policy to retain as residents those tenants described in paragraphs (1) and (2) of this subsection who become unable to pay their rent because of financial hardship, and such policy is supported by an indigency reserve set at an amount reasonably determined to provide short-term assistance to tenants maintained by such nonprofit owner or by a nonprofit affiliate thereof; and

“(6) Such nonprofit owner, or its sole member if the nonprofit owner is disregarded for income tax purposes, is the subject of a Determination Letter issued by the Internal Revenue Service providing for recognition under Section 501(c)(3) of the Internal Revenue Code.

“(c) A tenant described in paragraph (1) or (2) whose income rises after initial occupancy shall be deemed to continue to have income below the limit set forth in paragraph (1) or (2), respectively; provided, that if the tenant’s prior year income exceeds 140% of the adjusted median income, the nonprofit owner shall rent the next unit of comparable size that becomes vacant to a tenant with prior year income not in excess of the income limit set forth in paragraph (1) or (2) that previously was applicable to the tenant whose income now exceeds 140% of the adjusted median income;

“(d) In the event that a rental unit in a building owned by a nonprofit owner is occupied by a tenant whose prior year income exceeds the income limit set forth in subsection (b)(5) of this section as of the date of acquisition by the nonprofit owner or initial occupancy by such tenant, or by a tenant whose income increases above 140% of adjusted median income during the course of his or her tenancy, that fact shall not render the remainder of the land or building where the rental unit is situated ineligible for exemption from District of Columbia real property taxation pursuant to this section; provided, that the rental unit itself occupied by such tenant shall not be exempt from such taxation.

“(e) Deeds to property for which a certification as to both the property and owner has been made pursuant to subsection (f)(1) of this section, shall be exempt from the tax imposed by

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the District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq*), and the transfer of any of property by a nonprofit owner for which a certification has been made pursuant to subsection (f)(1) of this section, shall be exempt from the tax imposed by Chapter 9 of Title 47. Unless waived by regulation, a copy of the certification shall accompany the deed at the time it is submitted for recordation in order to claim an exemption.

“(f)(1) The non-profit owner shall cause an independent compliance monitor to certify under penalty of perjury, to the Department of Housing and Community Development and to the Office of Tax and Revenue (“OTR”) each property eligible for an exemption under this section. The certification to OTR shall identify:

“(A) The property to which the certification applies by square and lot, or parcel or reservation number;

“(B) The full legal name of the owner, including taxpayer identification number, that is eligible;

“(C) The tax or taxes to which the certification applies;

“(D) The number of units in the property that are eligible;

“(E) The effective date of the exemption, which shall be the date on which the organization acquired the parcel, or October 1, 2019, whichever is later; and

“(F) Any other information OTR shall require to administer the exemption.

“(2) For purposes of the certification required under paragraph (1) of this subsection, a determination of whether a particular property or unit is eligible for an exemption under this section shall be based upon income certification or similar information provided by the applicable tenants.

“(3)(A) OTR shall administer the exemption from District of Columbia real property taxation provided under this section using the same procedures as are used for the exemptions provided under § 47-1002.

“(B) Properties exempted from District of Columbia real property taxation under this section shall be subject to §§ 47-1007 and 47-1009, except that an owner shall not be required to file an application with OTR to qualify for an exemption.

“(4) Properties exempted from District of Columbia real property taxation under this section shall not be subject to § 47-1005 to the extent leased to entities otherwise entitled to exemption under this chapter if such leasehold were owned by such tenant.

“(g)(1) The grant of a tax exemption as provided in this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to either the real property or its owner.

“(2) A tax exemption granted pursuant to this section shall be available from the date initially exempted; provided, that the property owner remains eligible for such exemption.

“(h) This section shall apply for real property tax years beginning after September 30, 2019.

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“(i)(1) Notwithstanding any eligibility for an exemption from the rent stabilization program pursuant to section 205(a) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05(a)), any property covered by this section shall be subject to the requirements of sections 205(f) through 219 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05(f) et seq.), after the expiration or termination of a tax exemption provided by this section.

“(2) Upon the expiration or termination of the tax exemption, rent charged for a unit may not exceed one of the following:

“(A) If a unit is not vacant, the rent charged shall be the rent charged on the date of the expiration or termination of the tax exemption; or

“(B) If the unit is vacant, the maximum rent charged shall be the rent charged on the date of the expiration or termination of the tax exemption, plus a single vacancy increase authorized by section 213(a) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.13(a)).

“(3) For the purposes of this section, “rent charged” shall have the same definition as in section 103(29A) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(29A)).”

Sec. 7133. Section 205 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05), is amended by adding a new subsection (a-2) to read as follows:

“(a-2) Any rental unit that is subject to a tax exemption pursuant to section 7132 of the Nonprofit Workforce Housing Properties Real Property Tax Exemption Amendment Act of 2019, passed on 1st reading on May 14, 2019 (Engrossed version of Bill 23-209), shall be subject to the requirements of sections 205(f) through 219 after the expiration or termination of the tax exemption, notwithstanding whether the rental unit would otherwise be eligible for an exemption under subsection (a) of this section.”

SUBTITLE N. SUBJECT-TO-APPROPRIATIONS REPEALS AND MODIFICATIONS

Sec. 7141. Short title.

This subtitle may be cited as the “Subject-to-Appropriations Congressional Review Emergency Amendment Act of 2019”.

Sec. 7142. Sections 3 and 4 of the Naval Lodge Building, Inc. Real Property Tax Relief Act of 2015, effective October 21, 2015 (D.C. Law 21-30; D.C. Official Code § 47-1097, note), are repealed.

Sec. 7143. Section 4 of the Safe at Home Act of 2016, effective November 26, 2016 (D.C. Law 21-168; D.C. Official Code § 7-551.01, note), is repealed.

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Sec. 7144. Section 3 of the Feminine Hygiene and Diaper Sales Tax Exemption Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-201; D.C. Official Code § 47-2005, note), is repealed.

Sec. 7145. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-269; D.C. Official Code § 1-309.01, note), is repealed.

Sec. 7146. Section 6(a) of the Senior Dental Services Program Act of 2018, effective June 5, 2018 (D.C. Law 22-108; D.C. Official Code § 7-533.05(a)), is amended by striking the phrase "This act" and inserting the phrase "Starting in Fiscal Year 2021, this act" in its place.

Sec. 7147. Section 4 of the Office of Administrative Hearings Jurisdiction Expansion Amendment Act of 2018, effective June 9, 2018 (D.C. Law 22-112; 65 DCR 4600), is repealed.

Sec. 7148. Section 4 of the Accessible and Transparent Procurement Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-121; 65 DCR 5083), is repealed.

Sec. 7149. Section 3 of the Study of Mental Health and Substance Abuse in Immigrant Communities Act of 2018, effective July 17, 2018 (D.C. Law 22-141; 65 DCR 5973), is repealed.

Sec. 7150. Section 3 of the Public Housing Credit-Building Pilot Program Amendment Act of 2018, effective August 22, 2018 (D.C. Law 22-154; 65 DCR 7146), is repealed.

Sec. 7151. Section 4 of the Student Fair Access to School Amendment Act of 2018, effective August 25, 2018 (D.C. Law 22-157; 65 DCR 9890), is repealed.

Sec. 7152. Section 3 of the Healthy Parks Amendment Act of 2018, effective November 27, 2018 (D.C. Law 22-186; 65 DCR 11408), is repealed.

Sec. 7153. Section 35 of the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; 65 DCR 11606), is repealed.

Sec. 7154. Section 3 of the Rental Housing Affordability Re-establishment Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-202; 65 DCR 12333), is repealed.

Sec. 7155. Section 10 of the Access to Treatment for Anaphylaxis Act of 2018, effective February 22, 2019 (D.C. Law 22-207; 65 DCR 12365), is repealed.

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Sec. 7156. Section 4 of the Pathways to District Government Careers Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-211; 65 DCR 12603), is repealed.

Sec. 7157. Section 3 of the Vacancy Increase Reform Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-223; 66 DCR 185), is repealed.

Sec. 7158. Section 3 of the Daytime School Parking Zone Act of 2018, effective February 22, 2019 (D.C. Law 22-226; 66 DCR 195), is repealed.

Sec. 7159. Section 4 of the Study of Long-Term Care Facilities and Long-Term Care Services Act of 2018, effective March 13, 2019 (D.C. Law 22-238; 66 DCR 594), is repealed.

Sec. 7160. Section 3 of the Healthy Students Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-240; 66 DCR 912), is repealed.

Sec. 7161. Section 5 of the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-241; 66 DCR 923), is repealed.

Sec. 7162. Section 5 of the Foreign Government Owned Vacant and Blighted Building Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-254; 66 DCR 1335), is repealed.

Sec. 7163. Section 4 of the Women, Infants, and Children Program Expansion Act of 2018, effective March 22, 2019 (D.C. Law 22-255; 66 DCR 1339), is repealed.

Sec. 7164. Section 601 of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; 66 DCR 1344), is repealed.

Sec. 7165. Section 16 of the Rhode Island Avenue (RIA) Tax Increment Financing Act of 2018, effective March 22, 2019 (D.C. Law 22-263; 66 DCR 1378), is repealed.

Sec. 7166. Section 5 of the Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595), is repealed.

Sec. 7167. Section 4 of the Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-281; 66 DCR 1601), is repealed.

Sec. 7168. Section 501 of the Opioid Overdose Treatment and Prevention Omnibus Act of 2018, effective April 11, 2019 (D.C. Law 22-288; 66 DCR 1656), is repealed.

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Sec. 7169. The Safe Fields and Playgrounds Act of 2018, effective April 11, 2019 (D.C. Law 22-293; 66 DCR 1701), is amended by adding a new section 8a to read as follows:

“Sec. 8a. Applicability.

“(a) Sections 5 and 6 shall apply upon the date of inclusion of their 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 the provisions identified in subsection (a) of this section.”.

Sec. 7170. Section 501 of the School Safety Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-294; 66 DCR 1707), is repealed.

Sec. 7171. Section 3 of the Economic Development Return on Investment Accountability Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-295; 66 DCR 2005), is repealed.

Sec. 7172. Section 3 of the Wage Garnishment Fairness Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-296; 66 DCR 2008), is amended to read as follows:

“Sec. 3. Applicability.

“Section 2(b) shall not apply to a writ of attachment issued before the effective date of this act.”.

Sec. 7173. Section 3 of the Performing Arts Promotion Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-297; 66 DCR 2014), is repealed.

Sec. 7174. Section 4 of the DC Water Consumer Protection Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-299; 66 DCR 2020), is repealed.

Sec. 7175. Section 3 of the Hyacinth's Place Equitable Real Property Tax Relief Act of 2018, effective April 11, 2019 (D.C. Law 22-301; 66 DCR 2028), is repealed.

Sec. 7176. Section 9 of the Students in the Care of D.C. Coordinating Committee Act of 2018, effective April 11, 2019 (D.C. Law 22-303; 66 DCR 2037), is repealed.

Sec. 7177. Section 5(a) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; 66 DCR 1402), is amended by striking the phrase

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“This act” and inserting the phrase “The amendatory section of 316(d) of section 2(e) of this act” in its place.

SUBTITLE O. COUNCIL PERIOD 23 RULE 736 REPEALS

Sec. 7181. Short title.

This subtitle may be cited as the “Council Period 23 Rule 736 Congressional Review Emergency Amendment Act of 2019”.

Sec. 7182. The Incarceration to Incorporation Entrepreneurship Program Act of 2016, effective October 8, 2016 (D.C. Law 21-159; 63 DCR 10771), is repealed.

Sec. 7183. The Improving Access to Identity Documents Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-195; 63 DCR 15016), is repealed.

Sec. 7184. The Enhanced Penalties for Distracted Driving Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-196; 63 DCR 15027), is repealed.

Sec. 7185. The Notice in Case of Emergency Amendment Act of 2016, effective April 1, 2017 (D.C. Law 21-225; 64 DCR 154), is repealed.

Sec. 7186. Sections 3 and 4 of the Vehicle-for-Hire Accessibility Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-242; 64 DCR 1608), are repealed.

SUBTITLE P. EVENTS DC GRANT-MAKING AUTHORITY

Sec. 7191. Short title.

This subtitle may be cited as the “Events DC Grant-Making Authority Congressional Review Emergency Amendment Act of 2019”.

Sec. 7192. Title II of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 10-1202.01) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Cultural institution” means a nonprofit organization in the arts, including a museum or theater, incorporated under the laws of the District.”.

(b) Section 202(b) (D.C. Official Code § 10-1202.02(b)) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its place.

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(3) A new paragraph (11) is added to read as follows:

“(11) Promote and support cultural institutions operating in the District of Columbia.”

(c) Section 203 (D.C. Official Code § 10-1202.03) is amended by adding a new paragraph (10K) to read as follows:

“(10K) To issue large capital grants pursuant to section 208(g) to support cultural institutions operating in the District of Columbia.”

(d) Section 208 (D.C. Official Code § 10-1202.08) is amended by adding a new subsection (g) to read as follows:

“(g) For Fiscal Year 2020, the Authority shall issue not less than \$10 million in grants from the Convention Center Fund to support cultural institutions operating in the District of Columbia; provided, that funds are available for such purpose and that the Authority first satisfy its current liabilities and legally required reserves, which shall not include the elective purchase or redemption of outstanding indebtedness.”

Sec. 7193. Any unobligated proceeds from the sale of the Marriot Marquis leasehold shall be held by the Authority and shall be set aside for large capital grants to be issued pursuant to section 203(10K) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.03(10K)); provided, that the proceeds first be used to satisfy the Authority’s current liabilities and legally required reserves, which shall not include the elective purchase or redemption of outstanding indebtedness.

SUBTITLE Q. DOWNLOADING LOST REVENUES AMENDMENT ACT OF 2019

Sec. 7211. Short Title.

This subtitle may be cited as the “Downloading Lost Revenues Congressional Review Emergency Amendment Act of 2019”.

Sec. 7212. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 18 is amended as follows:

(1) Section 47-1817.03 is amended as follows:

(A) Subsection (a) is amended by striking the date “December 31, 2000” and inserting the phrase “December 31, 2000, and ending on December 31, 2019” in its place.

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

“(a-1) Except as provided in subsection (b) of this section, for taxable years beginning after December 31, 2019, a Qualified High Technology Company shall be allowed a credit against the tax imposed by § 47-1817.06 equal to 5% of the wages paid during the first 24 calendar months of employment to a qualified employee hired after December 31, 2017.”

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

ENROLLED ORIGINAL

(i) The lead-in language is amended by striking the phrase “under subsection (a)” and inserting the phrase “under subsections (a) and (a-1)” in its place.

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

“(1) To exceed, for each qualified employee:

“(A) \$5,000 in a taxable year for the credit under subsection (a) of this section.

“(B) \$3,000 in a taxable year for the credit under subsection (a-1) of this section.”.

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

“(c) A credit allowable under this section may be carried forward for 10 years if:

“(1) The amount of the credit allowable under this section exceeds the tax otherwise due from a Qualified High Technology Company; and

“(2) The amount of the credit allowable under this section was obtained for wages of a qualified employee hired before October 1, 2019.”.

(2) Section 47-1817.06(a) is amended as follows:

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

“(1)(A) Notwithstanding any other provision of this chapter and for tax years ending on or before December 31, 2019, and in lieu of the tax on taxable income imposed by § 47-1807.2, subject to the credits applicable thereto, a tax on taxable income at a rate of 6% shall be imposed upon Qualified High Technology Companies which are corporations, except as provided for in paragraph (2) of this subsection.

“(B) Notwithstanding any other provision of this chapter and, for tax years beginning after December 31, 2019, the tax on taxable income imposed by § 47-1807.02 shall be imposed upon Qualified High Technology Companies which are corporations, except as provided for in paragraphs (2) and (3) of this subsection.”.

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

“(3) For tax years beginning after December 31, 2019, a Qualified High Technology Company shall be allowed a credit against taxes imposed by § 47-1807.02 as follows:

“(A) The credit shall be allowed in an amount equal to the lesser of:

“(i) \$250,000 per taxable year; or

“(ii) The difference between the amount of tax that would otherwise be due based on the applicable rate of tax imposed by § 47-1807.02 and the reduced rate of 6%.

“(B) The credit shall be allowed for 5 taxable years from the later of:

“(i) The tax year ending December 31, 2019; or

“(ii) The last tax year the Qualified High Technology Company is eligible to receive an exemption under paragraph (2) of this subsection.”.

(b) Chapter 20 is amended as follows:

(1) Section 47-2001(n)(2)(G) is repealed.

(2) Section 47-2005(31) is repealed.

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**SUBTITLE R. WASHINGTON CONVENTION AND SPORTS AUTHORITY
EXCESS CASH**

Sec. 7221. Short title

This subtitle may be cited as the “Washington Convention Center and Sports Authority Excess Cash Congressional Review Emergency Amendment Act of 2019”.

Sec. 7222. Section 213(a) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.13(a)), is amended by striking the phrase “General Fund of the District.” and inserting the phrase “General Fund of the District; provided, that at the end of Fiscal Year 2019, 50% of the excess shall be transferred, in cash, not to the General Fund of the District but instead to the DCHA Rehabilitation and Maintenance Fund, established by section 3(c-1) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202(c-1)).” in its place.

Sec. 7223. Section 3(1) of the Washington Convention Center Authority Dedicated Tax Revenue Bond Resolution of 1998, effective August 12, 1998 (Res. 12-591; 45 DCR 4877), is repealed.

Sec. 7224. Applicability.

This subtitle shall apply as of September 20, 2019.

SUBTITLE S. EVENTS DC EXPENDITURE AUTHORITY

Sec. 7231. Short title.

This subtitle may be cited as the “Events DC Expenditure Authority Congressional Review Emergency Amendment Act of 2019”.

Sec. 7232. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.01 *et seq.*), is amended as follows:

(a) Section 204 (D.C. Official Code § 10-1202.04) is amended by adding a new subsection (m) to read as follows:

“(m) The Authority shall not obligate or expend funds in Fiscal Year 2019 or Fiscal Year 2020 to do the following:

“(1) Purchase all or a portion of the property comprising the Robert F. Kennedy Memorial Stadium, as that term is defined by section 11 of the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 622; D.C. Official Code § 3-330); or

“(2) Induce a National Football League team to locate in the District.”.

(b) Section 206(g) (D.C. Official Code § 10-1202.06(g)) is amended as follows:

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(1) Paragraph (1) is amended by striking the phrase “, cash resources and uses, and capital-improvements expenditures and financing” and inserting the phrase “, and cash resources and uses” in its place.

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

“(1A) A multiyear capital improvements plan (“CIP”) that shall include:

“(A) The name, status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which the Authority plans to expend funds in the forthcoming fiscal year and at least 4 fiscal years thereafter, including an explanation of any change in total cost in excess of 5% for a capital project included in the CIP the Authority submitted in the previous fiscal year;

“(B) An analysis that includes:

“(i) A description of each capital project;

“(ii) An explanation of why the Authority plans to expend funds for each capital project;

“(iii) An explanation of whether each capital project includes plans to design or construct a facility that the Authority will lease to another entity and the name of the entity with which the Authority plans to enter into a lease;

“(iv) The name of any entity that will contribute funds for each capital project; and

“(v) A description of the expected sources and amount of revenue the Authority expects to collect from each capital project and the fiscal year during which the Authority expects to collect the revenue;

“(C) Identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project; and

“(D) Appropriate maps or other graphics.”.

Sec. 7233. Applicability.

This subtitle shall apply as of September 20, 2019.

TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

Sec. 8001. Short title.

This subtitle may be cited as the “Designated Fund Transfer Congressional Review Emergency Act of 2019”.

Sec. 8002. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2020 the following amounts from certified fund balances and other revenue in the identified accounts to the unassigned fund balance of the General Fund of the District of Columbia:

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Agency	Fund Detail	Fund Detail Title	FY 2020
AT0	0613	UNCLAIMED PROPERTY CONTINGENCY FUND	30,642
AT0	0619	DC LOTTERY REIMBURSEMENT	106,581
CR0	6030	GREEN BUILDING FUND	79,801
HT0	0632	BILL OF RIGHTS-(GRIEVANCE & APPEALS)	22,991
KT0	6082	SOLID WASTE DISPOSAL FEE FUND	57,672
KT0	6591	CLEAN CITY FUND	60,509
LQ0	6017	ABC - IMPORT AND CLASS LICENSE FEES	301,171
PO0	4010	DC SURPLUS PERSONAL PROPERTY SALES OPER.	39,011
SR0	2100	HMO ASSESSMENT	22,815
SR0	2800	CAPTIVE INSURANCE	133,230
TC0	2400	PUBLIC VEHICLES FOR HIRE CONSUMER SERVIC	302,277
		Total	\$1,156,700

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2020 Budget and Financial Plan.

Sec. 8003. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2020 and each fiscal year through Fiscal Year 2023 the following amounts from recurring vacancy savings from certified funds and other revenue in the identified accounts to the unassigned fund balance of the General Fund of the District of Columbia:

Agency	Fund Detail	Fund Detail Title	FY 2020
SR0	2200	Insurance Assessment Fund	571,130
SR0	2350	Securities and Banking Fund	832,218
GRAND TOTAL			1,403,348

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2020 Budget and Financial Plan.

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TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 9001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2019.

Sec. 9002. Fiscal impact statement.

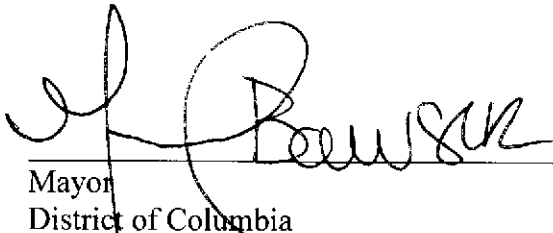
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9003. 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
September 4, 2019
APPROVED

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 4, 2019

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

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

TITLE I. CLOSE RELATIVE CAREGIVER PILOT PROGRAM.

Sec. 101. Definitions.

For the purposes of this act, the term:

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

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

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

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

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

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

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

Sec. 103. Eligibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Any statement made pursuant to this section made with knowledge that the information set forth therein is false shall be subject to prosecution as a false statement under section 404(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)).

Sec. 104. Subsidies.

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

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

ENROLLED ORIGINAL

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

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

Sec. 105. Reports.

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

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

Sec. 106. Rules.

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

Sec. 107. Construction.

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

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

ENROLLED ORIGINAL

TITLE II. CONFORMING AMENDMENT.

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

(a) Paragraph (8) is amended by striking the word "and" at the end.

(b) Paragraph (9) is amended by striking the period at the end and inserting the phrase "; and" in its place;

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

"(10) Disregard any subsidy received under the pilot program established by section 102 of the Close Relative Caregiver Subsidy Pilot Program Establishment Temporary Amendment Act of 2019, passed on 2nd reading on July 9, 2019 (Enrolled version of Bill 23-358)."

TITLE III. FISCAL IMPACT; EFFECTIVE DATE.

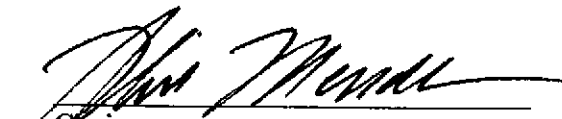
Sec. 301. Fiscal impact statement.


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

Sec. 302. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
September 4, 2019
APPROVED

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 5, 2019

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit the District of Columbia government from taking adverse employment actions against individuals for participating in a medical marijuana program; and to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to do the same.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2019".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended follows:

(a) Section 2051 (D.C. Official Code § 1-620.11) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) To the extent permitted by federal law and regulations, programs and rules adopted pursuant to subsection (a) of this section shall accommodate qualifying patients, as that term is defined in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(19)), in compliance with title XX-E."

(b) Section 2025 (D.C. Official Code § 1-620.25) is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding subsection (a) of this section, the testing program established pursuant to this title shall comply with the requirements of title XX-E."

(c) Section 2032 (D.C. Official Code § 1-620.32) is amended by adding a new subsection (g) to read as follows:

"(g) The testing program established pursuant to this title shall comply with the requirements of title XX-E."

(d) A new title XX-E is added to read as follows:

ENROLLED ORIGINAL

"TITLE XX-E

"MEDICAL MARIJUANA PROGRAM PATIENT EMPLOYMENT PROTECTIONS.

"Sec. 2051. Definitions.

"For the purposes of this title, the term:

"(1) "Marijuana" shall have the same meaning as provided in section 102(3)(A) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(3)(A)).

"(2) "Qualifying patient" shall have the same meaning as provided in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(19)).

"(3) "Public employer" means the District government.

"(4) "Safety sensitive position" means a position with duties that, if performed while under the influence of drugs or alcohol could lead to a lapse of attention that could cause actual, immediate, and permanent physical injury or loss of life to self or others.

"Sec. 2052. Patient protections.

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (b) of this section, a public employer may not refuse to hire, terminate from employment, penalize, fail to promote, or otherwise take adverse employment action against an individual based upon the individual's status as a qualifying patient unless the individual used, possessed, or was impaired by marijuana at the individual's place of employment or during the hours of employment.

"(2) A qualifying patient's failure to pass a public employer-administered drug test for marijuana components or metabolites may not be used as a basis for employment-related decisions unless reasonable suspicion exists that the qualified patient was impaired by marijuana at the qualifying patient's place of employment or during the hours of employment.

"(b) Subsection (a) of this section shall not apply to safety sensitive positions or if compliance would cause the public employer to commit a violation of a federal law, regulation, contract, or funding agreement."

Sec. 3. Section 3 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.22), is amended by adding a new subsection (d) to read as follows:

"(d) The testing program established pursuant to this act shall comply with the requirements of title XX-E of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, passed on 2nd reading on July 9, 2019 (Enrolled version of Bill 23-336)."

ENROLLED ORIGINAL

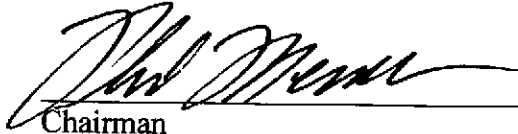
Sec. 4. Fiscal impact statement.

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.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 4, 2019

ENROLLED ORIGINAL

A RESOLUTION

22-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 21, 2017

To declare the sense of the Council that the United States Congress should take immediate action to protect Deferred Action for Childhood Arrivals recipients, also known as Dreamers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Legislative Action to Protect Dreamers Resolution of 2017”.

Sec. 2. The Council finds that:

(1) On September 5, 2017, Attorney General Jeff Sessions formally announced that the Trump Administration would end the Deferred Action for Childhood Arrivals (“DACA”) program established under President Obama on June 15, 2012.

(2) President Trump’s decision leaves hundreds of thousands of individuals in fear of deportation unless the United States Congress takes immediate action and passes legislation in support of DACA.

(3) DACA recipients, also known as Dreamers, were granted a 2-year reprieve from potential deportation proceedings, as an individual with a deferral status was not considered to be present unlawfully in the United States during the deferral period. Individuals could reapply for additional 2-year deferment periods.

(4) The nearly 800,000 Dreamers in the United States protected under DACA have proven themselves to be taxpaying, law-abiding, and productive citizens.

(5) Over 900 Dreamers call the District of Columbia home, while thousands more contribute to the District’s schools, workforce, and community.

(6) At least 97 percent of Dreamers are either in school or in the workforce. Without protection afforded under DACA, these individuals will face significant, if not insurmountable, barriers to doing either.

(7) The nearly 800,000 Dreamers protected under DACA were brought to the United States as young children, and, for many, it is the only country that they have ever known. If they are deported, they will be ripped apart from their families and friends and sent to a country where they may know no one and have no support system.

ENROLLED ORIGINAL

(8) Those enrolled in DACA or who would have been immediately eligible to enroll in DACA contribute an estimated \$2 billion a year in state and local taxes.

(9) According to a Morning Consult and Politico poll in April 2017, 78% of American voters support providing Dreamers the chance to live permanently in the United States.

(10) Beginning in March 2018, DACA recipients will be eligible for deportation. Given that this is less than 4 months away, it is imperative that action be taken to protect these recipients and to provide them with the opportunity to become citizens of the United States.

Sec. 3. It is the sense of the Council that the United States Congress should act immediately to pass legislation that protects DACA recipients.

Sec. 4. Transmittal.

The Council shall transmit copies of this resolution, upon its adoption, to the President, both leaders in the United States House of Representatives, both leaders in the United States Senate, the Attorney General of the United States, and the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 21, 2017

To declare the sense of the Council that the United States Congress should act immediately to extend Temporary Protected Status to foreign nationals whose countries are affected by ongoing armed conflicts, environmental disasters, and extraordinary life-threatening conditions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Legislative Action to Protect Temporary Protected Status Beneficiaries Resolution of 2017”.

Sec. 2. The Council finds that:

(1) In 1990, the United States created an immigration status, known as Temporary Protected Status (“TPS”), for certain foreign nationals. Individuals with this immigration status are permitted to stay in the United States for a set period of time and are allowed to work, attend school, and obtain a driver’s license.

(2) In order for foreign nationals from a particular country to obtain TPS, the country must be temporarily experiencing ongoing armed conflicts, recovering from an environmental disaster, or facing extraordinary life-threatening conditions.

(3) A country’s initial TPS designation shall be for no less than 6 months but no more than 18 months. After the initial designation, the United States Department of Homeland Security (“DHS”) may extend a country’s TPS designation, with many countries having a TPS designation for several years.

(4) Since 1991, the United States has granted TPS to foreign nationals from 13 countries including Somalia, Nicaragua, El Salvador, Honduras, Haiti, Syria, Sudan, South Sudan, Yemen, Nepal, Guinea, Liberia, and Sierra Leone.

(5) Approximately 325,000 individuals have benefitted from TPS and over 40,000 TPS beneficiaries reside in the Washington, D.C. area.

(6) On May 21, 2017, TPS designations for Guinea, Liberia, and Sierra Leone were terminated. In addition, on May 22, 2017, the Trump Administration announced that it would only extend Haiti’s TPS designation, which was set to expire on July 22, 2017, by 6 months to January 22, 2018. Unless the Trump Administration or the United States Congress

ENROLLED ORIGINAL

takes immediate action, 50,000 Haitian foreign nationals may be forced to return to a country that still has not recovered from a devastating earthquake in 2010.

(7) Further, on November 6, 2017, the Trump Administration indicated that it was terminating Nicaragua's TPS designation and failed to determine whether Honduras's TPS designation should be extended. This failure means that Honduras's TPS designation will expire on July 5, 2018, unless action is taken to extend it, potentially requiring 57,000 Honduran foreign nationals to return to a country that has experienced several environmental disasters and lacks sufficient housing, food, and transportation infrastructure.

(8) El Salvador's TPS designation is set to expire on March 9, 2018. Almost 60% of TPS beneficiaries are from El Salvador, and over 32,000 TPS beneficiaries reside in the Washington, D.C. area. El Salvador was granted a TPS designation in 2001 because of multiple earthquakes, and as recently as September 10, 2016, DHS determined that El Salvador still has not recovered from these earthquakes and because of this, it is still not safe for Salvadoran foreign nationals to return.

(9) TPS beneficiaries have contributed to the growth and prosperity of the United States' economy, with Haitian, Salvadoran, and Honduran TPS beneficiaries alone adding \$4.5 billion annually to the country's gross domestic product.

(10) Over 20% of TPS beneficiaries were under the age of 16 when they were brought to the United States, more half of the Salvadorian and Haitian TPS beneficiaries have resided in the United States for 20 years or more, and TPS beneficiaries from Honduras, El Salvador, and Haiti alone have 273,000 children who are United States citizens.

(11) Within the next 12 months, TPS designations for 8 of the 10 countries that currently have it are set to expire. Moreover, 3 of these 8 expire within the next 4 months. Given these impending deadlines, it is crucial that the United States Congress act immediately to protect TPS beneficiaries.

Sec. 3. It is the sense of the Council that the United States Congress should act immediately to pass legislation that protects TPS beneficiaries.

Sec. 4. Transmittal.

The Council shall transmit copies of this resolution, upon its adoption, to the President, both leaders in the United States House of Representatives, both leaders in the United States Senate, the Attorney General of the United States, and the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To confirm the reappointment of Mr. Outerbridge Horsey to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Historic Preservation Review Board Outerbridge Horsey Confirmation Resolution of 2019”.

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

Mr. Outerbridge Horsey
(Ward 2)

as a public member of the Historic Preservation Review Board, established by Mayor’s Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2022.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Ms. Tanya Lewis as a member of the Board of Industrial Trades.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Industrial Trades Tanya Lewis Confirmation Resolution of 2019”.

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

Ms. Tanya Lewis
(Ward 7)

as an electrician licensed in the District member of the Board of Industrial Trades, established by D.C. Official Code § 47-2853.06(d), replacing Keith Jones, for a term to end June 26, 2021.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the reappointment of Ms. Saba Bireda to the Public Charter School Board.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Public Charter School Board Saba Bireda Confirmation Resolution of 2019”.

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

Ms. Saba Bireda
(Ward 8)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the reappointment of Ms. Ricarda Ganjam to the Public Charter School Board.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Public Charter School Board Ricarda Ganjam Confirmation Resolution of 2019”.

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

Ms. Ricarda Ganjam
(Ward 6)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To confirm the appointment of Mr. James Sandman to the Public Charter School Board.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Public Charter School Board James Sandman Confirmation Resolution of 2019”.

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

Mr. James Sandman
(Ward 6)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2020.

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

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC HEARING**B23-0245, the “Advisory Neighborhood Commissions Participation in Planning Amendment Act of 2019”****B23-0308, the “Development Expertise for ANCs Amendment Act of 2019”**

Wednesday, October 16th, 2019, 10:00 AM
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Wednesday, October 16th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a public hearing on B23-245, the “Advisory Neighborhood Commissions Participation in Planning Amendment Act of 2019” and B23-0308, the “Development Expertise for ANCs Amendment Act of 2019”. The public hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The stated purpose of B23-0245, the “Advisory Neighborhood Commissions Participation in Planning Amendment Act of 2019” is to ensure that Advisory Neighborhood Commissions are provided adequate notice and an opportunity to provide recommendations on comprehensive plans, including amendments to, or elements of, a comprehensive plan prior to the transmission of such plans to the Council for approval.

The stated purpose of B23-0308, the “Development Expertise for ANCs Amendment Act of 2019” is to establish a Department of Zoning, Planning and Development in the Office of Advisory Neighborhood Commissions to assist Commissioners in Planned Unit Development negotiations and residential housing development and maximize the amount of affordable housing units in residential Planned Unit Development projects and to include Planned Unit Developments in the definition of economic development incentives for the purpose of tracking community benefits and affordable housing units delivered.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Tuesday, October 15th 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced if there are

a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to facilities@dccouncil.us.

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

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

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 23-0391, the “Public Housing Rehabilitation Oversight Task Force Act of 2019”

and

Bill 23-0121, the “Housing Authority Board of Commissioners Qualifications and Expansion Amendment Act of 2019”

Wednesday, October 30, 2019, at 11:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, October 30, 2019, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0391, the “Public Housing Rehabilitation Oversight Task Force Act of 2019” and Bill 23-0121, the “Housing Authority Board of Commissioners Qualifications and Expansion Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m.

Bill 23-0391, the “Public Housing Rehabilitation Oversight Task Force Act of 2019”, would establish a task force to review the D.C. Housing Authority’s rehabilitation of its portfolio. The Task Force would provide ongoing advice to the Council, Mayor, and the Authority as to (1) the efficiency and effectiveness of the Authority’s rehabilitation planning concerning past and future Authority rehabilitation, maintenance, and preservation activities, (2) provide appropriate oversight of the budgetary actions and rehabilitation policies of the Mayor, the Council, and the Authority, and (3) provide any other identified needs or requirements for the proper rehabilitation of the District public housing stock.

Bill 23-0121, the “Housing Authority Board of Commissioners Qualifications and Expansion Amendment Act of 2019”, would revise the qualifications for nominees to the Housing Authority Board of Commissioners to require knowledge and competence in public housing, subsidized or nonprofit housing, community-based redevelopment, philanthropy and social services, real estate finance and investment, or housing development and construction. The bill would also add two members to the Board, to be appointed by the Council.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email jtrimboli@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 29, 2019. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004, or email jtrimboli@dccouncil.us. The record will close at 5:00 p.m. on November 14, 2019.

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

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

ANNOUNCES A PUBLIC HEARING ON

**B23-0403, “MLK GATEWAY REAL PROPERTY TAX ABATEMENT
AMENDMENT ACT OF 2019”**

**B23-0349, “ST. ELIZABETHS EAST REDEVELOPMENT SUPPORT
AMENDMENT ACT OF 2019”**

Monday, September 30, 2019, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Monday, September 30, 2019 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development will hold a public hearing to consider Bill 23-0403, the “MLK Gateway Real Property Tax Abatement Amendment Act of 2019” and Bill 23-0349, the “St. Elizabeths East Redevelopment Support Amendment Act of 2019.” The stated purpose of Bill 23-0403 is to provide real property tax, recordation and transfer tax abatements at 1201-1215 Good Hope Road, S.E., which includes a portion of the MLK Gateway Development Project. The real property tax abatement would last for up to 15 years, cannot exceed \$3 million in total, and it is conditioned on approved ownership. The stated purpose of Bill 23-0349 is to authorize the Mayor to dispose of a portion of the property the Washington Metropolitan Area Transit Authority exchanged with the District, located at the northeast corner of Alabama Avenue, S.E, and 13th Street, S.E. for the redevelopment of St. Elizabeths East-Phase 1.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, September 26th**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, also submit a copy of their

testimony electronically in advance to cautrey@dccouncil.us. For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at cautrey@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on Tuesday, October 1, 2019.**

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

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

ANNOUNCES A PUBLIC HEARING ON

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

AND

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

**Thursday, October 3, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, October 3, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss the topic of “Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence” and Bill 23-0018, the “Ghost Guns Prohibition Amendment Act of 2019”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m. *Please note that this hearing had previously been scheduled for June 27 and noticed in the D.C. Register.*

While the District has some of the most comprehensive gun safety laws in the nation, firearms remain ubiquitous, and there is a troubling nexus between access to firearms and the commission of violent crime. Many of the firearms that enter the District from neighboring states travel through the “Iron Pipeline”, the term used to describe Interstate-95, a popular route for gun traffickers on the East Coast. The purpose of this public hearing is to learn more about the Iron Pipeline, current gun trafficking trends as they affect the District, and possible legislative solutions. The Committee will also solicit testimony from District, state, and federal law enforcement agencies to comment on interagency efforts to combat gun trafficking.

The stated purpose of B23-0018 is to prohibit the possession of “ghost guns”, defined as “a firearm that, after removal of all parts other than a receiver, cannot be detected by a metal detector”. The advent of 3D-printing technology has enabled individuals to “print” – or

manufacture – firearm components from plastic materials. These plastic firearm components present challenges to traditional methods for detecting the presence of firearms, such as metal detectors or X-ray machines. While firearms that cannot be detected by a metal detector are already prohibited by federal law, the District currently does not have a prohibition on the possession of such firearms. B23-0018 proposes to address that omission.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, September 30**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Thursday, October 17.**

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

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

**COUNCILMEMBER ROBERT C. WHITE, JR., CHAIRPERSON
COMMITTEE ON FACILITIES AND PROCUREMENT**

ANNOUNCE A JOINT PUBLIC HEARING ON

**PR23-0422 - ST. ELIZABETHS EAST PARCEL 15 SURPLUS DECLARATION
AND APPROVAL RESOLUTION OF 2019**

**PR23-0423, “ST. ELIZABETHS EAST PARCEL 15 DISPOSITION APPROVAL
RESOLUTION OF 2019”**

**B23-0139, “CAPITOL HILL ARTS WORKSHOP LEASE RENEWAL
AUTHORIZATION ACT OF 2019”**

**Wednesday, October 2, 2019, 10:30 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, October 2, 2019 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development and Councilmember Robert C. White, Jr. will hold a joint public hearing to consider Proposed Resolution 23-0422, the “St. Elizabeths East Parcel 15 Surplus Declaration and Approval Resolution of 2019”; Proposed Resolution 23-0423, the “St. Elizabeths East Parcel 15 Disposition Approval Resolution of 2019”; and Bill 23-0139, the “Capitol Hill Arts Workshop Lease Renewal Authorization Act of 2019.” The stated purpose of PR23-0422 is to approve the surplus of District-owned real property, known as the St. Elizabeths East Parcel 15, located between Sycamore Drive, S.E. and Oak Drive, S.E. and known for taxation and assessment purposes as Lot 810 in Square S-5868. The stated purpose of PR23-0423 is to approve the disposition of District-owned real property, known as the St. Elizabeths East Parcel 15, located between Sycamore Drive, S.E. and Oak Drive, S.E. and known for taxation and assessment purposes as Lot 810 in Square S-5868. The stated purpose of Bill 23-139, the “Capitol Hill Arts Workshop Lease Renewal Authorization of 2019” is to

approve the disposition of District-owned real property located at 545 7th Street, S.E., commonly known as the B.B. French School Building, known for taxation and assessment purposes as Lot 0877 in Square 800.

The Committees invite the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, September 30th**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@dccouncil.us. For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at cautrey@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on Wednesday, October 16, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**Advisory Neighborhood Commissions for Wards 1 & 2**

Thursday, September 26th, 2019, 6:00 PM
Thurgood Marshall Center
1816 12th Street, NW
Washington, DC 20009

On Thursday, September 26th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on the Advisory Neighborhood Commissions for Wards 1 and 2. The Public Oversight Roundtable will take place at 6:00 PM at the Thurgood Marshall Center at 1816 12th Street, NW, Washington, DC 20009.

The purpose of the roundtable is to resume the earlier practice of conducting an annual oversight roundtable to consider the work of each Advisory Neighborhood Commission. Advisory Neighborhood Commissions are critical to representing the voices of District residents. This roundtable will provide an opportunity for a representative of each Commission to present the Commission's work on behalf of its community over the prior year, to share any challenges or barriers experienced by the Commission in representing its constituents, and to detail how the Commission invested its resources on behalf of the community.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, September 25th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Thursday, October 10th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

Advisory Neighborhood Commissions for Wards 3 & 4

Wednesday, September 25th, 2019, 6:00 PM
University of the District of Columbia
4200 Connecticut Ave., NW
Building 44, Room A03
Washington, DC 20008

On Wednesday, September 25th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on the Advisory Neighborhood Commissions for Wards 3 and 4. The Public Oversight Roundtable will take place at 6:00 PM in Room A03 of Building 44 at the University of the District of Columbia at 4200 Connecticut Ave., NW, Washington, DC 20008.

The purpose of the roundtable is to resume the earlier practice of conducting an annual oversight roundtable to consider the work of each Advisory Neighborhood Commission. Advisory Neighborhood Commissions are critical to representing the voices of District residents. This roundtable will provide an opportunity for a representative of each Commission to present the Commission's work on behalf of its community over the prior year, to share any challenges or barriers experienced by the Commission in representing its constituents, and to detail how the Commission invested its resources on behalf of the community.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Tuesday, September 24th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Wednesday, October 9th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**Advisory Neighborhood Commissions for Wards 5 & 6**

Thursday, October 3rd, 2019, 6:00 PM
KIPP DC College Prep Campus
1405 Brentwood Parkway, NE
Washington, DC 20002

On Thursday, October 3, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on the Advisory Neighborhood Commissions for Wards 5 and 6. The Public Oversight Roundtable will take place at 6:00 PM at the KIPP DC College Prep Campus at 1405 Brentwood Parkway, NE, Washington, DC 20002.

The purpose of the roundtable is to resume the earlier practice of conducting an annual oversight roundtable to consider the work of each Advisory Neighborhood Commission. Advisory Neighborhood Commissions are critical to representing the voices of District residents. This roundtable will provide an opportunity for a representative of each Commission to present the Commission's work on behalf of its community over the prior year, to share any challenges or barriers experienced by the Commission in representing its constituents, and to detail how the Commission invested its resources on behalf of the community.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, October 2, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Thursday, October 17th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**Advisory Neighborhood Commissions for Wards 7 & 8**

Tuesday, October 15th, 2019, 6:00 PM
R.I.S.E. Demonstration Center
2730 Martin Luther King Jr., Ave., SE
Washington, DC 20032

On Tuesday, October 15th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on the Advisory Neighborhood Commissions for Wards 7 and 8. The Public Oversight Roundtable will take place at 6:00 PM at the R.I.S.E. Demonstration Center at 2730 Martin Luther King Jr. Ave., SE, Washington, DC 200032.

The purpose of the roundtable is to resume the earlier practice of conducting an annual oversight roundtable to consider the work of each Advisory Neighborhood Commission. Advisory Neighborhood Commissions are critical to representing the voices of District residents. This roundtable will provide an opportunity for a representative of each Commission to present the Commission's work on behalf of its community over the prior year, to share any challenges or barriers experienced by the Commission in representing its constituents, and to detail how the Commission invested its resources on behalf of the community.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Monday, October 14th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Tuesday, October 29th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

**Department of General Services
Protective Services Division**

Thursday, November 14th, 2019, 10:00 AM
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Thursday, November 14th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on the Protective Services Division of the Department of General Services. The Public Oversight Roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The purpose of the roundtable is to evaluate the Protective Services Division of the Department of General Services in the wake of significant employee concerns. The roundtable will offer the public to provide input on the management of the Division and will provide the Department with an opportunity to publicly respond to concerns.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, November 13th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Thursday, November 28th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**Environmental Hazards in Recreational Spaces and the Facilities
Management Division of the Department of General Services**

Thursday, October 3rd, 2019, 10:00 AM
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Thursday, October 3rd, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on Environmental Hazards in Recreational Spaces and the Facilities Management Division of the Department of General Services. The Public Oversight Roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The purpose of the roundtable is to provide transparency around the Department of General Service's strategy for addressing the lead and other hazards that have recently been highlighted in District recreational spaces, particularly those utilizing synthetic materials. In addition, the roundtable will provide oversight of the Department's Facilities Management Division and the steps being taken by the Division to strategically address the District's facilities maintenance backlog.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, October 2nd, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

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

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

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Thursday, October 17th, 2019.**

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**HATE CRIMES IN THE DISTRICT OF COLUMBIA AND THE FAILURE TO PROSECUTE
BY THE OFFICE OF THE UNITED STATES ATTORNEY**

**Wednesday, October 23, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, October 23, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable to discuss “Hate Crimes in the District of Columbia and the Failure to Prosecute by the Office of the United States Attorney”. The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

On August 21, 2019, the *Washington Post* published an article revealing that “hate-crime prosecutions and convictions are at their lowest point in at least a decade.” Although there were 204 bias-motivated crimes reported in the District in 2018, the U.S. Attorney’s Office for the District of Columbia (“USAO”) prosecuted only three cases as hate crimes. Similarly, in 2017, of the 178 reported hate crimes, the USAO charged only two cases as such, and both were ultimately dismissed. The USAO’s failure to prosecute bias-motivated crimes is especially problematic given that reported hate crimes in the District have nearly doubled since 2016. This roundtable will be an opportunity to explore the prevalence of hate crimes in the District, the effect hate crimes have on vulnerable or marginalized communities, the District government’s response, and the reasons underlying the USAO’s lack of prosecutions.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Wednesday, October 16**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Wednesday, November 6.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-075684

License Class/Type: C Restaurant

Applicant: Combined Food Services Of Virginia Inc

Trade Name: Anju

ANC: 2B01

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

1805 18TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 1am	11:30 am - 1am	-
Monday:	11:30 am - 1am	11:30 am - 1am	-
Tuesday:	11:30 am - 1am	11:30 am - 1am	-
Wednesday:	11:30 am - 1am	11:30 am - 1am	-
Thursday:	11:30 am - 1am	11:30 am - 1am	-
Friday:	11:30 am - 2am	11:30 am - 2am	-
Saturday:	11:30 am - 2am	11:30 am - 2am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11:30 am - 12 am	11:30 am - 12 am
Monda	11:30 am - 12 am	11:30 am - 12 am
Tuesda	11:30 am - 12 am	11:30 am - 12 am
Wednesday:	11:30 am - 12 am	11:30 am - 12 am
Thursday:	11:30 am - 12 am	11:30 am - 12 am
Friday:	11:30 am - 12 am	11:30 am - 12 am
Saturday:	11:30 am - 12 am	11:30 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 13, 2019
Protest Petition Deadline: October 28, 2019
Roll Call Hearing Date: November 12, 2019
Protest Hearing Date: January 8, 2020

License No.: ABRA-114812
Licensee: Culture Counter, LLC
Trade Name: Bakers & Barristas
License Class: Retailer's Class "D" Restaurant
Address: 675 E Street, N.W.
Contact: Chrissie Chang: (703) 992-3994

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on November 12, 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 January 8, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new D Restaurant serving pastries and sandwiches. Seating Capacity of 36 and Total Occupancy Load of 36. The Restaurant will include an Entertainment Endorsement.

HOURS OF OPERATION

Sunday through Saturday 7am – 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 8am – 11pm

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 7pm – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 13, 2019
Protest Petition Deadline: October 28, 2019
Roll Call Hearing Date: November 12, 2019
Protest Hearing Date: January 8, 2020

License No.: ABRA-114952
Licensee: BL 1701 14th DC, LLC
Trade Name: Bluestone Lane
License Class: Retailer's Class "C" Restaurant
Address: 1701 14th Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2F

SMD 2F01

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 November 12, 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 January 8, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 75 and Total Occupancy Load of 99. Licensee is requesting a Sidewalk Café with 40 seats.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Thursday 6am - 10pm, Friday and Saturday 6am - 12am

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

Sunday through Thursday 8am - 10pm, Friday and Saturday 8am - 12am

HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday through Saturday 6am - 10pm

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

Sunday through Saturday 8am - 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-086545

License Class/Type: C Tavern

Applicant: 2500 Pennsylvania Avenue Investors, LLC

Trade Name: La Piazza

ANC: 2A03

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

2500 PENNSYLVANIA AVE NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	4 pm - 12 am	-
Monday:	6:30 am - 12 am	4 pm - 12 am	-
Tuesday:	6:30 am - 12 am	4 pm - 12 am	-
Wednesday:	6:30 am - 12 am	4 pm - 12 am	-
Thursday:	6:30 am - 12 am	4 pm - 12 am	-
Friday:	6:30 am - 12 am	4 pm - 12 am	-
Saturday:	7 am - 12 am	4 pm - 12 am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	4 pm - 12 am	4 pm - 12 am
Monda	4 pm - 12 am	4 pm - 12 am
Tuesda	4 pm - 12 am	4 pm - 12 am
Wednesday:	4 pm - 12 am	4 pm - 12 am
Thursday:	4 pm - 12 am	4 pm - 12 am
Friday:	4 pm - 12 am	4 pm - 12 am
Saturday:	4 pm - 12 am	4 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-111423

License Class/Type: C Tavern

Applicant: Y & Y, LLC

Trade Name: Mazi

ANC: 2B05

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

1518 K ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	10 am - 2 am	10 am - 2 am
Monda	10 am - 2 am	10 am - 2 am
Tuesda	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-106334

License Class/Type: C Tavern

Applicant: Maxwell Park LLC.

Trade Name: Maxwell

ANC: 2F06

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

1336 9th ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 1:30 am	10 am - 1:30 am	6 pm - 1:30 am
Monday:	9 am - 1:30 am	9 am - 1:30 am	6 pm - 1:30 am
Tuesday:	9 am - 1:30 am	9 am - 1:30 am	6 pm - 1:30 am
Wednesday:	9 am - 1:30 am	9 am - 1:30 am	6 pm - 1:30 am
Thursday:	9 am - 1:30 am	9 am - 1:30 am	6 pm - 1:30 am
Friday:	9 am - 2:30 am	9 am - 2:30 am	6 pm - 2:30 am
Saturday:	9 am - 2:30 am	9 am - 2:30 am	6 pm - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-000899

License Class/Type: C Nightclub

Applicant: 3124 Corporation

Trade Name: The Good Guys Restaurant

ANC: 3B02

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

2311 WISCONSIN AVE NW, Washington, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-084711

License Class/Type: C Nightclub

Applicant: Jam Ventures, LLC

Trade Name: Opera Ultra Lounge

ANC: 2C01

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

1400 I ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 3 am	12 pm - 2 am	-
Monday:	12 pm - 3 am	12 pm - 2 am	-
Tuesday:	12 pm - 3 am	12 pm - 2 am	-
Wednesday:	12 pm - 3 am	12 pm - 2 am	-
Thursday:	12 pm - 3 am	12 pm - 2 am	-
Friday:	12 pm - 4 am	12 pm - 3 am	-
Saturday:	12 pm - 4 am	12 pm - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 13, 2019
Protest Petition Deadline: October 28, 2019
Roll Call Hearing Date: November 12, 2019
Protest Hearing Date: January 8, 2020

License No.: ABRA-115024
Licensee: Last Call, LLC
Trade Name: Last Call Bar
License Class: Retailer's Class "C" Tavern
Address: 1301 4th Street N.E., Unit #A
Contact: Jeff Jackson, Agent: (202) 251-1566

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on November 12, 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 January 8, 2020 at 4:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern serving American-style foods such as burgers and sandwiches. Total Occupancy Load of 100 with seating for 100 patrons inside premise.

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

Sunday through Thursday 11am - 2am
Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **September 13, 2019
Protest Petition Deadline: **October 28, 2019
Roll Call Hearing Date: **November 12, 2019
Protest Hearing Date: **January 8, 2020

License No.: ABRA-114545
Licensee: S (WDC), LLC
Trade Name: Swingers
License Class: Retailer’s Class “C” Restaurant
Address: 1330 19th Street, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **November 12, 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 ****January 8, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer’s Class “C” Restaurant serving sandwiches and salads with a mini-golf course on premises. Applicant is applying for two Summer Garden Endorsements and **one Sidewalk Café Endorsement. The first Summer Garden will have **69 seats. The second Summer Garden will have **18 seats. **The Sidewalk Café will have 16 sets. **Total Occupancy Load of 732 with seating for 535 patrons inside premises.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES, SUMMER GARDENS, AND SIDEWALK CAFE)

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **August 9, 2019
Protest Petition Deadline: **September 23, 2019
Roll Call Hearing Date: **October 7, 2019
Protest Hearing Date: *8December 4, 2019

License No.: ABRA-114545
Licensee: S (WDC), LLC
Trade Name: Swingers
License Class: Retailer’s Class “C” Restaurant
Address: 1330 19th Street, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **October 7, 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 ****December 4, 2019 at 4:30 p.m.**

NATURE OF OPERATION

New Retailer’s Class “C” Restaurant serving sandwiches and salads with a mini-golf course on premises. Applicant is applying for two Summer Garden Endorsements. The first Summer Garden will have **16 seats. The second Summer Garden will have **48 seats. **Total Occupancy Load of 499 with seating for 435 inside premises.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND FOR SUMMER GARDENS)

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 13, 2019
Protest Petition Deadline: October 28, 2019
Roll Call Hearing Date: November 12, 2019
Protest Hearing Date: January 8, 2020

License No.: ABRA-114804
Licensee: JJ Brothers, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1133 11th Street, N.W.
Contact: Ana De Leon, Agent: (202) 246-7601

WARD 2

ANC 2F

SMD 2F06

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 November 12, 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 **January 8, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" family-oriented Restaurant serving Latin American food. Sidewalk Cafe Endorsement with 52 seats. Total Occupancy Load of 40 with seating for 36 patrons inside premises.

HOURS OF OPERATION (INSIDE PREMISES)

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

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

Sunday through Thursday 10am – 2am

Friday and Saturday 10am – 3am

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

Sunday through Thursday 10am – 11:59pm

Friday and Saturday 10am – 1am

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

Placard Posting Date: September 13, 2019
 Protest Petition Deadline: October 28, 2019
 Roll Call Hearing Date: November 12, 2019
 Protest Hearing Date: January 8, 2020

License No.: ABRA-114613
 Licensees: Third and Tingey Hotel Owner, LLC; and
 215 Tingey Street SE F&B Management, LLC
 Trade Name: Thompson Washington DC
 License Class: Retailer's Class "C" Hotel
 Address: 221 Tingey Street, S.E.
 Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 November 12, 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 **January 8, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Hotel with 225 hotel rooms. Rooftop Summer Garden with 50 seats and two Sidewalk Cafés. The first Sidewalk Café will have 48 seats. The second Sidewalk Café will have 24 seats. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge indoors and outdoors in the Summer Garden.

HOURS OF OPERATION FOR INSIDE PREMISES

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

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

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

HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉS

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

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-112898

License Class/Type: D Restaurant

Applicant: Union Kitchen, LLC

Trade Name: Union Kitchen

ANC: 1B02

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

1924 8TH ST NW, STE 155, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Tasting

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 10 pm	10 am - 10 pm	-
Monday:	7 am - 10 pm	12 pm - 10 pm	-
Tuesday:	7 am - 10 pm	12 pm - 10 pm	-
Wednesday:	7 am - 10 pm	12 pm - 10 pm	-
Thursday:	7 am - 10 pm	12 pm - 10 pm	-
Friday:	7 am - 10 pm	12 pm - 10 pm	-
Saturday:	7 am - 10 pm	10 am - 10 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 13, 2019
Protest Petition Deadline: October 28, 2019
Roll Call Hearing Date: November 12, 2019
Protest Hearing Date: January 8, 2020

License No.: ABRA-115031
Licensee: Union Kitchen, LLC
Trade Name: Union Kitchen
License Class: Retailer's Class "D" Restaurant
Address: 1301 K Street, N.W.
Contact: Courtland Wilson II: (301) 256-4741

WARD 2 ANC 2F SMD 2F08

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 November 12, 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 January 8, 2020 at 4:30 p.m.

NATURE OF OPERATION

A Retailer's Class "D" Restaurant located inside of a full-service grocery store that will serve breakfast, lunch, and dinner, including sandwiches, pizza, empanadas, and salads. Offering a Sidewalk Café with a seating capacity of 20. Total Occupancy Load of 40 seats.

HOURS OF OPERATION FOR INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 7am – 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 8am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/13/2019

Notice is hereby given that:

License Number: ABRA-111709

License Class/Type: C Restaurant

Applicant: P St. Hospitality, LLC

Trade Name: Vintage 78

ANC: 2B02

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

2100 P ST NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
10/28/2019

A HEARING WILL BE
11/12/2019

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

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Thursday, October 17, 2019 at 6 p.m. The hearing will occur at the DHCD - 1st Floor Housing Resource Center located at **1800 Martin Luther King Jr. Avenue SE**, Washington, DC 20020, to consider the proposed disposition of the properties noted below.

SSL	Property Site	Property Type	Ward	Zoning	Neighborhood
5562 0020	1414 22 nd Street SE	Lot	8	RA-2	Anacostia
5778 0834	1615 V Street SE	Lot	8	R-3	Anacostia
5778 0164	1637 V Street SE	Lot	8	RA-1	Anacostia
5755 0004	2206 16 th Street SE	SF	8	R-3	Anacostia

The above properties were included in the DC Department of Housing and Community Development (DHCD) Anacostia Scattered Sites Solicitation. The deadline for submitting proposals was November 5, 2018. Property was awarded to Development Corporation of Columbia Heights (DCCH). The Developer will build affordable housing designated toward households making no more than \$93,760 (80 percent of the 2018 Median Family Income [MFI] for a family of four), at the following **Anacostia** sites: 1414 22nd Street SE, 1615 V Street SE, 1637 V Street SE, and 2206 16th Street SE.

The public hearing is conducted to ensure that all citizens are informed about the selling of the properties identified above and have the opportunity to publicly present their views concerning the impending sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing DHCD's Property Acquisition and Disposition Division at padd.sfo@dc.gov, or by calling (202) 478-1355. Please provide your name, address, telephone number, and organizational affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. Sign language interpretation and language translation services are available upon request by calling Pamela Hillsman at (202) 442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. The deadline for requiring interpretation services is seven days prior to the hearing. Bilingual staff will provide services as available to unregistered attendees.

Written statements may be submitted at the hearing, or until 4:45 p.m., Thursday, October 17, 2019, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, DC 20020.

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

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

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

On June 21, 2019, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 007454. DC Health did not receive any comments and no changes were made to this Notice of Final Rulemaking. These rules were adopted as final on August 7, 2019, and will take effect immediately upon publication of this Notice in the *D.C. Register*.

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

CHAPTER 11 SCHEDULE OF FEES AND SERVICES

1100 SCHEDULE OF FEES AND SERVICES

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

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGANDZ.C. ORDER NO. 19-04

Z.C. Case No. 19-04 set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), H (Neighborhood Mixed-Use (NC) Zones), K (Special Purpose Zones), and U (Use Permissions) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (the Zoning Regulations, to which all references herein are made unless otherwise specified).

Description of Amendment

The text amendment amends:

- Subtitle B by revising § 100.2 to add a definition of a “Community Solar Facility” and § 200.2 to revise the “Basic Utilities” use category to exclude a Community Solar Facility from that use category;
- Subtitle C by revising § 1500.5 to exclude solar canopies on parking garages from being deemed mechanical equipment under the penthouse regulations;
- Subtitle H by revising §§ 1103.1, 1105.1, 1107.1, and 1109.1 to authorize Community Solar Facilities as matter-of-right and special exception uses under certain circumstances in the various NC zones;
- Subtitle K by revising §§ 410.3, 412.1, 612.1, 614.1, 911.1, 913.1, 913.2, and 913.3 to authorize Community Solar Facilities as matter-of-right and special exception uses under certain circumstances in various Hill East, StEs, and Walter Reed zones; and
- Subtitle U by revising §§ 201.1, 203.1, 600.1, 601.1, 801.1, and 802.1 to authorize Community Solar Facilities as matter-of-right and special exception uses under certain circumstances in the various R, RF, RA, and PDR zones.

The amendment responds to the concerns of the Office of Planning (OP) and the District Department of Energy and Environment (DOEE) that the Zoning Regulations impeded the implementation of community solar installations, which provide the benefits of solar energy systems to residents who can’t install such systems on their residences, including renters, homeowners whose rooftops are shaded or need repairs, and residents in multi-family buildings, by allowing members to receive a credit on their electricity bill each month for their share of the solar energy produced by a community solar installation not located on their residence. Community solar installations are a key component of efforts to meet the target of 100% renewable energy by 2032 included in the Clean Energy DC plan to implement the Clean Energy DC Omnibus Act of 2018. As part of these efforts, DOEE launched its “Solar for All” program to reduce the electric bills of at least one hundred thousand (100,000) District low-income households with high energy burdens by at least fifty percent (50%) prior to December 31, 2032. DOEE has issued \$13 million dollars (\$13,000,000) in grants under the “Solar for All” program

for community solar installations which must be completed prior to the end of this fiscal year on September 30, 2019.

Although the Zoning Regulations did not specifically regulate solar arrays as a use, community solar installations have been deemed to fall within the “Basic Utilities” use category requiring a special exception to operate. DOEE raised concerns that requiring community solar installations to obtain a special exception adds delay and expense and would adversely impact DOEE and the District’s achievement of the solar and renewable energy targets of the Clean Energy DC plan by potentially jeopardizing the twenty-two megawatts (22MW) of planned community solar projects funded by DOEE’s “Solar for All” program.

The Zoning Regulations also did not specifically regulate the location of solar arrays; however, roof-mounted solar systems must comply with the penthouse regulations found in Subtitle C, Chapter 15 and permanent ground-mounted solar arrays that are greater than four feet (4 ft.) in height must comply with the development standards applicable to structures in each zone.

Procedures Leading to Adoption of the Amendment

On February 7, 2019, OP filed a report with the Office of Zoning that served as a petition proposing an amendment to Subtitles B, C, H, K, and U of the Zoning Regulations that would:

- Define a Community Renewable Energy Facility (CREF) distinct from the facilities classified in the “Basic Utilities” use category;
- Exclude solar canopies over a parking garage from being deemed mechanical equipment under the penthouse regulations; and
- Permit a CREF as a matter-of-right use, subject to the yard and height development standards of each zone, in all zones except the MU-11 and SEFC-4 zones. (Exhibit [Ex.] 1.)

The OP Report requested that the Commission take emergency action, as well as proposed action, to adopt the proposed amendments in order to ensure that all participants in DOEE’s “Solar for All” program were able to complete their solar installations before the funding expired.

At its February 11, 2019 public meeting, the Commission heard the testimony of OP and DOEE about the effect of the text amendment. DOEE testified that emergency action was needed because the required special exceptions for community solar installations would imperil the funding available for the “Solar for All” program for this fiscal year and would therefore result in immediate and significant harm to these installations, which must be completed by September 30, 2019 to fulfill the grant requirements. Such delay would also cause immediate and significant harm to the lower-income households who are the beneficiaries of the reduced energy costs from these community solar installations. This would prove detrimental to the District’s goals of increasing the sustainability, resilience, and equitability of the District’s built environment and energy systems.

At its February 11, 2019 public meeting, upon the motion of Chairman Hood, as seconded by Commissioner Shapiro, the Zoning Commission took **EMERGENCY AND PROPOSED ACTION** to authorize a notice of proposed rulemaking to adopt the proposed text amendment by

a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller not present, not voting).

Notice of Emergency and Proposed Rulemaking

The proposed amendment was referred to the National Capital Planning Commission (“NCPC”) for the thirty (30)-day review period required by § 492 of the District Charter on February 13, 2019 and published as a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* at 66 DCR 2378 on February 22, 2019.

NCPC filed a report dated March 7, 2019, stating that it had determined that the proposed amendment would not be inconsistent with the Comprehensive Plan or other federal interest. (Ex. 7.)

OP submitted a Hearing Report dated March 22, 2019), that revised the proposed amendment by narrowing the definition of facilities covered by the amendment from a CREF, which include non-solar facilities, to a “Community Solar Facility” (CSF). (Ex. 8.)

The Commission received six (6) comments in support of the Notice of Emergency and Proposed Rulemaking, that focused on the importance of the proposed amendment to the District’s clean energy efforts:

- The Mayor and Director of DOEE stated that without the proposed amendment, CSFs would take longer and be less certain of approval, which would increase the cost of financing these CSFs and impede the District’s efforts to combat climate change by promoting clean, renewable, District-based energy sources and meet the Clean Energy DC Omnibus Amendment Act of 2018 sustainability goals; (Ex. 9, 17.)
- The Maryland-D.C.-Delaware-Virginia Solar Energy Industries Association (MDV/SEIA) stated that the proposed amendment was necessary to achieve the District’s renewable energy goals by efficiently utilizing the District’s limited roof space for solar panels and by encouraging more investment in solar installations by removing the uncertainty of requiring Board of Zoning Adjustment (BZA) relief. MDV/SEIA therefore requested that the Commission expand the amendment to include all solar installations, not only those funded by DOEE’s “Solar for All” program; (Ex. 15.)
- GRID Alternatives and Groundswell, non-profit solar installers and developers, emphasized the benefits of CSFs in giving access to solar energy to individuals, many lower-income, who otherwise lacked the property on which to install solar panels; and (Ex. 18, 21, 24.)
- New Columbia Solar, a company that finances, installs, operates, and owns solar installations, noted that CSFs are identical to solar installations whose energy is used exclusively on-site and do not require BZA approval and so should be treated the same. (Ex. 20.)

The Commission also received seven (7) comments in opposition to the Notice of Emergency and Proposed Rulemaking:

- Most opposed allowing any CSF as a permitted use and argued to retain the current special exception requirement to give neighbors a role in the review of a new CSF; and (Ex. 10-14, 16, 22, 25, 27.)
- The Committee of 100 also requested that if the Commission decided to approve by-right CSFs, that it first narrow the proposed amendment to require: (i) CSFs provide public benefits; and (ii) by-right CSFs comply with area and height limitations. (Ex. 16, 25.)

At its April 1, 2019 public hearing, the Commission heard testimony from OP, DOEE, and the public, at the end of which the Commission asked OP to refine the proposed text amendment, specifically to consider imposing a limited size on matter-of-right uses with larger sizes allowed by special exception.

OP addressed the issues raised by the Commission at the April 1, 2019 public hearing in a Supplemental Report, dated April 22, 2019, based upon consultation with DOEE and the Department of Consumer and Regulatory Affairs, that proposed to further revise the proposed text amendment including:

- Limiting CSFs by right to:
 - ground-mounted CSFs under two (2) acres in all zones except the MU-11 and SEFC-4 zones;
 - roof-mounted CSFs in all zones other than the MU-11 and SEFC-4 zones; and
 - roof- and ground-mounted CSFs of any size in the PDR zones; and
- Requiring special exception relief from the BZA for ground-mounted CSFs exceeding two (2) acres in size in all zones other than the MU-11, SEFC-4, and PDR zones. (Ex. 28.)

At its April 29, 2019 public meeting, the Commission heard testimony by OP, who it asked to refine further the proposed text amendment to consider more stringent buffering and screening requirements and a lower size threshold for requiring BZA special exception approval. The Commission deferred taking emergency action and instead decided to schedule a continued deliberation for prior to the June 11, 2019 expiration of the emergency amendment.

In response to the Commission's request at the April 29, 2019th public meeting, OP submitted a Second Supplemental Report, dated May 8, 2019, based on consultation with DDOE, proposing additional revisions including:

- Further limit by-right ground-mounted CSFs to a maximum height of twenty (20) feet and to the setback development standards of the individual zone;
- Clarify that the two (2)-acre limitation for by-right ground-mounted CSFs applies to the total size of the solar arrays, not the size of the lot; and
- Clarify that the BZA, in considering CSF special exception requests, may impose buffering and screening conditions necessary to protect the neighborhood. (Ex. 29.)

OP also reported that fifty-five (55) projects had pending building permit applications based on the emergency and proposed text amendment, of which only four (4) were ground-mounted. OP

recommended that the Commission renew the emergency action set to expire on June 11, 2019 to prevent terminating pending permit applications that relied on the emergency rule.

At its May 13, 2019 public meeting, the Commission heard testimony from OP, who it asked to refine further the proposed text amendment to consider specific buffering and screening requirements adjacent to residential and park uses, instead of leaving screening and buffering to the discretion of the BZA, and a lower size threshold for requiring BZA special exception approval. The Commission also requested OP to provide specific information about each of the pending building permit applications. The Commission deferred taking emergency action and instead scheduled a continued deliberation for June 10, 2019, prior to the expiration of the emergency amendment.

In response to the Commission's request at the May 13, 2019 public meeting, OP submitted a Third (and Final) Supplemental Report, dated June 5, 2019, based on further consultation with DOEE, that recommended further revisions including:

- Further limiting by-right ground-mounted CSFs:
 - to a maximum panel size of one-and-one-half (1.5) acres or less; and
 - to properties located at least forty feet (40 ft.) away from an adjacent property in a R, RF, or RA-1 zone; and
- Imposing landscape buffers facing adjacent public space, residential uses, and parks and recreation uses for CSF special exceptions. (Ex. 30.)

OP's Final Report also provided information on all pending building permit applications, clarifying that only three (3) were ground-mounted, and only one (1) of those had a panel size exceeding one-and-one-half (1.5) acres. OP recommended that the Commission renew the emergency amendment set to expire on June 11, 2019 to prevent pending building permit applications being jeopardized by the delay in adopting the amendments.

At its June 10, 2019 public meeting, the Commission considered OP's proposed revisions and confirmed, among other issues, that the 40-foot (40 ft.) setback from adjacent property in the R, RF, and RA-1 zones included intervening streets and alleys.

At the close of the June 10, 2019 public meeting, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** to authorize a notice of proposed rulemaking for the revised text included in OP's Final Report by a vote of **4-1-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May to oppose).

Immediately following this vote, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **EMERGENCY ACTION** to adopt the revised text included in OP's Final Report by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

Notice of Second Emergency and Proposed Rulemaking

The proposed revised amendment was referred to the NCPC for the thirty (30)-day review period required by § 492 of the District Charter on June 17, 2019 and was published as a Notice of Second Emergency and Proposed Rulemaking in the *D.C. Register* at 66 DCR 7711 on June 28, 2019.

NCPC filed a report dated July 11, 2019, stating that it had determined that the proposed revised amendment would not be inconsistent with the Comprehensive Plan or other federal interest. (Ex. 34.)

The Commission received seven (7) comments in support of the Notice of Second Emergency and Proposed Rulemaking, all from solar energy entities, both non-profit and for-profit:

- All objected to the revised amendment's height and setback limits for by-right CSFs and requirements for screening and DOEE review for special exception CSFs, with some referring to solar installations that were reduced or eliminated due to the current regulations; (Ex. 38-39, 41, 43, 46, 52-53.)
- One (1) objected to the inclusion of carport canopies as penthouses (by the exclusion from being deemed mechanical equipment); and (Ex. 41.)
- One (1) proposed that the forty-foot (40-ft.) setback requirement for lots adjacent to R zones should be reduced to ten (10) feet, or less, for smaller solar installations of less than one-and-one-half (1.5) acres. (Ex. 53.)

The Commission received fifteen (15) comments in opposition to the Notice of Second Emergency and Proposed Rulemaking:

- Most opposed:
 - any by-right CSF and requested the retention of the current special exception requirement for CSFs;
 - potential tree-cutting and alleged herbicide use in CSF installation; and
 - the maximum size allowed by right; (Ex. 35-37, 40, 42, 44-45, 47-51, 54-56.)
- Several referred to a proposed CSF that is the subject of a special exception application before the BZA; (Ex. 47, 49, 56.)
- Two (2) wanted the size limit to apply to the lot and not the panels and to limit the by-right CSF to lots of one-quarter (.25) acre or less; (Ex. 37, 44.)
- Two (2) wanted to limit any by-right CSFs to low-income subscribers; (Ex. 44, 45.)
- One (1) requested that a pilot program be run before allowing by-right CSFs city-wide, while two (2) objected to the lack of a city-wide study of potential impacts; (Ex. 49, 51, 54.)
- One (1) asserted that the proposed amendment was inconsistent with nine (9) policies of the Comprehensive Plan because:
 - CSFs are inappropriate for residential zones, either as commercial or industrial uses; (LU-2.1.5, LU-2.3.1, UNE-1.1.10; Ex. 51.)
 - CSF installations allegedly used herbicides; (E-1.5.3.)
 - solar panels would allegedly reduce the tree canopy; and (E-3.1.2.)
 - allowing CSFs by right allegedly reduced transparency of government decision-making; and (UNE-1.2.7, IM-1.1.1, IM-1.5.4, E-3.4.2.)

- One (1) asserted that the Commission lacked the authority to regulate solar arrays. (Ex. 55.)

In response to these comments, the Commission noted OP's multiple refinements in response to the Commission's concerns to find the correct balance between supporting the expansion of solar energy to meet the District's clean energy policy goals and to provide solar energy to residents, often lower-income, otherwise unable to install solar energy systems on their own residences on the one hand, and protecting residents from potential adverse impacts of adjacent CSFs on the other hand. In response to concerns raised by public comments and testimony, the Commission refined the amendment to limit the by-right CSF standards and retain a special exception for CSFs that did not meet the by-right standards, to reduce the size of the total solar panels, to establish buffering, and to impose more stringent height and setback standards than for by-right buildings. The Commission acted within the authority granted to it by the Zoning Act, the same authority used for the current special exception process, to regulate the size, location, and use of CSFs, but not the generation of energy, and carefully considered the elements and policies of the Comprehensive Plan in crafting the amendment. The amendment's CSF by-right and special exception standards provide clear and accessible guidance for applicants and neighbors ensuring a transparent process. The Commission agreed with OP and DOEE that CSFs are compatible with almost all zones, especially with the additional protections imposed by the amendment that exceed the development standards applicable to solar installations that generate energy only for use on the same property. Although the Commission recognized that solar installations at times conflict with the tree canopy, the Commission believes the amendment strikes a reasonable balance to meet District environmental goals and policies that seek to expand both clean energy generation and the tree canopy in the District and notes that both OP and DOEE support the amendment. The Commission noted that the use of herbicides is not necessarily or exclusively related to CSF installations and is regulated by other District agencies. As to the potential impact of the amendment on current applications before the BZA, the Commission notes that the general vesting rule of Subtitle A § 301.4 requires a permit to comply with the regulations in effect on the date of issuance of the permit.

"Great Weight" to the Written Report of Affected ANCs

The Commission must give "great weight" to the issues and concerns contained in the written report of an affected ANC under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)); *see* Subtitle Z §406.2.). To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)

As this amendment applies citywide, it is of concern to all ANCs, as was directly stated in the Public Hearing Notice published in the *D.C. Register*. However, as no ANC submitted a written report to the record, the Commission has nothing to which it can give great weight.

"Great Weight" to the Recommendations of OP

The Commission must give “great weight” to the recommendations contained in the OP Reports under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.); *see* Subtitle Z § 405.8.).

The Commission found OP’s proposal and refinements persuasive as an effective means of balancing the public policy goals of expanding solar energy to residents otherwise unable to benefit from clean solar energy with appropriate protections from potential adverse impacts of CSFs on neighbors. The Commission therefore concurred with OP’s judgment to adopt the amendment as published in the Notice of Emergency and Proposed Rulemaking and revised by the Notice of Second Emergency and Proposed Rulemaking.

Based on the record, at its public meeting on July 29, 2019, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to adopt the amendments as proposed in the Notice of Second Emergency and Proposed Rulemaking by a vote of **4-1-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May to oppose).

The following amendments to Title 11 DCMR, ZONING REGULATIONS OF 2016, are adopted:

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended by adding a definition of “Community Solar Facility” to read as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

Community Solar Facility: A solar energy facility that is directly interconnected with the distribution system of the electric company, as defined by D.C. Official Code § 34-207, and that does not exceed five megawatts (5 MG) in capacity, where the monetary value of the electricity generated by the facility is credited to the subscribers, which must number at least two (2). Community solar facilities are characterized by the sharing of electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays,

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

Subsection 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, is amended by renaming paragraph (f) “Basic Utilities: to “Utility (Basic)” and by revising paragraph (gg) to exclude Community Solar Facilities and reordering alphabetically to read as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

(a) Agriculture, Large:

(1) The on-site cultivation ...

...

(f) Chancery:

(1) The principal offices ...

...

(g) Community-Based Institutional Facility:

(1) A use providing ...

...

(h) Daytime Care:

(1) The non-residential ...

...

(n) Firearm Sales:

(1) A use engaged in ...

...

(o) Government, Large Scale:

(1) A use involving services ...

...

- (p) Government, Local:
 - (1) A use involving ...
 - ...
- (q) Institutional, General:
 - (1) A non-governmental use involving ...
 - ...
- (r) Institutional, Religious Based:
 - (1) A non-governmental use involving ...
- (s) Lodging:
 - (1) A use providing ...
 - ...
- (t) Marine:
 - (1) A use in which ...
 - ...
- (u) Medical Care:
 - (1) A use involving the on-site licensed ...
- (v) Motor Vehicle-Related:
 - (1) A use engaging in ...
 - ...
- (ff) Transportation Infrastructure:
 - (1) A use involving ...
 - ...
- (gg) Utility (basic):
 - (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;

- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation other than a community renewable energy facility, or utility pumping station; and
- (4) Exceptions: This use category does not include a community renewable energy facility use or uses which would typically fall within the antennas or waste-related services use categories;

(hh) Waste-Related Services:

- (1) A use involving

Subtitle C, GENERAL RULES, is amended as follows:

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15, PENTHOUSES, is amended to exclude solar canopies on parking garages from being mechanical equipment for penthouse purposes to read as follows as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended by adding a new paragraph (e) and reordering alphabetically to read as follows:

- 1103.1 The following uses in this section shall be permitted as a matter of right:
- (a) NC zone designated uses;
 - (b) Agriculture, large;
 - (c) Arts, design, and creation;
 - (d) Chancery;

- (e) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.
- (f) Daytime care;
- (g) Education, private;
- (h) Education, public;
- (i) Government, local;
- (j) Health care;
- (k) Institutional, general and religious;
- (l) Office, including chancery;
- (m) Parking;
- (n) Parks and recreation;
- (o) Residential;
- (p) Retail;
- (q) Services, financial; and
- (r) Transportation infrastructure.

Subsection 1105.1 of § 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), of Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended by adding a new paragraph (d) and reordering alphabetically to read as follows:

- 1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:
- (a) Animal boarding uses not meeting the conditions of Subtitle H § 1101.4(g)(3), subject to the following:
 - (1) The animal boarding use ...
...
 - (b) Animal care uses, not meeting the conditions of Subtitle H § 1101.4(g), subject to the following:
 - (1) The use shall not be located ...
...
 - (c) Community-based institutional facilities provided that the use shall house no more than to fifteen (15) persons, not including resident supervisors or staff and their families;
 - (d) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following conditions:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
 - (e) Emergency shelter uses for up to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property ...
...

(f) Eating and drinking establishment use that is a prepared food shop with more than twenty-four (24) seats;

(g) Education, college/university uses shall be permitted as a special exception subject to Subtitle X § 102;

(h) Motor vehicle-related uses limited to the following and subject to the corresponding conditions:

(1) The use is a gasoline service station ...
...

(i) Utility (basic) uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement;

Subsection 1107.1 of § 1107, SPECIAL EXCEPTION USES (NC-USE GROUP B), of Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended by adding a new paragraph (c) and reordering alphabetically to read as follows:

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Animal care and boarding uses not meeting the conditions of Subtitle H § 1101.4(h), subject to the conditions of Subtitle H § 1105.1(a);

(b) Community-based institutional facilities provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families;

(c) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

- (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (d) Emergency shelter uses for up to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions in Subtitle H § 1105.1(e);
- (e) Eating and drinking establishment uses as follows:
 - (1) Prepared food shop ...
...
- (f) Education, college/university uses subject to Subtitle X § 102, in all the other zones in NC-Use Group B that are not allowed as a matter of right;
- (g) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:
 - (1) The uses shall not be ...
...
- (h) Motorcycle sales and repair uses subject to the following conditions:
 - (1) The use and all its accessory facilities ...
...
- (i) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:
 - (1) The total number of parking spaces ...
...
- (j) The following service (general) uses:
 - (1) A self-service or full-service laundry ...
...

- (k) Utility (basic) uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

Subsection 1109.1 of § 1109, SPECIAL EXCEPTION USES (NC-USE GROUP C), of Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended by adding a new paragraph (b) and reordering alphabetically to read as follows:

1109.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § 1101.4(h), subject to the conditions of Subtitle H § 1105.1(a);
- (b) Community solar facility not meeting the requirements of Subtitle H § 1103.1(e), subject to the following conditions:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.
- (c) Eating and drinking establishment use that is a fast food establishment, subject to the conditions of Subtitle H § 1107.1; except that the use shall not be permitted in the NC-5 zone;
- (d) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:
 - (1) A gasoline service station ...

...

- (e) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:
 - (1) The total number of parking spaces ...
 - ...
- (f) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.
- (g) Service (general) uses not meeting the conditions of Subtitle H §1108.1(h); and
- (h) Utility (basic) uses not meeting the conditions of Subtitle H § 1108.1(i) and subject to the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

Subsection 410.3 of § 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, is amended by adding a new paragraph (d) and reordering alphabetically to read as follows:

410.3 The following uses are permitted in the HE zones:

- (a) Agriculture, residential;
- ...
- (d) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

- (C) Meets the yard and height development standards of the zone; and
- (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.
- (e) Daytime care;
- (f) Eating and drinking establishments subject to the following conditions:
 - (1) A drive-through, fast food restaurant ...
- (g) Emergency shelter uses are permitted by-right provided that the use may not house more than four (4) persons, not including resident supervisors or staff and their families;
- (h) Entertainment, assembly, and performing arts;
- (i) Government, local;
- (j) Lodging;
- (k) Office;
- (l) Parks and recreation;
- (m) Residential;
- (n) Retail; and
- (n) Service, general and financial.

Subsection 412.1 of § 412, USE PERMITTED BY SPECIAL EXCEPTION (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, is amended by adding a new paragraph (d) and reordering alphabetically to read as follows:

412.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle K § 413 and any applicable provisions of this section:

- (a) Campus plan for a college or university use, including a college or university hospital, dormitory, fraternity, or sorority house, proposed to be

located on the campus of a college or university, subject to the following conditions:

- (1) The use shall be located only ...
...
- (b) Community-based institutional facility not meeting the matter-of-right conditions of Subtitle K §410 as follows:
 - (1) Residential uses for ...
...
- (c) Community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the area in which the center is proposed to be located, which may include, but not be limited to, centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, provided that the community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual;
- (d) Community solar facility not meeting the requirements of Subtitle K § 410.3(d), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and
- (e) Emergency shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families;
- (f) Fast food establishment or food delivery business subject to the following conditions:

- (1) The use shall not ...
...
- (g) Health care uses:
 - (1) A hospital use may be located only ...
...
- (h) Parking uses, subject to the following conditions:
 - (1) Parking in above grade structures...
...
- (i) Private school, including residences for teachers and/or staff, subject to the following conditions:
 - (1) The use shall be located only ...
...
- (j) Utility (basic) uses and supporting infrastructure facilities, such as an electrical substation, natural gas regulator station, pump station, telecommunications facility, or any co-generation facility. Additional setbacks and screening requirements may be required as the Board of Zoning Adjustment deems necessary for protection of the surrounding neighborhood; and
- (k) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle X and Subtitle K § 416; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Subsection 612.1 of § 612, USE PERMISSIONS (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19, is amended by adding a new paragraph (f) and reordering alphabetically to read as follows:

612.1 The following use categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

- (a) Agriculture, large and residential;
...
- (d) Arts, design, and creation;

- (e) Chancery;
- (f) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.
- (g) Daytime care;
- ...
- (w) Service, general and financial;
- (x) Transportation infrastructure; and
- (y) Utility (basic).

Subsection 614.1 of § 614, USES PERMITTED BY SPECIAL EXCEPTION (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19, is amended by adding a new paragraph (b) and reordering alphabetically as follows:

614.1 The uses in this section shall be permitted in the StE zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the criteria set forth in Subtitle K § 618 and any applicable conditions of each paragraph below:

- (a) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:
 - (1) There shall be no other property ...

...

- (b) Community solar facility not meeting the conditions of Subtitle K § 612.1(f), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and
- (c) Except as permitted as a matter of right in the StE-2 zone by Subtitle K § 612.1(j), emergency shelter uses for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:
 - (1) There shall be no other property ...

Subsection 911.1 of § 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph (e) and reordering alphabetically to read as follows:

- 911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.
- (a) Agriculture, large and residential;
 - ...
 - (c) Arts, design, and creation subject to the conditions of Subtitle K § 912.3;
 - (d) Chanceries;
 - (e) Community solar facility, subject to the following conditions:

- (1) Roof-mounted solar array of any size; or
- (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone;
- (f) Daytime care subject to the conditions of Subtitle K § 912.5;
- ...
- (m) Retail subject to the conditions of Subtitle K § 912.10;
- (n) Transportation infrastructure; and
- (o) Utility (basic).

Subsection 913.1 of § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph (b) and reordering alphabetically to read as follows:

- 913.1 The uses in this section shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:
- (a) Community-based institutional facilities ... the following conditions:
 - ...
 - (b) Community solar facility not meeting the requirements of Subtitle K § 911.1(e), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;

- (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report; and
- (c) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:
- (1) There shall be no other property ...
- ...

Subsection 913.2 of § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph (c) to read as follows:

913.2 The following uses shall be permitted in the WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Animal sales, care, and boarding shall be subject to the following conditions:
- ...
- (c) Community solar facility not meeting the requirements of Subtitle K § 911.1(e), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.

(d) Food establishment ...
...

(f) All motor vehicle related uses ...

Subsection 913.3 of § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph (a) and reordering alphabetically to read as follows:

913.3 The following uses shall be permitted in the WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

(a) Community solar facility not meeting the requirements of Subtitle K § 911.1(e), subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

(b) Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:

(1) The facility shall be located ...
...

(c) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § 913.1(c).

Subtitle U, USE PERMISSIONS, is amended as follows:

Subsection 201.1 of § 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended by adding a new paragraph (c) to read as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) A principal dwelling unit shall be permitted as follows:
 - (1) In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;
 - ...
- (b) Clerical and religious group residences for no more than fifteen (15) persons; and
- (c) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

Subsection 203.1 of § 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended by adding a new paragraph (f) and reordering alphabetically to read as follows:

203.1 The uses in this section shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable conditions of each paragraph below:

- (a) Accessory apartment that does not mean the requirements of Subtitle U § 253;
- ...
- (f) Community solar facility not meeting the requirements of Subtitle U § 201.1(c), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.

Current 203.1(f) through (q) becoming (g) through (r) as follows:

- (g) Continuing care retirement community, subject to the provisions of this paragraph:
 - ...
- (h) Daytime care uses subject to the following conditions:
 - ...
- (i) Emergency shelter use for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

- (j) Health care facility use for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

- (k) Parking as a principal use, or accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions:

...

- (l) Performing arts, live theatrical use of an existing theater or performance space in an institutional, educational, or performing arts building subject to the following conditions:

...

- (m) Private schools and residences for teachers and staff of a private school, but not including a trade school, subject to the following conditions:

...

- (n) Private stables shall be permitted as an accessory use subject to the following conditions:

...

- (o) Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:

...

- (p) Uses and programs conducted by a religious congregation or group of congregations, subject to the following conditions:

...

- (q) Utility uses subject to the following conditions:

...

- (r) Any use within a District of Columbia former public school building that does not comply with the matter of right conditions of Subtitle U § 252 subject to the special exception conditions of Subtitle U § 252.

Subsection 600.1 of § 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, is amended by adding a new paragraph (d) and reordering alphabetically to read as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

- (a) Agricultural, both residential and large;
- ...
- (d) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, subject to the following requirements:
 - (A) Measures no greater than twenty feet (20 ft.) in height;
 - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
 - (C) Meets the yard and height development standards of the zone; and
 - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

Current 600.1(d) through (e) becoming (e) through (f) as follows:

- (e) Parking subject to ...; and
- (f) Residential dwelling

Subsection 601.1 of § 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, is amended by adding a new paragraph (b) and reordering alphabetically to read as follows:

601.1 The following uses shall be permitted on an alley lot in the R, RF, and RA zones, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the applicable conditions of each paragraph below:

- (a) No camp or any temporary place of abode ... subject to the following conditions:
 - (1) The use shall be ...
 - ...
- (b) Community solar facility not meeting the requirements of Subtitle U § 600.1(d), subject to the following:

- (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
- (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

Current 601.1(b) through (d) becoming (c) through (e) as follows:

- (c) Parking uses ...
- (d) Residential use not meeting ...; and
- (e) Storage of wares or goods on an alley lot

Subsection 801.1 of § 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, is amended by adding a new paragraph (g) and reordering alphabetically to read as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

- (a) Agricultural uses;
...
- (g) Community solar facility, subject to the following conditions:
 - (1) Roof-mounted solar array of any size; or
 - (2) Ground-mounted solar array, provided the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone;

Current 801.1(g) through (bb) become (h) through (cc) as follows:

- (h) Daytime care;

- (i) Eating and drinking establishments ...
- (j) Education uses, private and public;
- (k) Emergency shelter for not more ...
- (l) Firearm sales uses are permitted ...
- (m) Government uses, local and large-scale;
- (n) Health care;
- (o) Institutional uses, general and religious;
- (p) Lodging;
- (q) Marine;
- (r) Motor vehicle-related sales and repair ...
- (s) Office;
- (t) Parking;
- (u) Parks and recreation;
- (v) Production, distribution, and repair uses ...
- (w) Residential uses are limited ...
- (x) Retail uses, except large format retail;
- (y) Service uses are permitted ...
- (z) Transportation infrastructure;
- (aa) Utility (basic) uses are permitted ...
- (bb) Waste incineration, including for conversion to energy ... within one hundred feet (100 ft.) of a residential zone; and
- (cc) Wholesale or storage establishment, including open storage, except a junk yard.

Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, is amended by adding a new paragraph (b) and reordering alphabetically to read as follows:

802.1 The following uses shall be permitted in a PDR zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the applicable conditions of each paragraph below:

- (a) Animal sales, care, and boarding uses ...
- (b) Community solar facility not meeting the requirements of Subtitle U § 801.1(g), subject to the following:
 - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that
 - (A) Maintains as many existing native trees as possible;
 - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
 - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
 - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

Current 802.1(b) through (f) become (c) through (g) as follows:

- (c) Eating and drinking establishments ...
- (d) Emergency shelter not meeting ...
- (e) Entertainment, assembly, and performing arts uses ...
- (f) Production, distribution, and repair uses ...
- (g) Repair of automobiles ...

Current 802.1(j) becomes (h) as follows:

- (h) Retail, large format, subject ...

Current 802.1(h) through (j) become (i) through (j) as follows:

- (i) Utility (basic) uses not meeting the conditions of Subtitle U § 801.1(z); however, if the use is an electronic equipment facility (EEF), the Board of Zoning Adjustment shall consider:
 - (1) How the facility ...
 - ...
- (j) Waste-related service uses not permitted under Subtitle U § 801.1(aa), but not including hazardous waste, subject to the following conditions:
 - (1) Regardless of use, the facility ...
 - ...

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on September 13, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF PROPOSED RULEMAKING**

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18–371; D.C. Official Code §§ 2–352.04 and 2–361.06 (2016 Repl. & 2018 Supp.)) (the “PPRA”), hereby gives notice of the intent to adopt the following rulemaking to revise Chapter 40 (Quality Assurance) to Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking updates and aligns Chapter 40 to the present quality assurance requirements of the PPRA. The current Chapter 40 contains provisions that are outdated and inconsistent with the PPRA. Accordingly, contracting officers, contractors, subcontractors and other stakeholders lack clear guidance on their respective roles and responsibilities, the use of warranties, nonconforming goods and services, procedures for the acceptance of goods, and allocation of liability for loss or damage to goods. This rulemaking is necessary to provide legal certainty to contracting officers, programmatic staff, and other stakeholders regarding District procurement.

The CPO gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 40, QUALITY ASSURANCE, of Title 27, CONTRACTS AND PROCUREMENT, of the DCMR is amended as follows:

Section 4000, CONTRACTING OFFICER RESPONSIBILITIES, is amended to read as follows:

4000 CONTRACTING OFFICER RESPONSIBILITIES

4000.1 The contracting officer shall ensure that the supplies, services, or construction procured under each District contract conform to the contract’s quality and quantity requirements, including inspection, acceptance, warranty, and any other measures associated with District quality assurance.

4000.2 The contracting officer shall be responsible for the following;

- (a) Ensuring that each contract includes inspection and other quality requirements, including warranty clauses when appropriate, which are necessary to protect the District’s interests;
- (b) Ensuring that contract quality assurance is conducted by the District before acceptance, except as otherwise provided in this chapter, by or under the direction of District personnel;

- (c) Ensuring that no contract precludes the District from performing inspection;
- (d) Ensuring that nonconforming supplies, services, or construction are rejected, except as otherwise provided in this chapter;
- (e) Ensuring that the contract quality assurance and acceptance services of the using agency are used when this will be effective, economical, or otherwise in the best interests of the District;
- (f) Obtaining any specifications for inspection, testing, and other contract quality requirements essential to ensure the integrity of the supplies, services, or construction from the agency responsible for the technical requirements; and
- (g) Including in solicitations and contracts the necessary requirements for the contractor’s control of quality for the supplies, services, or construction to be procured.

Section 4001, CONTRACT ADMINISTRATOR RESPONSIBILITIES, is amended to read as follows:

4001 CONTRACT ADMINISTRATOR RESPONSIBILITIES

4001.1 The contract administrator shall do the following:

- (a) Develop and apply efficient procedures for performing contract quality assurance actions under the contract in accordance with the written directions of the contracting officer;
- (b) Perform all actions necessary to verify whether the supplies, services, or construction conform to contract quality requirements;
- (c) Implement any specific written instructions from the contracting officer;
- (d) Report to the contracting officer any defects observed in design or technical requirements, including contract quality requirements; and
- (e) Recommend any changes necessary to the contract, specifications, instructions, or other requirements that will provide more effective operations or eliminate unnecessary costs.

4001.2 The contract administrator shall maintain, as part of the performance records of the contract, suitable records reflecting the following:

- (a) Contract quality assurance actions, including, when appropriate, the number of observations made and the number and type of defects; and
- (b) Decisions regarding the acceptability of the products as well as actions to correct defects.

Section 4002, CONTRACTOR RESPONSIBILITIES, is amended to read as follows:

4002 CONTRACTOR RESPONSIBILITIES

- 4002.1 The contractor shall be responsible for carrying out its obligations under the contract by doing the following:
- (a) Controlling the quality of supplies, services, or construction;
 - (b) Ensuring that vendors or suppliers of materials, parts, components, and subassemblies have an acceptance quality control system;
 - (c) Tendering to the District for acceptance only those supplies, services, or construction that conform to all of the contract requirements; and
 - (d) Maintaining substantiating evidence, when required by the contract, that the supplies, services, or construction conform to contract quality requirements, and furnishing that information to the District, upon request or as otherwise required.
- 4002.2 The contracting officer may require the contractor to provide and maintain an inspection system or program for the control of quality that is acceptable to the District.
- 4002.3 The contractor shall be responsible for performing all inspections and tests required by the contract except those specifically reserved for performance by the District.

Section 4004, CONTRACT QUALITY REQUIREMENTS, is amended to read as follows:

4004 CONTRACT QUALITY REQUIREMENTS

- 4004.1 The contracting officer shall include in the solicitation and the contract the appropriate contract quality requirements. The type and extent of contract quality requirements needed depends on the particular procurement and may range from inspection at time of acceptance to a requirement for the contractor’s implementation of a comprehensive program for controlling quality.
- 4004.2 A solicitation or contract may provide for alternative, but substantially equivalent, inspection methods to obtain broader competition and reduce costs.

- 4004.3 The contracting officer may authorize alternative quality control or inspection methods recommended by the contractor when in the best interests of the District and approved by the agency responsible for the technical requirements.
- 4004.4 Except as otherwise specified by the contract, required contractor testing may be performed in the contractor's, or a subcontractor's, testing facility or in any other testing facility acceptable to the contracting officer.
- 4004.5 Except as provided in § 4004.6 of this chapter, when supplies, services, or construction are procured by small purchase procedures pursuant to chapter 18 of this title, the District shall rely on the contractor to accomplish all inspection and testing needed to ensure compliance with contract quality requirements before the supplies, services, or construction are tendered to the District.
- 4004.6 The District shall not rely on inspection by the contractor if the contracting officer determines that the District has a need to test supplies, services, or construction in advance of their tender for acceptance, or determines that there is a need to review the adequacy of the contractor's internal work processes. In making the determination, the contracting officer shall consider the following:
- (a) The nature of the supplies, services, or construction being procured and their intended use;
 - (b) The potential losses in the event of defects;
 - (c) The likelihood of uncontested replacements or correction of defective work; and
 - (d) The cost of a detailed inspection by the District.
- 4004.7 The contracting officer shall determine the extent of contract quality requirements, including contractor inspection, required under each contract.

Section 4006, DISTRICT CONTRACT QUALITY ASSURANCE, is amended as follows:

Subsection 4006.1 is amended to read as follows:

- 4006.1 Contract quality assurance shall be performed at such times and places as may be necessary to determine that the supplies, services, or construction conform to contract requirements.

Subsection 4006.4 is amended to read as follows:

- 4006.4 If a contract provides for delivery and acceptance at destination, and the District inspects the supplies at a place other than the destination, the supplies shall not be

re-inspected at the destination but shall be examined for quantity, damage in transit, and possible substitution or fraud.

Section 4007, CONTRACT QUALITY ASSURANCE AT SOURCE, is amended to read as follows:

4007 CONTRACT QUALITY ASSURANCE AT SOURCE

4007.1 The District shall perform contract quality assurance, including inspection, at the source in the following circumstances:

- (a) Performance at any other place would require uneconomical disassembly or destructive testing;
- (b) Considerable loss would result from the manufacture and shipment of unacceptable supplies, or from the delay in making necessary corrections;
- (c) Specially required instruments, gauges, or facilities are available only at the source;
- (d) Performance at any other place would destroy or require the replacement of costly special packing and packaging;
- (e) District inspection during contract performance is essential; or
- (f) The contracting officer determines that source inspection is in the best interests of the District.

Section 4008, CONTRACT QUALITY ASSURANCE AT DESTINATION, is amended to read as follows:

4008 CONTRACT QUALITY ASSURANCE AT DESTINATION

4008.1 Contract quality assurance that can be performed at destination shall be limited to inspection of the supplies, services, or construction.

4008.2 Inspection shall be performed at destination under the following circumstances:

- (a) Supplies are purchased off-the-shelf and require no technical inspection;
- (b) Necessary testing equipment is located only at destination;
- (c) The supplies are perishable;
- (d) The contract is for services performed at the destination; or

- (e) The contracting officer determines that inspection at destination is in the best interests of the District.

Section 4009, CONTRACT QUALITY ASSURANCE FOR SMALL PURCHASES, is amended to read as follows:

4009 CONTRACT QUALITY ASSURANCE FOR SMALL PURCHASES

- 4009.1 In determining the type and extent of contract quality assurance to be required for small purchases, the contracting officer shall consider the criticality of application of the supplies, services, or construction, the amount of possible losses, and the likelihood of uncontested replacement of defective work.

Section 4010, CONTRACT QUALITY ASSURANCE OF SUBCONTRACTS, is amended as follows:

Subsection 4010.1 is amended to read as follows:

- 4010.1 Contract quality assurance on subcontracted supplies, services, or construction shall be performed only when required in the best interests of the District.

Subsection 4010.2 is amended to read as follows:

- 4010.2 Contract quality assurance on subcontracted supplies, services, or construction shall not relieve the prime contractor of any responsibilities under the contract.

Section 4013, NONCONFORMING GOODS, SERVICES, OR CONSTRUCTION, is amended to read as follows:

4013 NONCONFORMING GOODS, SERVICES, OR CONSTRUCTION

- 4013.1 Except as provided in §§ 4013.5 and 4013.6 of this chapter, the contracting officer shall reject supplies, services, or construction which do not conform in all respects to contract requirements.
- 4013.2 The contractor shall be given an opportunity to correct or replace nonconforming supplies, services, or construction when the correction or replacement can be accomplished within the required delivery or performance schedule.
- 4013.3 Unless the contract specifies otherwise, correction or replacement shall be done without additional cost to the District.
- 4013.4 In situations not covered by § 4013.2 of this chapter, the contracting officer shall reject the supplies, services, or construction when the nonconformance adversely affects safety, health, reliability, durability, performance, or any other basic objective of the specification.

4013.5 In situations not covered by § 4013.2 of this chapter, nonconforming supplies, services, or construction may be accepted by the contracting officer if the contracting officer determines that acceptance is in the best interests of the District.

4013.6 In situations not covered by § 4013.2 of this chapter, the contracting officer shall consider the following when making a determination whether nonconforming items will be accepted:

- (a) Advice of the using agency technical personnel that the material is safe to use and will perform its intended purpose;
- (b) Information regarding the nature and extent of the nonconformance;
- (c) A request from the contractor for acceptance of supplies, services, or construction if feasible;
- (d) A recommendation by the contract administrator for acceptance or rejection, with supporting rationale; and
- (e) The contract adjustment considered appropriate, including any adjustment offered by the contractor.

4013.7 Except when the nonconformity is minor, each contract under which nonconforming items are accepted shall be modified by the contracting officer to provide for an equitable price reduction or other consideration.

4013.8 When the contracting officer rejects nonconforming supplies, services, or construction, the contracting officer shall issue a notice of rejection in writing to the contractor and include the reasons for rejection. Failure to deliver such notice of rejection to the contractor within such period of time shall not be deemed to be an acceptance by the District.

Section 4018, ACCEPTANCE, is amended to read as follows:

4018 ACCEPTANCE

4018.1 Acceptance shall constitute acknowledgement that the supplies, services, or construction conform to the applicable contract quality and quantity requirements, except as provided in this section and subject to other terms and conditions of the contract.

4018.2 Acceptance may take place before delivery, at the time of delivery, or after delivery, depending on the terms and conditions of the contract.

4018.3 Supplies, services, or construction shall not be accepted before completion of contract quality assurance actions.

4018.4 Acceptance shall be evidenced by execution of an acceptance certificate on an inspection or receiving report form or on a commercial shipping document or packing list.

Section 4019, RESPONSIBILITY FOR ACCEPTANCE, is amended to read as follows:

4019 RESPONSIBILITY FOR ACCEPTANCE

4019.1 Acceptance of supplies, services, or construction shall be the responsibility of the contracting officer.

4019.2 When the contracting officer assigns the responsibility for acceptance to another District employee, acceptance by that employee shall be binding on the District.

Section 4020, PLACE OF ACCEPTANCE, is amended to read as follows:

4020 PLACE OF ACCEPTANCE

4020.1 Each contract shall specify the place of acceptance.

4020.2 Supplies accepted at a place other than destination shall not be re-inspected at destination for acceptance purposes, but shall be examined at destination for quantity, damage in transit, and possible substitution or fraud.

Section 4021, CERTIFICATE OF CONFORMANCE, is amended to read as follows:

4021 CERTIFICATE OF CONFORMANCE

4021.1 A certificate of conformance may be used instead of source inspection, whether the contract calls for acceptance at the source or at destination, at the discretion of the contracting officer, if the following conditions apply:

- (a) Acceptance on the basis of a contractor’s certificate of conformance is in the best interests of the District; and
- (b) Either small losses would be incurred in the event of a defect; or, based on the contractor’s reputation or past performance, it is likely that supplies, services, or construction furnished will be acceptable and any defective work would be replaced, corrected, or repaid without contest.

4021.2 Even if a certificate of conformance is used pursuant to § 4021.1 of this chapter the District’s right to inspect supplies, services, or construction under the inspection provisions of the contract shall not be prejudiced.

Section 4022, TRANSFER OF TITLE AND RISK OF LOSS, is amended to read as follows:

4022 TRANSFER OF TITLE AND RISK OF LOSS

- 4022.1 Title to supplies and construction shall pass to the District upon formal acceptance, regardless of when or where the District takes physical possession, unless the contract specifically provides for earlier passage of title.
- 4022.2 Unless the contract specifically provides otherwise, risk of loss of or damage to supplies shall remain with the contractor until, and shall pass to the District upon either of the following:
- (a) Delivery of the supplies to a carrier if transportation is F.O.B. origin; or
 - (b) Acceptance by the District or delivery of the supplies to the District at the destination specified in the contract, whichever is later, if transportation is F.O.B. destination.
- 4022.3 The provisions of § 4022.2 of this chapter shall not apply to supplies that so fail to conform to contract requirements as to give the District a right of rejection.
- 4022.4 The risk of loss of or damage to nonconforming supplies shall remain with the contractor until cure or acceptance. After cure or acceptance, the provisions of § 4022.2 of this chapter shall apply.
- 4022.5 The contractor shall not be liable for loss of or damage to supplies caused by the negligence of officers, agents, or employees of the District acting within the scope of their employment.
- 4022.6 The risk of loss or damage to construction shall remain with the contractor until formal acceptance of the construction by the District.
- 4022.7 If any portion of a construction project is excepted from formal acceptance by the District due to defects or failure to conform to the requirements and specifications of the contract, or is subject to contingent acceptance pending cure of defects, the risk of loss or damage to the construction shall remain with the contractor until the defects are cured and the contingency is removed or the construction is formally accepted by the District.

Section 4027, CRITERIA FOR USE OF WARRANTIES, is amended to read as follows:

4027 CRITERIA FOR USE OF WARRANTIES

- 4027.1 The contracting officer shall ascertain or assess whether a warranty is appropriate for each specific procurement. If a warranty is appropriate, the contracting officer

shall use a warranty clause, consistent with the contractor's performance obligations under the contract.

Section 4028, USE OF WARRANTIES, is repealed and replaced with:

4028 [RESERVED]

Section 4029, WARRANTY TERMS AND CONDITIONS, is amended as follows:

Subsections 4029.6 to 4029.9 are amended to read as follows:

4029.6 The duration of the warranty shall not extend the contractor's liability for patent defects beyond a reasonable time after acceptance by the District.

4029.7 If the District specifies the design of the end item and its measurements, tolerances, materials, tests, or inspection requirements, the contractor's obligations for correction of defects shall be limited to defects in material and workmanship or failure to conform to specifications. If the District does not specify the design, the warranty shall extend to the usefulness of the design.

4029.8 Each warranty shall specify a reasonable time for furnishing notice to the contractor regarding the discovery of defects. The contracting officer shall consider the following factors when establishing the notice period:

- (a) The time necessary for the District to discover the defects;
- (b) The time reasonably required for the District to take necessary administrative steps and make a timely report of discovery of the defects to the contractor; and
- (c) The time required to discover and report defective replacements.

4029.9 The packaging and preservation requirements of a contract shall require the contractor to stamp or mark the supplies delivered or otherwise furnish notice with the supplies of the existence of the warranty.

Subsection 4029.10 is deleted.

Section 4030, FIXED-PRICE INCENTIVE CONTRACT WARRANTIES, is repealed and replaced with:

4030 [RESERVED]

Section 4033, CONTRACTOR LIABILITY FOR LOSS OF OR DAMAGE TO DISTRICT PROPERTY, is amended as follows:

Subsection 4033.1 is amended to read as follows:

4033.1 The provisions of this section shall apply to contractor liability for loss of or damage to District property that occurs after acceptance as a result of defects or deficiencies in the supplies delivered or services performed.

Subsection 4033.2 is amended to read as follows:

4033.2 Except as provided in §§ 4033.4 and 4033.5 of this chapter, the District shall act as a self-insurer by relieving contractors, as specified in this section, of liability for loss of or damage to property of the District that occurs after acceptance of supplies delivered or services performed under a contract as a result of defects or deficiencies in the supplies or services. However, the District shall not relieve the contractor of liability for loss of or damage to the contract end item itself, except for high-value items.

Subsection 4033.6 is amended to read as follows:

4033.6 For items being priced at or based on catalog or market prices, the contracting officer shall not provide relief to contractors unless they can obtain a reduction from the catalog or market price which reflects the reduced contractor liability.

Section 4099, DEFINITIONS, Subsection 4099.1, is amended as follows:

By amending the term “Acceptance” to read as follows:

Acceptance – the act of an authorized representative of the District by which the District, for itself or as agent of another, assumes ownership of existing identified supplies tendered or approves specific services rendered or construction completed as partial or complete performance of the contract.

By amending the term “Certificate of conformance” to read as follows:

Certificate of conformance – a document used by a contractor to certify that supplies conform to the specifications of the contract. The certificate may be used instead of source inspection.

By amending the term “Contract Administrator” to read as follows:

Contract administrator – an individual authorized by the contracting officer to perform all actions necessary to verify whether supplies, services, or construction conform to contract quality requirements.

By amending the term “Inspection” to read as follows:

Inspection – examining and testing supplies, services, or construction to determine whether they conform to contract requirements. This includes, when appropriate, examination and testing of raw materials, components, and intermediate assemblies.

By amending the term “Subcontractor” to read as follows:

Subcontractor – any supplier, distributor, vendor, or firm who furnishes supplies, services, or construction to or for a prime contractor or another subcontractor.

By amending the term “Testing” to read as follows:

Testing – the element of inspection that determines the properties or elements, including functional operation of supplies or their components, by the application of established scientific principles and procedures.

By amending the term “Warranty” to read as follows:

Warranty – a promise or affirmation given by a contractor to the District regarding the nature, usefulness, or condition of the supplies, services, or construction furnished under a contract.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov, by postal mail or hand delivery to the address above, or by calling (202) 727-0252. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

DEPARTMENT OF HEALTH

NOTICE OF SECOND PROPOSED RULEMAKING

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

These rules will repeal and replace the Section 3621 schedule of fines for swimming pool, spa, and sauna operations to correspond with the Department of Health’s Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas in Title 25 (Food Operations and Community Hygiene Facilities), Subtitle C (Swimming Pool and Spa Regulations) of the DCMR, published in the *D.C. Register* on June 9, 2017, at 64 DCR 005359.

On June 21, 2019, the First Notice of Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 007431. The Department of Health received one public comment, identified below, that recommended adding Imminent Health Violations to the Class 1 Schedule of Fines. Substantive changes were made to this rulemaking and are listed below with the Department’s response labelled as “Department of Health’s Response”.

Additions to Class 1 Infractions:

Commenter: Innovative Water Care, LLC

Comment: This letter is in regards to Notice ID N0083324, the proposed rulemaking for Aquatic Facilities Regulations. These proposed rules establish a new Section 3621 Schedule of Fines for swimming pool and spa operations, to correspond with the Notice of Final Rulemaking for Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas in Subtitle C of Title 25 DCMR, which was published in the *D.C. Register* on June 9, 2017, at 64 DCR 005359. We are glad to hear that you are considering a list of infractions that are imminent health hazards requiring immediate closure of swimming pools. To protect public health, it is important to prioritize the code violations that could result in serious illness or injury to swimmers. Following are some suggested changes to the current draft along with the justification for the changes.

The following sections in § 3621.2 Class 2 infractions should be moved to Subsection 3621.1 Class 1 infractions.

- (d) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);

- (e) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (f) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b).[.]

These changes are consistent with the text in the Centers for Disease Control and Prevention (CDC) Model Aquatic Health Code (MAHC 2018). Section 6.6.3 of the MAHC provides a list of imminent health hazards requiring immediate correction or closure, including pH less than 6.5, pH greater than 8.0 and “failure to provide the minimum disinfectant residual levels.”

In addition to moving these sections, the following text should be added to § 3621.1:

The cyanuric acid level is above the maximum in violation of 25-C DCMR § 404.2(e);

The active form of chlorine in pools is hypochlorous acid. Cyanuric acid binds chlorine and lowers the hypochlorous acid concentration, thereby lowering the concentration of active disinfectant. An excessive concentration of cyanuric acid represents a situation where insufficient disinfectant is present and so is an imminent health hazard. Recent work has shown the increased risk of illness with cyanuric acid (Falk 2019). In addition, the U.S. Environmental Protection Agency (EPA) has recently notified drinking water primacy agencies of the effects of cyanuric acid and the importance of maintaining a sufficient hypochlorous acid residual (EPA 2018 and Wahman 2018).

Department of Health’s Response:

Subsection 3621.1 is amended as follows:

- (b) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);
- (c) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (d) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b); and
- (e) Operating an aquatic facility with cyanuric acid level in excess of 100 ppm in violation of 25-C DCMR § 404.2(e).[.]

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

the Council, or thirty (30) days after submission if the Council has not disapproved the proposed rulemaking and a Notice of Final Rulemaking is published in the *D.C. Register*.

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

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

3621 AQUATIC FACILITIES INFRACTIONS

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

- (a) Operating an aquatic facility with an unapproved or contaminated water supply source for potable water use in violation of 25-C DCMR §§ 400 and 401;
- (b) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);
- (c) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (d) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b);
- (e) Operating an aquatic facility with cyanuric acid level in excess of 100 ppm in violation of 25-C DCMR § 404.2(e);
- (f) Operating an aquatic facility with contaminated water not treated or improperly treated with disinfectants in violation of 25-C DCMR §§ 406 and 411;
- (g) Operating an aquatic facility that is not retrofitted with a properly sized and piped collector tank to eliminate direct suction through the main drain in violation of 25-C DCMR § 408.5;
- (h) Operating an aquatic facility with direct suction without installing a main drain cover that meets the ANSI/ASME A112.19.8-2007 standard for drain covers in violation of 25-C DCMR § 408.6;
- (i) Operating an aquatic facility with a single main drain (other than an unblockable drain) without being equipped with a device or system such as a safety vacuum release system to prevent entrapment in violation of 25-C DCMR § 408.7;

- (j) Operating an aquatic facility with improper plumbing cross-connections between the drinking water supply and aquatic facility water or between sewage system and the aquatic facility including filter backwash facilities in violation of 25-C DCMR §§ 601.1;
- (k) Operating an aquatic facility in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, Warnings, or other directives issued by the Department as specified in 25-C DCMR §§ 408.10, 607.4, 716, 801, 807, 811, and 812;
- (l) Using, selling, moving, or destroying equipment, chemicals, or other operational supplies subject to a Condemnation Order by the Department in violation of 25-C DCMR § 804.1;
- (m) Failing to report a death, serious injury, or injury that requires resuscitation or admission to a hospital occurring at a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.1;
- (n) Using compressed chlorine gas or chlorine gas in violation of 25-C DCMR §§ 608.3 and 608.4;
- (o) Failing to allow the Department access to a swimming pool, spa pool, or sauna in violation of 25-C DCMR § 710;
- (p) Removing required signs or Department posted warnings or closures in violation of 25-C DCMR §§ 715.3, 720.3, 805.1, and 901.1(b);
- (q) Operating an aquatic facility with conditions dangerous to the health, safety, or welfare of bathers or patrons at the swimming pool, spa pool, or sauna, including but not limited to:
 - (1) Accidents involving bodily fluids in violation of 25-C DCMR § 412.7;
 - (2) Violations of recent editions of the District of Columbia's Construction Codes Supplements, as specified in Subsection 102.1(1) and Chapter 6;
 - (3) A drowning hazard;
 - (4) Broken glass, sharp edged or broken tile, metal, or other abrasion hazards in the water or deck area;
 - (5) Operating an aquatic facility during a fire;
 - (6) Operating an aquatic facility when there is a flood;

- (7) Operating an aquatic facility with an interruption of municipal water service;
- (8) Operating an aquatic facility when there is a sewage backup;
- (9) Operating an aquatic facility with an onset of a confirmed waterborne illness;
- (10) An unapproved modification to a swimming pool, spa pool, or sauna determined by the Department to be unsanitary or dangerous to the public health, safety, or welfare;
- (11) Operating an aquatic facility with unprotected, overhead electrical wires within twenty (20) feet horizontally of the water of a swimming pool, spa pool, or sauna;
- (12) Operating an aquatic facility without a ground-fault circuit interrupter (GFCI) within twenty (20) feet of the inside wall of the aquatic facility designed to shut off electric power to protect people against electric shock from an electrical system or outlet; or
- (13) Operating an aquatic facility when a recirculation system or automatic disinfectant chemical feeding equipment is missing, malfunctioning, or not functioning.

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

- (a) Operating an aquatic facility with improper water temperatures in violation of 25-C DCMR § 202.1(b);
- (b) Operating an aquatic facility with a total absence of or improper depth markings in violation of 25-C DCMR §§ 402.3, and 402.4;
- (c) Operating an aquatic facility without proper water clarity from the pool deck in violation of 25-C DCMR §§ 402.1, 402.2, and 410.1;
- (d) Failing to continuously operate the aquatic facility's filtration equipment in violation of 25-C DCMR § 408.1, 408.3, 408.12, 409, and 410.3;
- (e) Operating an aquatic facility in violation of 25-C DCMR § 408.11;
- (f) Operating an aquatic facility with broken, unsecured, improperly secured, damaged or missing main drain grate or any submerged suction outlet grate in violation of 25-C DCMR §§ 408.16 and 408.18;
- (g) Operating an aquatic facility without required first aid and safety equipment on deck as specified in 25-C DCMR § 505;

- (h) Failing to properly handle, use, label, store, or ventilate chemicals in an aquatic facility in violation of 25-C DCMR §§ 607 or 608;
- (i) Using unapproved chemicals or applying chemicals by unapproved methods to an aquatic facility's water in violation of 25-C DCMR § 607.3;
- (j) Failing to prevent unauthorized access to an aquatic facility's machinery, electric panels, or chemicals used for the swimming pool, spa pool, or sauna in violation of 25-C DCMR § 607.7;
- (k) Operating an aquatic facility without the required personal protective equipment (PPE) to handle chemicals in violation of 25-C DCMR § 608.10(h);
- (l) Operating an aquatic facility with safety covers that do not meet strict performance standards as set by the American Society for Testing and Materials in ASTM Standard F1346-91, Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs in violation of 25-C DCMR § 610.10;
- (m) Operating an aquatic facility with safety covers that are improperly installed, or secured with continuous union to the deck in violation of 25-C DCMR § 505.5;
- (n) Failing to report a complaint of illness attributed by a bather to use of a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.2;
- (o) Owning, operating, or managing a swimming pool, spa pool, or sauna without a valid license issued by the Department in violation of 25-C DCMR § 700.1;
- (p) Failing to maintain plumbing systems, including but not limited to toilet facilities (restrooms), shower facilities and handwashing sinks in good repair in violation of 25-C DCMR § 606.1;
- (q) Owning, operating, or managing a swimming pool, spa pool, or sauna without required barriers and/or fencing; or, with barriers and/or fencing not approved by the Department in violation of 25-C DCMR § 610;
- (r) Owning, operating, or managing a swimming pool without a pool safety cover in violation of 25-C DCMR § 610.10;
- (s) Owning, operating, or managing a swimming pool, spa pool, or sauna with an expired or suspended license in violation of 25-C DCMR § 700.2;

- (t) Operating, or managing a public swimming pool, spa pool, or sauna without a valid Certificate of Occupancy in violation of 25-C DCMR § 700.3;
- (u) Failing to post licenses, Certificate of Occupancy, certifications, and current inspection reports in violation of 25-C DCMR § 708.2;
- (v) Failing to post required signs in violation of 25-C DCMR §§ 201 and 202; or
- (w) Failing to keep swimming pool, spa pool or sauna, or pool deck free of sediment, floating debris, visible dirt and algae in violation of 25-C DCMR § 503.6.

3621.3 Violations of any of the following provisions shall be a Class 3 infraction:

- (a) Operating an aquatic facility in violation of 25-C DCMR §§ 500, 501, 502, 503, and 504;
- (b) Operating an aquatic facility without an emergency lighting source, or failing to maintain an emergency lighting source in violation of 25-C DCMR § 504.5;
- (c) Operating an aquatic facility without hot water in violation of 25-C DCMR §§ 602.2 and 602.7;
- (d) Operating an aquatic facility with a bather load in violation of 25-C DCMR §§ 201.1(b), 202.1(d), and 304.1;
- (e) Serving as a lifeguard or swimming instructor without a current lifeguard or instructor certification issued by the American Red Cross, the YMCA, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;
- (f) Serving as a lifeguard or swimming instructor without a current certification in First Aid, and in adult, child and infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) issued by the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;
- (g) Operating a swimming pool, spa pool, or sauna without the required number of lifeguards in violation of 25-C DCMR §§ 304;
- (h) Operating an aquatic facility without an approved Child Safety Plan, if applicable, or failing to provide copies of the facility's Child Safety Plan

to the Department for review and approval in violation of 25-C DCMR §§ 305;

- (i) Operating an aquatic facility without a Water Quality Test Kit in violation of 25-C DCMR §§ 405;
- (j) Operating an aquatic facility without maintaining daily water quality and safety logs in violation of 25-C DCMR §§ 412;
- (k) Serving as a pool and spa operator without a current Pool and Spa Operator's Registration Card issued by the Department in violation of 25-C DCMR §§ 700.4; or
- (l) Constructing, installing, renovating or retrofitting, or operating any public swimming pool, spa pool, or sauna without first having received written approval from the Department of Health and the District Government in violation of 25-C DCMR §§ 705 and 706.

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

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

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKINGRULEMAKING 3-2019-01 – UTILITY CONSUMER BILL OF RIGHTS AND RESPONSIBILITIES

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), commonly referred to as the “Consumer Bill of Rights” (CBOR). The Commission shall take final rulemaking action not less than thirty (30) days after publication of this notice in the *D.C. Register*.

2. On January 18, 2019, the Office of the People’s Counsel (OPC) filed a Petition to Amend the Final CBOR which was published on December 14, 2018.¹ OPC raised concerns and requested clarification about a provision in Section 310 (Grounds for Disconnection of Service) and two provisions in Section 327 (Customer Protection Standards Applicable to Energy Suppliers). On May 17, 2019, a Notice of Proposed Rulemaking (NOPR) was published in the *D.C. Register*.² Although no comments were filed, the Commission proposes additional amendments to Sections 310 and 327 to further explain limitations for service disconnections. This NOPR supersedes the First NOPR published on May 17, 2019.

Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, or Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 310, GROUNDS FOR DISCONNECTION, Subsection 310.3, is amended as follows:

310.3 Disconnection of natural gas or electric utility service for non-payment of bills, failure to post a cash Security Deposit, or failure to comply with the terms of a DPA where natural gas or electricity is used as the primary source of heating or cooling the residence is prohibited:

- (a) An electric utility shall not disconnect residential electric service during the day preceding and the day of a forecast of extreme temperature, or if the forecast of extreme temperature precedes a holiday or weekend day, or on any day during a holiday or weekend, when the National Weather Service (NWS) forecast for the District of Columbia is ninety-five (95°)

¹ RM3-2019-01, *In the Matter of the Investigation in to the Public Service Commission’s Rules of Practice and Procedure*, Office of the People’s Counsel for the District of Columbia’s Petition to Amend the Final Rules Adopted in Order No. 19759 at 1, filed January 18, 2019. See 65 DCR 13506-13523 (December 14, 2018).

² 66 DCR 6201-6202 (May 17, 2019).

degrees Fahrenheit or above or thirty-two (32°) degrees Fahrenheit or below during any time of a day as based on the NWS actual temperature forecasts and NWS windchill factor and heat index temperature forecasts; or

- (b) A Natural Gas Utility shall not disconnect residential gas service during the day preceding and the day of a forecast of extreme temperature, or if the forecast of extreme temperature precedes a holiday or weekend day, or on any day during a holiday or weekend, when the NWS forecast for the District of Columbia is thirty-two (32°) degrees Fahrenheit or below during any time of a day as based on the NWS actual temperature forecasts and NWS windchill factor.

Section 327, CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS, Subsection 327.15, is amended as follows:

327.15 An Energy Supplier shall advise a Customer that he/she has the right to rescind the Contract agreement within the three (3) business day Rescission Period that begins on one of the following dates, as applicable:

- (a) When the Customer signs the Contract;
- (b) On the date that a positive Third-Party Verification or electronic recording has been made;
- (c) When the Customer transmits the electronic acceptance of the Contract electronically; or
- (d) When the Completed Written Contract is received by U.S. mail; there is a rebuttable presumption that a Contract correctly addressed to a Customer, with sufficient first-class postage attached, shall be received by the Customer three (3) days after depositing in the U.S. Mail.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at: https://edocket.dcpSC.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or psc-commissionsecretary@dc.gov.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF SECOND EMERGENCY 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 (2018 Repl.)), hereby gives notice of the intent to adopt a revised Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers), to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

The current Chapter 63 substance use disorder (SUD) regulations were published in 2015. The Department and its SUD provider network identified areas where the regulations could be improved for the benefit of quality of care, accountability, and efficiency. While the emergency rules include the entire regulations, this is not a wholesale revision to the basic structure of Chapter 63. Some of the significant changes from the 2015 rules are outlined in the following chart.

Section Number	Description of Change	Reasoning
6303	The Department may grant provisional certification for up to six-months to a new facility or program that (1) has not previously held a certification issued by the Department; and (2) is in the process of securing a facility within the District of Columbia, at the time of application. Upon receipt of a provisional certification, a provider may submit a response to the Department’s Request for Qualification for an SUD Human Care Agreement (HCA). If deemed qualified for an HCA, an award is contingent upon obtaining full certification.	These changes will reduce the administrative and financial burdens of leasing a facility before the HCA is awarded.
6318.3	Eliminate specific training requirements and issues a training policy, which will give the Department and providers more flexibility to amend requirements as needed.	This gives more flexibility to providers and the Department.
6327	Decentralize substance use disorder assessment and referral center (ARC) services and allow multiple community-based SUD providers to provide intake, assessment and referrals.	The Department reorganized and rewrote the entire section previously dedicated to Assessment and Referral to now Intake and Assessment. Providers will have the option to be certified as Intake and Assessment sites and will

		only have to complete one comprehensive assessment.
Was 6335.6 Now 6336.6	Allow the Recovery Support Services reassessment to occur every 180 days vs. 90 days.	This is a non-clinical service and the Department wants to follow this promising practice. Recovery Support Services is intended to be a longer term service to aid in recovery skills, and this change allows for more time for reassessment.
Was 6336 Now 6337	Remove the Brief Assessment from the list of Assessment types. The list now includes Initial Assessment, Comprehensive Assessment, and Ongoing Assessment.	There was often confusion around when it was necessary to use the various types of assessments. The Department has provided more description and clarity for the use of each assessment.
Was 6337.5 Now 6338.5	Adjust the Clinical Care Coordination /Client ratio from 1:75 to 1:300.	Clinical Care Coordination is both a service and a service role in Chapter 63. Someone who has been designated a Qualified Practitioner for Clinical Care Coordination can bill the services listed here (case management, assessment, counseling, etc.); they must simply bill for them under the service codes for the respective services. Clinical Care Coordination as a service is appropriately defined and does not limit services to consumers.
6340.5(c) Now 6341.5(c)	Adjust the number of people allowed to participate in a single group SUD counseling session from 15 to 16.	This changes the number of people allowed in Group Counseling to the maximum number of beds possible for a non-Institution for Mental Disease (16 currently).
6340 Now 6341	Audio-visual aides are already allowed for SUD Counseling Groups. However, the Department has added language from SAMHSA TIP 41 to the definitions of both services (Group & Group Psychoed) in order	This addition of the SAMHSA descriptions of Group & Group Psychoeducation add additional clarification to what is allowable for this service.

	to clarify them.	
6353.4	Eliminate the restriction that a parent can only have one child at a Recovery Support Services – Environmental Stability facility.	This ensures that a parent with more than one child who wants to be a program participant will not have to choose between this service and keeping their children with them, or having to choose only one of their children to stay with them.

Emergency rulemaking is necessary for the immediate promotion of public health. In December 2018, Mayor Bowser released the District’s Opioid Strategic Plan entitled “Live. Long. DC.” This plan includes current strategies to combat the opioid epidemic, and the District’s plan to reduce opioid related deaths by fifty (50) percent by 2020. As part of the plan, the Department has, *inter alia*, been tasked with reducing legislative and regulatory barriers to create a comprehensive surveillance and response that supports sustainable solutions to emerging trends in substance use disorder, opioid-related overdoses, and opioid-related fatalities. Specifically, the Department is to amend regulations to include the option of treatment on demand services and intake/assessments and referrals through multiple points of entry into the system of care for substance use disorder treatment services. To meet the deadline required by this plan, the Department requires the Emergency Rules to begin appropriate work immediately.

The first emergency rulemaking was adopted and became effective on April 5, 2019. On August 2, 2019, the first emergency and proposed rulemaking was published in the *D.C. Register* at 66 DCR 10010. DBH has not yet received any comments on the first emergency and proposed rulemaking. This second emergency rulemaking was adopted and became effective on August 2, 2019 to ensure there is no gap from the first emergency rulemaking and adoption of final rulemaking. The second emergency rules will remain in effect for one hundred twenty (120) days after the date of adoption, expiring November 30, 2019, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

Chapter 63, CERTIFICATION STANDARDS FOR SUBSTANCE USE DISORDER TREATMENT AND RECOVERY PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is repealed and replaced by a new Chapter 63 to read as follows:

CHAPTER 63 CERTIFICATION STANDARDS FOR SUBSTANCE USE DISORDER TREATMENT AND RECOVERY PROVIDERS

6300 GENERAL PROVISIONS

6300.1 The Department of Behavioral Health (“Department”) is the Single State Agency (“SSA”) responsible for the development and promulgation of rules, regulations, and certification standards for prevention and treatment services related to the

abuse of alcohol, tobacco, and other drugs (“ATOD”) in the District of Columbia (“District”). The Department is responsible for the inspection, monitoring, and certification of all District of Columbia substance use disorder (“SUD”) treatment and recovery providers.

- 6300.2 The purpose of these rules is to establish certification requirements for operating a SUD treatment or recovery program in the District of Columbia. These rules also establish additional certification criteria and requirements for SUD programs providing services under the Medicaid Adult Substance Abuse Rehabilitative Services (“ASARS”) program and a Human Care Agreement with the Department.
- 6300.3 Providers seeking certification shall specify the age ranges of the clients they will be serving. Providers with a Human Care Agreement serving youth shall be known as Adolescent Substance Abuse Treatment Expansion Program (ASTEP) providers.
- 6300.4 The SUD treatment framework in this chapter is based on levels of care established by the American Society for Addiction Medicine (“ASAM”).
- 6300.5 No person or entity shall own or operate a program that offers or proposes to offer non-hospital SUD treatment services without being certified by the Department pursuant to this chapter. This chapter does not apply to Health Maintenance Organizations, physicians, and other licensed behavioral health and medical professionals in individual or group practice.
- 6300.6 The Department shall issue one (1) certification for each provider that is valid only for the programs, premises, and level(s) of care stated on the certificate. The certificate is the property of the Department and must be returned upon request by the Department.
- 6300.7 The Department’s staff, upon presentation of proper identification, has the authority to enter the premises of an SUD treatment or recovery program during operating hours for the purpose of conducting announced or unannounced inspections and investigations.
- 6300.8 A certified provider may not deny admission for services to an otherwise qualified individual because that person is receiving Medication-Assisted Treatment (MAT) services, even if the MAT services are provided by a different provider.
- 6300.9 Providers in Levels 1 - 3, except Short-term Medically Monitored Intensive Withdrawal Management (SMMIWM), may also receive a special designation as a program serving parents with children, subject to Section 6324 of this chapter.
- 6300.10 Each certified program shall comply with all the provisions of this chapter consistent with the scope of the authorized level of care and program services.

6301 ELIGIBILITY FOR SUBSTANCE USE DISORDER SERVICES

- 6301.1 Substance Use Disorder (“SUD”) is a chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the beneficiary continues using the substance despite significant substance-related problems. A diagnosis of an SUD requires a beneficiary to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the requirements of the most recent version of the American Psychiatric Association’s Diagnostic and Statistical Manual (“DSM”) in use by the Department.
- 6301.2 To be eligible for SUD treatment, a client must have received a diagnosis of an SUD in accordance with Subsection 6301.1 of this chapter from a qualified practitioner. Eligibility for Medicaid-funded or Department-funded SUD services shall be determined in accordance with Subsection 6301.4.
- 6301.3 Qualified Practitioners eligible to diagnose a substance use disorder pursuant to this Chapter are Qualified Physicians, Psychologists, Licensed Independent Clinical Social Workers (“LICSWs”), Licensed Professional Counselors (“LPCs”), Licensed Marriage and Family Therapists (“LMFTs”), and Advanced Practice Registered Nurses (“APRNs”). Qualified practitioners eligible to deliver non-diagnostic ASARS services include: Qualified Physicians; Psychologists, LICSWs; Licensed Graduate Social Workers (LGSW); APRNs; Licensed Independent Social Workers (LISWs); Licensed Graduate Professional Counselors (LGPCs) (only for providers not operating under a Human Care Agreement), Licensed Professional Counselors (LPCs); Licensed Marriage and Family Therapists (LMFTs); Physician Assistants (PAs); and Certified Addiction Counselors (CACs I and II).
- 6301.4 A client shall meet the following eligibility requirements in order to receive Medicaid-funded services:
- (a) Be *bona fide* residents of the District, as required in 29 DCMR Subsection 2405.1(a); and
 - (b) Be referred for SUD services at the level of care determined by an Intake and Assessment provider or other intake center authorized by the Department, unless the clients are only receiving Recovery Support Services.
 - (c) Be enrolled in Medicaid, or be eligible for enrollment and have an application pending; or
 - (d) For new enrollees and those enrollees whose Medicaid certification has lapsed:

- (1) There is an eligibility grace period of ninety (90) days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in coverage, until the date the District's Economic Security Administration makes an eligibility or recertification determination.
- (2) In the event the client appeals a denial of eligibility or recertification by the Economic Security Administration, the Director may extend the ninety (90)-day eligibility grace period until the appeal has been exhausted. The ninety (90)-day eligibility grace period may also be extended in the discretion of the Director for other good cause shown.
- (3) Upon expiration of the eligibility grace period, SUD services provided to the client are no longer reimbursable by Medicaid. Nothing in this section alters the Department's timely-filing requirements for claim submissions.

6301.5

Clients eligible for locally-funded SUD treatment are those individuals who are not eligible for Medicaid or Medicare or are not enrolled in any other third-party insurance program except the D.C. HealthCare Alliance, or who are enrolled but the insurance program does not cover SUD treatment and who meet the following requirements:

- (a) For individuals eighteen (18) years of age and older, live in households with a countable income of less than two hundred percent (200%) of the federal poverty level, and for individuals under eighteen (18) years of age, live in households with a countable income of less than three hundred percent (300%) of the federal poverty level.
- (b) A client that does not meet the income limits of Subsection 6301.5(a) above may receive treatment services in accordance with the following requirements:
 - (1) The client must, within ninety (90) days of enrollment for services, apply to the Department of Human Services Economic Security Administration for certification, which will verify income;
 - (2) An individual with income over the limits in paragraph (a) above may receive treatment services with payment on a sliding scale; and
 - (3) The provider shall ensure it develops a sliding scale fee policy, reviewed by the Department, and shall be able to provide documentation to the Department of its collection of fees.

6302 SERVICES FOR PEOPLE WITH CO-OCCURRING MENTAL ILLNESSES

- 6302.1 All providers shall provide SUD services to eligible individuals with a co-occurring mental illness. A provider shall not decline to provide SUD services because of the person’s co-occurring mental illness.
- 6302.2 All providers shall, at a minimum, screen individuals during the Intake or Comprehensive Assessment to determine if the person may suffer from a mental illness in addition to an SUD.
- 6302.3 If a person screens positive for a co-occurring mental illness, the provider shall do the following in addition to providing SUD services:
 - (a) Offer the opportunity for the person to receive mental illness treatment in addition to SUD treatment. If the person declines, the provider shall make the appropriate referrals for the person to receive mental health treatment at another qualified provider;
 - (b) If the provider does not offer treatment for mental illness ensure the person is referred to an appropriate mental health provider; or
 - (c) If an individual that screens positive for a co-occurring mental illness receives mental health treatment at another provider, the Clinical Care Coordinator is responsible for ensuring the plan of care and subsequent care and treatment of the person is coordinated with the mental health provider.

6303 PROVIDER CERTIFICATION PROCESS

- 6303.1 Each applicant seeking certification as a provider shall submit a certification application to the Department. A Department-certified provider seeking renewal of certification shall submit a certification application at least ninety (90) days prior to the termination of its current certification. The certification of an SUD provider that has submitted a timely application for renewal certification shall continue until the Department renews or denies the application.
- 6303.2 An applicant may apply for certification for Intake and Assessment and one or more of the following Level of Care (LOC):
 - (a) Level 1: Opioid Treatment Program (OTP);
 - (b) Level 1: Outpatient;
 - (c) Level 2.1: Intensive Outpatient Program;

- (d) Level 2.5: Day Treatment;
- (e) Level 3.1: Clinically Managed Low – Intensity Residential;
- (f) Level 3.3: Clinically Managed Population-Specific High-Intensity Residential;
- (g) Level 3.5: Clinically Managed High – Intensity Residential Services (Adult Criteria) or Clinically Managed Medium – Intensity Residential Services (Adolescent Criteria);
- (h) Level 3.7-WM: Short-term Medically Monitored Intensive Withdrawal Management (“SMMIWM”); and
- (i) Level-R: Recovery Support Services.

6303.3 Providers may also be certified to provide one or more of the following specialty services based on their LOC certifications from the Department:

- (a) Medication Management;
- (b) Adolescent – Community Reinforcement Approach (“ACRA”).

6303.4 All certified providers, except those only certified as Level-R, shall provide all of the following core services according to the requirements of this chapter and the individual needs of the client as outlined in the treatment plan:

- (a) Assessment/Diagnostic and Treatment Planning Services;
- (b) Clinical Care Coordination;
- (c) Case Management;
- (d) Crisis Intervention;
- (e) Substance Use Disorder (SUD) Counseling/Therapy, including the following:
 - (1) Individual Counseling/Therapy;
 - (2) Group Counseling/Therapy;
 - (3) Family Counseling/Therapy;
 - (4) Group Counseling – Psychoeducation; and

(f) Drug Screening, as follows:

(1) Toxicology Sample Collection; and

(2) Breathalyzer Testing.

6303.5 Certification shall be considered terminated if the SUD provider:

(a) Fails to submit a complete certification application ninety (90) days prior to the expiration date of the current certification;

(b) Voluntarily relinquishes certification;

(c) Terminates operations.

6303.6 Upon receipt of a certification application, the Department shall review the certification application to determine whether it is complete. If a certification application is incomplete, the Department shall return the incomplete application to the applicant. An incomplete certification application shall not be regarded as a certification application. The Department shall not take further action to issue certification unless a complete certification application is submitted within ninety (90) days prior to the expiration of the applicant's current certification.

6303.7 Following the Department's acceptance of the certification application, the Department shall determine whether the applicant's facility services and activities meet the certification standards described in this chapter. The Department shall schedule and conduct an on-site survey of the applicant's services to determine whether the applicant satisfies all the certification standards. The Department shall have access to all records necessary to verify compliance with certification standards and may conduct interviews with staff, others in the community, and clients (with client consent).

6303.8 The Department may conduct an on-site survey at the time of certification application or certification renewal, or at any other time during the period of certification.

6303.9 During an on-site survey, the Department shall have access to the entirety of records the Department deems necessary to verify compliance with certification standards, and may conduct interviews with staff, others in the community, and clients with consumer permission. Applicant or SUD provider interference with the on-site survey, or lack of candor by the provider, shall be grounds for an immediate suspension of any prior certification.

6303.10 An applicant or certified provider that fails to comply with this chapter, fails to comply with a Human Care Agreement, or violates Federal or District law, may receive a Statement of Deficiencies ("SOD") from the Department. Evidence of

violations gathered from an on-site survey, complaint, or other information may lead to the issuance of an SOD. An on-site survey is not required prior to the issuance of an SOD. The SOD shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance with the certification standards, and set forth a timeframe for the provider's submission of a written Corrective Action Plan ("CAP"). The issuance of an SOD is a separate process from the issuance of a Notice of Infraction. The Department is not required to utilize the Corrective Measures Plan (CMP) process and may proceed directly to decertification under Section 6305 when, in the Department's discretion, the nature of the violations is for fraud, waste and abuse or presents a threat to the health or safety of clients.

- 6303.11 An applicant or Department-certified provider's CAP shall describe the actions to be taken and specify a timeframe for correcting the areas of non-compliance. The CAP shall be submitted to the Department within ten (10) working days after receipt of the SOD from the Department.
- 6303.12 The Department shall notify the applicant or certified provider whether the provider's CAP is accepted within ten (10) working days after receipt. In addition to utilizing the CMP process in Subsection 3401.6 during the certification and recertification stage, the Director may utilize the same procedures at any other time to address violations of this chapter, a provider's Human Care Agreement, or a violation of Federal or District law. The Department is not required to utilize the CMP process and may proceed directly to decertification under Section 3426 when, in the Director's discretion, the nature of the violations present a threat to the health or safety of clients.
- 6303.13 The Department may only issue its certification after the Department verifies that the applicant or certified provider has remediated all of the deficiencies identified in the CAP and meets all the certification standards.
- 6303.14 The Department may grant full or provisional certification status to a SUD applicant after conducting on-site inspections and reviewing application materials, including plans of correction. A determination to grant full certification to a program shall be based on the Department's review and validation of the information provided in the application, as well as facility inspection findings, plans of correction, and the facility or program's compliance with this chapter. Full certification shall not exceed a period of two (2) years from the date of issuance, subject to the SUD provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed, changed to provisional, or revoked. The Certificate shall specify the effective dates of the certification.
- 6303.15 The Department may grant provisional certification to a new facility or program that can demonstrate substantial compliance with these certification requirements and (a) has not previously held a certification issued by the Department; or (b) is

in the process of securing a facility within the District of Columbia at the time of application.

- 6303.16 Provisional certification shall not exceed a period of six (6) months and may be renewed only once for an additional period not to exceed ninety (90) days.
- 6303.17 Full Certification as an SUD treatment provider or recovery support services provider shall be for one (1) calendar year for new applicants and two (2) calendar years for existing providers seeking renewal. Certification shall start from the date of issuance of certification by the Department, subject to the provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed, or is revoked pursuant to this chapter. The certification shall specify the effective date of the certification, the program(s), level of care(s), and services that the provider is certified to provide.
- 6303.18 The SUD provider shall notify the Department within forty-eight (48) hours of any changes in its operation that affect the SUD provider's continued compliance with these certification standards, including changes in ownership or control, changes in service, and changes in its affiliation and referral arrangements.
- 6303.19 The Director may deny certification if the applicant fails to comply with any certification standard. The Director may revoke certification from a provider through the decertification process in accordance with § 6305 of this chapter.
- 6303.20 Prior to adding an SUD service during the term of certification, the SUD provider shall submit a certification application describing the service. Upon determination by Department that the service is in compliance with certification standards, the Department may certify the SUD provider to provide that service. A provider that applies for certification during an open application period as published in the District of Columbia Register may appeal the denial of certification under this subsection by utilizing the procedures contained in Subsections 6305.4 through 6305.8. The Department shall not accept any applications for which a notice of moratorium is published in the District of Columbia Register.
- 6303.21 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. New certification as an SUD provider depends upon the Director's assessment of the need for additional providers(s) and availability of funds.
- 6303.22 Certification shall be limited to the applicant granted the certification and shall be limited to the location and services as indicated on the certificate. Certification is not transferable to any other organization.
- 6303.23 Written notice of any change in the name or ownership of a program owned by an individual, partnership, or association, or in the legal or beneficial ownership of ten percent (10%) or more of the stock of a corporation that owns or operates

program, shall be given to the Department at least thirty (30) calendar days prior to the change in ownership.

6303.24 The provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:

- (a) A proposed change in the program's geographic location;
- (b) The proposed addition or deletion of major service components, which is anything that would alter or disrupt services where the consumer would be impacted by the change, or any change that would affect compliance with this regulation;
- (c) A change in the required staff qualifications for employment;
- (d) A proposed change in organizational structure;
- (e) A proposed change in the population served; and
- (f) A proposed change in program capacity and, for residential programs, a proposed change in bed capacity.

6303.25 Providers shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.

6303.26 Providers shall immediately report to the Department any criminal allegations involving provider staff.

6303.27 The Department may consider a provider's accreditation by one or more national accrediting bodies as evidence of compliance with one or more certification standards in this chapter.

6304 CERTIFICATION: EXEMPTIONS FROM STANDARDS

6304.1 Upon good cause shown, including but not limited to a conflict between a certification standard and an SUD provider's third-party contract or agreement, the Department may exempt a provider from a certification standard if the exemption does not jeopardize the health and safety of clients, violates a client's rights, or otherwise conflict with the purpose and intent of these rules.

6304.2 If the Department approves an exemption, such exemption shall end on the expiration date of the program certification, or at an earlier date if specified by the Department, unless the provider requests renewal of the exemption prior to expiration of its certificate or the earlier date set by the Department.

6304.3 The Department may revoke an exemption that it determines is no longer appropriate.

6304.4 All requests for an exemption from certification standards must be submitted in writing to the Department.

6305 DECERTIFICATION PROCESS

6305.1 Decertification is the revocation of the certification issued by the Director to an organization or entity as an SUD treatment or recovery provider. A decertified SUD provider shall not provide any SUD treatment and shall not be reimbursed for any services as an SUD provider.

6305.2 Grounds for revocation include a provider's failure to comply with the certification requirements contained in this chapter, the provider's breach of its Human Care Agreement (if applicable), violations of Federal or District law, or any other action that constitutes a threat to the health or safety of clients. Nothing in this chapter requires the Director to issue an SOD prior to revoking certification.

6305.3 If the Director finds that there are grounds for revocation, the Director will issue a written notice of revocation setting forth the factual basis for the revocation, the effective date, and right to request an administrative review.

6305.4 The provider may request an administrative review from the Director within fifteen (15) business days of the date on the notice of revocation.

6305.5 Each request for an administrative review shall contain a concise statement of the reason(s) why the provider asserts that it should not have had its certification revoked and include any relevant supporting documentation.

6305.6 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the provider's request.

6305.7 The Director shall issue a written decision and provide a copy to the provider. If the Director approves the revocation of the provider's certification, the provider may request a hearing under the D.C. Administrative Procedure Act, within fifteen (15) business days of the receipt of the Director's written decision. The administrative hearing shall be limited to the issues raised in the administrative review request. The revocation shall be stayed pending resolution of the hearing.

6305.8 Once certification is revoked, the SUD provider shall not be allowed to reapply for certification for a period of two (2) years following the date of the order of revocation. If a provider reapplies for certification, the provider must reapply in

accordance with the established certification standards for the type of services provided and show evidence that the grounds for the revocation have been corrected.

6306 CLOSURES AND CONTINUITY OF CLIENT CARE

6306.1 A provider shall provide written notification to the Department at least ninety (90) calendar days prior to its impending closure, or immediately upon knowledge of an impending closure less than ninety (90) calendar days in the future. This notification shall include plans for continuity of care and preservation of client records.

6306.2 The Department shall review the continuity of care plan and make recommendations to the provider as needed. The plan should include provision for the referral and transfer of clients, as well as for the provision of relevant treatment information, medications, and information to the new provider. The provider shall incorporate all Department recommendations.

6306.3 Closure of a program does not absolve a provider from its legal responsibilities regarding the preservation and the storage of client records as described in Section 6321, Storage and Retention of Client Records, of these regulations and applicable, federal and District laws and regulations.

6306.4 A provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

6307 GENERAL MANAGEMENT AND ADMINISTRATION STANDARDS

6307.1 Each provider shall be established as a recognized legal entity in the United States and qualified to conduct business in the District. Evidence of qualification to conduct business includes a certificate of good standing or clean hands, or an equivalent document, issued by the District of Columbia Department of Consumer and Regulatory Affairs. Each provider shall maintain the clinical operations, policies, and procedures described in this section. These operations, policies and procedures shall be reviewed and approved by the Department during the certification survey process. Providers certified or accredited by a national body, such as the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or the Joint Commission may apply for deemed status. To be considered for deemed status, a prospective provider submitting an application for certification must request "Deemed Status" on the certification application. Providers must also provide a current copy of their national accreditation certificate along with their most recent accreditation report. Deemed Status does not waive the requirement of service specific requirements and/or fiscal responsibility requirements.

- 6307.2 All certified providers shall report to the Department in a form and manner prescribed by the Department's policy on adverse events including abuse or neglect of client or any other event that may compromise the health, safety, and welfare of clients.
- 6307.3 Each provider shall:
- (a) Have a governing body, which shall have overall responsibility for the functioning of the provider;
 - (b) Comply with all applicable Federal and District laws and regulations;
 - (c) Hire personnel with the necessary qualifications in order to provide SUD treatment and recovery services and to meet the needs of its enrolled clients; and
 - (d) For SUD treatment, employ Qualified Practitioners to ensure provision of services as appropriate and in accordance with this chapter.
- 6307.4 Each treatment and recovery provider shall have a full time program director with authority and responsibility for the administrative direction and day-to-day operation of the program(s).
- 6307.5 Each treatment provider shall have a clinical director responsible for the full-time clinical direction and day-to-day delivery of clinical services provided to clients of the program(s). The clinical director must be a clinician who is licensed to practice independently in the District of Columbia and supervise other clinical staff.
- 6307.6 The program director and clinical director shall devote adequate time and authority to perform necessary duties to ensure that service delivery is in compliance with applicable standards set forth in this chapter and in applicable policies issued by the Department.
- 6307.7 Each provider shall establish and adhere to policies and procedures for selecting and hiring staff (Staff Selection Policy), including but not limited to requiring:
- (a) Evidence of licensure, certification, or registration, as applicable and as required by the job being performed;
 - (b) Evidence of completion of an appropriate degree, training program, or credentials, such as academic transcripts or a copy of degree;
 - (c) Evidence of all required criminal background checks, and for all unlicensed staff members, application of the criminal background check requirements contained in D.C. Official Code §§ 44-551 *et seq.*,

Unlicensed Personnel Criminal Background Check, as well as child abuse registry checks for children and youth serving providers (for both state of residence and employment);

- (d) Evidence, provided at least quarterly, that no individual is excluded from participation in a Federal health care program as listed on the Department of Health and Human Services List of Excluded Individuals/Entities (<http://oig.hhs.gov/fraud/exclusion.asp>) or the General Services Administration Excluded Parties List System, or any similar succeeding governmental list;
- (e) Evidence of completion of communicable disease testing required by the Department; and
- (f) Evidence of a mechanism for ongoing monitoring of excluded party listing status, and staff licensure/certification.

6307.8 Each provider shall establish and adhere to written job descriptions for all positions, including, at a minimum, the role, responsibilities, reporting relationships, and minimum qualifications for each position. The minimum qualifications established for each position shall be appropriate for the scope of responsibility and clinical practice (if any) described for each position.

6307.9 Each provider shall establish and adhere to policies and procedures requiring a periodic evaluation of clinical and administrative staff performance (Performance Review Policy) that requires an assessment of clinical competence (if appropriate), general organizational work requirements, and key functions as described in the job description. The periodic evaluation shall also include an annual individual development plan for each staff member.

6307.10 Each provider shall establish and adhere to a supervision policy to ensure that services are provided according to this chapter and Department policies on supervision and service standards.

6307.11 Each provider shall establish and adhere to a training policy in accordance with § 6318 of this chapter.

6307.12 Personnel policies and procedures shall apply to all staff and volunteers working in a program and shall include:

- (a) Compliance with Federal and District equal opportunity laws, including the Americans with Disabilities Act and the D.C. Human Rights Act;
- (b) A current organizational flow chart reflecting each program position and, where applicable, the relationship to the larger program or provider of which the program is a part;

- (c) Written plans for developing, posting, and maintaining files pertaining to work and leave schedules, time logs, and on-call schedules for each functional unit, to ensure adequate coverage during all hours of operation;
- (d) A written policy requiring that a designated individual be assigned responsibility for management and oversight of the volunteer program, if volunteers are utilized;
- (e) A written policy regarding volunteer recruitment, screening, training, supervision, and dismissal for cause, if volunteers are utilized; and
- (f) Provisions through which the program shall make available to staff a copy of the personnel policies and procedures.

6307.13 A program shall develop and implement procedures that prohibit the possession, use, or distribution of controlled substances or alcohol, or any combination of them, by staff during their duty hours, unless medically prescribed and used accordingly. Staff possession, use, or distribution of controlled substances or alcohol, or any combination of them, during off duty hours that affects job performance shall also be prohibited. These policies and procedures shall ensure that the provider:

- (a) Provides information about the adverse effects of the non-medical use and abuse of controlled substances and alcohol to all staff;
- (b) Initiates disciplinary action for the possession, use, or distribution of controlled substances or alcohol, which occurs during duty hours or which affects job performance; and
- (c) Provides information and assistance to any impaired staff member to facilitate his or her recovery.

6307.14 Individual personnel records shall be maintained for each person employed by a provider and shall include, at a minimum, the following:

- (a) A current job description for each person, that is revised as needed;
- (b) Evidence of a negative result on a tuberculosis test or medical clearance related to a positive result;
- (c) Evidence of the education, training, and experience of the individual, and a copy of the current appropriate license, registration, or certification credentials (if any);

- (d) Documentation that written personnel policies were distributed to the employee;
- (e) Notices of official tour of duty: day, evening, night, or rotating shifts; payroll information; and disciplinary records;
- (f) Documentation that the employee has received all health care worker immunizations as recommended by the Centers for Disease Control and Prevention (CDC); and
- (g) Criminal background checks as required in § 6307.7.

6307.15 All personnel records shall be maintained during the course of an individual's employment with the program and for three (3) years following the individual's separation from the program.

6308 EMPLOYEE CONDUCT

6308.1 All staff shall adhere to ethical standards of behavior in their relationships with clients as follows:

- (a) Staff shall maintain an ethical and professional relationship with clients at all times;
- (b) Licensed or certified staff must adhere to their professional codes of conduct, as required by District licensing laws;
- (c) Staff shall not enter into dual or conflicting relationships with individuals that might affect professional judgment, therapeutic relationships, or increase the risk of exploitation; and
- (d) The provider shall establish written policies and procedures regarding staff relationships with both current and former clients that are consistent with this section.

6308.2 No staff, including licensed professionals and volunteers, shall engage in sexual activities or sexual contact with clients.

6308.3 No clinical staff including licensed professionals and volunteers shall engage in sexual activities or sexual contact with former clients in accordance with their licensing regulations.

6308.4 No staff, including licensed professionals and support personnel, shall engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship.

- 6308.5 No staff, including licensed professionals and support personnel, shall provide services to individuals with whom they have had a prior sexual or other significant relationship.
- 6308.6 Staff shall only engage in appropriate physical contact with clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.
- 6308.7 No staff, including licensed professionals and support personnel, shall sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- 6308.8 No provider or employee of a provider shall be a representative payee for any person receiving services from a treatment or recovery program.

6309 QUALITY IMPROVEMENT

- 6309.1 Each provider shall establish and adhere to policies and procedures governing quality improvement (Quality Improvement Policy).
- 6309.2 The Quality Improvement Policy shall require the provider to adopt a written quality improvement (QI) plan describing the objectives and scope of its QI program and requiring provider staff, client, and family involvement in the QI program.
- 6309.3 The Department shall review and approve each provider's QI program at a minimum as part of the certification and recertification process. The QI program shall submit data to the Department, upon request.
- 6309.4 The QI program shall be operational and shall measure and ensure at least the following:
- (a) Easy and timely access and availability of services;
 - (b) Treatment and prevention of acute and chronic conditions;
 - (c) Close monitoring of high volume services, clients with high risk conditions, and services for children and youth;
 - (d) Coordination of care across behavioral health treatment and primary care treatment settings;
 - (e) Compliance with all certification standards;
 - (f) Adequacy, appropriateness, and quality of care for clients;
 - (g) Efficient utilization of resources;

- (h) Client and family satisfaction with services;
- (i) Quarterly random samplings of client outcomes, including but not limited to biological markers such as drug/alcohol screening results, in a format approved by the Department; and
- (j) Any other indicators that are part of the Department QI program for the larger system.

6309.5 When a significant problem or quality of service issue is identified, the program shall notify the Department, act to correct the problem or improve the effectiveness of service delivery, or both, and shall assess corrective or supportive actions through continued monitoring.

6309.6 Providers certified or accredited by nationally-recognized bodies such as the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission, or the Council on Accreditation may submit their QI program accepted by that body to fulfill the requirements in § 6309.4

6310 FISCAL MANAGEMENT STANDARDS

6310.1 The provider shall have adequate financial resources to deliver all required services and shall provide documented evidence at the time of certification and recertification that it has adequate resources to operate a SUD program. Documented evidence shall include a current financial statement reviewed and approved by the governing body.

6310.2 A provider shall have fiscal management policies and procedures and keep financial records in accordance with generally accepted accounting principles (GAAP).

6310.3 A provider shall include adequate internal controls for safeguarding or avoiding misuse of client or organizational funds.

6310.4 A provider shall have a uniform budget of expected revenue and expenses as required by the Department. The budget shall:

- (a) Categorize revenue by source;
- (b) Categorize expenses by type of service;
- (c) Estimate costs by unit of service; and
- (d) Be reviewed and approved by the provider's governing authority prior to the beginning of the current fiscal year.

- 6310.5 A program shall have the capacity to determine direct and indirect costs for each type of service provided.
- 6310.6 If a program charges for services, the written schedule of rates and charges shall be conspicuously posted and available to staff, clients, and the general public.
- 6310.7 The current schedule of rates and charges shall be approved by the provider's governing authority.
- 6310.8 A provider shall maintain a reporting mechanism that provides information to its governing body on the fiscal performance of the provider at least quarterly.
- 6310.9 Fiscal reports shall provide information on the relationship of the budget to actual spending, including revenues and expenses by category and an explanation of the reasons for any substantial variance.
- 6310.10 The provider's governing body shall review each fiscal report and document recommendations and actions in its official minutes.
- 6310.11 Every three (3) years, each provider with a Human Care Agreement shall have an audit by an independent certified public accountant or certified public accounting firm, and the resulting audit report shall be consistent with formats recommended by the American Institute of Certified Public Accountants (AICPA). A copy of the audit report and management letter shall be submitted to the Department within one-hundred-twenty (120) calendar days after the close of the program's fiscal year.
- 6310.12 Providers shall correct or resolve adverse audit findings.
- 6310.13 A provider shall have policies and procedures regarding:
- (a) Purchase authority, product selection and evaluation, property control and supply, storage, and distribution;
 - (b) Billing;
 - (c) Controlling accounts receivable;
 - (d) Handling cash;
 - (e) Management of client fund accounts;
 - (f) Arranging credit; and
 - (g) Applying discounts and write-offs.

- 6310.14 All business records pertaining to costs, payments received and made, and services provided to clients shall be maintained for a period of six (6) years or until all audits and ongoing litigations are complete, whichever is longer.
- 6310.15 All providers must maintain proof of liability insurance coverage, which must include malpractice insurance of at least three million dollars (\$3,000,000) aggregate and one million dollars (\$1,000,000) per incident and comprehensive general coverage of at least three million dollars (\$3,000,000) per incident that covers general liability, vehicular liability, and property damage. The insurance shall include coverage of all personnel, consultants, or volunteers working for the program.
- 6310.16 If a program handles client funds, financial record keeping shall provide for separate accounting of those client funds.
- 6310.17 A provider shall ensure that clients employed by the organization are paid in accordance with all applicable laws governing labor and employment.
- 6310.18 All money earned by a client shall accrue to the sole benefit of that individual and be provided to the client or the client's legal representative upon discharge or sooner.

6311 ADMINISTRATIVE PRACTICE ETHICS

- 6311.1 All programs shall operate in an ethical manner, including but not limited to complying with the provisions of this section.
- 6311.2 A program shall not use any advertising that contains false, misleading, or deceptive statements or claims or that contains false or misleading information about fees.
- 6311.3 A program shall not offer or imply to offer services not authorized on the certification issued by the Department.
- 6311.4 A program shall not offer or pay any remuneration, directly or indirectly, to encourage a licensed practitioner to refer a client to them.
- 6311.5 All employees shall be kept informed of policy changes that affect performance of duties.
- 6311.6 Allegations of ethical violations must be treated as major unusual incidents.
- 6311.7 Any research must be conducted in accordance with Federal law.

6312 PROGRAM POLICIES AND PROCEDURES

6312.1 Each provider must document the following:

- (a) Organization and program mission statement, philosophy, purpose, and values;
- (b) Organizational structure;
- (c) Leadership structure;
- (d) Program relationships;
- (e) Staffing;
- (f) Relationships with parent organizations, affiliated organizations, and organizational partners;
- (g) Treatment philosophy and approach;
- (h) Services provided;
- (i) Characteristics and needs of the population served;
- (j) Performance metrics, including intended outcomes and process methods;
- (k) Contract services, if any;
- (l) Affiliation agreements, if any;
- (m) The scope of volunteer activities and rules governing the use of volunteers, if any;
- (n) Location of service sites and specific designation of the geographic area to be served; and
- (o) Hours and days of operation of each site.

6312.2 Each program shall establish written policies and procedures to ensure each of the following:

- (a) Service provision based on the individual needs of the client;
- (b) Consideration of special needs of the individual and the program's population of focus;

- (c) Placement of clients in the least restrictive setting necessary to address the severity of the individual's presenting illness and circumstances; and
- (d) Facilitation of access to other more appropriate services for individuals who do not meet the criteria for admission into a program offered by the provider.

6312.3 Each program shall develop and document policies and procedures subject to review by the Department related to each of the following:

- (a) Program admission and exclusion criteria;
- (b) Termination of treatment and discharge or transition criteria;
- (c) Outreach;
- (d) Infection control procedures and use of universal precautions, addressing at least those infections that may be spread through contact with bodily fluids and routine tuberculosis screening for staff;
- (e) Volunteer utilization, recruitment, and oversight;
- (f) Crisis intervention and medical emergency procedures;
- (g) Safety precautions and procedures for participant volunteers, employees, and others;
- (h) Record management procedures in accordance with "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 CFR, Part 2, this chapter, and any other District laws and regulations regarding the confidentiality of client records;
- (i) The on-site limitations on use of tobacco, alcohol, and other substances;
- (j) Clients' rules of conduct and commitment to treatment regimen, including restrictions on carrying weapons and specifics of appropriate behavior while in or around the program;
- (k) Clients' rights;
- (l) Addressing and investigating major unusual incidents;
- (m) Addressing client grievances;
- (n) Addressing issues of client non-compliance with established treatment regimen and/or violation of program policies and requirements; and

- (o) The purchasing, receipt, storage, distribution, return, and destruction of medication, including accountability for and security of medications located at any of its service site(s) (a Medication Policy).

6312.4 Gender-specific programs shall ensure that staff of that specific gender is in attendance at all times when clients are present.

6313 EMERGENCY PREPAREDNESS PLAN

6313.1 Each provider shall establish and adhere to a written disaster evacuation and continuity of operations plan in accordance with the Department policy on Disaster Evacuation/Continuity of Operations Plans.

6313.2 A provider shall immediately notify the Department and implement its continuity of operations plan if an imminent health hazard exists because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross unsanitary conditions, or other circumstances that may endanger the health, safety, or welfare of its clients.

6314 FACILITIES MANAGEMENT

6314.1 A provider shall establish and maintain a safe environment for its operation, including adhering to the following provisions:

- (a) Each provider's service site(s) shall be located and designed to provide adequate and appropriate facilities for private, confidential individual and group counseling/therapy sessions;
- (b) Each provider's service site(s) shall have appropriate space for group activities and educational programs;
- (c) In-office waiting time shall be less than one (1) hour from the scheduled appointment time. Each program shall also demonstrate that it can document the time period for in-office waiting;
- (d) Each provider shall comply with applicable provisions of the Americans with Disabilities Act in all business locations;
- (e) Each service site shall be located within reasonable walking distance of public transportation;
- (f) Providers shall maintain fire safety equipment and establish practices to protect all occupants. This shall include clearly visible fire extinguishers, with a charge, that are inspected annually by a qualified service company or trained staff member; and

- (g) Each provider shall annually obtain a written certificate of compliance from the District of Columbia Department of Fire and Emergency Medical Services indicating that all applicable fire and safety code requirements have been satisfied for each facility.
- 6314.2 Each window that opens shall have a screen.
- 6314.3 Each rug or carpet in a facility shall be securely fastened to the floor or shall have a non-skid pad.
- 6314.4 Each hallway, porch, stairway, stairwell, and basement shall be kept free from any obstruction at all times.
- 6314.5 Each ramp or stairway used by a client shall be equipped with a firmly secured handrail or banister.
- 6314.6 Each provider shall maintain a clean environment free of infestation and in good physical condition, and each facility shall be appropriately equipped and furnished for the services delivered.
- 6314.7 Each provider shall properly maintain the outside and yard areas of the premises in a clean and safe condition.
- 6314.8 Each exterior stairway, landing, and sidewalk used by clients shall be kept free of snow and ice.
- 6314.9 Each facility shall be located in an area reasonably free from noxious odors, hazardous smoke and fumes, and where interior sounds may be maintained at reasonably comfortable levels.
- 6314.10 A provider shall take necessary measures to ensure pest control, including:
- (a) Refuse shall be stored in covered containers that do not create a nuisance or health hazard; and
 - (b) Recycling, composting, and garbage disposal shall not create a nuisance, permit transmission of disease, or create a breeding place for insects or rodents.
- 6314.11 A provider shall ensure that medical waste is stored, collected, transported, and disposed of in accordance with applicable District and Federal laws and guidelines from the CDC.
- 6314.12 Each provider shall ensure that its facilities have comfortable lighting, proper ventilation, and moisture and temperature control. Rooms shall be dry and the

temperature shall be maintained within a normal comfort range, including bedrooms and activity rooms below ground level.

- 6314.13 Each facility shall have potable water available for each client.
- 6314.14 No smoking shall be allowed inside a program's facility.
- 6314.15 Providers' physical design and structure shall be sufficient to accommodate staff, participants, and functions of the program(s), and shall make available the following:
- (a) A reception area;
 - (b) Private areas for individual treatment services;
 - (c) A private area(s) for group counseling/therapy and other group activities;
 - (d) An area(s) for dining, if applicable; and
 - (e) Separate bathrooms and/or toilet facilities in accordance with District law where the:
 - (1) Required path of travel to the bathroom shall not be through another bedroom;
 - (2) Windows and doors provide privacy; and
 - (3) Showers and toilets not intended for individual use provide privacy.
- 6314.16 If activity space is used for purposes not related to the program's mission, the program shall ensure that:
- (a) The quality of services is not reduced;
 - (b) Activity space in use by other programs shall not be counted as part of the required activity space; and
 - (c) Client confidentiality is protected, as required by 42 CFR part 2 and other applicable Federal and District laws and regulations.
- 6314.17 The use of appliances such as televisions, radios, CD players, recorders and other electronic devices shall not interfere with the therapeutic program.
- 6314.18 Each facility shall maintain an adequately supplied first-aid kit which:

- (a) Shall be maintained in a place known and readily accessible to clients and employees; and
- (b) Shall be adequate for the number of persons in the facility.

6314.19 Each provider shall post emergency numbers near its telephones for fire, police, and poison control, along with contact information and directions to the nearest hospital.

6314.20 A provider shall have an interim plan addressing safety and continued service delivery during construction.

6314.21 Residential treatment and recovery programs shall comply with all applicable construction codes and housing codes and zoning requirements applicable to the facility, including all Certificate of Occupancy, Basic Business License (BBL) and Construction Permit requirements.

6314.22 Each newly established Residential treatment and recovery program shall provide proof of a satisfactory pre-certification inspection by DCRA for initial certification, dated not more than forty-five (45) days prior to the date of submission to Department, for District of Columbia Property Maintenance Code (12-G DCMR) and Housing Code (14 DCMR) compliance, including documentation of the inspection date and findings and proof of abatement certified by DCRA of all deficiencies identified during the inspection. This requirement can be met by submission of a Certificate of Occupancy or a BBL dated within the past six (6) months, provided that that applicant can demonstrate that DCRA performed an onsite inspection of the premises.

6314.23 For existing residential treatment and recovery programs that are applying for re-certification, the applicants shall also provide proof of current BBLs.

6314.24 For both initial certification and re-certification, if the facility has had work done requiring a DCRA building permit or other related permits such as plumbing or electrical within the twelve (12) months prior to application for initial certification or re-certification, the applicant shall also submit copies of the DCRA permits and post-work inspection approvals.

6315 MEDICATION STORAGE AND ADMINISTRATION STANDARDS

6315.1 Controlled substances shall be maintained in accordance with applicable District and Federal laws and regulations.

6315.2 An SUD treatment program shall implement written policies and procedures to govern the acquisition, safe storage, prescribing, dispensing, labeling, administration, and the self-administration of medication, including medications clients may bring into the program shall have a record of the prescribing

physician's order or approval prior to the administration or self-administration of medication.

- 6315.3 Any prescribed medication brought into a facility by a client shall not be administered or self-administered until the medication is identified and the attending practitioner's written order or approval is documented in the client record.
- 6315.4 Verbal orders may only be given by the attending practitioner to another practitioner, physician assistant, nurse, or pharmacist. Verbal orders shall be noted in the client's record as such and countersigned and dated by the prescribing practitioner within twenty-four (24) hours.
- 6315.5 Verbal orders may only be given by the attending practitioner to another practitioner, physician assistant, registered nurse, or pharmacist for the administration of controlled substances. Verbal orders shall be noted in the client's record as such and countersigned and dated by the prescribing practitioner within twenty-four (24) hours.
- 6315.6 Medication, both prescription and over-the-counter, brought into a facility must be packaged and labeled in accordance with District and Federal laws and regulations.
- 6315.7 Medication, both prescription and over-the-counter, brought into a facility by a client that is not approved by the attending practitioner shall be packaged, sealed, stored, and returned to the client upon discharge.
- 6315.8 The administration of medications, excluding self-administration, shall be permitted only by licensed individuals pursuant to applicable District laws and regulations.
- 6315.9 Medications shall be administered only in accordance with the prescribing practitioner's order.
- 6315.10 Only a registered nurse, practitioner, or physician assistant shall administer controlled substances or injectable drugs, excluding insulin.
- 6315.11 Program staff responsible for supervision of the self-administration of medication shall document consultations with a practitioner, pharmacist, registered nurse, or referral to appropriate reference material regarding the action and possible side effects or adverse reactions of each medication under their supervision.
- 6315.12 As applicable, a program shall provide training to the staff designated to supervise the self-administration of medication. The training shall include but not be limited to the expected action of and adverse reaction to the self-administered medication.

- 6315.13 Only trained staff shall be responsible for observing the self-administration of medication.
- 6315.14 A program shall ensure that medication is available to clients as prescribed.
- 6315.15 A program shall maintain records that track and account for all medication, ensuring the following:
- (a) That each client receiving medication shall have a medication administration record, which includes the individual's name, the name of medication, the type of medication (classification), the amount of medication, the dose and frequency of administration/self-administration, and the name of staff who administered or observed the self-administration of the medication;
 - (b) That documentation shall include omission and refusal of medication administration;
 - (c) That the medication administration record shall note the amount of medication originally present and the amount remaining;
 - (d) That documentation of medication administration shall include over-the-counter drugs administered or self-administered; and
 - (e) That SUD treatment programs administering controlled substances, including but not limited to methadone, shall follow the requirements of applicable Federal and District laws and regulations.
- 6315.16 An attending practitioner shall be notified immediately of any medication error or adverse reaction. The staff responsible for the medication error shall complete an incident report, and the practitioner's recommendations and subsequent actions taken by the program shall be documented in the client record.
- 6315.17 A program shall have written policies and procedures on how medications are obtained and stored.
- 6315.18 A program shall ensure that all medications, including those that are self-administered, are secured in locked storage areas.
- 6315.19 The locked medication area shall provide for separation of internal and external medications.
- 6315.20 A program shall maintain a list of personnel who have access to the locked medication area and, where applicable, are qualified to administer medication.
- 6315.21 A program shall comply with all District and Federal laws concerning the

acquisition and storage of pharmaceuticals.

- 6315.22 Each client's medication shall be properly labeled as required by District and Federal laws and regulations, shall be stored in its original container, and shall not be transferred to another container or taken by persons other than the person for whom it was originally prescribed.
- 6315.23 Medications requiring refrigeration shall be maintained in a separate and secure refrigerator, labeled "FOR MEDICATION ONLY" and shall be maintained at a temperature between thirty-six degrees Fahrenheit (36°F) and forty-six degrees Fahrenheit (46°F). All refrigerators shall have thermometers, which are easily readable, in proper working condition, and accurate within a range of plus or minus two (2) degrees.
- 6315.24 A program shall conspicuously post in the drug storage area the following information:
- (a) Telephone numbers for the regional Poison Control Center; and
 - (b) Metric-apothecaries weight and conversion measure charts.
- 6315.25 A program shall conduct monthly inspections of all drug storage areas to ensure that medications are stored in compliance with District and Federal regulations. The program shall maintain records of these inspections for verification.
- 6315.26 Where applicable, the program shall implement written policies and procedures for the control of stock pharmaceuticals.
- 6315.27 The receipt and disposition of stock pharmaceuticals must be accurately documented as follows:
- (a) Invoices from companies or pharmacies shall be maintained to document the receipt of stock pharmaceuticals;
 - (b) A log shall be maintained for each stock pharmaceutical that documents receipt and disposition; and
 - (c) At least quarterly, each stock pharmaceutical shall be reconciled as to the amount received and the amount dispensed.
- 6315.28 A program shall implement written procedures and policies for the disposal of medication.
- 6315.29 Any medication left by the client at discharge shall be destroyed within thirty (30) calendar days after the client has been discharged, with the exception of Methadone and other controlled substances which must be returned to the point of

issue or destroyed in accordance with Federal regulations.

6315.30 The disposal of all medications shall be witnessed and documented by two (2) staff members.

6315.31 Medication administration training shall be facilitated by the following Qualified Practitioners, as led by signature and date on the training certificate and in accordance with

- (a) Qualified Physicians;
- (b) APRNs; or
- (c) RNs.

6316 VEHICLE ENVIRONMENTAL AND SAFETY STANDARDS

6316.1 A provider shall implement measures to ensure the safe operation of its transportation service, if applicable. These measures shall include, but are not limited to:

- (a) Automobile insurance with adequate liability coverage;
- (b) Regular inspection and maintenance of vehicles, as required by law;
- (c) Adequate first aid supplies and fire suppression equipment secured in the vehicles;
- (d) Training of vehicle operators in emergency procedures and in the handling of accidents and road emergencies; and
- (e) Verification to ensure that vehicles are operated by properly licensed drivers with driving records that are absent of serious moving violations, including but not limited to “Driving under the Influence” (DUI).

6317 FOOD AND NUTRITION STANDARDS

6317.1 The provisions of this section apply to any provider that prepares or serves food.

6317.2 All programs that prepare food shall have a current Certified Food Protection Manager (CFPM) certification from the Department of Health, and the CFPM must be present whenever food is prepared and served.

6317.3 The provider shall require each CFPM to monitor any staff members who are not certified as CFPMs in the storage, handling, and serving of food and in the

cleaning and care of equipment used in food preparation in order to maintain sanitary conditions at all times.

- 6317.4 The kitchen, dining, and food storage areas shall be kept clean, orderly, and protected from contamination.
- 6317.5 A program providing meals shall maintain a fully equipped and supplied code-compliant kitchen area unless meals are catered by an organization licensed by the District to serve food.
- 6317.6 A program may share kitchen space with other programs if the accommodations are adequate to perform required meal preparation for all programs using the kitchen.
- 6317.7 Each food and drink item procured, stored, prepared, or served by the facility shall be clean, free from spoilage, prepared in a manner that is safe for human consumption, and protected from contamination.
- 6317.8 Dishes, cooking utensils, and eating utensils shall be cleaned after each meal and stored to maintain their sanitary condition.
- 6317.9 Hot and cold water, soap, and disposable towels shall be provided for hand washing in or adjacent to food preparation areas.
- 6317.10 Each facility shall maintain adequate dishes, utensils, and cookware in good condition and in sufficient quantity for the facility.

6318 PERSONNEL TRAINING STANDARDS

- 6318.1 SUD provider staff shall have annual training that meets the Occupational Safety & Health Administration (OSHA) regulations that govern behavioral health facilities and any other applicable infection control guidelines, including use of universal precaution and avoiding exposure to hepatitis, tuberculosis, and HIV.
- 6318.2 A treatment program shall have at least two (2) staff persons, trained and certified by a nationally recognized authority that meets OSHA guidelines for basic first aid and cardiopulmonary resuscitation (CPR), present at all times during the hours of operation of the program. An SUD recovery program shall have at least one (1) staff person trained and certified by a recognized authority that meets OSHA guidelines in basic first aid and CPR present at all times during the hours of operation of the program.
- 6318.3 A program shall have a current written plan for staff development and organizational onboarding, approved by the Department which reflects the training and performance improvement needs of all employees working in that program. The plan should address the steps the organization 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 should minimally include training and onboarding activities in the following core areas:

- (a) The program's approach to addressing treatment or recovery services (as appropriate to its certification), including philosophy, goals and methods;
- (b) The staff member's specific job description and role in relationship to other staff;
- (c) The emergency preparedness plan and all safety-related policies and procedures;
- (d) The proper documentation of services in individual consumer 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, including 42 CFR part 2;
- (g) Laws and policies governing reporting abuse and neglect;
- (h) Client rights; and
- (i) Other trainings directed by the Department.

6319 CLIENT RIGHTS AND PRIVILEGES, INCLUDING GRIEVANCES

6319.1 A program shall protect the following rights and privileges of each client:

- (a) Right to be admitted and receive services in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §§ 2501 *et seq.*);
- (b) Right to make choices regarding provider, treatment, medication, and advance directives, when necessary;
- (c) Right to receive prompt evaluation, care, and treatment, in accordance with the highest quality standards;
- (d) Right to receive services and live in healthy, safe, and clean place;

- (e) Right to be evaluated and cared for in the least restrictive and most integrated environment appropriate to an individual's needs;
- (f) Right to participate in the treatment planning process, including decisions concerning treatment, care, and other services, and to receive a copy of the treatment plan;
- (g) Right to have records kept confidential;
- (h) Right to privacy;
- (i) Right to be treated with respect and dignity in a humane treatment environment;
- (j) Right to be safe from harm and from verbal, physical, or psychological abuse;
- (k) Right to be free of discrimination;
- (l) Right to be paid commensurate wages for work performed in compliance with applicable District or Federal requirements;
- (m) Right to own personal belongings;
- (n) Right to refuse treatment and/or medication;
- (o) Right to give, not give, or revoke already-given consent to treatment, supports and/or release of information;
- (p) Right to give, not give, or revoke informed, voluntary, written consent to participate in experimentation of the client or a person legally authorized to act on behalf of the client; the right to protection associated with such participation; and the right and opportunity to revoke such consent;
- (q) Right to be informed, in advance, of charges for services;
- (r) Right to be afforded the same legal rights and responsibilities as any other citizen, unless otherwise stated by law;
- (s) Right to request and receive documentation on the performance track record of a program with regard to treatment outcomes and success rates;
- (t) Right to provide feedback on services and supports, including evaluation of providers;
- (u) Right to assert grievances with respect to infringement of these rights,

including the right to have such grievances considered in a fair, timely, and impartial manner;

- (v) Right to receive written and oral information on client rights, privileges, program rules, and grievance procedures in a language understandable to the client;
- (w) Right to access services that are culturally appropriate, including the use of adaptive equipment, sign language, interpreter, or translation servers, as appropriate; and
- (x) Right to vote.

6319.2 As soon as clinically feasible, the limitation of a client's rights shall be terminated and all rights restored.

6319.3 A program shall post conspicuously a statement of client rights, program rules, and grievance procedures. The grievance procedures must inform clients that they may report any violations of their rights to the Department and shall include the telephone numbers of the Department and any other relevant agencies for the purpose of filing complaints.

6319.4 At the time of admission to a program, staff shall explain program rules, client rights, and grievance procedures. Program staff shall document this explanation by including a form, signed by the client and witnessed by the staff person, within the client's record.

6319.5 A program shall develop and implement written grievance procedures to ensure a prompt, impartial review of any alleged or apparent incident of violation of rights or confidentiality. The procedures shall be consistent with the principles of due process and Department requirements and shall include but not be limited to:

- (a) Reporting the allegation or incident to the Department within twenty-four (24) hours of it coming to the attention of program staff;
- (b) The completion of the investigation of any allegation or incident within thirty (30) calendar days;
- (c) Providing a copy of the investigation report to the Department within twenty-four (24) hours of completing the investigation of any complaint; and
- (d) Cooperating with the Department in completion of any inquiries related to clients' rights conducted by Department staff.

6319.6 Medicaid beneficiaries are entitled to Notice and Appeal rights pursuant to

Section 2508 of Title 29 DCMR in cases of intended adverse action such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid-funded SUD services.

6320 CLIENT RECORDS MANAGEMENT AND CONFIDENTIALITY

- 6320.1 A program shall create and maintain an organized record for each person receiving service at the agency or its extended service sites.
- 6320.2 All records must be secured in a manner that provides protection from unauthorized disclosure, access, use, or damage in accordance with both District and Federal law.
- 6320.3 All client records shall be kept confidential and shall be handled in compliance with "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 CFR part 2, and both Federal and District laws and regulations regarding the confidentiality of client records.
- 6320.4 Each provider shall have a designated privacy officer responsible for ensuring compliance with privacy requirements.
- 6320.5 A program shall ensure that all staff and clients, as part of their orientation, are made aware of the privacy requirements.
- 6320.6 A decision to disclose protected health information (PHI), under any provisions of District or Federal rules that permit such disclosure, shall be made only by the Privacy Officer or his/her designee with appropriately administered consent procedures.
- 6320.7 A program shall implement policies and procedures for the release of identifying information consistent with Federal and District laws and regulations regarding the confidentiality of client records including "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 CFR part 2, the District of Columbia Mental Health Information Act, and the Health Insurance Portability and Accountability Act (HIPAA). A provider with a contract with the Department shall ensure its policies and procedures comply with the Department's Privacy Policy.
- 6320.8 The program shall encourage all enrolled clients to authorize the release of information to other certified providers, primary health care providers and other health care organizations engaged in treating the client in order to facilitate treatment and coordination of care.
- 6320.9 The program director shall designate a staff member to be responsible for the maintenance and administration of records.
- 6320.10 A program shall arrange and store records according to a uniform system approved by the Department.

6320.11 A program shall maintain records such that they are readily accessible for use and review by authorized staff and other authorized parties.

6320.12 A program shall organize the content of records so that information can be located easily and so that Department surveys and audits can be conducted with reasonable efficiency.

6321 STORAGE AND RETENTION OF CLIENT RECORDS

6321.1 A program shall retain client records (either original or accurate reproductions) until all litigation, adverse audit findings, or both, are resolved. If no such conditions exist, a program shall retain client records for at least six (6) years after discharge.

6321.2 Records of minors shall be kept for at least six (6) years after such minor has reached the age of eighteen (18) years.

6321.3 The provider shall establish a Document Retention Schedule with all medical records retained in accordance with District and Federal law.

6321.4 The client or legal guardian shall be given a written statement concerning client's rights and responsibilities ("Client's Rights Statement") in the program. The client or guardian shall sign the statement attesting to his or her understanding of these rights and responsibilities as explained by the staff person who shall witness the client's signature. This document shall be placed in the client's record.

6321.5 If the records of a program are maintained on computer systems, the database shall:

- (a) Have a backup system to safeguard the records in the event of operator or equipment failure, natural disasters, power outages, and other emergency situations;
- (b) Identify the name of the person making each entry into the record;
- (c) Be secure from inadvertent or unauthorized access to records in accordance with 42 CFR part 2 "Confidentiality of Alcohol and Drug Abuse Patient Records," and District laws and regulations regarding the confidentiality of client records;
- (d) Limit access to providers who are involved in the care of the client and who have permission from the client to access the record; and
- (e) Create an electronic trail when data is released.

- 6321.6 A program shall maintain records that safeguard confidentiality in the following manner:
- (a) Records shall be stored with access controlled and limited to authorized staff and authorized agents of the Department;
 - (b) Written records that are not in use shall be maintained in either a secured room, locked file cabinet, safe, or other similar container;
 - (c) The program shall implement policies and procedures that govern client access to their own records;
 - (d) The policies and procedures of a program shall only restrict a client's access to their record or information in the record after an administrative review with clinical justification has been made and documented;
 - (e) Clients shall receive copies of their records as permitted under 42 CFR Part 2;
 - (f) All staff entries into the record shall be clear, complete, accurate, and recorded in a timely fashion;
 - (g) All entries shall be dated and authenticated by the recorder with full signature and title;
 - (h) All non-electronic entries shall be typewritten or legibly written in indelible ink that will not deteriorate from photocopying;
 - (i) Any documentation error shall be marked through with a single line and initialed and dated by the recorder; and
 - (j) Limited use of symbols and abbreviations shall be pre-approved by the program and accompanied by an explanatory legend.

6321.7 Any records that are retained off-site must be kept in accordance with this chapter. If an outside vendor is used, the provider must submit the vendor's name, address, and telephone number to the Department.

6322 CLIENT RECORD CONTENTS

6322.1 At a minimum, all client records shall include:

- (a) Documentation of the referral and initial screening interview and its findings;
- (b) The individual's consent to treatment;

- (c) The Client's Rights Statement;
- (d) Documentation that the client received:
 - (1) An orientation to the program's services, rules, confidentiality, and client's rights; and
 - (2) Notice of privacy practices.
- (e) Confidentiality forms and releases signed to permit the facility to obtain and/or release information;
- (f) Diagnostic interview and assessment record, including any Department-approved screening and assessment tools;
- (g) Evaluation of medical needs and, as applicable, medication intake sheets and special diets which shall include:
 - (1) Documentation of physician's orders for medication and treatment, change of orders, and/or special treatment evaluation; and
 - (2) For drugs prescribed following admissions, any prescribed drug product by name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed;
 - (3) For any prescribed over-the-counter (OTC) medications following admissions, any OTCs by product name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed;
- (h) Assessments and individual treatment plans pursuant to the level of care and the client's needs, including recovery plans, if applicable;
- (i) Encounter notes, which provide sufficient written documentation to support each therapy, service, activity, or session for which billing is made that, at a minimum, consists of:
 - (1) The specific service type rendered;
 - (2) Dated and authenticated entries with their authors identified, that include the duration, and actual time (beginning and ending as well as a.m. or p.m.), during which the services were rendered;

- (3) Name, title, and credentials (if applicable) of the person providing the services;
 - (4) The setting in which the services were rendered;
 - (5) Confirmation that the services delivered are contained in the client's treatment or recovery plan and are identified in the encounter note;
 - (6) A description of each encounter or intervention provided to the client, which is sufficient to document that the service was provided in accordance with this chapter;
 - (7) A description of the client's response to the intervention sufficient to show, particularly in the case of group interventions, their unique participation in the service; and
 - (8) Provider's observations.
- (j) Documentation of all services provided to the client as well as activities directly related to the individual treatment or recovery plan that are not included in encounter notes;
 - (k) Documentation of missed appointments and efforts to contact and reengage the client;
 - (l) Emergency contact information of individuals to contact in case of a client emergency with appropriate consent to share information;
 - (m) Documentation of all referrals to other agencies and the outcome of such referrals;
 - (n) Documentation establishing all attempts to acquire necessary and relevant information from other sources;
 - (o) Pertinent information reported by the client, family members, or significant others regarding a change in the individual's condition and/or an unusual or unexpected occurrence in the client's life;
 - (p) Drug test results and incidents of drug use;
 - (q) Discharge summary and aftercare plan;
 - (r) Outcomes of care and follow-up data concerning outcomes of care;

- (s) Documentation of correspondence with other medical, community providers, social service, and criminal justice entities as it pertains to a client's treatment and/or recovery; and
- (t) Documentation of a client's representative payee or legal guardian, as applicable.

6323 RESIDENTIAL TREATMENT AND RECOVERY PROGRAMS

- 6323.1 The provisions of this section apply only to residential treatment programs and residential recovery support service (environmental stability) programs, as defined by this chapter.
- 6323.2 Each residential provider must obtain a Certificate of Need (CON), from the District of Columbia of Columbia State Health Planning and Development Agency (SHPDA).
- 6323.3 The CON must be submitted as part of the Certification application packet.
- 6323.4 Each residential treatment programs serving children and youth under eighteen (18) must obtain written approval from Office of the State Superintendent of Education (OSSE).
- 6323.5 Residential facilities' physical design and structure shall be sufficient to accommodate staff, clients, and functions of the program and shall make available an area(s) for indoor social and recreational activities.
- 6323.6 A program that provides overnight accommodations shall not operate more beds than the number for which it is authorized by the Department.
- 6323.7 Other than routine household duties, no client shall be required to perform unpaid work.
- 6323.8 Upon admission to a residential program, each client shall be provided a copy of the program's house rules.
- 6323.9 Each residential program shall have house rules consistent with this chapter and that include, at a minimum, rules concerning:
 - (a) The use of tobacco;
 - (b) The use of the telephone;
 - (c) Viewing or listening to television, radio, computer usage, CDs, DVDs, or other media such as social media;

- (d) Movement of clients in and out of the facility, including a requirement for escorted movements by program staff or another agency approved escort and a search policy and drug testing upon return to the facility; and
 - (e) The prohibition of sexual relations between staff and clients.
- 6323.10 Each residential program shall be equipped, furnished, and maintained to provide a functional, safe, and comfortable home-like setting.
- 6323.11 The dining area shall have a sufficient number of tables and chairs to seat all individuals residing in the facility at the same time. Dining chairs shall be sturdy, non-folding, without rollers unless retractable, and designed to minimize tilting.
- 6323.12 Each residential program shall permit each client to bring reasonable personal possessions, including clothing and personal articles, to the facility unless the provider can demonstrate that it is not practical, feasible, or safe.
- 6323.13 Each residential facility shall provide clients with access to reasonable individual storage space for private use.
- 6323.14 Upon each client's discharge from a residential program, the provider shall return to the client, or the client's representative, any personal articles of the client held by the provider for safekeeping. The provider shall also ensure that the client is permitted to take all of his or her personal possessions from the facility. The provider may require the client or client's representative to sign a statement acknowledging receipt of the property. A copy of that receipt shall be placed in the client's record.
- 6323.15 Each residential program shall maintain a separate and accurate record of all funds that the client or the client's representative or representative payee deposits with the provider for safekeeping. This record shall include the signature of the client for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of a client.
- 6323.16 Each residential facility shall be equipped with a functioning landline or mobile telephone for use by clients. The telephone numbers shall be provided to residents and to the Department.
- 6323.17 Staff bedrooms shall be separate from resident bedrooms and all common living areas.
- 6323.18 Each facility housing a residential program shall have a functioning doorbell or knocker.
- 6323.19 Each bedroom shall comply with the space and occupancy requirements for habitable rooms in 14 DCMR § 402.

- 6323.20 The provider shall ensure each client has the following items:
- (a) A bed, which shall not be a cot;
 - (b) A mattress that was new when purchased by the provider, has a manufacturer's tag or label attached to it, and is in good, intact condition with unbroken springs and clean surface fabric;
 - (c) A bedside table or cabinet and an individual reading lamp with at least a seventy-five (75) watt, or its LED light bulb equivalent, rate of capacity;
 - (d) Storage space in a stationary cabinet, chest, or closet that provides at least one (1) cubic foot of space for each client for valuables and personal items;
 - (e) Sufficient suitable storage space, including a dresser and closet space, for personal clothing, shoes, accessories, and other personal items; and
 - (f) A waste receptacle and clothes hamper with lid.
- 6323.21 Each bed shall be placed at least three (3) feet from any other bed and from any uncovered radiator.
- 6323.22 Each bedroom shall have direct access to a major corridor and at least one window to the outside, unless the Department of Consumer and Regulatory Affairs, or a successor agency responsible for enforcement of the D.C. Housing Code, has determined that it otherwise meets the lighting and ventilation requirements of the D.C. Housing Code for habitable rooms.
- 6323.23 Each facility housing a residential program shall provide one or more bathrooms for clients that are equipped with the following fixtures, properly installed and maintained in good working condition:
- (a) Toilet (water closet);
 - (b) Sink (lavatory);
 - (c) Shower or bathtub with shower, including a handheld shower; and
 - (d) Grab bars in showers and bathtubs.
- 6323.24 Each residential facility shall provide at least one (1) bathroom for each six (6) occupants in compliance with 14 DCMR § 602.
- 6323.25 Each bathroom shall be adequately equipped with the following:

- (a) Toilet paper holder and toilet paper;
- (b) Paper towel holder and paper towels or clean hand towels;
- (c) Soap;
- (d) Mirror;
- (e) Adequate lighting;
- (f) Waste receptacle;
- (g) Floor mat;
- (h) Non-skid tub mat or decals; and
- (i) Shower curtain or shower door.

- 6323.26 Each residential provider shall ensure that properly anchored grab bars or handrails are provided near the toilet or other areas of the bathroom, if needed by any resident in the facility.
- 6323.27 Adequate provision shall be made to ensure each client's privacy and safety in the bathroom.
- 6323.28 Each residential program shall promote each client's participation and skill development in menu planning, shopping, food storage, and kitchen maintenance, if appropriate.
- 6323.29 Each residential program shall provide appropriate equipment (including a washing machine and dryer) and supplies on the premises or through a laundry service to ensure sufficient clean linen and the proper sanitary washing and handling of linen and clients' personal clothing.
- 6323.30 Each program shall ensure that every client has at least three (3) washcloths, two (2) towels, two (2) sheet sets that include pillow cases, a bedspread, a pillow, a blanket, and a mattress cover in good and clean condition.
- 6323.31 Each blanket, bedspread, and mattress cover shall be cleaned regularly, whenever soiled, and before being transferred from one resident to another.
- 6323.32 Providers shall ensure that clients are allowed access to all scheduled or emergency medical and dental appointments.

- 6323.33 Providers serving parents and children must take precautions to ensure child safety, including but not limited to protection for windows, outlets, and stairways.
- 6323.34 Each facility housing a program that provides services for parents with children shall have extra supplies for babies to include diapers and powdered milk.
- 6323.35 The following provisions apply only to residential treatment programs, as defined by this chapter. These provisions do not apply to residential recovery support services programs (*i.e.*, environmental stability services):
- (a) A program that provides overnight accommodations shall ensure that evening and overnight shifts have at least two (2) staff members on duty;
 - (b) Children and youth under eighteen (18) may not reside at an adult residential treatment facility or visit overnight at a facility not certified to serve parents and children. This information must be included in the house rules;
 - (c) Each provider shall maintain a current inventory of each client's personal property and shall provide a copy of the inventory, signed by the client and staff, to the client;
 - (d) Each provider shall take appropriate measures to safeguard and account for personal property brought into the facility by a resident;
 - (e) Each provider shall provide the client, or the client's representative, with a receipt for any personal articles to be held by the provider for safekeeping that includes and the date it was deposited with the provider and maintain a record of all articles held for safekeeping;
 - (f) Each residential treatment program shall have a licensed dietitian or nutritionist available, a copy of whose current license shall be maintained on file, to provide the following services:
 - (1) Review and approval of menus;
 - (2) Education for individuals with nutrition deficiencies or special needs;
 - (3) Coordination with medical personnel, as appropriate; and
 - (4) A nutritional assessment for each client within three (3) calendar days of admission unless the client has a current assessment or doctor's order for dietary guidelines;

- (g) The provider shall provide at least three (3) meals per day and between meal snacks that:
 - (1) Provide a nourishing, well-balanced diet in accordance with dietary guidelines established by the United States Department of Agriculture;
 - (2) Are suited to the special needs of each client; and
 - (3) Are adjusted for seasonal changes, particularly to allow for the use of fresh fruits and vegetables.
- (h) The provider shall ensure that menus are written on a weekly basis, that the menus provide for a variety of foods at each meal, and that menus are varied from week to week and adjusted for seasonal changes. Menus shall be posted for the clients' review;
- (i) The provider shall ensure that a copy of each weekly menu is retained for a period of six (6) months. The menus retained shall include special diets and reflect meals as planned and as actually served, including handwritten notations of any substitutions. The provider shall also retain receipts and invoices for food purchases for six (6) months. The records required to be retained by this subsection are subject to review by the Department;
- (j) Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day;
- (k) If a client refuses food or misses a scheduled meal, appropriate food substitutions of comparable nutritional value shall be offered;
- (l) If a client will be away from the program during mealtime for necessary medical care, work, or other scheduled appointments, program shall provide an appropriate meal and in-between-meal snack for the client to carry with him or her and shall ensure that the meal is nutritious as required by these rules and suited to the special needs of the client;
- (m) Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week;
- (n) No person who is not a client, staff member, or child of a client (only in the case of programs for parents and children) may reside at a facility that houses a residential treatment program;
- (o) A residential treatment program providing meals shall implement a written

Nutritional Standards Policy that outlines their procedures to meet the dietary needs of its clients, ensuring access to nourishing, well-balanced, and healthy meals. The policy shall identify the methods and parties responsible for food procurement, storage, inventory, and preparation;

- (p) The Nutritional Standards Policy shall include procedures for individuals unable to have a regular diet as follows:
 - (1) Providing clinical diets for medical reasons, when necessary;
 - (2) Recording clinical diets in the client's record;
 - (3) Providing special diets for clients' religious needs; and
 - (4) Maintaining menus of special diets or a written plan stating how special diets will be developed or obtained when needed.
- (q) A residential treatment program shall make reasonable efforts to prepare meals that consider the cultural background and personal preferences of the clients;
- (r) Meals shall be served in a pleasant, relaxed dining area that accommodates families and children; and
- (s) Under the supervision of a Qualified Practitioner, all Level 3 programs except MMIWM programs shall:
 - (1) Provide training in activities of daily living;
 - (2) Provide therapeutic recreational activities designed to help the client learn ways to use leisure time constructively, develop new personal interests and skills, and increase social adjustment; and
 - (3) Ensure that staff providing activities listed in subparagraphs (1) and (2) above have a high school degree or a GED and at least twenty (20) hours of in-service training per year regarding issues of substance abuse.

6324**PROGRAMS SERVING PARENTS AND CHILDREN**

6324.1

In addition to core requirements and other standards described in this chapter, a program providing SUD treatment services to parents and their children shall comply with the provisions of this section.

6324.2

The provider shall specify in its certification application the age range of the children that will be accepted in the program of parents with children, and ensure

that it satisfies all applicable laws and regulations governing care for children including those listed in this section.

- 6324.3 The Department will include in the program certification a designation as a program serving parents with children, and specify the age range of children that may be accepted when the parents are admitted into the program and ensure that children shall be supervised at all times.
- 6324.4 Programs shall ensure that parents designate an alternate caretaker who is not in the program to care for the children in case of emergency.
- 6324.5 Programs serving parents and young children (ages zero [0] to five [5]) shall also serve pregnant women.
- 6324.6 Programs shall ensure all parents and children are connected to a primary care provider and any other needed specialized medical provider and shall facilitate medical appointments and treatment for parents and children in the program.
- 6324.7 Programs shall ensure that childcare/daycare is available for children, provided while the parent participates in treatment services either directly or through contractual or other affiliation.
- 6324.8 A program that directly operates a child development facility shall be licensed in accordance with the District laws and regulations.
- 6324.9 Programs that serve parents with children shall ensure that school-age children are in regular attendance at a public, independent, private, or parochial school, or in private instruction in accordance with the District law and regulation, and support the parent's engagement with the child's school.
- 6324.10 Programs that serve parents with children shall ensure that children have access to tutoring programs.
- 6324.11 Before a parent and child can be admitted to a program serving parents and children, the program shall ensure that it has a copy of the child's current immunization records, which must be up to date. A sixty (60) day grace period will be provided to a parent(s) or child experiencing homelessness.
- 6324.12 Programs that serve parents with children shall record information about the children residing in or attending the program who are not formally admitted for treatment, including but not limited to the following, as applicable:
- (a) Individualized education plans (IEPs);
 - (b) Report cards;

- (c) Health records; and
- (d) Information linking the child to the course of treatment for the parent, as clinically indicated.

6324.13 Programs shall develop policies and procedures for determining the need to formally admit or refer a child.

6324.14 A program that is also certified to treat children and youth shall establish a separate record for each child when a clinical determination is made to formally admit the child.

6324.15 An individualized plan of care shall be developed for any child who is formally admitted to the program.

6324.16 The program shall obtain informed consent prior to rendering services.

6324.17 Service delivery and program administration staff shall demonstrate experience and training in addressing the needs of parents and children.

6324.18 All services delivery staff shall receive periodic training regarding therapeutic issues relevant to parents and children. At least two (2) times per year, the program shall provide or arrange training on each of the following topics:

- (a) Child development; and
- (b) The appropriate care and stimulation of infants, including drug-affected newborn infants.

6324.19 Service delivery staff shall maintain current training in first aid and CPR for infants and children.

6324.20 Programs shall ensure that an annual medical evaluation is performed for each parent and child.

6324.21 Programs shall ensure that recommendations by a physician, or licensed APRN, are followed.

6325 PROVIDER REQUIREMENTS FOR MEDICATION ASSISTED TREATMENT

6325.1 In accordance with 42 CFR part 8, Certification of Opioid Treatment Programs, Medication Assisted Treatment (MAT) providers must also be certified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), Drug Enforcement Agency, and accredited by a national accreditation body that has been approved by SAMHSA.

- 6325.2 SUD treatment programs providing MAT with opioid replacement therapy shall comply with Federal requirements for opioid treatment, as specified in 42 CFR part 8, and shall comply with District and Federal regulations for maintaining controlled substances as specified in Chapter 10, Title 22 DCMR and 21 CFR part 1300, respectively.
- 6325.3 Each MAT program, whether providing inpatient or outpatient services, shall submit applications to the Department and to the U.S. Food and Drug Administration (FDA), respectively, and shall require the approval of both agencies prior to its initial operation.
- 6325.4 MAT programs shall submit to the Department photocopies of all applications, reports, and notifications required by Federal laws and regulations.
- 6325.5 MAT programs shall ensure the following:
- (a) That access to electronic alarm areas where drug stock is maintained shall be limited to a minimum number of authorized, licensed personnel;
 - (b) That each employee shall have his or her own individual code to access alarmed stock areas, which shall be erased upon separation from the provider;
 - (c) That all stored drugs (liquid, powder, solid, and reconstituted), including controlled substances, shall be clearly labeled with the following information:
 - (1) Name of substance;
 - (2) Strength of substance;
 - (3) Date of reconstitution or preparation;
 - (4) Manufacturer and lot number;
 - (5) Manufacturer's expiration date, if applicable; and
 - (6) If applicable, reconstituted/prepared drug's expiration date according to the manufacturer's expiration date or one (1) year from the date of reconstitution or preparation, whichever is shorter;
 - (d) Take-home medications shall be labeled and packaged in accordance with Federal and District laws and regulations and shall include the following information:

- (1) Treatment program's name, address, and telephone number;
- (2) Physician's name;
- (3) Client's name;
- (4) Directions for ingestion;
- (5) Name of medication;
- (6) Dosage in milligrams;
- (7) Date issued; and
- (8) Cautionary labels, as appropriate.

6325.6 Containers of drugs shall be kept covered and stored in the appropriate locked safe, with access limited by an electronic alarm system that conforms to the U.S. Drug Enforcement Administration (DEA) and District requirements.

6325.7 The Department shall be notified of any theft, suspected theft, or any significant loss of controlled substances, including spillage. Photocopies of DEA forms 106 and 41 shall be submitted to the Department.

6326 LEVELS OF CARE: GENERAL REQUIREMENTS

6326.1 All individuals seeking SUD treatment must be assessed and referred to a particular LOC in accordance with the Department-approved assessment tool(s) and the ASAM criteria. Any limitation on services or authorization requirements identified throughout this chapter shall only apply to SUD services provided under the Department's Human Care Agreement. No limitation on service or pre-authorization requirement shall be applied to a Medicaid managed care beneficiary receiving SUD services under the ASARS program if the limitation or pre-authorization violates Federal or District parity requirements.

6326.2 Each provider is responsible for ensuring that the client receives treatment in accordance with ASAM LOC requirements and this chapter.

6326.3 All treatment shall be:

- (a) Person-centered;
- (b) Provided only if determined to be medically necessary in accordance with the plan of care; and
- (c) Provided as part of organized or structured treatment services.

6326.4 Prior to transitioning to a new LOC, at a minimum, an Ongoing Assessment must be performed to ensure that the client is appropriate for the new LOC.

6326.5 The Clinical Care Coordinator is responsible for ensuring appropriate referral, authorization, and transition to new LOCs.

6327 INTAKE AND ASSESSMENT

6327.1 Intake and Assessment providers shall be able to provide an initial health screening and assessment “on demand” in accordance with federal and District laws and regulations or ASAM criteria:

- (a) Presenting problem;
- (b) Substance use history;
- (c) Immediate risks related to serious intoxication or withdrawal;
- (d) Immediate risks for self-harm, suicide and violence;
- (e) Past and present mental disorders, including posttraumatic stress disorder (PTSD) and other anxiety disorders, mood disorders, and eating disorders;
- (f) Past and present history of violence and trauma, including sexual victimization and interpersonal violence;
- (g) Legal history, including information that a person is or is not court-ordered to treatment or under the supervision of the department of corrections;
- (h) Employment and housing status;
- (i) Health screenings/testing including:
 - (1) HIV
 - (2) Hepatitis
 - (3) Tuberculosis (if referred for residential and detox); and
 - (4) Pregnancy (If applicable).

6327.2 Once assessed, clients shall be referred to the appropriate level of care as outlined in ASAM. The client has a choice about which provider will provide services at that LOC. If the provider that conducted the initial assessment is not chosen by

the client as the place to receive services, the provider is responsible for making a referral, authorizing services, and arranging transportation to the chosen provider if same day services are requested. The provider shall have a policy and procedure that clearly outlines: an intake process and an emergency intake process, including a procedure to refer individuals who are not clinically appropriate for its program.

6327.3 Department-certified Intake and Assessment providers shall have the ability to provide the following services:

- (a) Initial Assessment (if the client does not remain with assessing provider);
- (b) Case Management (HIV);
- (c) Crisis Intervention;
- (d) Comprehensive Assessment (if the client remains at assessing provider);
- (e) Urinalysis Collection; and
- (f) Clinical Care Coordination.

6327.4 Intake and Assessment providers shall ensure appropriate medical staff is on duty to assess clients for acute withdrawal symptoms in addition to physical examinations as outlined in ASAM criteria (*e.g.*, HIV, pregnancy). Providers should have proper infrastructure to conduct testing and screening and proper storage for testing kits.

6327.5 All clients seeking intake and assessment services shall be screened for Recovery Support Services.

6327.6 Clients shall consent to treatment per 42 CFR Part 2, unless clinically inappropriate or client refuses treatment services.

6327.7 Intake and Assessment providers shall refer to Section 6337: Core Service: Assessment/Diagnostic and Plan of Care regarding initial assessment process. See Subsection 6337.6 for outline of qualified practitioners allowed to complete the initial assessment.

6327.8 All Intake and Assessment providers with an HCA shall adhere to all required Federal data reporting guidelines.

6328 LEVEL OF CARE 1: OPIOID TREATMENT PROGRAM (OTP)

6328.1 Medication Assisted Treatment (MAT) is the use of pharmacotherapy long-term treatment for opiate or other forms of dependence. A client who receives MAT

must also receive SUD Counseling/Therapy. Use of this service should be in accordance with ASAM service guidelines and practice guidelines issued by the Department.

- 6328.2 Individuals appropriate for MAT must have an SUD that is appropriately treated with MAT in accordance with Federal regulations.
- 6328.3 MAT providers must ensure that individuals receiving MAT understand and provide written informed consent to the specific medication administered. No person under eighteen (18) years of age may be admitted to MAT unless a parent or legal guardian consents in writing to such treatment.
- 6328.4 MAT may be administered on an in-office basis or as take-home regimen. Both MAT administrations include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance must include additional guidance related to storage and self-administration. MAT providers must comply with all Department policies and Federal regulations concerning MAT.
- 6328.5 Therapeutic guidance provided during MAT shall include:
- (a) Safeguarding medications;
 - (b) Possible side-effects and interaction with other medications;
 - (c) Impact of missing doses;
 - (d) Monitoring for withdrawal symptoms and other adverse reactions; and
 - (e) Appearance of medication and method of ingestion.
- 6328.6 The provision of MAT must be accompanied by a clinically appropriate array of SUD treatment services that include SUD Counseling/Therapy.
- 6328.7 For providers with a Human Care Agreement with the Department:
- (a) MAT medication is billed on a per-dose basis;
 - (b) A single fifteen (15)-minute administration session may be billed when an individual is receiving take-home doses in accordance with ASAM criteria and Department policy;
 - (c) A client can be prescribed a maximum of one dose/unit per day;

- (d) An initial and second authorization is for a maximum of ninety (90) days each; subsequent authorizations cannot exceed one hundred and eighty (180) days each; and
- (e) Prior authorization from the Department is required for more than two-hundred fifty (250) units of medication in one calendar year. The maximum number of MAT services over a twelve (12)-month period is three hundred and sixty five (365) units of medication and administration

- 6328.8 Providers shall have medical staff (MD, PA, APRN, or RN) on duty during all clinic hours. A physician shall be available on-call during all clinic hours, if not present on site.
- 6328.9 A member of the medical staff must be available on call twenty-four (24) hours a day, seven (7) days a week.
- 6328.10 A physician must evaluate the client a minimum of once per month for the first year that a client receives MAT and a minimum of every six (6) months thereafter, in coordination with the plan of care and as needed.
- 6328.11 A provider must review the results of a client's physical, which has been completed within the past twelve (12) months, prior to prescribing or renewing a prescription for MAT.
- 6328.12 Documentation for this service must include medication log updates and an encounter note for each visit, which captures the therapeutic guidance provided.
- 6328.13 MAT may be provided by the following:
- (a) Qualified Physicians;
 - (b) APRNs;
 - (c) Physicians Assistants (PAs) (supervised by Qualified Physicians);
 - (d) RNs; or
 - (e) LPNs (supervised by an MD, RN, or APRN).

6329 LEVEL OF CARE 1: OUTPATIENT

- 6329.1 Level 1 Outpatient providers shall have the capacity to provide up to eight (8) hours of substance use disorder treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. Level 1 Outpatient is the appropriate level of care for individuals who are assessed as meeting the ASAM criteria for Level 1 and:

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a higher LOC;
- (c) Are in the early stages of change and not yet ready to commit to full recovery;
- (d) Have a co-occurring condition that is stable; or
- (e) Have achieved stability in recovery and can benefit from ongoing monitoring and disease management.

6329.2 Level I Outpatient providers may also be certified in the specialty service of Adolescent-Community Reinforcement Approach (ACRA) in accordance with § 6345 of this chapter for services to youth and young adults with co-occurring substance use and mental health disorders ages twelve (12) to twenty-one (21) for youth providers and twenty-two (22) to twenty-four (24) for adult providers.

6329.3 Level 1 Outpatient treatment duration varies with the severity of the patient's illness and his/her response to treatment but generally lasts up to one hundred eighty (180) days for an initial authorization. Level 1 treatment can continue long-term in accordance with the plan of care, for individuals needing long-term disease management.

6329.4 Level 1 Outpatient services are determined by a Diagnostic Comprehensive Assessment, performed in accordance with § 6337 of this chapter.

6329.5 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this level of care.

6329.6 Level 1 Outpatient shall include the following mix of services in accordance with the client's plan of care and this chapter (unless the client is receiving ACRA services in which case SUD Counseling/Therapy, Case Management and Clinical Care Coordination shall be provided in accordance with § 6345):

- (a) Assessment/Diagnostic and Plan of Care in accordance with § 6337 of this chapter:
 - (1) Diagnostic Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional for a new provider if the client has been transferred from another LOC;
 - (2) Ongoing Behavioral Health Assessment: Is performed at a 90-day interval or as medically necessary, required within seven (7) calendar days of admission if no comprehensive assessment was

performed at intake into Level 1, cannot be billed more than twice within a sixty (60)-day period, cannot occur on the same day as a comprehensive assessment, and an ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.

- (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy according to the client's assessed needs and enhanced with Group Counseling-Psychoeducation (in accordance with § 6340.6 of this chapter).
- (c) Clinical Care Coordination (CCC) (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and must ensure the plan of care is updated a minimum of every ninety (90) days or as clinically appropriate.
- (d) Case Management (in accordance with § 6339 of this chapter)
- (e) Drug Screening through breathalyzer collection or urinalysis collection (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (f) Crisis Intervention: As required and in accordance with § 6340 of this chapter.

6329.7 Level 1 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6330 LEVEL OF CARE 2.1: INTENSIVE OUTPATIENT PROGRAM (IOP)

6330.1 Level 2.1 Intensive Outpatient Program (IOP) providers shall have the capacity to provide a minimum of nine (9) hours of a mixture of substance use disorder treatment services per week for adults and at least six (6) hours of treatment services per week for youth under the age of twenty-one (21) in accordance with this section and medical necessity based on ASAM criteria. IOP is the appropriate level of care for individuals who are assessed as meeting the ASAM criteria for Level 2.1 and

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a different LOC; or
- (c) Have stable medical or psychiatric co-occurring conditions per ASAM.

- 6330.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this level of care.
- 6330.3 Level 2.1 IOP includes the following mix of core services, in accordance with the client's individual plan of care:
- (a) Assessment/Diagnostic and Plan of Care (§ 6337):
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional for a new provider if the client has been transferred from another LOC;
 - (2) Ongoing Assessment: Required within seven (7) calendar days of admission if no comprehensive was performed at intake into Level 2.1. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.
 - (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy, according to the client's assessed needs and enhanced with Group Counseling-Psychoeducation (in accordance with § 6341.6 of this chapter).
 - (c) Clinical Care Coordination (CCC) (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the plan of care.
 - (d) Case Management (in accordance with § 6339 of this chapter) should be provided according to the Plan of Care.
 - (e) Case Management-HIV (in accordance with § 6339 of this chapter): For providers with a Human Care Agreement, Case Management-HIV is required for the duration of the LOC if he or she is HIV positive.
 - (f) Drug Screening (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
 - (g) Crisis Intervention: As required and in accordance with § 6340 of this chapter.
- 6330.4 Level 2.1 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6331 LEVEL OF CARE 2.5: DAY TREATMENT

- 6331.1 Level 2.5 Day Treatment providers shall have the capacity to provide a minimum of twenty (20) or more hours of a mixture of substance use disorder treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria and section § 6341 of this chapter. Day Treatment is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 2.5 and:
- (a) Have unstable medical or psychiatric co-occurring conditions; or
 - (b) Have issues that require daily management or monitoring but can be addressed on an outpatient basis.
- 6331.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this level of care.
- 6331.3 Level 2.5 Day Treatment includes the following mix of core services as indicated on the plan of care and in accordance with this chapter:
- (a) Assessment/Diagnostic and Plan of Care (in accordance with § 6337 of this chapter):
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing Assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 2.5. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.
 - (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy and enhanced with Group Counseling-Psychoeducation (in accordance with § 6341.6 of this chapter).
 - (c) Clinical Care Coordination (CCC) (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the plan of care. CCC shall be provided as clinically appropriate.

- (d) Case Management (in accordance with § 6339 of this chapter) should be provided in accordance with the Plan of Care.
- (e) Case Management-HIV (in accordance with § 6339 of this chapter): For providers with a Human Care Agreement, Case Management-HIV is required for the duration of the LOC if he or she is HIV-positive.
- (f) Drug Screening (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (g) Crisis Intervention: As required and in accordance with § 6340 of this chapter.

6331.4 Level 2.5 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6332 LEVEL OF CARE 3.1: CLINICALLY MANAGED LOW-INTENSITY RESIDENTIAL

6332.1 Level 3.1 Clinically Managed Low-Intensity Residential providers shall have the capacity to provide a minimum of five (5) hours of a mixture of substance use disorder treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria and § 6341 of this chapter. Level 3.1 Clinically Managed Low-Intensity Residential is the appropriate level of care for individuals who are assessed as meeting the ASAM criteria for Level 3.1 and:

- (a) Are employed, in school, in pre-vocational programs, actively seeking employment, or involved in structured day program;
- (b) Recognize their SUD and are committed to recovery or are in the early stages of change and not yet ready to commit to full recovery but need a stable supportive living environment to support their treatment or recovery, which is in accordance with ASAM
- (c) May have a stable co-occurring physical or mental illness.
- (d) Who meet the ASAM Patient Placement Criteria for level 3.1, or its equivalent, as approved by the Department;
- (e) Who are capable of self-care but are not ready to return to family or independent living

6332.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this level of care.

6332.3 Level 3.1 Clinically Managed Low-Intensity Residential includes the following mix of core services, as indicated on the plan of care and in accordance with this chapter:

- (a) Assessment/Diagnostic and Plan of Care in accordance with § 6337 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC);
 - (2) Ongoing Assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.1. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.
- (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy and enhanced with Group Counseling-Psychoeducation (in accordance with § 6341.6 of this chapter).
- (c) CCC (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the plan of care a minimum of every ninety (90) days or as clinically appropriate. CCC shall be provided as clinically appropriate.
- (d) Case Management (in accordance with § 6339 of this chapter) should be provided according to the Plan of Care.
- (e) Case Management-HIV (in accordance with § 6339 of this chapter): For providers with a Human Care Agreement, Case Management-HIV is required for the duration of the LOC if he or she is HIV positive.
- (f) Drug Screening (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment. Crisis Intervention: As required and in accordance with § 6340 of this chapter.
- (g) Medication Management: As required and in accordance with § 6343 of this chapter.

6332.4 Level 3.1 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6333 LEVEL OF CARE 3.3: CLINICALLY MANAGED POPULATION-SPECIFIC HIGH-INTENSITY RESIDENTIAL

6333.1 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential providers shall have the capacity to provide a minimum of twenty (20) hours of mixture of substance use disorder treatment services per week in accordance with this section and based in medical necessity on ASAM criteria. Level 3.3 Clinically Managed Population-Specific High-Intensity Residential, also referred to as Extended or Long-term Care, is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria Level 3.3;

- (a) Need a stable supportive living environment to support their treatment or recovery and:
- (b) Have co-occurring or other issues that have led to temporary or permanent cognitive impairments and would benefit from slower-paced repetitive treatment; or
- (c) Have unstable medical or psychiatric co-occurring conditions.

6333.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this level of care.

6333.3 Case Management alone does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's plan of care, and in accordance with § 6333.5 of this chapter.

6333.4 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential includes the following mix of services, as indicated on the plan of care and in accordance with this chapter:

- (a) Assessment/Diagnostic and Plan of Care in accordance with § 6337 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.3. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a Comprehensive

Assessment. An ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.

- (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy and enhanced with Group Counseling-Psychoeducation (in accordance with § 6341.6 of this chapter).
- (c) CCC (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the plan of care a minimum of ninety (90) days or as clinically appropriate. CCC shall be provided as clinically appropriate.
- (d) Case Management (in accordance with § 6339 of this chapter) should be provided according to the Plan of Care.
- (e) Case Management-HIV (in accordance with § 6339 of this chapter): For providers with a Human Care Agreement, Case Management-HIV is required for the duration of the LOC if he or she is HIV-positive.
- (f) Drug Screening (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (g) Crisis Intervention: As required and in accordance with § 6340 of this chapter.
- (h) Medication Management: As required and in accordance with § 6342 of this chapter.

6333.5 Level 3.3 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6334 LEVEL OF CARE 3.5: CLINICALLY MANAGED HIGH-INTENSITY RESIDENTIAL (ADULT)/ CLINICALLY MANAGED MEDIUM-INTENSITY RESIDENTIAL (YOUTH)

6334.1 Level 3.5 Clinically Managed High-Intensity Residential/ Clinically Managed Medium-Intensity Residential providers shall have the capacity to provide a minimum of twenty-five (25) hours of a mixture of substance use disorder treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria and § 6341 of this chapter this chapter. Level 3.5 is the appropriate level of care for individuals who are assessed as meeting the ASAM placement criteria for Level 3.5, need a 24-hour supportive treatment environment to initiate or continue their recovery process and:

- (a) Have co-occurring or severe social/interpersonal impairments due to substance use; or
- (b) Significant interaction with the criminal justice system due to substance use.

6334.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this level of care.

6334.3 Case Management alone does not satisfy the minimum service hour requirements. Case managed shall be provided as clinically appropriate, in accordance with the client's plan of care, and in accordance with Subsection 6332.6.

6334.4 Level 3.5 includes the following mix of services, as indicated on the plan of care and in accordance with this chapter:

- (a) Assessment/Diagnostic and Plan of Care in accordance with § 6337 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.5. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a Comprehensive Assessment. An ongoing assessment with a corresponding plan of care update must occur prior to a planned discharge from the LOC.
- (b) SUD Counseling/Therapy (in accordance with § 6341 of this chapter): Counseling/Therapy shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling/Therapy and enhanced with Group Counseling-Psychoeducation (in accordance with § 6341.6 of this chapter).
- (c) Clinical Care Coordination (CCC) (in accordance with § 6338 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the plan of care.
- (d) Case Management (in accordance with § 6339 of this chapter) should be provided according to the Plan of Care.

- (e) Case Management-HIV (in accordance with § 6339 of this chapter): For providers with a Human Care Agreement, Case Management-HIV is required for the duration of the LOC if HIV positive.
- (e) Drug Screening (in accordance with § 6342 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (f) Crisis Intervention: As required and in accordance with § 6340 of this chapter.
- (g) Medication Management: As required and in accordance with § 6343 of this chapter.

6334.5 Level 3.5 providers may provide Medication Assisted Treatment (MAT) per § 6344 of this chapter, if so certified.

6335 LEVEL OF CARE 3.7-WM: SHORT-TERM MEDICALLY MONITORED INTENSIVE WITHDRAWAL MANAGEMENT (SMMIWM)

6335.1 SMMIWM is 24-hour, medically directed evaluation and withdrawal management service. The service is for clients with sufficiently severe signs and symptoms of withdrawal from psychoactive substances such that medical monitoring and nursing care are necessary but hospitalization is not indicated.

6335.2 For providers with a Human Care Agreement, clients discharged from SMMIWM treatment shall be directly admitted into a residential SUD treatment program (Level 3.1 — 3.5) through a "bed-to-bed" transfer unless the Department previously authorized an exception or the client refuses admission to a residential program.

6335.3 For services provided under the Department's Human Care Agreement, SMMIWM shall not exceed five (5) days unless prior authorization for a longer stay is authorized by the Department.

6335.4 SMMIWM shall include the following services in accordance with ASAM guidelines, as clinically appropriate:

- (a) Medication Management;
- (b) Clinical Care Coordination;
- (c) Medication Assisted Treatment;
- (d) Crisis Intervention;
- (e) Case Management, which must be billed separately

- (f) SUD Counseling/Therapy, which may be billed separately; and
- (g) Comprehensive Assessment/Diagnostic, which may be billed separately.

6335.5 SMMIWM providers shall have a physician on staff that is able to respond within one (1) hour of notification.

6335.6 SMMIWM providers shall have medical staff (MD, PA, APRN, or RN) on duty twenty-four (24) hours per day, seven (7) days per week providing directed evaluation, care, and treatment in an inpatient setting. Medical staff shall have a client-to-staff ratio of 12-to-1 during daytime operating hours, a 17-to-1 ratio during evening hours, and a 25-to-1 ratio during the night shift.

- (a) A withdrawal management service level 3.7 provider shall offer 24-hour medically supervised evaluation and withdrawal management.
- (b) SMMIWM should have psychiatric services available on-site, through consultation or referral as medically necessary according to the client's needs for treatment and recovery.
- (c) SMMIWM should have biomedical enhanced services delivered by appropriately credentialed medical staff in accordance to § 6340.4, who can administer detoxification services to an intoxicated patient by: (1) monitoring the decreasing amount of alcohol and toxic agents in the body; (2) managing the withdrawal symptoms; and (3) motivating the individual to participate in an appropriate treatment program for alcohol or other drug dependence.
- (d) Qualified practitioners of this service include Licensed Physicians; or Psychologists, PAs, RNs, LICSWs, LISWs, LGSWs, APRNs, LPCs, LMFTs, or CACs I and II under the direction and supervision of a Qualified Physician and in accordance with applicable District professional licensing laws.

6336 LEVEL OF CARE-R: RECOVERY SUPPORT SERVICES

6336.1 Level-R Recovery Support Services (RSS) covers the provision of non-clinical services for individuals in treatment or in need of supportive services to maintain their recovery.

6336.2 Level-R Recovery Support Service providers shall provide the following core recovery support services:

- (a) Recovery Support Evaluation
- (b) Recovery Support Management;

- (c) Recovery Mentoring;
- (d) Life Skills Support Services;
- (e) Education Support Services; and
- (f) Recovery Social Activities;

6336.3 RSS providers may provide the following specialty services, in accordance with their certification:

- (a) Spiritual Support Services; and
- (b) Environmental Stability.

6336.4 Level-R Recovery Support Services are for individuals who have an identified need for recovery support services and:

- (a) Are actively participating in the Department treatment system;
- (b) Have completed treatment; or
- (c) Have a self-identified substance use issue that is not assessed as needing active treatment.

6336.5 If a recovery client is assessed as needing active treatment and not currently enrolled in treatment, he or she must be referred to an Assessment and Referral Center for treatment and begin receiving treatment services before enrolling in RSS.

6336.6 The duration of Level-R Recovery Support Services varies but lasts as long as needed, with a reassessment every one hundred eighty (180) days according to the client's recovery goals.

6336.7 Level-R Recovery Support Services are determined by a Recovery Support Evaluation, performed in accordance with Section 6345 of this chapter.

6336.8 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this level of care.

6336.9 RSS may not be provided while a client is in a SMMIWM program.

6336.10 Providers who are certified only as Level-R providers may not provide Level 1 through 3 treatment services.

6336.11 Each recovery program must have a recovery program manager and the recovery program manager is responsible for overseeing all services provided within the recovery program.

6336.12 Each recovery program must have a comprehensive curriculum for its Recovery Support Services that has been approved by the Department.

6337 CORE SERVICE: ASSESSMENT/DIAGNOSTIC AND PLAN OF CARE

6337.1 Assessment/Diagnostic and Plan of Care services include two distinct actions: (1) the assessment and diagnosis of the client, and (2) the development of the plan of care. An Assessment/Diagnostic and Plan of Care Service may be (1) Initial, (2) Comprehensive, or (3) Ongoing.

6337.2 The assessment/diagnostic portion of this service includes the evaluation and ongoing collection of relevant information about a client to determine or confirm an SUD diagnosis and the appropriate LOC. The assessment shall serve as the basis for the formation of the plan of care, which establishes medical necessity and is designed to help the client achieve and sustain recovery. The assessment instrument shall incorporate ASAM client placement criteria.

6337.3 Assessment/Diagnostic is required for a plan of care. This includes the development of a plan of care or a plan of care update and necessary referrals.

6337.4 Providers shall use a tool(s) approved by the Department for both the assessment and plan of care.

6337.5 A plan of care identifies all services considered medically necessary by a qualified practitioner to address the needs of the client as determined by the assessment. All services shall be delivered in accordance with the plan of care as part of organized treatment services. The plan of care shall be person-centered per specifications by the Department and include:

- (a) A substance use disorder diagnosis (and any other diagnoses);
- (b) Criteria for discharge from the program based on completion of the established course of treatment, and/or transfer to a less intensive/restrictive level of care;
- (c) A list of any agencies currently providing services to the individual and family including the type(s) of service and date(s) of initiation of those services;
- (d) A broad, long-term goal statement(s) that captures the individual's and/or family's hopes and dreams for the future, ideally written in first-person language.

- (e) A list or statement of individual and/or family strengths that support goal accomplishment. These include abilities, talents, accomplishments and resources.
- (f) A list or statement of barriers that pose obstacles to the individual's and/or family's ability to accomplish the stated goal(s). These include symptoms, functional impairments, lack of resources, consequences of substance use and other challenges. The identification of barriers helps to substantiate the medical necessity for treatment interventions.
- (g) Objective statements that identify the short-term individual and/or family 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). Objective statements describe outcomes that are measurable and include individualized target dates to be accomplished within the scope of the plan.
- (h) Intervention statements that describe the treatment services intended to reduce and/or eliminate the barriers identified in the plan and support objective and eventual goal accomplishment. Interventions are specific to each objective and the individual's and/or family's stage of change. Intervention statements identify who will deliver the service, what will be delivered, when it will be delivered and the purpose (why) of the intervention. Natural support interventions should also be included in the plan and include those non-billable supports delivered by resources outside of the formal behavioral health service-delivery system.
- (i) The name and title of personnel who will provide the services;
- (j) The name and title of the client's Clinical Care Coordinator, in tandem with assigned CCC or in the absence of assigned CCC, primary substance abuse counselor, and case manager;
- (k) A description of the involvement of family members or significant others, where appropriate;
- (l) The identification of specific client responsibilities;
- (m) The client's identified ASAM Level of Care (LOC);
- (n) The client or legal guardian's signature on the plan (if the client refuses to sign the plan of care, the Clinical Care Coordinator shall document the reason(s) in the plan of care); and
- (o) Signatures of all interdisciplinary team members participating in the development of the plan of care. A plan of care is valid when

electronically signed and dated by an independently licensed clinician working within the scope of their license.

6337.6 Initial, Comprehensive, or Ongoing assessments shall be performed by the following Qualified Practitioners, as evidenced by signature and dates on the assessment document and the plan of care and in accordance with additional provisions of this section.

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGPCs (providers not operating under a Human Care Agreement) (under supervision)
- (e) LGSWs (under supervision)
- (f) LISW (under supervision)
- (g) LPCs;
- (h) LMFTs;
- (i) APRNs;
- (j) CAC II (may not diagnose); or
- (k) CAC I (may not diagnose).
- (l) RNs (may not diagnose)

6337.7 An Initial Assessment/Diagnostic and Plan of Care service (Initial Assessment) is a behavioral health assessment that (1) identifies the individuals need for SUD treatment, (2) determines the appropriate level of care of SUD treatment, and (3) initiates the course of treatment. An Initial Assessment must be provided by a certified Department Intake and Assessment provider. The following provisions apply to an Initial Assessment:

- (a) The provider shall use and complete an assessment tool approved by the Department and meets the ASAM biopsychosocial requirements. The assessment should result in identification of the necessary LOC and an appropriate SUD provider referral, documented in the designated electronic record format.

- (b) The provider shall record any medications used by the client;
- (c) Staff must have an in-person encounter with the client to conduct the initial assessment;
- (d) Providers must obtain and document client's understanding and agreement, evidenced by the client's signature, for consent to treatment, assessment, provider choice, the client bill of rights, and release of information;
- (e) For those providers with a Human Care Agreement with the Department, a maximum of one Initial Assessment may be billed within a thirty (30)-day period.
- (f) An Intake and Assessment provider will complete an Initial Assessment and refer the client to the appropriate level of care or treat the client 1) if the client is found appropriate for the level of care available at that provider, and 2) the client chooses to receive services at that provider.

6337.8 The following provisions apply to the Comprehensive Assessment:

- (a) When a client enters his or her first LOC within a treatment episode, the provider shall perform a Comprehensive Assessment to determine his or her treatment and recovery needs. A Comprehensive Assessment consists of a biopsychosocial assessment and the development of a plan of care. ASAM biopsychosocial elements include, but are not limited to:
 - (1) History of the presenting episode;
 - (2) Family history;
 - (3) Developmental history;
 - (4) Alcohol, tobacco, other drug use, addictive behavior history
 - (5) Personal/social history;
 - (6) Legal history;
 - (7) Psychiatric history;
 - (8) Medical history;
 - (9) Spiritual history;
 - (10) Review of systems;

- (11) Mental status examination;
 - (12) Physical examination;
 - (13) Formulation and diagnosis;
 - (14) Survey of assets, vulnerabilities, and supports; and
 - (15) Treatment recommendations.
- (b) A Comprehensive Assessment shall include the use of a Department-approved assessment tool and a detailed diagnostic formulation. The comprehensive assessment will document the client's strengths, resources, mental status, identified problems, current symptoms as outlined in the DSM, and RSS needs. The Comprehensive Assessment will also confirm the client's scores on the ASAM criteria and confirm that the assigned LOC is most applicable to the client's needs. The diagnostic formulation shall include presenting symptoms for the previous twelve (12) months, including mental and physical health symptoms, degree of severity, functional status, and differential diagnosis. This information forms the basis for the development of the individualized person-centered plan of care as defined in § 6337.5 of this chapter.
- (c) A Comprehensive Assessment must be performed in-person by an interdisciplinary team consisting of the client and at least one Qualified Practitioner with the license and capability to develop a diagnosis.
- (d) The approval of the Plan on Care is demonstrated by the electronic signature and date stamp of an independently licensed qualified practitioner. A completed plan of care is required to establish medical necessity.
- (e) A Comprehensive Assessment and plan of care must be completed within seven (7) calendar days of admission to a provider. Providers at Level 3.7-SMMIWM must complete a Comprehensive Assessment within forty-eight (48) hours, or prior to discharge or transfer to another LOC, whichever comes first.
- (f) Within twenty-four (24) hours of admission at a new LOC, during the period prior to the completion of the Comprehensive Assessment, the provider shall review the Department-approved client's prior Assessment to assist with developing a Plan of Care.
- (g) The Plan of Care (valid for seven (7) calendar days) will validate treatment until the Comprehensive Assessment is completed. A Qualified Practitioner as listed in § 6337.6 shall develop the Plan of Care. The Plan of Care is

considered part of the Comprehensive Assessment and Plan of Care service. A Comprehensive Assessment and Plan of Care shall include client understanding and agreement, documented by the client's signature, for consent to treatment, assessment, provider choice, client bill of rights, and release of information.

- (h) For those SUD providers with a Human Care Agreement with the Department, no more than one (1) Comprehensive Assessment and Plan of Care shall be billed per LOC, and a Comprehensive Assessment cannot be billed on the same day as an Ongoing Assessment.

6337.9

Ongoing Assessment and Plan of Care occurs at regularly scheduled intervals depending on the LOC. The following provisions apply to ongoing assessments:

- (a) An Ongoing Assessment and Plan of Care, conducted using a tool(s) approved by the Department, provides a review of the client's strengths, resources, mental status, identified problems, and current symptoms as outlined in the DSM.
- (b) An Ongoing Assessment will confirm the appropriateness of the existing diagnosis and revise the diagnosis, as warranted. The Ongoing Assessment will also revise the client's scores on all dimensions of the ASAM criteria, as appropriate, to determine if a change in LOC is needed and make recommendations for changes to the Plan of Care.
- (c) An Ongoing Assessment includes a review and update of the Plan of Care with the client to reflect the client's progress, growth, and ongoing areas of need.
- (d) The Ongoing Assessment and Plan of Care is also used prior to a planned transfer to a different LOC and for discharge from a course of service.
- (e) The Ongoing Assessment can be used for a review and documentation of a client's physical and mental status for acute changes that require an immediate response, such as a determination of a need for immediate hospitalization.
- (f) The clinical care coordinator shall determine the frequency of Ongoing Assessments and Plan of Care services.
- (g) An Ongoing Assessment and Plan of Care must be completed in-person with the client by an interdisciplinary team, which includes at least one Qualified Practitioner with the license and capability to develop a diagnosis. The client's clinical care coordinator and primary counselor shall participate in the interdisciplinary team.

- (h) The Ongoing Assessment requires documentation of the assessment tools, updated diagnostic formulation, and the Plan of Care update. The diagnostic formulation shall include presenting symptoms since previous assessment (including mental and physical health symptoms), degree of severity, functional status, and differential diagnosis. The Plan of Care update shall address current progress toward goals for all problematic areas identified in the assessment and adjust interventions and recovery support services as appropriate.
- (i) For providers with a Human Care Agreement with the Department, an Ongoing Assessment cannot be billed on the same day as a Comprehensive Assessment. These providers may bill a maximum of two (2) occurrences per sixty (60) days.

6338 CORE SERVICE: CLINICAL CARE COORDINATION (CCC)

- 6338.1 CCC is a billable service, and the clinical care coordinator serves an important function on a client's treatment team. The CCC service is the initial and ongoing process of identifying, planning, coordinating, implementing, monitoring, and evaluating options and services to best meet a client's care needs.
- 6338.2 The Clinical Care Coordinator role is responsible for ensuring that the client is at the appropriate level of care. If the client fails to make progress or has met all of his or her treatment goals, it is the Coordinator's responsibility to ensure timely assessment and transfer to a more appropriate level of care.
- 6338.3 CCC focuses on linking clients as they transition through the levels of care, ensuring that the plan of care is formulated with the overarching goal of recovery regardless of the client's current status. The Clinical Care Coordinator is responsible for facilitating specified outcomes through recovery that will restore a client's functional status in the community. The Clinical Care Coordinator has the overall responsibility for the development and implementation of the client's plan of care.
- 6338.4 CCC also includes oversight of linkages to off-site services to meet additional needs related to a co-occurring medical and/or psychiatric condition, as documented in the plan of care.
- 6338.5 The assigned clinical care coordinator in each case will monitor the compliance with, and effectiveness of, services over the treatment period and make a determination of the frequency of ongoing assessments. The clinical care coordinator serves as a single point of contact for each assigned client's care. A clinical care coordinator shall have no more than three hundred (300) clients assigned to his or her caseload, and shall ensure that each client receives a clinically appropriate amount of CCC.

- 6338.6 The CCC service must be provided by a licensed practitioner under Subsection 6338.7 of this chapter and must address the health and behavioral health of the client. CCC shall not include administrative facilitation of the client's service needs, which is the primary purpose of the Case Management service. The CCC service may be billed for phone calls completed in order to coordinate a client's care.
- 6338.7 The CCC service must be documented in an encounter note that indicates the intended purpose of that particular service, the actions taken, and the result(s) achieved.
- 6338.8 Qualified Practitioners for CCC are
- (a) Qualified Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) LGSWs;
 - (e) APRNs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs; and
 - (i) LMFTs.
 - (j) LGPC (only for providers not operating under a Human Care Agreement)
- 6338.9 For providers with a Human Care Agreement with the Department, the following restrictions apply to CCC:
- (a) CCC may not be billed in conjunction with a staff person's clinical supervision or at the same time as any assessment/diagnostic/plan of care service;
 - (b) CCC may not be billed separately for a person in SMMIWM;

6339 CORE SERVICE: CASE MANAGEMENT

- 6339.1 Case Management facilitates implementation of the plan of care and administrative facilitation of the client's service needs, including but not limited to

scheduling of appointments, assisting in completing applications, facilitating transportation, tracking appointments, and collecting information about the client's progress.

- 6339.2 Case Management also encompasses the coordination of linkages such as vocational/educational services, housing services, legal monitoring entities (*e.g.* probation), child care, public assistance, and social services. Case Management also includes training in the development of life skills necessary to achieve and maintain recovery.
- 6339.3 In addition to the case management activities listed below, Case Management-HIV entails providing access to testing and referrals for HIV and infectious diseases and coordination of services with medical care or specialty services related to an infectious disease (an individual does not need to be diagnosed with an infectious disease to receive this service).
- 6339.4 All Case Management services must be authorized in the individual's plan of care.
- 6339.5 Additional key service functions of Case Management in a treatment program include:
- (a) Attending interdisciplinary team meetings for assessment/diagnostic services;
 - (b) Following up on service delivery by providers external to the treatment program and ensuring communication and coordination of services;
 - (c) Contacting clients who have unexcused absences from program appointments or from other critical off-site service appointments to re-engage them and promote recovery efforts;
 - (d) Locating and coordinating services and resources to resolve a client's crisis;
 - (e) Providing training in the development of life skills necessary to achieve and maintain recovery; and
 - (f) Participating in discharge planning.
- 6339.6 The assigned case manager for each client shall provide case management services with direct contact either face to face or via telephone or on behalf of a client to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining recovery. Each client shall have a case manager designated in his or her plan of care. Each case manager shall be assigned no more than one hundred fifty (150) clients and shall ensure that each

client receives clinically appropriate case management in accordance with the plan of care.

6339.7 All case managers shall be supervised by a CAC II or a licensed practitioner. At least weekly, the case manager's supervisor shall review and approve encounter notes to indicate compliance with plan of care. At least monthly, the case manager's supervisor shall provide regular case and chart review and meet in-person with the case manager. Providers with a Human Care Agreement with the Department shall comply with the Department policy on supervision.

6339.8 Case Management shall not be considered a counseling/therapy service or activity. An individual performing both SUD Counseling/Therapy and Case Management as part of his or her normal duties shall maintain records that clearly document separate time spent on each of these functions, such as, work logs, encounter notes, and documentation in the client's record.

6339.9 Case Management services shall be provided by:

- (a) A Qualified Practitioner;
- (b) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field;

An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or

- (c) Certified Recovery Coach
- (d) Certified Peer Specialist

6340 CORE SERVICE: CRISIS INTERVENTION

6340.1 Crisis Intervention is an immediate short-term treatment intervention, which assists a client to resolve an acute personal crisis that significantly jeopardizes the client's treatment, recovery progress, health, or safety. Crisis Intervention does not necessarily lead to a change in LOC or a change to the plan of care; however, if a change is needed, this service may be followed by an Ongoing Assessment.

6340.2 Crisis Intervention is a service available at all levels of care and can be provided to any individual in treatment, even if the service is not included on the plan of care.

6340.3 Crisis Intervention services must be documented using an encounter note that explains the crisis and the response.

6340.4 Qualified Practitioners may perform this service:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (only for providers not operating under a Human Care Agreement)
- (j) LMFTs; and
- (k) CAC Is and CAC IIs.

6340.5 For providers with a Human Care Agreement with the Department, Crisis Intervention shall be billed in increments of fifteen (15)-minute units. The following limits shall apply:

- (a) Level 1: 80 Units
- (b) Level 1 with MAT: 144 Units
- (c) Level 2: 120 Units
- (d) Level 3: 160 Units.

6341 CORE SERVICE: SUBSTANCE USE DISORDER COUNSELING/THERAPY

6341.1 SUD Counseling/Therapy includes Individual, Family, and Group, and enhanced with Group-Psychoeducation Counseling.

- 6341.2 For providers with a Human Care Agreement with the Department, counseling/therapy shall be billed in increments of fifteen (15)-minute units, and a clinically appropriate combination of Individual, Family, and Group counseling/therapy and Group-Psychoeducation counseling is limited to the following (the Department can approve additional units with justification):
- (a) Level 1: Thirty-two (32) Units per week;
 - (b) Level 2: Eighty (80) Units per week; and
 - (c) Level 3: One hundred (100) Units per week.
- 6341.3 Individual Substance Use Disorder Counseling/Therapy is a face-to-face service with an authorized Qualified Practitioner for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills to facilitate long-term recovery.
- 6341.4 Individual SUD Counseling/Therapy addresses the specific issues identified in the plan of care. Individual counseling/therapy:
- (a) Shall be documented in an encounter note;
 - (b) Shall not be conducted within the same or overlapping time period as Medication Management;
 - (c) Shall not be considered or used as a Case Management service or activity; and
 - (d) Shall be performed by Qualified Practitioners:
 - (1) Qualified Physicians;
 - (2) Psychologists;
 - (3) ICSWs;
 - (4) LGSWs;
 - (5) APRNs;
 - (6) RNs;
 - (7) LISWs;
 - (8) LPCs;

- (9) LGPCs (only for providers not operating under a Human Care Agreement);
- (10) LMFTs; or
- (11) CAC Is and CAC IIs.

6341.5 Group counseling/ therapy includes: Cognitive Behavioral Groups, Support Groups, and Interpersonal Process Groups. Cognitive Behavioral Groups which has a trained facilitator utilizing a specific therapeutic model to alter thoughts and actions that lead to substance abuse. Support Groups which uplift members and provide a forum to share pragmatic information about maintaining abstinence and managing day to day, chemical free life. Interpersonal Process Groups which delve into major developmental issues that contribute to addiction or interfere with recovery.

The following provisions apply to Group SUD Counseling:

- (a) Group SUD Counseling/Therapy addresses the specific issues identified in the plan of care;
- (b) The focus of the group SUD counseling/therapy session shall be driven by the participant;
- (c) The number of individuals in a group SUD Counseling/Therapy session cannot be greater than the number referenced in 42 USC 1396d(i) which under current law is 42 USC 1905;
- (d) Group SUD Counseling/Therapy shall not be billed during recreational activities;
- (e) Group SUD Counseling/Therapy shall be performed by Qualified Practitioners:
 - (1) Qualified Physicians
 - (2) Psychologists;
 - (3) LICSWs;
 - (4) LGSWs;
 - (5) APRNs;
 - (6) RNs;

- (7) LI SWs;
- (8) LPCs;
- (9) LGPCs (only for providers not operating under a Human Care Agreement);
- (9) LMFTs; or
- (10) CAC Is and CAC IIs.

6341.6 Group SUD Counseling-Psychoeducation promotes help-seeking and supportive behaviors by working in partnership with clients to impart current information and facilitate group discussion through lecture, audio-visual presentations, handouts, etc. to assist with developing coping skills that support recovery and encourage problem-solving strategies for managing issues posed by SUDs. This service should also address HIV, STDs, and other infectious diseases; clients are not required to have one of these diseases to receive this education.

6341.7 Psychoeducational groups are designed to educate clients about substance abuse, and related behaviors and consequences. This type of group presents structured, group specific content, taught by a trained facilitator often using video, audio or lecture. An experienced group leader will facilitate discussions of the material presented. Psychoeducational groups provide information designed to have a direct application to clients' lives to include but are not limited to: developing self-awareness, to suggest options for growth and change, to identify community resources that can assist clients in recovery, to develop an understanding of the process of recovery, and to prompt people using substances to take action on their own behalf toward recovery.

6341.8 Group Counseling-Psychoeducation requires the following:

- (a) The subject of the counseling must be relevant to the client's needs as identified in his or her plan of care;
 - (b) This service must include facilitated group discussion of the relevant topic or topics;
 - (c) An encounter note for each participant shall be completed, which documents the individual's response to the group;
 - (d) A maximum of thirty (30) clients may participate in a single session; and Qualified Practitioners are authorized to perform the service.
- (1) Qualified Physicians;

- (2) Psychologists;
- (3) LICSWs;
- (4) LGSWs;
- (5) APRNs;
- (6) RNs;
- (7) LISWs;
- (8) LPCs;
- (9) LGPCs (only for providers not operating under a Human Care Agreement)
- (10) LMFTs; and
- (11) CAC Is and IIs.

6341.9

Family Counseling/Therapy is a planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client's family, with or without the client present. The aim of Family Counseling/Therapy is to improve the individual's functioning with his or her family and cultivate the awareness, skills, and supports to facilitate long term recovery. Family Counseling/Therapy must address specific issues identified in the plan of care. The following provisions apply to Family Counseling/Therapy:

- (a) Family Counseling/Therapy shall be documented using an encounter note; if the client is not present for the service, the note must explain how the session benefits the client;
- (b) A service encounter note documenting Family Counseling/Therapy shall clearly state the relationship of the participant(s) to the client;
- (c) Family Counseling/Therapy participants other than the client must meet the definition of "family member" in Section 6399; and
- (d) Qualified Practitioners authorized to provide Family Counseling/Therapy must be competent to work with families and should include:
 - (1) Qualified Physicians;
 - (2) Psychologists;

- (4) LICSWs;
- (5) LGSWs;
- (6) APRNs;
- (7) RNs;
- (8) LISWs;
- (9) LPCs;
- (10) LGPCs (only for providers not operating under a Human Care Agreement)
- (11) LMFTs; or
- (12) CAC Is and IIs.

6342 CORE SERVICE: DRUG SCREENING

- 6342.1 Drug Screening consists of toxicology sample collection and breathalyzer and urine testing to determine and detect the use of alcohol and other drugs.
- 6342.2 Providers reimbursed by the District for Drug Screening must comply with the Department policy on drug screening; those providers not reimbursed by the District must have their own drug screening policy.
- 6342.3 Toxicology sample collection involves the collection of biological specimens for drug analysis. The following provisions apply to toxicology sample collection:
- (a) The handling of biological specimens requires a chain of custody in accordance with District guidelines from the point of collection throughout the analysis process to ensure the integrity of the specimen;
 - (b) Toxicology sample collection shall be conducted to verify abstinence or use of substances to inform treatment;
 - (c) Toxicology sample collection shall include an in-person encounter with the client;
 - (d) Documentation of the toxicology sample collection service requires an encounter note, laboratory request, and recorded laboratory results from an approved laboratory;

- (e) Chain of custody for the toxicology specimen must be observed and documented in accordance with District guidelines; and
- (f) Individuals collecting the samples must be properly trained to do so.

6342.4 Breathalyzer testing is the collection and documentation of valid breath specimens for alcohol analysis in accordance with Department standards. A Breathalyzer is conducted to test for blood alcohol content to inform treatment for an individual. The following provisions apply to Breathalyzer services:

- (a) Breathalyzer testing requires an in-person collection of the sample;
- (b) Breathalyzer testing must be documented with an encounter note and recorded results;
- (c) The chain of custody must be kept in accordance with District guidelines; and
- (d) Individuals collecting the samples must be properly trained.

6343 SPECIALTY SERVICE: MEDICATION MANAGEMENT

6343.1 Medication Management shall include the coordination and evaluation of medications consumed by clients, monitoring potential side effects, drug interactions, compliance with doses, and efficacy of medications.

6343.2 Medication Management also includes the evaluation of a client's need for Medication Assisted Treatment (MAT), the provision of prescriptions, and ongoing medical monitoring/evaluation related to the use of psychoactive drugs.

6343.3 Medication Management is used to inform treatment and to assist with withdrawal management, as clinically appropriate.

6343.4 All providers certified as SMMIWM or Level 3 providers must be able to provide Medication Management.

6343.5 Medication Management requires in-person interaction with the client and may not be conducted at the same or overlapping times as any other service.

6343.6 The Qualified Practitioner performing the Medication Management service or the clinical care coordinator, if not the same individual, must coordinate with the client's primary care practitioner unless the client's record documents that the client refused to provide consent for the coordination.

6343.7 Documentation of Medication Management services shall include an encounter note and appropriately completed medication fields in the record, if applicable.

6343.8 Medication Management may be provided by Qualified Practitioners operating within the scope of their license.

- (a) Qualified Physicians;
- (b) APRN;
- (c) RNs;
- (d) LPNs; or
- (e) PAs.

6343.9 For providers with a Human Care Agreement with the Department, Medication Management shall be billed in increments of fifteen (15)-minute units. No more than ninety-six (96) units may be billed per LOC. Medication Management shall not be billed on the same day as SMMIWM. Medication Management shall not be billed for observing the self-administration of medication.

6344 SPECIALTY SERVICE: MEDICATION ASSISTED TREATMENT (MAT)

6344.1 MAT is the use of pharmacotherapy long-term treatment for opiate or other forms of dependence. A client who receives MAT must also receive SUD Counseling/Therapy. Use of this service should be in accordance with ASAM service guidelines and practice guidelines issued by the Department.

6344.2 Individuals appropriate for MAT must have an SUD that is appropriately treated with MAT in accordance with Federal regulations.

6344.3 MAT providers must ensure that individuals receiving MAT understand and provide written informed consent to the specific medication administered. No person under eighteen (18) years of age may be admitted to MAT unless a parent or legal guardian consents in writing to such treatment.

6344.4 MAT may be administered on an in-office basis or as take-home regimen. Both MAT administrations include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance must include additional guidance related to storage and self-administration. MAT providers must comply with all Department policies and Federal regulations concerning MAT.

6344.5 Therapeutic guidance provided during MAT shall include:

- (a) Safeguarding medications;

- (b) Possible side-effects and interaction with other medications;
 - (c) Impact of missing doses;
 - (d) Monitoring for withdrawal symptoms and other adverse reactions; and
 - (e) Appearance of medication and method of ingestion.
- 6344.6 The provision of MAT must be accompanied by a clinically appropriate array of SUD treatment services that include SUD Counseling/Therapy.
- 6344.7 For providers with a Human Care Agreement with the Department:
- (a) MAT medication is billed on a per-dose basis;
 - (b) A single fifteen (15)-minute administration session may be billed when an individual is receiving take-home doses in accordance with ASAM criteria and Department policy;
 - (c) A client can be prescribed a maximum of one dose/unit per day;
 - (d) An initial and second authorization is for a maximum of ninety (90) days each; subsequent authorizations cannot exceed one hundred and eighty (180) days each; and
 - (e) Prior authorization from the Department is required for more than two-hundred fifty (250) units of medication in one calendar year. The maximum number of MAT services over a twelve (12)-month period is three hundred and sixty five (365) units of medication and administration
- 6344.8 Providers shall have medical staff (MD, PA, APRN, or RN) on duty during all clinic hours. A physician shall be available on call during all clinic hours, if not present on site.
- 6344.9 A member of the medical staff must be available on call twenty-four (24) hours a day, seven (7) days a week.
- 6344.10 A physician must evaluate the client a minimum of once per month for the first year that a client receives MAT and a minimum of every six (6) months thereafter, in coordination with the plan of care and as needed.
- 6344.11 A provider must review the results of a client's physical, which has been completed within the past twelve (12) months, prior to prescribing or renewing a prescription for MAT.

6344.12 Documentation for this service must include medication log updates and an encounter note for each visit, which captures the therapeutic guidance provided.

6344.13 MAT may be provided by the following:

- (a) Qualified Physicians;
- (b) APRNs;
- (c) PAs (supervised by Qualified Physicians);
- (d) RNs; or
- (e) LPNs (supervised by an MD, RN, or APRN).

6345 SPECIALTY SERVICE: ADOLESCENT — COMMUNITY REINFORCEMENT APPROACH (ACRA)

6345.1 ACRA is a specialty service that is provided in conjunction with Level I or Level II.1 Outpatient treatment as a more targeted approach to treatment for youth and young adults ages twelve (12) to twenty-four (24) years old with co-occurring mental health and substance use disorders. ACRA services include approximately 10 individual sessions with the adolescent, 2 individualized sessions with the caregiver and 2 sessions with the adolescent and caregiver together in accordance with the procedures outlined in the ACRA evidence-based practice certification model.

6345.2 The provider must have the following ACRA-certified staff for each ACRA team:

- (a) A clinical supervisor, with ACRA clinical supervisor certification, who is also a Master's-level qualified practitioner; and
- (b) One (1) to four (4) clinicians with ACRA clinician certification who are either Master's-level qualified practitioners or Bachelor's-level qualified practitioners with at least five (5) years' experience working with behaviorally-challenged youth.

6345.3 ACRA practitioners must comply with the supervision, taping, feedback and coaching requirements of the ACRA certification.

6345.4 A minimum of four units (one hour) of ACRA services should be provided once per week. Level 1 or 2.1 services shall be provided as clinically appropriate.

6345.5 ACRA generally lasts up to six (6) months with the first three (3) months of services provided in the office setting and the last three (3) months of service

provided in the home or community setting, based on the client's needs and progress.

6345.6 ACRA may be provided by the following qualified practitioners who satisfy the requirements of Subsection 6344.2 above:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (only for providers not operating under a Human Care Agreement);
- (j) LMFTs; or
- (k) CAC Is and IIs.

6346 RECOVERY SUPPORT – EVALUATION, ALCOHOL OR DRUG ASSESSMENT

6346.1 A Recovery Support Evaluation is a process used to evaluate and document a client's individual recovery support service needs, develop a comprehensive individual recovery support plan, and monitor client progress on achievement of goals and objectives every one hundred eighty (180) days.

6346.2 The purpose of the Recovery Support Evaluation is to identify domains that require support, using a Department-approved recovery support assessment tool, and to develop a recovery support plan.

6346.3 Recovery Support Evaluation requires an in-person encounter with the client and must be performed by staff trained to use the recovery support assessment tool.

- 6346.4 Required elements of a Recovery Support Evaluation include the completion of a Department-approved recovery support assessment tool and recovery support plan.
- 6346.5 Providers must document completion and client signatures for: consents, completion of the recovery support assessment tool and recovery support plan, client bill of rights, and release of information.
- 6346.6 A Recovery Support Evaluation shall take at least forty (40) minutes to complete.
- 6346.7 A maximum of two (2) occurrences of Recovery Support Evaluation are allowed every six (6) months. Additional Recovery Support Evaluations require approval from the Department.
- 6346.8 The clinical care coordinator is responsible for ensuring coordination if an individual is receiving treatment and recovery services from different providers. An individual receiving treatment and recovery services from different providers may receive Initial, Comprehensive, or Ongoing Assessment and a separate Recovery Support Evaluation as clinically indicated.
- 6346.9 An individual receiving treatment and recovery services from the same provider shall receive only the CAT and not a separate Recovery Support Evaluation or recovery support plan. The plan of care developed under the CAT shall include specific recovery goals and identify recovery support services.
- 6346.10 The following staff may perform this service:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field and training or relevant experience in substance use; or
 - (d) An individual with at least four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6347 CASE MANAGEMENT – RECOVERY SUPPORT

- 6347.1 Case Management, Recovery Support assists clients with the implementation of the recovery support plan, including but not limited to:

- (a) Scheduling of appointments, assisting in completing applications, facilitating transportation, tracking appointments, and collecting progress report information;
 - (b) Helping clients access the District service network and other community resources that help sustain recover and coordinating linkages such as vocational/educational services, housing services, judicial entities, childcare, public assistance, and social services.
- 6347.2 All Case Management, Recovery Support services must be authorized in the individual's recovery support plan or plan of care (if applicable).
- 6347.3 Additional key service functions of Case Management, Recovery Support include:
- (a) Monitoring service delivery by providers external to the RSS program and ensuring communication and coordination of services;
 - (b) Contacting individuals who have unexcused absences from program appointments or from other critical off-site service appointments to reengage the person and promote recovery efforts; and
 - (c) Locating and coordinating services and resources to resolve a client's crisis.
- 6347.4 If the client is also in active treatment, the treatment provider's staff shall provide these services through Case Management and Clinical Care Coordination. Case Management, Recovery Support shall not be billed while the client is in active treatment.
- 6347.5 Each client not in active treatment shall have a designated Recovery Support Manager. One (1) FTE is required for every fifty (50) clients.
- 6347.6 The recovery support manager's supervisor shall provide regular case and chart review, meet in-person with the case manager, and co-sign chart entries at least monthly to indicate compliance with the recovery support plan.
- 6347.7 RSS providers with a Human Care Agreement with the Department must comply with the Department policy on supervision.
- 6347.8 An encounter note is required at each provision of Case Management, Recovery Support.
- 6347.9 SUD Counseling/Therapy shall not be considered a Case Management, Recovery Support service or activity. An individual performing both SUD Counseling/Therapy and Recovery Support Management as part of his or her normal duties shall maintain records that clearly document separate time spent on

each of these functions, such as work logs, encounter notes, and documentation in the patients' records.

- 6347.10 Case Management, Recovery Support services shall be provided by one of the following:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; or
 - (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6348 PREVENTION EDUCATION SERVICE, RECOVERY MENTORING

- 6348.1 Recovery Mentoring assists clients in reviewing the recovery support plan and reviewing strategies to achieve the identified goals and support abstinence, and assists the client to overcome barriers that may inhibit their recovery process and develop a network of supportive relationships.
- 6348.2 Recovery Mentoring provides ongoing support to a client in accordance with the recovery support plan.
- 6348.3 Recovery Mentoring requires an in-person or electronic encounter with a client in accordance with all documentation requirements as required in § 6322 of this chapter.
- 6348.4 Staff eligible to perform this service may be:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field and training or relevant experience in substance use; or
 - (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service

delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6349 TRAINING AND SKILLS DEVELOPMENT, LIFE SKILLS - ADULT

6349.1 Life Skills Support Services help clients develop appropriate psychosocial skills needed to succeed in day-to-day life without the use of alcohol and drugs, including how to plan for and incorporate drug-free social activities into their recovery.

6349.2 The purpose of the Life Skills Support Services is to provide peer-to-peer support in a group or individual setting to promote individual and community change through lived experiences.

6349.3 Life Skills Support Services requires in-person group encounters with clients. A maximum of fifteen (15) clients may participate in a group session.

6349.4 A Life Skills Support Services session must be guided by a curriculum approved by the Department.

6349.5 Life Skills Support Services sessions must be documented using an encounter note.

6349.6 The following staff may perform Life Skills Support Services:

- (a) A Certified Recovery Coach;
- (b) A Certified Peer Specialist;
- (c) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field and training or relevant experience in substance use; or
- (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6350 RECOVERY SUPPORT SERVICES, SPIRITUAL SUPPORT

6350.1 Spiritual Support Services shall provide spiritual support, which incorporates faith and religion in the recovery process based on spiritual practices and principles.

- 6350.2 The purpose of Spiritual Support Services is to provide strategies on how a client can incorporate spirituality into their recovery process.
- 6350.3 The following provisions apply to Spiritual Support Services:
- (a) Provision of the service requires an in-person encounter with the client in a group setting;
 - (b) Only RSS clients may attend a Spiritual Support Services group session;
 - (c) The Spiritual Support Services group may not prohibit clients from participation based on spiritual or religious beliefs;
 - (d) A maximum of thirty (30) clients may participate in a Spiritual Support Services group.
- 6350.4 Spiritual Support Services include ongoing support services through persons with lived experiences and similar spiritual beliefs.
- 6350.5 Spiritual Support Services group sessions must be documented using an encounter note.
- 6350.6 Staff that performs this service should have a background of study in the spiritual support being provided.
- 6350.7 The following staff may perform this service:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; or
 - (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.
- 6350.8 Providers of spiritual support services are prohibited from proselytizing with District funds or other government funds. Further, any providers of such support services may not coerce participants explicitly or implicitly into participating in any religious activity or service made available to participants, and any such

religious activities must be separate in time and location from government-funded spiritual support services.

6351 RECOVERY SUPPORT SERVICE, EDUCATION SERVICES

- 6351.1 Educational Support Services provide individual instruction and tools to expand a client's knowledge in specific recovery topics, including relapse prevention, employment preparation, money management, health and wellness, and family reunification, targeted to improve the client's functioning for substance-free living.
- 6351.2 The purpose of Education Support Services is to increase the client's ability to sustain long-term recovery.
- 6351.3 Education Support Services require an in-person encounter with the client.
- 6351.4 Educational Support Services must be documented using an encounter note.
- 6351.5 Educational Support Services maybe be provided on an individual or group basis.
- 6351.6 For individual Educational Support Services, a one-on-one interaction with the client is required.
- 6351.7 For group Educational Support Services, providers must use a curriculum approved for use in a group setting. Education Support Services groups may serve no more than thirty (30) clients.
- 6351.8 The following staff may perform this service:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; or
 - (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship, and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6352 RECOVERY SUPPORT SERVICE, RECOVERY SOCIAL ACTIVITIES – GROUP

- 6352.1 Recovery Social Activities provide group drug-free social activities for persons in recovery in order to demonstrate to the client how to maintain their recovery in drug-free environments.
- 6352.2 Recovery Social Activities require an in-person encounter with the client.
- 6352.3 Encounter note must demonstrate, not only the activity, but how the social activity is related to the client’s recovery plan.
- 6352.4 The following staff may perform this service:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6353 ENVIRONMENTAL STABILITY, SUPPORTED HOUSING

- 6353.1 The Environmental Stability service provides a structured and stable living environment and recovery support system that includes recovery housing for up to six (6) months. The objective of Environmental Stability is to prepare the client for independent living upon completion of the Environmental Stability Service.
- 6353.2 Eligible persons for this service must:
- (a) Be drug- and alcohol-free (with the exception of prescribed medication) or thirty (30) days prior to admission;
 - (b) Maintain sobriety throughout the program;
 - (c) Be in recovery from a diagnosed SUD;
 - (d) Be employed or participating in a structured training class or workforce-development program or a combination of both training and employment as deemed clinically appropriate;
 - (e) Deposit fifty percent (50%) of net income into the client’s escrow account for the purposes of post-environmental-stability independent living;

(f) Be enrolled and active in other Department-certified recovery support services; and

(g) Be prior authorized by the Department.

6353.3 The Environmental Stability provider shall comply with the Department's drug testing policy.

6353.4 Each Environmental Stability facility shall be for a single parent with a child or children.

6353.5 Environmental Stability providers must comply with the applicable of provisions of Section 6323 of this chapter governing residential recovery programs.

6353.6 No Environmental Stability program shall use a name on the exterior of the building or display any logo that distinguishes the facility from any other residence in the neighborhood.

6399 DEFINITIONS

6399.1 Definitions should read as follows:

Admission – Entry into the SUD treatment or recovery program after completion of intake and initial assessment and a determination that an individual is eligible for the program.

Advance Practice Registered Nurse (APRN) – A person who is licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)), and who has particular training and expertise in treating clients with SUD. An APRN is a Qualified Practitioner.

Affiliation Agreement – A legal agreement between a provider and another entity that describes how they will work together to benefit clients.

Applicant – A program that has applied to the Department for certification as an SUD treatment or recovery program.

Assessment – Gathers information and engages in a process with the client that enables the provider to establish (or rule out) the presence or absence of a co-occurring disorder. Determines the client's readiness for change, identifies client strengths or problem areas that may affect the processes of

treatment and recovery, and engages the client in the development of an appropriate treatment relationship.

Case Manager – Program staff who coordinate plans of cares and are especially designated to provide Case Management services with or on behalf of a client to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining recovery.

Case Management – Refers to a collaborative process of assessment, planning, facilitation and advocacy for options and services to meet the client's behavioral health needs through communication and available resources to promote quality cost-effective outcomes.

Certification – The process of establishing that the standards of care described in this chapter are met; or approval from the Department indicating that an applicant has successfully complied with all requirements for the operation of a substance use disorder treatment or recovery program in the District.

Certified Addiction Counselor (CAC) – A person who is certified to provide SUD counseling services in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)). A CAC may be certified as a CAC I or CAC II and must be supervised in accordance with Title 17 DCMR § 8715. A CAC is a Qualified Practitioner.

Certified Peer Specialist – An individual who has completed the Peer Specialists Certification Program requirements and is approved to deliver Peer Support Services within the District's public behavioral health network.

Certified Recovery Coach – A Certified Recovery Coach is an individual with any DBH-approved recovery coach certification.

Child Development Facility – A center, home, or other structure that provides care and other services, supervision, and guidance for children up to fifteen (15) years of age on a regular basis, regardless of its designated name, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

Client – A person admitted to an SUD treatment or recovery program and is assessed to need SUD treatment services or recovery services.

Clinical Care Coordination – The Agency for Health Care Research and Quality (AHRQ) defines clinical care coordination as activities that bridge gaps along the care pathway (*i.e.*, care coordination activities or broad

approaches hypothesized to improve coordination of care). For a given client at a given point in time.

Clinical Care Coordinator – A licensed or certified Qualified Practitioner who has the overall responsibility for the development and implementation of the client's plan of care, is responsible for identification, coordination, and monitoring of non-SUD-treatment clinical services, and is identified in the client's plan of care. This qualified practitioner utilizes the case manager's role in the clinical and evaluative activities that identify the client's needs for substance abuse and other treatment services, community needs and other resources to achieve the goals and objectives identified in the plan of care. While the case manager establishes a framework of action to enable the client to achieve specified goals, the care coordinator collaborates with client and significant others in the coordination of treatment and referral services, liaison activities with community resources and managed care systems, client advocacy, and ongoing evaluation of treatment progress and client needs to be reported to the case manager. In essence, the Clinical Care Coordinator acts as a team leader for the various care providers serving a particular client.

Clinical Staff – Staff who are licensed, certified, or registered by the District Department of Health, Health Regulation and Licensing Administration (HRLA).

Communicable Disease – Any disease as defined in Title 22-B, § 201 of the District of Columbia Municipal Regulations (DCMR).

Continuity of Care Plan – A plan that provides for the ongoing care of clients in the event that a certified provider is no longer able to provide adequate care.

Co-Occurring Disorders – The presence of concurrent diagnoses of substance use disorder and a mental disease or disorder.

Crisis – An event that significantly jeopardizes the client's treatment, recovery progress, health or safety.

Department – The District of Columbia Department of Behavioral Health.

Director – The Director of the District of Columbia Department of Behavioral Health.

Discharge – The time when a client's active involvement with a program is terminated.

Discharge Planning – Activities with or on behalf of an individual to arrange for appropriate follow-up care to sustain recovery after being discharged from a program, including educating the individual on how to access or reinstate additional services, as needed.

Discrete Clients – Children accompanied by a parent into a treatment environment that are clinically determined to require admission as a client with their own separate and distinct assessment, plan of care, course of treatment, and record. Discrete Client does not apply to children who receive services primarily to support a parent's recovery.

District – The District of Columbia.

Drug – Substances that have the likelihood or potential to be misused or abused, including alcohol, prescription drugs, and nicotine.

Facility – Any physical premises which houses one or more SUD treatment or recovery programs.

Family Counseling/Therapy – A planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client's family, with or without the client present.

Family Member – Individual identified by the client as a person with whom the client has a significant relationship and whose participation is important to the client's recovery.

Group SUD Counseling/Therapy – A therapeutic service that facilitates disclosure of issues that permit generalization to a larger group; promotes help-seeking and supportive behaviors; encourages productive and positive interpersonal communication; and develops motivation through peer support, structured confrontation, and constructive feedback.

Individual Substance Use Disorder Counseling/Therapy – A face-to-face service with an authorized Qualified Practitioner for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills to facilitate long-term recovery.

Initial Plan of Care – The plan of care that is developed in conjunction with the first (non-comprehensive) diagnostic assessment conducted upon entry to a client's first LOC.

In-service Training – Activities undertaken to achieve or improve employees' competency to perform present jobs or to prepare for other jobs or promotions.

Interdisciplinary Team – Members of the SUD provider staff who provide services to the client, including the client, the client's CCC, a CAC, the client's case manager, and at least one QP with the license and ability to diagnose.

Licensed Graduate Professional Counselor (LGPC) – A person licensed as a graduate professional counselor in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)) applicable District laws and regulations. An LGPC is a Qualified Practitioner only for providers not providing services pursuant to a Human Care Agreement with the Department and must be appropriately supervised.

Licensed Graduate Social Worker (LGSW) – A person licensed as a graduate social worker in accordance with applicable District laws and regulations.

Licensed Independent Clinical Social Worker (LICSW) – A person licensed as an independent clinical social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Independent Social Worker (LISW) – A person licensed as a licensed independent social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Marriage and Family Therapist (LMFT) – A person licensed as a marriage and family therapist in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Practical Nurse (LPN) – A person licensed as practical nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Professional Counselor (LPC) - A professional counselor licensed in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Major Investigations – Refers to the detailed inquiry or systematic examination of deaths related to suicide, unexpected deaths at a facility, death of a

child or youth, and any other incident that the Department determines requires a major investigation.

Major Unusual Incidents – Adverse events that can compromise the health, safety, and welfare of persons; employee misconduct; fraud; and actions that are violations of law and policy.

Medicaid – The program described in the District of Columbia State Medicaid Plan, approved by CMS, and administered by the Department of Health Care (DHCF) to enable the District of Columbia to receive Federal financial assistance for a medical assistance program and other purposes as permitted by law.

Medical Necessity (or Medically Necessary) – Health care services or products that a prudent provider would provide to a client for the purpose of preventing, diagnosing or treating an illness, injury, disease or its symptoms in a manner that is: (a) in accordance with generally accepted standards of health care practice; (b) clinically appropriate in terms of type, frequency, extent, site, and duration; and (c) not primarily for the economic benefit of the health plans and purchasers or for the convenience of the client or treating provider.

Medical Waste – Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or in the testing of biologicals, including but not limited to: soiled or blood-soaked bandages, needles used to give shots or draw blood, and lancets.

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-IV or its ICD-9-CM equivalent (and subsequent revisions) with the exception of DSM-IV "V" codes, substance abuse disorders, mental retardation, and other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

Notice of Infraction – An action taken by agencies to enforce alleged violations of regulatory provisions.

Opioid – A psychoactive substance in the narcotic class derived from opium, including natural and synthetic compounds. Substances in this class may produce pharmacological effects such as physical withdrawal symptoms when used for non-medicinal purposes.

Organizational onboarding – the mechanism through which new employees acquire the necessary knowledge, skills, and behaviors to become

effective performers. It begins with recruitment and includes a series of events, one of which is employee orientation, which helps new employees understand performance expectations and contribute to the success of the organization.

Organized Treatment Services – Treatment that consists of a scheduled series of structured, face-to-face or group therapeutic sessions organized at various levels of intensity and frequency in order to assist the clients served in achieving the goals identified in the person-centered plans of care. Also may be called structured treatment services.

Outcomes of Care – The results of a course of treatment, including abstinence or reduction of abuse of substances, elimination or reduction of criminal activity, reduction of antisocial activity associated with SUD, reduction in need for medical or mental health services, reduction of need for SUD treatment, increase in pro-social involvement, and increase in productivity and employment.

Outpatient Services – Therapeutic services that are medically or psychologically necessary, provided to a client according to an individualized plan of care, and do not require the client's admission to a hospital or a non-hospital residential facility. The term "outpatient services" refers to services that may be provided (on an ambulatory basis) in a hospital; a non-hospital residential facility; an outpatient treatment facility; or the office of a person licensed to provide SUD treatment services.

Outreach - Efforts to inform and facilitate access to a program's services.

Parent – A person who has custody of a child as a natural parent, stepparent, adopted parent, or has been appointed as a guardian for the child by a court of competent jurisdiction.

Plan of Care Development – Developing a comprehensive set of staged, integrated program placements and treatment interventions for each disorder that is adjusted as needed to take into account issues related to the other disorder. The plan is matched to the individual needs, readiness, preferences, and personal goals of the client.

Plan of Care – The individualized plan of care for children and youth or adults, which is the result of the Diagnostic/Assessment. All services must be guided by a valid Plan of Care. The Plan of Care includes the client's treatment goals, strengths, challenges, objectives, and interventions. The Plan of Care is based on the client's identified needs as reflected by the Diagnostic/Assessment, the client's expressed needs, and referral information.

Postpartum – A period of time for up to twenty-four (24) months after birth of an infant.

Privacy Officer – A person designated by an organization that routinely handles protected health information, to develop, implement, and oversee the organization's compliance with the U.S. Health Insurance Portability and Accountability Act (HIPAA) privacy rules, 42 CFR part 2, and D.C. Mental Health Information Act.

Program – An SUD Treatment or Recovery Program certified by the Department at a specific Level of Care to provide substance use treatment or recovery services.

Program Director – An individual having authority and responsibility for the day-to-day operation of an SUD treatment or recovery program.

Protected Health Information (PHI) – Any written, recorded, electronic (ePHI), or oral information which either (1) identifies, or could be used to identify, a client; or (2) relates to the physical or mental health or condition of a client, provision of health care to a client, or payment for health care provided to a client. PHI does not include information in the records listed in 45 CFR § 160.103.

Provider – An entity certified by the Department to provide either SUD treatment or recovery support services or both.

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 is board certified in psychiatry. A psychiatrist is a qualified practitioner.

Psychologist – A person licensed to practice psychology in accordance with applicable District laws and regulations. A psychologist is a Qualified Practitioner.

Qualified Physician – A person who is licensed or authorized to practice medicine pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)) and eligible for a waiver pursuant to the federal Drug Addiction Treatment Act of 2000 or subsequent amendments.

Qualified Practitioner (QP) – Clinical staff authorized to provide treatment and other services based on their license and the definition of the service.

Recovery Support Plan – A document developed during a Recovery Support Evaluation that outlines the client's needs, goals, and recovery services to be utilized to achieve those goals. The Recovery Support plan assists a person in recovery to develop goals and objectives to maintain their sobriety in the community with supports from family, community and recovery support programs.

Recovery Support Services – Non-clinical services provided to a client by a certified RSS provider to assist him or her in achieving or sustaining recovery from an SUD.

Registered Nurse (RN) – A person licensed as a registered nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)). An RN is a Qualified Practitioner.

Representative Payee – An individual or organization appointed by the Social Security Administration to receive Social Security or Supplemental Security Income (SSI) benefits for someone who cannot manage or direct someone else to manage his or her money.

Research – Experiments including new interventions of unknown efficacy applied to clients whether behavioral, psychological, biomedical, or pharmacological.

Residential Program – Any treatment or recovery program which houses clients overnight, including Level III treatment programs and environmental stability programs.

Screening – Determines the likelihood that a client has co-occurring substance use and mental disorders or that his or her presenting signs, symptoms, or behaviors may be influenced by co-occurring issues. The purpose is not to establish the presence or specific type of such a disorder, but to establish the need for an in-depth assessment. Screening is a formal process that typically is brief and occurs soon after the client presents for services.

Substance Use Disorder (SUD) – A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the beneficiary continues using a substance despite significant substance-related problems. A diagnosis of a SUD requires a beneficiary to have had persistent, substance related problem(s) within a twelve (12)-month period.

Treatment – A therapeutic effort to improve a client's cognitive or emotional conditions or the behavior of a client, consistent with generally recognized

principles or standards in the SUD treatment field, provided or supervised by a Qualified Practitioner.

Trained medication employee (TME) – an individual employed to work in a program who has successfully completed a training program approved by the Board of Nursing and is certified to administer medication to program participants.

Withdrawal Management – A program designed to achieve systematic reduction in the degree of physical dependence on alcohol or drugs.

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF EMERGENCY RULEMAKING**

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 2016 Repl.) (Act), hereby gives notice of the adoption of the following emergency rulemaking to amend Chapter 16 (Procurement by Competitive Sealed Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

The purpose of these revisions is to establish prices the Department of Health Care Finance (DHCF) shall pay to the District of Columbia's Medicaid Managed Care Organization (MCO) contractors for the period of May 1, 2019 through September 30, 2019. DHCF is the single state agency responsible for managing the District's Medicaid Program, which provides healthcare coverage to low-income children, adults, elderly, and persons with disabilities. The three MCO contractors will be paid monthly capitation rates that are consistent with the approved DHCF FY2019 budget. The rates were developed and certified as actuarially sound by the District's contracted actuary, in accordance with federal standards. The monthly capitation payments are for services rendered by the contractors under the District's Medicaid Managed Care Program for the period of May 1, 2019 through September 30, 2019.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), is necessary to ensure continuity of essential healthcare services provided to individuals enrolled in the District's federally mandated Medicaid program.

The emergency rules will remain in effect from June 14, 2019, the date of their adoption, and will expire on September 30, 2019.

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 1611, PRICES FOR SERVICES PROVIDED UNDER THE DISTRICT'S MEDICAID MANAGED CARE PROGRAM, is amended in its entirety to read as follows:

1611 PRICES FOR SERVICES PROVIDED UNDER THE DISTRICT'S MEDICAID MANAGED CARE PROGRAM

1611.1 Notwithstanding the requirements of § 1612.1, for services provided under the District's Medicaid Managed Care Program, for the period of May 1, 2019, through September 30, 2019, the Director sets the following monthly capitation rates per person enrolled in a contractor's MCO:

(a) Trusted Health Plan, Inc.

CLIN	Rate Cohort	Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0001 DC Healthy Families Program¹				
0001AA	Under 1 Year of Age	\$454.66	4,812	\$2,187,823.92
0001AB	Delivery Payment	\$10,025.57	275	\$2,757,031.75
0001AC	Birth Payment	\$6,714.27	275	\$1,846,424.25
0001AD	Children Ages 1 through 12	\$198.06	46,749	\$9,259,106.94
0001AE	Females Ages 13 through 18	\$198.06	8,635	\$1,710,248.10
0001AF	Males Ages 13 through 18	\$198.06	8,161	\$1,616,367.66
0001AG	Females Ages 19 through 36	\$373.24	32,236	\$12,031,764.64
0001AH	Males Ages 19 through 36	\$373.24	20,765	\$7,750,328.60
0001AI	Females Ages 37 through 49	\$373.24	12,299	\$4,590,478.76
0001AJ	Males Ages 37 through 49	\$373.24	10,714	\$3,998,893.36
0001AK	Females Ages 50+ Years	\$373.24	10,581	\$3,949,252.44
0001AL	Males Ages 50+ Years	\$373.24	11,539	\$4,306,816.36
CLIN 0001 Total				\$56,004,536.78

¹ ICP services are included under the rate cohort for DCHFP.

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0002 DC Alliance Program				
0002AA	Females Ages 19 through 36	\$234.72	4,284	\$1,005,540.48
0002AB	Males Ages 19 through 36	\$186.45	2,869	\$534,925.05
0002AC	Females Ages 37 through 49	\$374.22	2,746	\$1,027,608.12
0002AD	Males Ages 37 through 49	\$336.57	1,944	\$654,292.08
0002AE	Females, Ages 50+ Years	\$723.97	2,213	\$1,602,145.61
0002AF	Males, Ages 50+ Years	\$828.98	1,327	\$1,100,056.46
CLIN 0002 Total				\$5,924,567.80

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0003 271 Population²				
0003AA	Females Ages 19 through 36	\$332.00	2,524	\$837,968.00
0003AB	Males, Ages 19 through 36	\$332.00	2,438	\$809,416.00
0003AC	Females Ages 37 through 49	\$332.00	1,204	\$399,728.00
0003AD	Males Ages 37 through 49 Years	\$332.00	1,286	\$426,952.00
0003AE	Females Ages 50+	\$332.00	2,256	\$748,992.00
0003AF	Males Ages 50+	\$332.00	1,745	\$579,340.00
CLIN 0003 Total				\$3,802,396.00

² 271 Population (childless adults) are included under the rate cohort for DCHFP, but have a separate set of rates than the DCHFP rate cohort.

(b) AmeriHealth Caritas DC

CLIN	Rate Cohort	Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0001 DC Healthy Families Program³				
0001AA	Under 1 Year of Age	\$454.66	4,812	\$2,187,823.92
0001AB	Delivery Payment	\$10,025.57	275	\$2,757,031.75
0001AC	Birth Payment	\$6,714.27	275	\$1,846,424.25
0001AD	Children Ages 1 through 12	\$216.84	46,749	\$10,137,053.16
0001AE	Females Ages 13 through 18	\$216.84	8,635	\$1,872,413.40
0001AF	Males Ages 13 through 18	\$216.84	8,161	\$1,769,631.24
0001AG	Females Ages 19 through 36	\$460.60	32,236	\$14,847,901.60
0001AH	Males Ages 19 through 36	\$460.60	20,765	\$9,564,359.00
0001AI	Females Ages 37 through 49	\$460.60	12,299	\$5,664,919.40
0001AJ	Males Ages 37 through 49	\$460.60	10,714	\$4,934,868.40
0001AK	Females Ages 50+ Years	\$460.60	10,581	\$4,873,608.60
0001AL	Males Ages 50+ Years	\$460.60	11,539	\$5,314,863.40
CLIN 0001 Total				\$65,770,898.12

³ ICP services are included under the rate cohort for DCHFP.

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0002 DC Alliance Program				
0002AA	Females Ages 19 through 36	\$234.72	4,284	\$1,005,540.48
0002AB	Males Ages 19 through 36	\$186.45	2,869	\$534,925.05
0002AC	Females Ages 37 through 49	\$374.22	2,746	\$1,027,608.12
0002AD	Males Ages 37 through 49	\$336.57	1,944	\$654,292.08
0002AE	Females, Ages 50+ Years	\$723.97	2,213	\$1,602,145.61
0002AF	Males, Ages 50+ Years	\$828.98	1,327	\$1,100,056.46
CLIN 0002 Total				\$5,924,567.80

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0003 271 Population⁴				
0003AA	Females Ages 19 through 36	\$454.27	2,524	\$1,146,577.48
0003AB	Males, Ages 19 through 36	\$454.27	2,438	\$1,107,510.26
0003AC	Females Ages 37 through 49	\$454.27	1,204	\$546,941.08
0003AD	Males Ages 37 through 49	\$454.27	1,286	\$584,191.22
0003AE	Females Ages 50+	\$454.27	2,256	\$1,024,833.12
0003AF	Males Ages 50+	\$454.27	1,745	\$792,701.15
CLIN 0003 Total				\$5,202,754.31

⁴ 271 Population (childless adults) are included under the rate cohort for DCHFP, but have a separate set of rates than the DCHFP rate cohort.

(c) Amerigroup DC

CLIN	Rate Cohort	Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0001 DC Healthy Families Program⁵				
0001AA	Under 1 Year of Age	\$454.66	4,812	\$2,187,823.92

0001AB	Delivery Payment	\$10,025.57	275	\$2,757,031.75
0001AC	Birth Payment	\$6,714.27	275	\$1,846,424.25
0001AD	Children Ages 1 through 12	\$195.72	46,749	\$9,149,714.28
0001AE	Females Ages 13 through 18	\$195.72	8,635	\$1,690,042.20
0001AF	Males Ages 13 through 18	\$195.72	8,161	\$1,597,270.92
0001AG	Females Ages 19 through 36	\$382.46	32,236	\$12,328,980.56
0001AH	Males Ages 19 through 36	\$382.46	20,765	\$7,941,781.90
0001AI	Females Ages 37 through 49	\$382.46	12,299	\$4,703,875.54
0001AJ	Males Ages 37 through 49	\$382.46	10,714	\$4,097,676.44
0001AK	Females Ages 50+ Years	\$382.46	10,581	\$4,046,809.26
0001AL	Males Ages 50+ Years	\$382.46	11,539	\$4,413,205.94
CLIN 0001 Total				\$56,760,636.96

⁵ ICP services are included under the rate cohort for DCHFP.

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0002	DC Alliance Program			
0002AA	Females Ages 19 through 36	\$234.72	4,284	\$1,005,540.48
0002AB	Males Ages 19 through 36	\$186.45	2,869	\$534,925.05
0002AC	Females Ages 37 through 49	\$374.22	2,746	\$1,027,608.12
0002AD	Males Ages 37 through 49	\$336.57	1,944	\$654,292.08
0002AE	Females, Ages 50+ Years	\$723.97	2,213	\$1,602,145.61
0002AF	Males, Ages 50+ Years	\$828.98	1,327	\$1,100,056.46
CLIN 0002 Total				\$5,924,567.80

CLIN	Rate Cohort	DHCF Actuarially Sound Rates	Estimated Total Monthly Enrollees per Rate Cohort	Total Estimated Monthly Price per Rate Cohort
0003	271 Population⁶			
0003AA	Females Ages 19 through 36	\$350.97	2,524	\$885,848.28
0003AB	Males, Ages 19 through 36	\$350.97	2,438	\$855,664.86
0003AC	Females Ages 37 through 49	\$350.97	1,204	\$422,567.88
0003AD	Males Ages 37 through 49	\$350.97	1,286	\$451,347.42
0003AE	Females Ages 50+	\$350.97	2,256	\$791,788.32

0003AF	Males Ages 50+	\$350.97	1,745	\$612,442.65
CLIN 0003 Total				\$4,019,659.41

⁶ 271 Population (childless adults) are included under the rate cohort for DCHFP, but have a separate set of rates than the DCHFP rate cohort.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-079
September 10, 2019

SUBJECT: Appointments — Green Building Advisory Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 10 of the Green Building Act of 2006, effective March 8, 2007, D.C. Law 16-234; D.C. Official Code § 6-1451.09 (2018 Repl.), it is hereby **ORDERED** that:

1. **SETH COAN**, is appointed to the Green Building Advisory Council as a representative from the nonprofit sector, replacing Jessica Zimbabwe for the remainder of an expired term to end December 3, 2020.
2. **FERNANDO ARIAS**, is appointed to the Green Building Advisory Council as a representative from the private sector, replacing Eugenia Gregorio, for the remainder of an expired term to end December 3, 2020.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to August 1, 2019.



MURIEL BOWSER
MAYOR

ATTEST: 
 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 18, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett

- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00081; Red & Black, LLC t/a 12 Twelve DC/Kyss Kyss, 1210-1212 H Street NE, License #72734, Retailer CT, ANC 6A
Substantial Change (Request a Sidewalk Café and Entertainment with 4 Seats)
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00083; Rito Loco, LLC, t/a Rito Loco-El Techo, 606 Florida Ave NW, License #104119, Retailer CR, ANC 6E
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00084; Upshur Burger Concepts, LLC, t/a Lucky Buns, 2000 18th Street NW, License #107929, Retailer CR, ANC 1C
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00078; District Soul Food Restaurant & Lounge, LLC, t/a District Soul Food & Lounge, 500 8th Street SE, License #112072, Retailer CR ANC 6B
Application to Renew the License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 19-AUD-00014; Mana, Inc., t/a Benito's Place, 1437 11th Street NW License #106428, Retailer CR, ANC 2F
Failed to File Quarterly Statement

Board's Calendar

September 18, 2019

Show Cause Hearing (Status)

9:30 AM

Case # 19-CMP-00050; SST Management, LLC, t/a BIN-1301, 1301 U Street NW, License #91682, Retailer CT, ANC 1B

Substantial Change without Board Approval (Increase in Occupancy)

Show Cause Hearing (Status)

9:30 AM

Case # 19-CC-00048; Los Cuates Restaurant, Inc., t/a Los Cuates Restaurant 1564 Wisconsin Ave NW, License #79261, Retailer CR, ANC 2E

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status)

9:30 AM

Case # 19-CMP-00058; Family's Corporation, t/a My Canton Restaurant, 1772 Columbia Road NW, License #75479, Retailer CR, ANC 1C

Substantial Change without Board Approval (Increase in Occupancy), Violation of Settlement Agreement

Show Cause Hearing (Status)

9:30 AM

Case # 19-CMP-00036; Ledge, LLC, t/a Truxton Inn, 251 Florida Ave NW License #101217, Retailer CT, ANC 5E

Stored Alcoholic Beverages off Premises Without Board Approval

Fact Finding Hearing*

10:00 AM

Case # 19-CMP-00101; Allen M. Tubis-(Giant Barbeque Battle), 555 Pennsylvania Ave NW, License #113678, Retailer F, ANC 2C

Served Closed Containers of Alcoholic Beverages, Provided "back-up drinks"

Fact Finding Hearing*

10:30 AM

Case # 19-251-00105; The Fireplace Restaurant, Inc., t/a The Fireplace, 2161 P Street NW, License #14419, Retailer CT, ANC 2B

Assault with a Deadly Weapon, Failed to Follow Security Plan

Protest Hearing (Status)*

11:00 AM

Case # 19-PRO-00036; Trump Old Post Office, LLC, t/a Trump International Hotel Washington, D.C., 1100 Pennsylvania Ave NW, License #100648, Retailer CH, ANC 2C

Application to Renew the License

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Board's Calendar
September 18, 2019

Protest Hearing*

1:30 PM

Case # 19-PRO-00038; Only Paradise Restaurant, Inc., t/a Golden Paradise Restaurant, 3903 14th Street NW, License #98205, Retailer CR, ANC 4C
Application to Renew the License

Protest Hearing*

4:30 PM

Case # 19-PRO-00028; Communal Restaurant, LLC, t/a Communal Restaurant 919 5th Street NW, License #108392, Retailer CR, ANC 6E
Application to Renew the License

**The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).*

**This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.*

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 18, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, September 18, 2019 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.” “This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.”

1. Case# 19-CMP-00105, DC Boat House, 5441 MacArthur Blvd. N.W., Retailer CR, License # ABRA-060747

2. Case# 19-CC-00111, Good Hope Deli & Market, 1736 Good Hope Road S.E., Retailer B, License # ABRA-108872

3. Case# 19-CMP-00135, Ivy City Tavern, 1356 Okie Street N.E, Retailer CT, License # ABRA-093795

4. Case# 19-CC-00108, King Convenience Store, 1535 U Street S.E., Retailer B, License # ABRA-089932

5. Case# 19-CMP-00097, Betty’s Gojo, 7616 Georgia Avenue N.W., Retailer CR, License # ABRA-102500

6. Case# 19-CMP-00120, We, The Pizza, 305 Pennsylvania Avenue S.E., License # ABRA-082062

7. Case# 19-CMP-00118, Georgetown Inn West End/Casta's Rum Bar, 1121 New Hampshire Avenue N.W., Retailer CR, License # ABRA-109462

8. Case# 19-CMP-00096, Zeba Bar & Grill, 3423 14th Street N.W., Retailer CT, License # ABRA-079449

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 18, 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 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Assets*, 1805 Connecticut Avenue NW, Retailer CN, License No. 113585.
-

2. Review Request to increase Total Occupancy Load from 65 to 205, in accordance with the Certificate of Occupancy. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Unity*, 1936 9th Street NW, Retailer CT, License No. 109064.
-

3. Review Application for Change of Hours for Summer Garden. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 10am to 11pm, Friday-Saturday 10am to 12am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 10am to 1:30am, Friday-Saturday 10am to 2:30am. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Little Miss Whiskey's Golden Dollar*, 1104 H Street NW, Retailer CT, License No. 079090.
-

***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. This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.**

**APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL AND
APPLETREE INSTITUTE**

NOTICE OF INTENT TO ENTER INTO SOLE SOURCE CONTRACT

Teacher Residency Program SY 2019-2020

AppleTree Early Learning Public Charter School and AppleTree Institute intends to enter into a sole source contract with Relay Graduate program. Please contact Tony Taylor, Director of Operations for details, or visit <https://sites.google.com/appletreeinstitute.org/solesourcecontract>. The deadline for responding to this notice is September 27, 2019 at 4pm and can be submitted to Tony Taylor tony.taylor@appletreeinstitute.org.

**OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF TAX AND REVENUE**

**ELIGIBILITY FOR THE REDUCED RECORDATION TAX RATE
FOR FIRST-TIME HOMEBUYERS IN TAX YEAR 2020**

Effective in Tax Year 2018, the recordation tax rate imposed by the city’s Recorder of Deeds on the purchase of an eligible property by a first-time District of Columbia homebuyer was reduced to 0.725%. “Eligible property” is defined as improved residential real property, including an economic interest in a cooperative unit, that qualifies for the homestead deduction and is purchased for no more than \$625,000 (D.C. Official Code § 42-1101 (17)). A “first-time District homebuyer” means a purchaser who has never owned eligible property as the individual’s principle residence and as having household income, including that of all owners, not exceeding the appropriate income limit established by the Office of Tax and Revenue for the year.

The statute establishes the maximum home purchase price shall be subject to an annual adjustment based on the Washington Area Consumer Price Index (CPI) for All Urban Consumers and rounded to the lowest multiple of \$500.00. Thus,

For calendar year 2016 the Washington Area average CPI value was:	253.42
For calendar year 2018 the Washington Area average CPI value was:	261.45
Consequently, the percent change in the index values for these two time periods is:	3.17%

Therefore, after adjusting for the change in the area CPI, the purchase price for an eligible property for Tax Year 2020 (beginning October 1, 2019) shall not exceed \$644,500.00.

Also, the statute establishes that for Tax Year 2020 the maximum household income with respect to persons living in the household shall be the following:

Maximum Eligible Household Income by Number of Persons in Household for Tax Year 2020	
Persons in Household	Household Income Limit
1	\$153,000
2	\$174,780
3	\$196,560
4	\$218,340
5	\$235,980
6	\$253,440
7	\$270,900
8	\$288,360

Source: Derived by the Office of Tax and Revenue from “FY 2019 Income Limits Documentation System” published by the U.S. Department of Housing and Urban Development.

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Strategic Assessment & Planning Services

Creative Minds International PCS located in Washington DC invites proposals for Strategic Assessment & Planning Services. Submission deadline is 12:00 PM Eastern Time on September 25, 2019.

To request full scope and/or seek additional information, please email:

Heather Hesslink
Director of Operations & Compliance
heather.hesslink@creativemindspcs.org

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR THE U.S. GOVERNMENT PUBLISHING OFFICE**

Notice is hereby given that the U.S. Government Publishing Office has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at the U.S. Government Publishing Office, located at 732 N. Capitol Street NW, Washington DC 20401:

Emission Units				
Printing Equipment				
Press Group	Unit ID	Location	Press Type	Description
Group 9	4538 & 4542	Bldg C, 2nd Fl	Non-web Letterpress	Halm Jet 1-Color Envelope Press
Group 11	4632 & 4532	Bldg C, 2nd Fl	Non-web Letterpress	Diamond P-18 2-Color Envelope Press
Group 40	1101	Bldg C, 2nd Fl	Non-web Coater (utilizes aqueous or UV coatings)	Kompac Kwik Finish Coater
Group 50	--	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg PM GTO 52-2
Group 52	1100	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Presstek 52 DI
Group 74	4493	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-102-4-P3
Group 75	4496	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg CD 102 6-Color Sheet Fed
Group 80	2376	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Ryobi 3302HA
Group 81	4219 & 4670	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-74-1
Group 82	5367	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-72-2-P

Press Group	Unit ID	Location	Press Type	Description
Group 84	4668	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-102-2-P
Group 86	3474	Bldg C, 2nd Fl	Heatset Web Offset Lithography	Hantscho Single Unit Web Press, controlled by Phoenix 4000 series thermal oxidizer
Group 90	6901	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Ryobi 928PF
Group 95	4507	Bldg C, 2nd Fl	Heatset Web Offset Lithography	ZMR Timson T-48A, with built in oxidizer/dryer
Group 96	SID	Bldg D, 2nd Fl (SID)	Sheet-fed Non-heatset Offset Lithography	Heidelberg CD 102 7-Color
Group 97	SID	Bldg D, 2nd Fl (SID)	Sheet-fed Silk Screen Press with electric dryers	BecMar Classic General Silk Screen
Group 98	8535, 8536 & 8537	Bldg C, 4th Fl	Heatset Web Offset Lithography	Hantscho Double Unit Web Press, controlled by Phoenix 7000 series thermal oxidizer with Phoenix 5000 series thermal oxidizer as back up
--	--	Bldg C, 2nd Fl	Sheet-fed Silk Screen Press with electric dryers	BecMar Classic General Silk Screen
--	4-Color Inkjet 1	Bldg C, 4th Fl	Web Inkjet	Canon Colorstream 4-Color Inkjet Printer
--	1-Color Inkjets 1, 2, 3, & 4	Bldg C, 4th Fl	Web Inkjet	Canon Colorstream 1-Color Inkjet Printers

Emergency Generator Set

Location	Emission Unit Identification	Description
Bldg C, Power Branch	Caterpillar Model No. 3306TA generator set	230 kWe generator set powered by a 349 hp diesel- engine, installation date: 2000 (non-NSPS)

Paint Booth

Location	Description
Bldg A, roof	Non-Auto Body Col-Met side down draft cross-draft Paint Booth

Degreasers/Parts Washers

Location	Unit Description	Degreaser Type
Bldg A, Garage Shop	B-126 Safety Kleen Sink Parts Washer Model 16, S/N 30201378	Remote Reservoir

Location	Unit Description	Degreaser Type
Bldg C, Forklift/Truck Shop	C-142 Klamas Kleen Parts Washer (30-gallon)	Remote Reservoir
Bldg C, Machine Shop	C-322 Safety-Kleen Model 81 Agitating Parts Washer (80-gallon), S/N 902236683	Immersion
Bldg C, Power Branch	C-012/Machinist Branch Wel-Bilt Portable Parts Washer (20-gallon), #141226	Remote Reservoir
Bldg C, Bindery Area	Portable degreaser for the bindery area	Immersion

Scrap Paper Baling Systems

Location	Description
Bldg A and C	Main cyclones/baling system consisting of eleven air scrap paper pick-up points from Buildings A and C routed to two cyclones that merge into vent filters on the roof, with collected paper fed to two baling systems on 1st floor of Building A.
Bldg D, 2nd Fl	SID cyclone/baling system consisting of two air scrap paper pick-up points from trimming machines in Building D routed to a cyclone and vented outdoors, with collected paper fed to a baler
Bldg D, 3rd Fl	SID cyclone/baling system consisting of three air scrap paper pick-up points from trimming machines in Building D routed to a cyclone and vented outdoors, with collected paper fed to a baler

Miscellaneous Activities:

Location	Description
Bldg A, 1st Fl	Manual backup baling system consisting of manual scrap paper pick-up in Building A routed to a baghouse/dust collector that vents indoors, with collected paper fed to a baler
Bldg C, 3rd and 4th Fl	Bindery dust collector system consisting of air pick-up points from bindery machines in Building C routed to a cartridge filter dust collector and vented back indoors
Bldg C, 4th Fl	Bindery dust baghouse system consisting of air pick-up points from paper trimming operation in Building C routed to a baghouse and vented indoors
Bldg A, 2nd Fl	Carpentry shop baghouse system consisting of air pick-up points throughout the carpentry shop routed to a baghouse and vented back indoors
Bldg D, 3rd Fl	SID paper separator/briquetter system consisting of three air scrap paper pick-up points from trimming machines in Building D routed to a rotary separator screen that removes the paper to granulator that reduces paper's size and routed to cyclone, paper routed to a briquetter that compresses the paper into small hockey puck sized briquettes, air routed to cartridge filter dust collector and vented back indoors
Bldg D, 1st Fl	Baghouse 1st floor SID associated with a paper shredder that is

Location	Description
	manually fed with scrap paper, routed to baghouse and vented indoors
Bldg C, Power Branch	Three York Chillers (1850 ton), using R-134a refrigerant, installed in 2003
Bldg C, roof	Three induced draft cooling towers
Bldg B, 5th Fl	Laboratory operations that include equipment for the small scale formulation and testing of inks, coatings, and other materials related to GPO's operations
Bldg A, basement	One 2,400 gallon aboveground diesel storage tank

The contact person for the facility is Mr. Lonny E. Beal, CSP, Safety and Occupational Health Manager, at (202) 512-0537 or lbeal@gpo.gov.

The following is an estimate of overall potential emissions from the facility:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	Potential Emissions
Sulfur Dioxide (SO ₂)	0.26
Oxides of Nitrogen (NO _x)	16.99
Total Particulate Matter (PM Total)	31.44
Volatile Organic Compounds (VOCs)	88.09
Carbon Monoxide (CO)	12.58
Total Hazardous Air Pollutants (HAPs)	9.09

This facility has the potential to emit (PTE) approximately 88.09 tons per year (TPY) of VOC. This exceeds the major source threshold for VOC in the District of Columbia of 25 TPY. Because potential emissions of VOC exceed the major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 (Title V) and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

Description and Emission Information for Units being Permitted for the First Time:

Emission Units				
Printing Equipment				
Press Group	Unit ID	Location	Press Type	Description
Group 9	4538 & 4542	Bldg C, 2nd Fl	Non-web Letterpress	Halm Jet 1-Color Envelope Press
Group 11	4632 & 4532	Bldg C, 2nd Fl	Non-web Letterpress	Diamond P-18 2-Color Envelope Press
Group 40	1101	Bldg C, 2nd Fl	Non-web Coater (utilizes aqueous or UV coatings)	Kompac Kwik Finish Coater

Emission Units				
Printing Equipment				
Press Group	Unit ID	Location	Press Type	Description
Group 75	4496	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg CD 102 6-Color Sheet Fed
Group 81	4219 & 4670	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-74-1
Group 84	4668	Bldg C, 2nd Fl	Sheet-fed Non-heatset Offset Lithography	Heidelberg SM-102-2-P
Group 86	3474	Bldg C, 2nd Fl	Heatset Web Offset Lithography	Hantscho Single Unit Web Press, controlled by Phoenix 4000 series thermal oxidizer
Group 97	SID	Bldg D, 2nd Fl (SID)	Sheet-fed Silk Screen Press with electric dryers	BecMar Classic General Silk Screen
Group 98	8535, 8536 & 8537	Bldg C, 4th Fl	Heatset Web Offset Lithography	Hantscho Double Unit, controlled by Phoenix 7000 series thermal oxidizer with Phoenix 5000 series thermal oxidizer as back up
--	--	Bldg C, 2nd Fl	Sheet-fed Silk Screen Press with electric dryers	BecMar Classic General Silk Screen

Scrap Paper Baling Systems	
Location	Description
Bldg A and C	Main cyclones/baling system consisting of eleven air scrap paper pick-up points from Buildings A and C routed to two cyclones that merge into vent filters on the roof, with collected paper fed to two baling systems on 1st floor of Building A.
Bldg D, 2nd Fl	SID cyclone/baling system consisting of two air scrap paper pick-up points from trimming machines in Building D routed to a cyclone and vented outdoors, with collected paper fed to a baler
Bldg D, 3rd Fl	SID cyclone/baling system consisting of three air scrap paper pick-up points from trimming machines in Building D routed to a cyclone and vented outdoors, with collected paper fed to a baler

The proposed emission limits from the Group 9 and Group 11 presses are as follows:

- A. Emissions from all materials used in conjunction with the four letterpress units (in aggregate) shall not exceed 15 pounds of VOCs per day on a calendar month average basis. [20 DCMR 201 and 20 DCMR 716.1(c)]

- B. No visible emissions shall be emitted from this equipment. [20 DCMR 201 and 20 DCMR 606.1]
- C. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The proposed emission limits for the Group 75, Group 81, Group 84, Group 86, and Group 98 printing presses are as follows:

- A. No visible emissions shall be emitted from this equipment. [20 DCMR 201 and 20 DCMR 606.1]
- 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]

The proposed emission limits for the Group 40, Group 97, and Silk Screen printing presses are as follows:

- A. No person shall discharge into the atmosphere more than fifteen (15) pounds of VOC emissions in any one (1) day, nor more than three pounds (3 lb.) in any one (1) hour, from the units covered by Condition III(d) of this permit, in combination with painting operations listed in Condition III(f) of this permit and laboratory activities listed in Condition IV of this permit, and any other combination of articles, machines, units, equipment, or other contrivances at the facility, not covered by a section of 20 DCMR Chapter 7 other than Section 700, unless the uncontrolled VOC emissions are reduced by at least ninety percent (90%) overall capture and control efficiency. [20 DCMR 700.2]
- B. No visible emissions shall be emitted from this equipment. [20 DCMR 201 and 20 DCMR 606.1]
- C. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The proposed emission limits for the Baling Systems are as follows:

- A. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of this permit (Condition III(h)(2)).
- B. The emission of fugitive dust to the outdoor atmosphere from the baling systems is prohibited. [20 DCMR 605.2]

- C. The discharge of particulate matter into the atmosphere from the baling systems shall not exceed the following: [20 DCMR 603.1 and 20 DCMR Chapter 6, Appendix 6-1]
- i. Three hundredths (0.03) grains per dry standard cubic foot of exhaust gas;
 - ii. 4.81 pounds per hour from the Main cyclones/baling system; and
 - iii. 1.03 pounds per hour from the SID cyclone/baling systems.
- D. Visible emissions shall not be emitted from the baling systems. [20 DCMR 201 and 20 DCMR 606.1]
- E. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

Estimated Emissions from these units

The estimated maximum potential emissions from the printing presses not previously permitted are 38.28 tons per year of VOCs.

The estimated maximum potential emissions from the baling systems not previously permitted are 30.09 tons per year of PM.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 029-R1 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notices-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment

1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after October 15, 2019 will be accepted.

For more information, please contact Thomas Olmstead at (202) 535- 2273
or thomas.olmstead@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 (DDOE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue air quality permit Nos. 6745-R1, 6746-R1, and 6747-R1 to the U.S. Department of the Navy, Joint Base Anacostia-Bolling to operate three existing boilers rated at 30.25 MMBtu per hour heat input when operating using natural gas and 28.8 MMBTU/hr heat input when operating using No. 2 fuel oil. These boilers are located at Joint Base Anacostia-Bolling, Building 18. The base is located at 370 Brookley Avenue SW, Washington DC 20032; Building 18 is located at 18 Brookley Avenue SW, Washington DC 20032. The contact person for the facility is Paul D’Ornellas, Installation Environmental Program Director, Joint Base Anacostia-Bolling, at (202) 767-0193.

Emissions:

Maximum emissions from the three units with operating constraints (total combined boiler operations of 13,872 hours per year) are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	2.856
Oxides of Sulfur (SO _x)	0.315
Oxides of Nitrogen (NO _x)	23.967
Volatile Organic Compounds (VOC)	7.589
Carbon Monoxide (CO)	7.756

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

- a. Each of the three boilers shall not emit pollutants in excess of those specified in the following tables [20 DCMR 201]:

Boiler Emission Limits			
Pollutant	Each Boiler Individually		Total Combined Annual Emissions Limit From the Three Boilers (ton/yr)
	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (#2 Fuel Oil) (lb/hr)	
Carbon Monoxide (CO)	1.119	1.066	7.755
Oxides of Nitrogen (NO _x)	1.210	3.458	23.967
Total Particulate Matter (PM Total)*	0.145	0.412	2.856
Volatile Organic Compounds (VOC)	0.091	1.095	7.589
Oxides of Sulfur (SO _x)	0.015	0.045	0.315

*PM Total includes both filterable and condensable fractions.

- b. Total suspended particulate matter emissions from each of the boilers shall not be greater than 0.08 pounds per million BTU. [20 DCMR 600.1].
- c. Visible emissions shall not be emitted from these units except that discharges not exceeding 40% opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minutes period and for an aggregate of twelve (12) minutes in any twenty-four (24) hours period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1].
- d. In addition to the requirements of Condition (c), no greater than 20% opacity shall be permitted except for one six minute period per hour of not more than 27% opacity when burning No. 2 fuel oil. [40 CFR Subpart Dc, 60.43c(c) and 20 DCMR 205]
- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property is prohibited. [20 DCMR 903.1]
- f. NO_x and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.5(a) and 805.8(a) and (b)]:
 - 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 - 3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 - 4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in this section.

The permit application package and the supporting documentation, along with the draft permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality

issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after October 15, 2019 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue Permit No. 7269 to The United States Department of the Navy, Joint Base Anacostia-Bolling (JBAB), to construct and operate an ArrestAll AR6-25 dust collector, identified as emission unit PM-399-2, to be located at JBAB, Bldg. 399, 2743 Defense Blvd SW, Washington DC. The dust collector will control emissions from woodworking operations. The contact person for the facility is Michael Hooks, Air Quality Program Manager, phone number: (202) 767- 4407. The applicant’s mailing address is 370 Brookley Avenue SW, Washington DC 20032.

Emissions:

The estimated maximum annual emissions from the dust collector are as follows:

	Dust Collector Maximum Annual Emissions
Pollutant	(lbs/yr)
Total Suspended Particulate Matter (TSP)	5.3

The proposed dust collector emission limits are as follows:

- a. Total suspended particulate matter (TSP) emissions from the dust collector shall not exceed 0.03 gr/dscf and shall not exceed 5.3 lbs per year. [20 DCMR 201 and 20 DCMR 603]
- b. Adding diluent air to the gas stream to comply with Condition (a) is prohibited. [20 DCMR 603.3]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from this equipment. [20 DCMR 201 and 20 DCMR 606.1].

The permit application and supporting documentation, along with the draft permit is available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name,

telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after October 15, 2019 will be accepted.

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

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Friendship Public Charter School is soliciting proposals from qualified vendors for:

- **Related Services for Students Requiring Clinical Services**
- **Staffing Services to assist in recruiting and direct hire of teachers and staff for permanent placements**
- **Provide rigging services, plan and execute rigging systems and support for Friendship School events requiring stage production set-up and lighting**

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Friday, **October 11th, 2019**. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

**MEDICAID FEE SCHEDULE UPDATES FOR PERSONAL CARE AIDE (PCA)
SERVICES**

The Department of Health Care Finance (DHCF), in accordance with the requirements in Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) §§ 988.4, 4209.7, and 5015.3, announces changes to the Medicaid reimbursement rates for PCA services provided by Home Health Agencies. The changes to the rates will become effective on October 1, 2019.

The PCA services reimbursement rates are adjusted to include the Universal Paid Leave Act tax.

The table below provides a listing of both the billing codes and new rates for PCA services.

<u>Code</u>	<u>Service Description</u>	<u>Reimbursement Rate</u>
T1019-NP	State Plan	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-UT	Personal Care Aide Services	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-52	Personal Care Service Per 15 Min	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-U3	EPD Waiver Services Per 15 Min	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-NP-U3	EPD Waiver Services Per 15 Min	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-UT-U3	ASSESSED AND SERVICES BEING TERMINATED	\$ 21.12 Per Hour, \$5.28 per 15 minutes
T1019-52-U3	ASSESSED AND SERVICES BEING REDUCED	\$ 21.12 Per Hour, \$5.28 per 15 minutes

The Medicaid Fee Schedule for the PCA services is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

If you have any questions, please contact Andrea Clark, Reimbursement Analyst, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email at andrea.clark@dc.gov or (202) 724-4096.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR THE HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES (EPD)

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) §§ 988.4 and 4209.7, announces changes to the Medicaid reimbursement rates for services provided to beneficiaries enrolled in EPD Waiver. The changes to the rates will become effective on October 1, 2019.

The EPD reimbursement rates are adjusted to include the Universal Paid Leave Act tax.

DHCF is increasing the reimbursement rates for seven (7) EPD Waiver services as follows: (1) Case Management Services, as set forth in 29 DCMR § 4210; (2) Personal Care Aide (PCA) Services, as set forth in 29 DCMR § 4211; (3) Respite Services, as set forth in 29 DCMR § 4213; (4) Homemaker Services, as set forth in 29 DCMR § 4214; (5) Chore Aide Services, as set forth in 29 DCMR § 4215; (6) Assisted Living Services, as set forth in 29 DCMR § 4216; and (7) Adult Day Health Services, as set forth in 29 DCMR § 4218;

The reimbursement rates for each service will be included on the Medicaid Fee Schedule for the EPD Waiver. The Medicaid Fee Schedule for the EPD Waiver is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

If you have any questions, please contact Andrea Clark, Reimbursement Analyst, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email at andrea.clark@dc.gov or (202) 724-4096.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
September 25, 2019

On SEPTEMBER 25, 2019 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

DEPARTMENT OF HEALTH**NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following corrected notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, October 29, 2019, from 10:00 a.m. until 12:00 p.m.
At 899 North Capitol St., NE, 2nd Floor, Room 216
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp

Please monitor the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp for updates. Phone inquiries will not be accepted regarding this topic.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Building Information Model Creation and Facilities Operations Cloud-Based Web Application**

KIPP DC is soliciting proposals from qualified vendors for Building Information Model (BIM) Creation and a Facilities Operations Cloud-Based Web Application. 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 September 27, 2019. Questions can be addressed to jason.ray@kippdc.org.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

This NOFA has been revised to extend the application date one week for the Upper Georgia Avenue program.

FY2020 DC MAIN STREETS

(Logan Circle, Upper Bladensburg Road, Glover Park, Cleveland Park, U Street, and Upper Georgia Avenue)

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to operate a DC Main Streets program in the service areas listed below.

The submission deadline is September 12, 2019 at 12:00 pm for the below programs:

- Logan Circle
- Upper Bladensburg Road
- Glover Park
- Cleveland Park
- U Street

The submission deadline is September 19, 2019 at 12:00 pm for the below program:

- Upper Georgia Avenue

The purpose of this grant is to designate and fund DC Main Streets programs, which will assist business districts with the retention, expansion and attraction of neighborhood-serving retail stores and unify and strengthen the commercial corridor.

DSLBD will award **one grant of \$150,000 for each** of the following service areas (i.e., a total of two grants):

- Logan Circle
- Upper Bladensburg Road

DSLBD will award **one grant of \$160,000 for each** of the following service areas (i.e., a total of four grants):

- Glover Park
- Cleveland Park
- U Street
- Upper Georgia Avenue

Eligible Applicants: Eligible applicants are DC-based nonprofit organizations which are current on all taxes.

The DC Main Streets grant award is a recurring grant, which can be renewed annually as long as the grantee continues to meet the standards for accreditation by the National Main Street Center. The FY 2020 grant performance period is October 1, 2019 through September 30, 2020.

Application Process: Interested applicants must complete an online application on or before **September 12, at 12:00 pm** for Logan Circle, Upper Bladensburg Road, Glover Park, Cleveland Park, and U Street. Interested applicants must complete an online application on or before **September 19, at 12:00 pm** for Upper Georgia Avenue. Instructions for the application can be found in the Request for Applications (RFA), were posted by August 14, 2019 at <https://dslbd.dc.gov/service/current-solicitations-opportunities>. DSLBD will not accept applications submitted via hand delivery, mail or courier service. Late submissions and incomplete applications will not be forwarded to the review panel.

Selection Process: DSLBD will select grant recipients through a competitive application process. All applications from eligible applicants that are received before the deadline will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria. The Director of DSLBD will make the final determination of grant awards. Grantees will be selected by September 30, 2019, but this date may be subject to change.

Funding for this award is contingent on continued funding from the DC Council. The RFA does not commit the Agency to make an award.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

All applicants must attest to executing DSLBD grant agreement as issued (sample document will be provided with the online application) and to starting services by October 15, 2019.

For More Information: Attend the Application Information Session. Please refer to the Request for Applications to see the date, time and location of this meeting.

Questions may be sent to Jennifer Prats, DC Main Streets Grants Manager, at the Department of Small and Local Business Development at Jennifer.prats@dc.gov. All questions must be submitted in writing.

**DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT
NOTICE OF FUNDING AVAILABILITY**

**WeAspire Returning Citizen Entrepreneurial Ecosystem Grants:
Grants that build the returning citizen business ecosystem
Updated 9/01/2019**

The Department of Small and Local Business Development (DSLBD) is excited to announce that we will be seeking applications for the 2020 **WeAspire: Returning Citizen Entrepreneurial Ecosystem Grant**.

The grants are to grow and expand the mix of resources available to returning citizen business owners and aspiring owners within the District. Applicants can propose short- or longer-term programming with activities taking place between January 1 and August 30, 2020. Programming proposals can include, but are not limited to:

- One-time or multiple activations, such as skill-building workshops;
- Entrepreneurship training series;
- Creating pipeline access to pro-bono/low-bono professional services (like accounting, legal, marketing, business development); or
- Other proposed ideas as accepted by the Department.

DSLBD intends to award up to 10 grants, of between \$25,000 and \$150,000, from the \$250,000 in total available funding for 2020.

How do I apply?

Full guidance and instructions will be available in the Request for Applications (RFA) that will be released on or before September 15, 2019, on the DSLBD website: <https://dslbd.dc.gov>.

Deadline

The deadline to apply online is **November 1, 2019 at 2:00 p.m.** Applications will only be accepted through the online application system.

Who can apply?

Applicants may be for-profit businesses or non-profit entities. Those with significant connections to DC and to the returning citizen community in DC will be prioritized.

NOTICE OF FUNDING AVAILABILITY (Page 2)
WeAspire Returning Citizen Entrepreneurial Ecosystem Grants

How can the funds be used?

The grant funds can be used to support programming and activities that expand the mix of resources available to DC returning citizen business owners for expenses and activities between the dates of January 1, 2020 through August 30, 2020. Additional allowed uses and restrictions will be outlined in the RFA.

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.

A program team will review the recommendations. The Director of DLSBD will make the final determination of grant awards. Grantees will be selected by December 15, 2020. Funds will be available no sooner than spring 2020, on an individual payment schedule per awarded grant.

Questions?

We encourage interested applicants to attend a *WeAspire Returning Citizen Entrepreneurial Ecosystem Grant Information Session* and will offer one or more *Grant Paperwork Bootcamps*. Please refer to the DSLBD Eventbrite at http://bit.ly/dslbd_events for the most accurate information about the date, time, and location of these meetings.

Questions may be sent to the Innovation & Equitable Development Team at the Department of Small and Local Business Development at Inno.ED@dc.gov. All questions 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.

**STATESMEN COLLEGE PREPARATORY ACADEMY FOR BOYS
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

School Leader/Teacher Training/Instructional Management

Statesmen College Preparatory Academy for Boys Public Charter School is soliciting proposals for the following contracted services:

School Leader/Teacher Training/Instructional Management

RFP Process Schedule:

Listed below is the schedule for activities related to this RFP. The following schedule reflects the expected completion dates but may be modified by Statesmen PCS at any time at its sole discretion:

RFP Issuance:	Friday, September 13, 2019
Due Date for Bidder Questions:	Tuesday, September 17, 2019 at 5:00pm EST
Response to Questions:	Thursday, September 19, 2019
Proposal Due Date:	Monday, September 23, 2019 at 5:00pm EST
Notification of Award:	on or before Thursday, September 26, 2019

For complete RFP request, process and submission information, please check www.statesmenboys.org. Bidders shall not communicate with any other Statesmen PCS representative during the RFP process. All communication regarding this RFP (including submission) shall be delivered via e-mail only (no telephone calls) to: seanflora@statesmenboys.org

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