VOL. 66 – NO. 39 SEPTEMBER 20, 2019

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts passes Law 23-11, Fiscal Year 2020 Local Budget Act of 2019
- D.C. Council schedules a public oversight roundtable on “Five Years of the Metropolitan Police Department's Body-Worn Camera Program: Reflections and Next Steps”
- D.C. Council schedules a public oversight roundtable on “Proposed Transfer of the Automated Traffic Enforcement Program from MPD to DDOT”
- Office of the State Superintendent of Education announces availability of the FY20 National School Lunch Program Equipment Grant
- Commission on Judicial Disabilities and Tenure updates the physical examination and medical information requirements for judges seeking appointments or re-appointments
- University of the District of Columbia revises the student health insurance fees
- D.C. Water and Sewer Authority extends the Customer Assistance Program II (CAP2) through Fiscal Year 2020
- D.C. Water and Sewer Authority updates the retail groundwater, cooling water, and non-potable water sewer service rates

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et *seq*. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-50l et *seq.* (2012 Repl.).

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

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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-9

"Adelaide Alley Designation Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-22 on first and second readings June 4, 2019, and June 25, 2019, respectively. Following the signature of the Mayor on July 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-79 and was published in the July 19, 2019 edition of the D.C. Register (Vol. 66, page 8264). Act 23-79 was transmitted to Congress on July 22, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-79 is now D.C. Law 23-9, effective August 31, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-10

"Fiscal Year 2019 Revised Local Budget Temporary Adjustment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-206 on first and second readings May 28, 2019, and June 18, 2019, respectively. Following the signature of the Mayor on July 8, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-74 and was published in the July 12, 2019 edition of the D.C. Register (Vol. 66, page 8069). Act 23-74 was transmitted to Congress on July 15, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-74 is now D.C. Law 23-10, effective August 24, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-11

"Fiscal Year 2020 Local Budget Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-208 on first and second readings May 14, 2019, and May 28, 2019, respectively. Following the signature of the Mayor on July 15, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-78 and was published in the July 19, 2019 edition of the D.C. Register (Vol. 66, page 8242). Act 23-78 was transmitted to Congress on July 22, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-78 is now D.C. Law 23-11, effective August 31, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-12

"Florida Avenue Multimodal Project Completion Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-268 on first and second readings May 7, 2019, and June 4, 2019, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 23-73 and was published in the July 12, 2019 edition of the D.C. Register (Vol. 66, page 8067). Act 23-73 was transmitted to Congress on July 15, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-73 is now D.C. Law 23-12, effective August 24, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-13

"Fair Elections Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-283 on first and second readings May 7, 2019, and June 4, 2019, respectively. Following the signature of the Mayor on July 1, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-70 and was published in the July 12, 2019 edition of the D.C. Register (Vol. 66, page 8058). Act 23-70 was transmitted to Congress on July 15, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-70 is now D.C. Law 23-13, effective August 24, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-14

"Adams Morgan Business Improvement District Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-285 on first and second readings May 7, 2019, and June 4, 2019, respectively. Following the signature of the Mayor on July 1, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-71 and was published in the July 12, 2019 edition of the D.C. Register (Vol. 66, page 8063). Act 23-71 was transmitted to Congress on July 15, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-71 is now D.C. Law 23-14, effective August 24, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-15

"Legitimate Theater Sidewalk Cafe Authorization Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-306 on first and second readings May 28, 2019, and June 25, 2019, respectively. Following the signature of the Mayor on July 16, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-86 and was published in the July 26, 2019 edition of the D.C. Register (Vol. 66, page 8487). Act 23-86 was transmitted to Congress on July 22, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-86 is now D.C. Law 23-15, effective August 31, 2019.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	22, 23, 24, 25, 26, 29, 30, 31
August	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC HEARING ON

B23-242, the Bicycle Advisory Council Expansion Amendment Act of 2019;
B23-257, the Mandatory Protected Cycling Lane Amendment Act of 2019;
B23-288, the Vision Zero Enhancement Omnibus Amendment Act of 2019;
B23-292, the Curb Extensions Act of 2019; and
B23-293, the Cyclist Safety Campaign Amendment Act of 2019

October 24, 2019, at 11:30 AM
in Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Thursday, October 24, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-242, the Bicycle Advisory Council Expansion Amendment Act of 2019; B23-257, the Mandatory Protected Cycling Lane Amendment Act of 2019; B23-288, the Vision Zero Enhancement Omnibus Amendment Act of 2019; B23-292, the Curb Extensions Act of 2019; and B23-293, the Cyclist Safety Campaign Amendment Act of 2019. The hearing will begin at 11:30 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

B23-242 would add a representative from the Department of Public Works to the Bicycle Advisory Council. B23-257 would require the District Department of Transportation (DDOT) to construct a protected bicycle lane or cycle track on road segments included in the recommended bicycle network in the District of Columbia's Multimodal Long-Range Transportation Plan where DDOT is otherwise engaging in road reconstruction, major repair, or curb or gutter replacement. B23-288 would make several changes to increase pedestrian and cyclist safety, including requiring DDOT to install sidewalks on both sides of a street, to connect new sidewalks to existing sidewalks, and to mark unmarked crosswalks; prohibiting DDOT from issuing public space permits for certain projects unless the plans include installing new sidewalks, bicycle lanes, or marked crosswalks; requiring that DDOT issue reports on how projects or recommendations equitably increase transportation safety; requiring Council approval of the Multimodal Long-Range Transportation Plan; and allowing shorter notice for proposals to regulate traffic if the regulation will increase safety at high-risk intersections. B23-292 would require the installation of curb extensions to reduce pedestrian crossing distances when DDOT repaves roadways. B23-293 would require the Department of Motor Vehicles to quiz driver license applicants on bicycle safety and to establish a public outreach campaign to raise awareness of automobile-bicycle accident injuries and fatalities.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on November 7, 2019.

This notice is revised to reflect that the date and time of the public hearing has been changed from September 23rd at 11a.m. to October 24th at 11:30 a.m.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING
on
Bill 23-304, Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019
Bill 23-328, Closing of a Public Alley in Square 5017, S.O. 16-24507, Act of 2019
Bill 23-331, Closing of a Public Alley in Square 369, S.O. 18003, Act of 2019
on
Thursday, October 10, 2019
10:00 a.m. in Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 23-304**, the "Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019," **Bill 23-328**, the "Closing of a Public Alley in Square 5017, S.O. 16-24507, Act of 2019," and **Bill 23-331**, the "Closing of a Public Alley in Square 369, S.O. 18003, Act of 2019." The hearing will be held at 10:00 a.m. on Thursday, October 10, 2019 in Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 23-304** is to order the closing of a portion of the public alley system in Square 1145, bounded by properties at 5529 and 5531 Sherier Place N.W. in Ward 3. The stated purpose of **Bill 23-328** is to order the closing of a portion of the public alley system in Square 5017, bounded by Benning Road N.E., 36th Street N.E., Eads Street N.E., and 34th Street N.E., in Ward 7. The stated purpose of **Bill 23-331** is to order the closing of a portion of the public alley system in Square 369 in Ward 2, bounded by L Street N.W., 10th Street N.W., M Street N.W., and 9th Street N.W.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Blaine Stum, Legislative Policy Advisor, at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by the close of business **Tuesday, October 8, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 8, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a larger number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at http://www.chairmanmendelson.com/circulation.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 24, 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

BILL 23-0318, THE "COMMUNITY SAFETY AND HEALTH AMENDMENT ACT OF 2019"

Thursday, October 17, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Thursday, October 17, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 23-0318, the "Community Safety and Health 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.

The stated purpose of B23-0318 is: to amend an Act for the suppression of prostitution in the District of Columbia; to amend an Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof to remove certain criminal penalties for engaging in sex work in order to promote health and safety; to repeal Section 1 of an Act to enjoin and abate houses of lewdness, assignation, and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof; to repeal an Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and to create a task force to assess the impact of the legislation and recommend further reforms to improve community safety and health.

The Committee invites the public to testify or to submit written testimony. ***Please note that the Committee can accommodate witnesses who do not wish to use their own name or be captured on camera.*** 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, October 14**. 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 Friday, November 1.**

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

BILL 23-0324, THE "RESTORE THE VOTE AMENDMENT ACT OF 2019"

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

On Thursday, October 10, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss Bill 23-0324, the "Restore the Vote Amendment Act of 2019". The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m. *Please note that the Committee will also be holding an evening field hearing in the community on the bill later in the fall.*

The stated purpose of B23-0324 is to amend the District of Columbia Election Code of 1955 to extend voting rights to residents currently incarcerated for felony convictions. This would include otherwise qualified residents convicted of a felony and pending transfer to the Bureau of Prisons, as well as those currently incarcerated in Federal Bureau of Prisons facilities throughout the country. The proposed applicability date would be January 1, 2021.

Currently, non-incarcerated District residents with criminal records are fully enfranchised, as well as residents currently incarcerated for misdemeanors or those incarcerated in the District and awaiting trial for a felony offense. District residents are not considered incarcerated if they have completed a court-ordered sentence of confinement and subsequently reside in a halfway house or other community supervision center, or if they are otherwise on court-ordered supervision. A Board of Elections voting guide for incarcerated and returning citizens is available here: https://www.dcboe.org/getattachment/Data-Resources-Forms/Forms-and-Resources/ReturningCitizens_4-30-18.pdf.aspx?lang=en-US.

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, October 7**. 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 24.**

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

FIVE YEARS OF THE METROPOLITAN POLICE DEPARTMENT'S BODY-WORN CAMERA PROGRAM: REFLECTIONS AND NEXT STEPS

Thursday, September 26, 2019, 12:30 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Thursday, September 26, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable to discuss "Five Years of the Metropolitan Police Department's Body-Worn Camera Program: Reflections and Next Steps". The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 12:30 p.m. Note that the Committee has also scheduled a public roundtable in the same room from 10 a.m. to noon.

In October 2014, the Metropolitan Police Department ("MPD") launched Phase I of its body-worn camera program with a 400-camera model selection pilot. Phase II was launched in June 2015, in which another 400-camera expansion formed the basis for a research study on their impact on such issues as resident complaints and the use of force. Concurrently, the Council passed D.C. Law 21-83, the Body-Worn Camera Program Amendment Act of 2015, which prioritized public and civilian oversight agency access to video footage, with protections for personal privacy; established retention requirements; allowed public records requests; required program analysis; and mandated regular reporting by MPD. At the time, the Committee on the Judiciary noted that body-worn cameras can serve several purposes: (1) fostering accountability and enhancing performance by law enforcement; (2) improving police-community relations; (3) promoting the fair administration of justice; (4) creating more accurate and transparent records of law enforcement's interactions with the public; (5) improving evidence collection; and (6) discouraging and defending against erroneous complaints against law enforcement officials.

Subsequent to the law's passage, in 2016, MPD expanded its deployment to 2,800 cameras for officers and sergeants in public contact positions in all districts and other specialized units – at the time, the largest deployment of body-worn cameras in the country. As of December 2018, more than 3,100 cameras were deployed.

This public oversight roundtable will review the existing law, regulations, and MPD policies governing the body-worn camera program; MPD's biannual reports; the release of and access to video footage over the past five years; subsequent developments in other jurisdictions; and any recommendations for the program from the public, subject-matter experts, and government agencies. More broadly, the Committee will consider whether the goals underlying the procurement and deployment of body-worn cameras noted above have been advanced, and if so, how.

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 Monday, September 23**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Tuesday, October 1.**

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

PROPOSED RESOLUTION 23-0357, THE "CLOSED CIRCUIT TELEVISION MODERNIZATION RULEMAKING APPROVAL RESOLUTION OF 2019"

Thursday, September 26, 2019, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Thursday, September 26, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to discuss Proposed Resolution 23-0357, the "Closed Circuit Television Modernization Rulemaking Approval Resolution of 2019". The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The stated purpose of PR23-0357 is to approve a proposed rulemaking to amend Chapter 25 (Metropolitan Police Department Use of Closed Circuit Television) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations. The rulemaking would change the requirement that an official of the rank of Lieutenant or above must be present in the Command Information Center to monitor CCTV activities and would allow for sergeants and civilian equivalents to do so; extend the current CCTV retention period from 10 days to 90 days; allow CCTV recordings used for training purposes to be retained as per the Metropolitan Police Department's retention schedule for Police Academy records; and require video recordings to be maintained rather than "indexed" or "stored".

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 Monday, September 23**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Tuesday, October 1.**

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

CHARLES ALLEN, CHAIR

NOTICE OF JOINT PUBLIC ROUNDTABLE

Proposed Transfer of the Automated Traffic Enforcement Program from MPD to DDOT

October 7th, 2019, at 12:00 PM
in Room 120 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Monday, October 7, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a joint public roundtable on the Mayor's proposed transfer of the Automated Traffic Enforcement (ATE) program from the Metropolitan Police Department (MPD) to the District Department of Transportation (DDOT). The public roundtable will begin at 12:00 PM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. The purpose of the public roundtable is to discuss and to hear testimony from DDOT and MPD regarding the Mayor's proposed transfer of the ATE program from MPD to DDOT.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 21, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B23-419, Education Research Practice Partnership Technical Temporary Amendment Act of 2019, **B23-421**, Al and Mary Arrighi Way Designation Temporary Act of 2019, **B23-423**, School Sunscreen Safety Amendment Temporary Amendment Act of 2019, **B23-426**, Student Medical Marijuana Patient Fairness Temporary Amendment Act of 2019, and **B23-428**, Commission on the Arts and Humanities Budget Subtitle Technical Temporary Amendment Act of 2019 were adopted on first reading on September 17, 2019. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 8, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF RE-REFERRED BILLS

The following bills were published as referred to the Committee on Finance and Revenue but have now been re-referred to the Committee on Business and Economic Development:

B23-29, Residential Real Property Tax Relief Act of 2019

B23-41, Taxpayer Advocate Act of 2019

B23-43, Rainy Day Refund Act of 2019

B23-55, Tax on Wellness Repeal Act of 2019

B23-56, Senior Citizen Real Property Tax Relief Amendment Act of 2019

B23-59, First Responder Income Tax Exclusion Amendment Act of 2019

B23-60, Pension Exclusion Restoration and Expansion Act of 2019

B23-61, Senior Citizen Tax Cap Transfer Act of 2019

B23-79, Homestead Exemption Increase Amendment Act 2019

B23-129, Veteran Retirement Income Tax Exclusion Amendment Act of 2019

B23-225, Uniform Unclaimed Property Act Revision Act of 2019

B23-299, Residential Real Property Taxes Equitable Alignment Act of 2019 and

B23-321, Small Business Cybersecurity Tax Credit Act of 2019

The following:

Bill 23-82, Ticket Payment Plan Amendment Act of 2019

was re-referred sequentially to the Committee on Transportation and the Environment, and the Committee on Business and Economic Development.

Bill 23-72, Marijuana Legalization and Regulation Act of 2019

was re-referred sequentially to the Committee on Business and Economic Development (sections 2, 6, 7 and 9) and to the Committee of the Whole.

B23-280, Safe Cannabis Sales Act of 2019

was re-referred sequentially to the Committee on Business and Economic Development (sections 2, 3, 7 and 8), and to the Committee of Whole.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019

License No.:	ABRA-109545
Licensee:	Sunny Ventures, LLC
Trade Name:	Best 1 Liquors
License Class:	Retailer's Class "A" Liquor Store
Address:	322 Florida Avenue, N.W.
Contact:	Neil Shah: (202) 232-3330

WARD 5 ANC 5E SMD 5E06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Request to change hours of operation and alcoholic beverage sales.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES
Sunday through Saturday 9am – 10pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES
Sunday through Saturday 9am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-075240 **License Class/Type: C Tavern**
Applicant: Rocdo LLC
Trade Name: Nellie's Restaurant & Sports Bar
ANC: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:
900 U ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8 am - 2 am	10 am - 2 am
Monda	8 am - 2 am	8 am - 2 am
Tuesda	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-083930 **License Class/Type: C Tavern**
Applicant: Queen Vic, LLC
Trade Name: The Queen Vic
ANC: 6A01

Has applied for the renewal of an alcoholic beverage license at the premises:
1206 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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:	8 am - 5 am	8 am - 2 am	-
Monday:	8 am - 5 am	8 am - 2 am	-
Tuesday:	8am - 5 am	8 am - 2 am	-
Wednesday:	8 am - 5 am	8 am - 2 am	-
Thursday:	8 am - 5 am	8 am - 2 am	-
Friday:	8 am - 5 am	8 am - 3 am	-
Saturday:	8 am - 5 am	8 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	10 am - 3 am	10 am - 2 am
Monda	10 am - 3 am	10 am - 2 am
Tuesda	10 am - 3 am	10 am - 2 am
Wednesday:	10 am - 3 am	10 am - 2 am
Thursday:	10 am - 3 am	10 am - 2 am
Friday:	10 am - 4 am	10 am - 3 am
Saturday:	10 am - 4 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-070773 **License Class/Type: C Tavern**
Applicant: La Libertad Restaurant Inc.
Trade Name: La Libertad Restaurant
ANC: 4C03

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

4622 14TH ST NW, Washington, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Dancing Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-101217 **License Class/Type: C Tavern**
Applicant: Ledge, LLC
Trade Name: Truxton Inn
ANC: 5E06

Has applied for the renewal of an alcoholic beverage license at the premises:
251 FLORIDA AVE NW, #11, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11 am - 12 am	11 am - 12 am
Monda	11 am - 12 am	11 am - 12 am
Tuesda	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 1 am	11 am - 1 am
Saturday:	11 am - 1 am	11 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-076726 **License Class/Type: C Tavern**
Applicant: Vulcan, LLC
Trade Name: McClellan's Retreat
ANC: 2D02

Has applied for the renewal of an alcoholic beverage license at the premises:
2031 FLORIDA AVE NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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 am - 2 am	11 am - 2 am	-
Monday:	11am - 2am	11am - 2am	-
Tuesday:	11am - 2 am	11am - 2 am	-
Wednesday:	11am - 2 am	11am - 2 am	-
Thursday:	11am - 2 am	11am - 2 am	-
Friday:	11 am - 3 am	11am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11 am - 11 pm	11 am - 11 pm
Monda	4 pm - 11 pm	4 pm - 11 pm
Tuesda	4 pm - 11 pm	4 pm - 11 pm
Wednesday:	4 pm - 11 pm	4 pm - 11 pm
Thursday:	4 pm - 11 pm	4 pm - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-074765 **License Class/Type: C Tavern**
Applicant: The Whiskey, LLC
Trade Name: The Looking Glass Lounge at Temperance Hall
ANC: 1A08

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

3634 GEORGIA AVE NW, Washington, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

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:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	10 am - 2 am	10 am - 2 am
Monda	9 am - 2 am	9 am - 2 am
Tuesda	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
9/20/2019

Notice is hereby given that:
License Number: ABRA-071564 **License Class/Type: C Nightclub**
Applicant: Down Under Inc
Trade Name: Bravo Bravo
ANC: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:
1001 CONNECTICUT AVE NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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:	9 pm - 2 am	9 pm - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 3 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 4 am	11 am - 3 am	-
Saturday:	9 pm - 4 am	9 pm - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-092074 **License Class/Type: C Tavern**
Applicant: Toro Bar Corporation
Trade Name: La Troja Billar
ANC: 4C04

Has applied for the renewal of an alcoholic beverage license at the premises:
3708 14TH ST NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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:	10am - 2 am	10am - 2 am	-
Monday:	10am - 2 am	10am - 2 am	-
Tuesday:	10am - 2 am	10am - 2 am	-
Wednesday:	10am - 2 am	10am - 2 am	-
Thursday:	10am - 2 am	10am - 2 am	-
Friday:	10am - 3 am	10am - 3 am	-
Saturday:	10am - 3 am	10am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-076039 **License Class/Type: C Tavern**
Applicant: Top Shelf, LLC
Trade Name: Penn Quarter Sports Tavern
ANC: 2C03

Has applied for the renewal of an alcoholic beverage license at the premises:
639 INDIANA AVE NW, Washington, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Cover Charge Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6:30 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Monday:	6:30 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Tuesday:	6:30 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Wednesday:	6:30 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Thursday:	6:30 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
Friday:	6:30 am - 3 am	11 am - 2:30 am	6 pm - 2 am
Saturday:	6:30 am - 3 am	11 am - 2:30 am	6 pm - 2 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11 am - 11 pm	11 am - 11 pm
Monda	11 am - 11 pm	11 am - 11 pm
Tuesda	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-111950 **License Class/Type: C Tavern**
Applicant: 9th Street Lounge, LLC
Trade Name: Mirror Lounge
ANC: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:
1920 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of
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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-094158 **License Class/Type: C Tavern**
Applicant: ICH Prop LLC
Trade Name: The Public Option
ANC: 5C06

Has applied for the renewal of an alcoholic beverage license at the premises:
1601 RHODE ISLAND AVE NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Brewpub Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of
Sunday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Saturday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	2 pm - 10 pm	2 pm - 10 pm
Monda	-	8 am - 2 am
Tuesda	-	8 am - 2 am
Wednesda	-	8 am - 2 am
Thursday:	4 pm - 10 pm	4 pm - 10 pm
Friday:	4 pm - 10 pm	4 pm - 10 pm
Saturday:	2 pm - 10 pm	2 pm - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-097569 **License Class/Type: C Tavern**
Applicant: Dew Drop Inn, LLC
Trade Name: Dew Drop Inn
ANC: 5E01

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

2801 8TH ST NE, WASHINGTON, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of
Sunday:	10AM - 2AM	10AM - 2AM	6PM - 2AM
Monday:	10AM - 2AM	10AM - 2AM	6PM - 2AM
Tuesday:	10AM - 2AM	10AM - 2AM	6PM - 2AM
Wednesday:	10AM - 2AM	10AM - 2AM	6PM - 2AM
Thursday:	10AM - 2AM	10AM - 2AM	6PM - 2AM
Friday:	10AM - 3AM	10AM - 3AM	6PM - 3AM
Saturday:	10AM - 3AM	10AM - 3AM	6PM - 3AM

	Hours of Summer Garden	Hours of Sales Summer
Sunday	10AM - 2AM	10AM - 2AM
Monda	10AM - 2AM	10AM - 2AM
Tuesda	10AM - 2AM	10AM - 2AM
Wednesda	10AM - 2AM	10AM - 2AM
Thursday:	10AM - 2AM	10AM - 2AM
Friday:	10AM - 3AM	10AM - 3AM
Saturday:	10AM - 3AM	10AM - 3AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-105172
Licensee:	1654 Columbia Road NW, LLC
Trade Name:	Federalist Pig
License Class:	Retailer's Class "D" Restaurant
Address:	1654 Columbia Road, N.W.
Contact:	Sidon Yohannes, Esq.: (202) 686-7600

WARD 1 ANC 1C SMD 1C06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Class Change from retailer "D" Restaurant to retailer "C" Restaurant.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 10am – 10pm, Friday and Saturday 10am – 12am

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE IN SIDEWALK CAFÉ
Sunday through Thursday 10am – 10pm, Friday and Saturday 10am – 11pm

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES
Sunday through Thursday 6pm – 10pm, Friday and Saturday 6pm – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-106575
Licensee:	To the Heavens, LLC
Trade Name:	Grand Duchess
License Class:	Retailer's Class "C" Tavern
Address:	2337 18th Street, N.W.
Contact:	Rory Adair: (202) 299-1006

WARD 1 ANC 1C SMD 1C07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Request to change hours of operation and alcoholic beverage sales, service, and consumption for the Sidewalk Café.

CURRENT HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

CURRENT HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ
Sunday through Thursday 11am – 10pm, Friday and Saturday 11am – 2am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ
Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-085256
Licensee:	Jayhawk Lessee, LLC
Trade Name:	Hotel Monaco & Dirty Habit Restaurant
License Class:	Retailer's Class "C" Hotel
Address:	700 F Street, N.W.
Contact:	Michael D. Fonseca: (202) 625-7700

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Applicant requests to expand the existing Summer Garden patio by increasing the capacity from 46 to a Total Occupancy Load of 548.

HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN
Sunday through Saturday 12am – 12am (24-hour operations)

HOURS ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR SUMMER GARDEN
Sunday 10am – 2am, Monday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/20/2019

Notice is hereby given that:
License Number: ABRA-114491 **License Class/Type: C Hotel**
Applicant: Carr Wharf 3B Hotel Lessee, LLC
Trade Name: InterContinental Washington D.C. – The Wharf
ANC: 6D04

Has applied for the renewal of an alcoholic beverage license at the premises:
801 WHARF ST SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
11/4/2019

A HEARING WILL BE
11/18/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24hrs - 24hrs	11 am - 2 am	6 pm - 2 am
Monday:	24hrs - 24hrs	11 am - 2 am	6 pm - 2 am
Tuesday:	24hrs - 24hrs	11 am - 2 am	6 pm - 2 am
Wednesday:	24hrs - 24hrs	11 am - 2 am	6 pm - 2 am
Thursday:	24hrs - 24hrs	11 am - 2 am	6 pm - 2 am
Friday:	24hrs - 24hrs	11 am - 3 am	6pm - 3 am
Saturday:	24hrs - 24hrs	11am - 3am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	11 am - 12 am	11 am - 12 am
Monda	11 am - 12 am	11 am - 12 am
Tuesda	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-089933
Licensee:	Tekeab H. Habtu
Trade Name:	Kokeb Ethiopian Restaurant
License Class:	Retailer's Class "C" Restaurant
Address:	3013 Georgia Avenue, N.W.
Contact:	Tekeab H. Habtu: (202) 450-6931

WARD 1 ANC 1A SMD 1A10

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Applicant requests an Entertainment Endorsement to provide live entertainment.

CURRENT HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION
Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT
Sunday through Thursday 7pm – 2am, Friday and Saturday 7pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-096613
Licensee:	Mi Cuba Cafe, Inc.
Trade Name:	Mi Cuba Cafe
License Class:	Retailer's Class "C" Restaurant
Address:	1424 Park Road, N.W.
Contact:	Ana De Leon: (202) 246-7601

WARD 1 ANC 1A SMD 1A05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Applicant requests an Entertainment Endorsement to provide live entertainment.

CURRENT HOURS OF OPERATION
Sunday through Saturday 10am – 12am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION
Sunday through Saturday 12pm – 12am

PROPOSED HOURS OF LIVE ENTERTAINMENT
Sunday through Saturday 6pm – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-060432
Licensee:	Atsede Corporation
Trade Name:	Nile Ethiopian Restaurant and Nile Market
License Class:	Retailer's Class "C" Restaurant
Address:	7815 Georgia Avenue, N.W.
Contact:	Retta Makonnen: (301) 625-7097

WARD 4 ANC 4B SMD 4B01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Request to change hours of operation and alcoholic beverage sales and service.

CURRENT HOURS OF OPERATION
Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 12pm – 11pm, Friday and Saturday 12pm – 12am.

PROPOSED HOURS OF OPERATION
Sunday 10am – 1am, Monday through Thursday 10am – 12am, Friday and Saturday 10am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday 10am – 12am, Monday through Thursday 10am – 11:30pm, Friday and Saturday 12pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
Protest Hearing Date:	January 15, 2020

License No.:	ABRA-114801
Licensee:	Rebel Taco U Street, LLC
Trade Name:	Rebel Taco Cantina
License Class:	Retailer's Class "C" Restaurant
Address:	1214 U Street, N.W.
Contact:	Sean T. Morris, Esq.: (301) 654-6570

WARD 1 ANC 1B SMD 1B12

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 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 15, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant and cantina offering specialty tacos and related Mexican-style food. Sidewalk Café Endorsement with 40 seats. Total seating inside is 100 with a Total Occupancy Load of 110.

HOURS OF OPERATION (INSIDE PREMISES AND SIDEWALK CAFÉ)

Sunday 11am – 12am
Monday through Thursday 11am – 2am
Friday and Saturday 11am – 4am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND SIDEWALK CAFÉ)

Sunday 11am – 12am
Monday through Thursday 11am – 2am
Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
Protest Hearing Date:	January 15, 2020
License No.:	ABRA-114980
Licensee:	Tacopup, LLC
Trade Name:	Taqueria Nacional
License Class:	Retailer's Class "C" Tavern
Address:	3213 Mount Pleasant Street, N.W.
Contact:	John Fulchino: (202) 431-1819

WARD 1 ANC 1D SMD 1D04

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 18, 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 15, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new class C Tavern. Seating Capacity of 25, Total Occupancy Load of 50, and a Sidewalk Café with 10 seats.

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

Sunday through Saturday 10am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
Protest Hearing Date:	January 15, 2020
License No.:	ABRA-115133
Licensee:	ESQ Shay, LLC
Trade Name:	TBD
License Class:	Retailer's Class "C" Restaurant
Address:	1924 8th Street, N.W.
Contact:	Sidon Yohannes: (202) 686-7600

WARD 1 ANC 1B SMD 1B02

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 18, 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 15, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Restaurant serving pizza and sandwiches. Seating Capacity of 62 and a Total Occupancy Load of 100. Sidewalk Café with 14seats.

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

Sunday through Saturday 11am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 20, 2019
Protest Petition Deadline:	November 4, 2019
Roll Call Hearing Date:	November 18, 2019
License No.:	ABRA-109673
Licensee:	Jemal's Bulldog, LLC
Trade Name:	The Moxy Hotel Washington, DC
License Class:	Retailer's Class "C" Hotel
Address:	1011 K Street, N.W.
Contact:	Mark Namdar: (703) 328-1818

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 18, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Request to add a Sidewalk Cafe with 26 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES
Sunday through Saturday 12am to 12am (24-hour operations)

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 8am – 2am
Friday and Saturday 8am – 3am

PROPOSED HOURS OF OPERATION FOR THE SIDEWALK CAFÉ
Sunday through Thursday 7am – 11pm, Friday and Saturday 7am – 1am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFE
Sunday through Thursday 11am – 11pm
Friday and Saturday 11am – 1am

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

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

Case No. 18-07: Mitchell Park Fieldhouse
1801 23rd Street NW
Square 2529, Lot 821
Affected Advisory Neighborhood Commission: 2D

Case No. 18-08: Chevy Chase Playground
5500 41st Street NW
Square 1744, Lot 1 and Square 1745, Lot 1 (Reservation 431)
Affected Advisory Neighborhood Commission: 3E

Case No. 11-19: Recorder of Deeds Building
515 D Street NW
Square 489, Lot 802
Affected Advisory Neighborhood Commission: 2C

The hearing will take place at **9:00 a.m. on Thursday, October 24, 2019**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

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

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office and posted on the office's website at https://planning.dc.gov/page/pending-nominations-dc-inventory. Copies of the staff reports and recommendations will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal

government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

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

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

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

comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

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

BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
WEDNESDAY, OCTOBER 23, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

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

TIME: 9:30 A.M.

WARD SEVEN

20054 ANC 7C — **Application of Rupsha 2011 LLC,** as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provision of Subtitle U § 421.1, and pursuant to Subtitle X, Chapter 10, for area variances from the floor area ratio requirements of Subtitle F § 302.1 and from the lot occupancy requirements of Subtitle F § 304.1, to construct a ten-unit apartment building in the RA-1 Zone at premises 616 50th Street, N.E. (Square 5180, Lot 814).

WARD SIX

20109 ANC 6E — **Application of Bernard Berry,** as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle E § 304.1 to construct a three-story principal dwelling unit, with a cellar level and roof deck pool in the RF-1 Zone at premises 509 O Street, N.W. (Square 479, Lot 818).

WARD SIX

20128 ANC 6B — **Application of Matthew Pregmon and Arielle Giegerich,** pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 205.4, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear and third-floor addition on an existing, attached principal dwelling unit in the RF-1 Zone at premises 1421 D Street S.E. (Square 1062, Lot 101).

WARD SIX

20129
ANC 6D

Application of 555 E Street SW, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitle C § 1500.3(c), to establish a penthouse bar and restaurant use for the penthouse of the proposed hotel in the D-5 Zone at premises 550 School Street S.W. (Square 494, Lot 36).

WARD FIVE

20131
ANC 5E

Application of Qinglong Chen, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5203.3, from the roof top addition requirements of Subtitle E § 206.1, to remove a roof top architectural element on an existing detached principal dwelling unit in the RF-1 Zone at premises 711 Lawrence Street N.E. (Square 3653, Lot 24).

WARD FIVE

20133
ANC 5E

Application of Cassandra Spratt, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-3 zone at premises 130 Rhode Island Avenue N.E. (Square 3538E, Lot 19).

WARD FOUR

20134
ANC 4A

Application of TPWR Developer, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle K § 921.1 from the maximum linear ground-floor building frontage restriction of Subtitle K § 902.7(e), to develop a mixed used project with ground floor retail in the WR-2 Zone at premises 7100 Georgia Avenue N.W. (Square 2950, Lot 846).

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

Amharic
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የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም መስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 **ወይም በኤሜል** Zelalem.Hill@dc.gov **ይገናኙ። እነ ኝህ አገ ልግሎቶች የሚሰጡ በት ጻ ነ ው።**

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

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

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

Vietnamese

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

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

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

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, NOVEMBER 13, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

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

TIME: 9:30 A.M.

WARD SEVEN

20141 ANC 7D — **Appeal of Dorothy Douglas,** pursuant to 11 DCMR Subtitle Y § 302, from the determination made on October 16, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to allow a Fire Station as a matter-of-right use in the R-2 Zone at premises 4409 Minnesota Avenue N.E. (Square 5097, Lot 846).

WARD FIVE

20143 ANC 5D — **Application of Grand Realty LLC,** pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the under the residential conversion requirements of Subtitle U § 320.2, pursuant to Subtitle § U § 301.1 (e) from the use requirements of Subtitle U § 301.1 (c)(1) and pursuant to Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 5003.1, to convert the existing detached principal dwelling into two principal dwelling units and to construct a second-story addition to an existing accessory structure to be used as a third principal dwelling unit in the RF-1 Zone at premises 1117 Morse Street, N.E. (Square 4070, Lot 136).

WARD TWO

20144 ANC 2B — **Application of David Barth and Lisa Kays,** pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, from the lot occupancy requirements of Subtitle E § 404.1, and from the accessory building rear yard requirements of Subtitle E § 5004.1, to construct a two-story rear addition with a basement to an existing, attached principal dwelling unit, and a second-story addition to a detached accessory building in the RF-2 Zone at premises 1832 15th Street, N.W. (Square 191, Lot 56).

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

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

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Korean

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

Spanish

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Vietnamese

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

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

FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
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SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, NOVEMBER 20, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

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

TIME: 9:30 A.M.

WARD ONE

20142 ANC 1A — **Application of 746 IRVING ST LLC,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.5, to construct a two-story rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 746 Irving Street, N.W. (Square 2890, Lot 59).

WARD SIX

20145 ANC 6B — **Application of Andrew and Courtney Briggs**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and from the rear yard requirements of Subtitle E § 306.1, to construct a two-story rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 717 Kentucky Avenue S.E. (Square 1077, Lot 0076).

WARD TWO

20146 ANC 2E — **Application of Caesar Junker,** pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the use restrictions of Subtitle U § 201.1, to convert an existing beauty shop use to an office use in an existing building in the R-20 Zone at premises 1510 31st Street, N.W. (Square 1270, Lot 57).

WARD SIX

20147 ANC 6B — **Application of Christopher Lobb and Paola Barbara,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structures requirements of Subtitle C § 202.2 to build a one-story rear addition and a two-story side addition to an attached principal dwelling unit in the RF-1 Zone at premises 148 11th Street S.E. (Square 0989, Lot 026).

WARD FIVE

20148 ANC 5E — **Application of John Coplen,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural elements of Subtitle E § 206.1(a), to expand the existing roof on an existing semi-detached, principal dwelling unit in the RF-1 Zone at premises 149 Rhode Island Avenue, N.E. (Square 3537, Lot 1).

WARD SIX

20149 ANC 6B — **Application of George Ingram and Lynn Hart,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story accessory structure at the rear of the existing detached principal dwelling unit in the RF-1 Zone at premises 138 11th Street S.E. (Square 989, Lot 31).

WARD ONE

20150 ANC 1A — **Application of Scott Phillips**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201, from the lot occupancy requirements of D § 1204.1, and from the nonconforming structure requirements of C § 202.2, to construct a rear addition to an existing attached principal dwelling unit in the R-20 Zone at premises 1511 33rd Street N.W. (Square 1255, Lot 814).

PLEASE NOTE:

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

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CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, November 21, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 12-08C (Text Amendment to Subtitle K to Increase Permitted FAR, Clarify Lot Occupancy Limits, Reflect New Street Names and Alignments, and to Transfer Preferred Use Requirements within St Elizabeths East Zones)

THIS CASE IS OF INTEREST TO ANC 8C02

On August 30, 2019, the Office of Planning ("OP") submitted a report that served as a petition proposing text amendments to Chapter 6, Saint Elizabeths East Campus Zones, of Subtitle K of Title 11 DCMR (the "Zoning Regulations," to which all references herein refer except if otherwise specified) as follows:

- §§ 601.1 and 601.3 – to correct erroneous cross-references;
- §§ 602.1, 602.2, and 602.9 – to increase the maximum floor area ratio ("FAR") for StE-13, StE-15, and StE-17 zones in proximity to the Congress Heights Metro station and to correct erroneous cross-references;
- § 603.2 – to correct references;
- § 604 – to clarify that the maximum lot occupancy limitation applies only to residential use;
- §§ 607.1 and 607.2 – to correct references;
- §§ 608.3, 608.4, 608.10, 608.12, and 608.14 – to reflect new street names, to limit parking restrictions, and to correct erroneous cross-references;
- §§ 609.1 and 609.2 – to reflect new street names, to limit loading restrictions, and to correct erroneous cross-references;
- § 613.2 – to correct erroneous cross-references;
- § 614.1 – to correct erroneous cross-references and terminology;
- §§ 614 and 618 – to correct erroneous cross-references;
- § 616.1 – to correct erroneous cross-references;
- § 618.1 – to correct erroneous cross-references;
- §§ 619.2, 619.3, 619.6, and 619.7 – to reflect new street names and to correct erroneous cross-references; and
- Add a new § 619.3 and renumber the current §§ 619.3 through 619.7 as new §§ 619.4 through 619.8 - to transfer preferred use requirements from the StE-14B zone to the StE-15 and StE-17 zones.

At its publicly-noticed public meeting held on September 9, 2019, the Zoning Commission (the "Commission") voted to set down the petition for a public hearing.

The proposed text amendment would apply to the St Elizabeths East (StE) zones.

PROPOSED TEXT AMENDMENT

The proposed following amendments to Title 11 DCMR are as follows (text to be deleted is marked with **bold** and ~~**strikethrough**~~ text and new text is shown in **bold** and **underlined)**:

Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is proposed to be amended as follows:

Subsections 601.1 and 601.3 of § 601, DEVELOPMENT STANDARDS (STE), are proposed to be amended to correct erroneous cross-references, to read as follows:

601.1 The development standards in Subtitle K §§ 602 through ~~**610**~~ **611** shall control the bulk of buildings in the StE zones.

…[1]

601.3 Except as provided in this chapter, the density, height of a building or structure not including the penthouse, lot occupancy, **front setback**, and rear yard in a StE zone shall not exceed or be less than that set forth in Subtitle K §**§** 602 **through 606**.

…

Subsections 602.1, 602.2, and 602.9 of § 602, DENSITY – FLOOR AREA RATIO (FAR) (STE), are proposed to be amended to increase by-right density in proximity to the Congress Heights Metro station and to correct an erroneous cross-reference, to read as follows:

602.1 The maximum permitted FAR of buildings in the StE zones shall be given in the following table:

TABLE K § 602.1: MAXIMUM PERMITTED FAR

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)
StE-1	0.20	-	-
…			

[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.

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)
StE-13	~~3.20~~ **4.00**	~~1.60~~ **2.00**	-
StE-14A	1.50	**-**	-
StE-14B	1.50	1.00	-
StE-15	~~2.00~~ **2.50**	~~1.00~~ **1.20**	Subtitle K § 602.2
StE-16	3.20	1.60	-
StE-17	~~0.50~~ **1.00**	-	Subtitle K § 602.2
…			

602.2 Density for structured parking located above grade is regulated as follows:

(a) In addition to the density permitted by Subtitle K § 602.1, additional density for above grade parking is permitted as follows:

(1) Within the StE-7 zone – 1.0 FAR;

(2) Within the StE-15 zone – 1.0 FAR; and

(3) Within the StE-17 zone – 2.0 FAR;

(b) Any of the density permitted under Subtitle K § 602.2(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;

(c) Any above grade parking shall conform to the standards of Subtitle K § ~~610~~ **608**; and

(d) This density may not be transferred through the combined lot provisions of Subtitle K §**§** ~~608~~ **602.4 through 602.8** to another parcel.

…

602.9 The **density and** height ~~**and density**~~ limits of Subtitle K §**§ 602 and** 603~~.1~~ shall serve as the maximums permitted under a planned unit development (PUD).

Subsection 603.2 of § 603, HEIGHT (STE), is proposed to be amended to correct an erroneous cross-reference and zone reference, to read as follows:

603.2 Maximum permitted building height and penthouse height within the StE-7 zone is as follows:

(a) For a distance of two-hundred fifty feet (250 ft.) measured from the north property line bounding Cypress Street, **S.E.,** the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.) and the maximum permitted height of the penthouse shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be

one (1), except that a second story for penthouse mechanical space shall be permitted; and

(b) For the remainder of this parcel, the maximum permitted height shall be fifty feet (50 ft.); and the maximum permitted height of a penthouse ~~**in the CG-5 zone**~~ shall be twelve feet (12 ft.), except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted.

Subsection 604.1 of § 604, LOT OCCUPANCY (STE), is proposed to be amended to clarify that this provision regulates only residential use, to read as follows:

604.1 The maximum permitted lot occupancy for the StE zones shall be given in the following table:

TABLE K § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone District	Lot Occupancy <u>for Residential Use (Max. %)</u>
StE-1	25
…	

Subsections 607.1 and 607.2 of § 607, INCLUSIONARY ZONING (STE), are proposed to be amended to correct cross-references, to read as follows:

607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Subtitle C, Chapter 10 ~~**except for Subtitle C § 1002**~~.

607.2 The density, **<u>height, and</u>** lot occupancy ~~**and height**~~ maximums of Subtitle K §§ 602~~**.1**~~, 603~~**.1**~~, and 604~~**.1**~~ shall serve as the maximum permitted density for buildings and structures within each zone including for the provision of inclusionary units.

Subsections 608.3, 608.4, 608.10, 608.12, and 608.14 of § 608, PARKING (STE), are proposed to be amended to reflect new street names and to limit parking restrictions, to read as follows:

…

608.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment

pursuant to Subtitle X, and provided that the applicant addresses compliance with the following standards:

(a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K § ~~610.1~~ **608.1**; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;

…

…

608.4 For any application pursuant to Subtitle K § ~~610.3~~ **608.3**:

…

…

608.10 Parking spaces within an above-grade structure along 13th Street, **S.E.** ~~**Dogwood Street**~~, and Sycamore ~~**Street**~~ **Drive, S.E.** shall be lined with preferred uses as defined in Subtitle K § ~~621~~ **619.1** on the ground floor to a depth of thirty feet (30 ft.) minimum.

…

608.12 Parking spaces provided within an automated parking garage need not meet the accessibility requirement of Subtitle K § ~~610.10~~ **608.11** as long as the mechanized parking system does.

…

608.14 ~~**Where**~~ **For buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where** other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where preferred uses are required in accordance with Subtitle K §**§** ~~621~~ **619.2 and 619.3**; or from Martin Luther King Jr. Avenue, S.E., ~~**Dogwood**~~ **Sycamore Drive, S.E., 12th** Street**, S.E.**, 13th Street**, S.E.**, or Oak Drive, **S.E**.

…

Subsections 609.1 and 609.2 of § 609, LOADING (STE), are proposed to be amended to reflect new street names, to limit loading restrictions, and to correct an erroneous cross-reference, to read as follows:

609.1 Loading requirements for each use shall be as prescribed in Subtitle C, Chapter ~~21~~ **9**.

609.2 ~~**Where**~~ **For buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where** other options for

access to ~~parking spaces~~ **loading** exist, such as from an alley or a different street, access to loading shall not be from a section of street where preferred uses are required in accordance with Subtitle K §**§** ~~621~~ **619.2 and 619.3**; or from Martin Luther King Jr. Avenue, S.E., ~~Dogwood~~ **Sycamore Drive, S.E., 12th** Street**, S.E.**, 13th Street**, S.E.**, or Oak Drive**, S.E**.

…

Subsection 613.2 of § 613, USE LIMITATIONS (STE), is proposed to be amended to correct an erroneous cross-reference, to read as follows:

…

613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle ~~E~~ **U**, Chapter ~~18~~ **3**, which ~~includes~~ **include**, but ~~is~~ **are** not limited to, buildings containing one (1) or two (2) dwelling units, and other uses compatible with a low- to moderate-density residential zone.

Section 614, USES PERMITTED BY SPECIAL EXCEPTION (STE), is proposed to be amended to correct an erroneous cross-reference, to read as follows:

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X~~, the criteria set forth in Subtitle K § 615.2,~~ and subject to **the** applicable conditions of each section as stated below:

(a) Except as permitted as a matter of right in the St-E 2 zone …

(b) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to **the criteria set forth in Subtitle K § 618 and** the following conditions:

(1) There shall be no other property containing a CBIF …

…

(4) The ~~shelter~~ **CBIF** shall meet all applicable code and licensing requirements.

…

Section 616, ACCESSORY USES (STE), is proposed to be amended to correct an erroneous cross-reference, to read as follows:

616.1 Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in Subtitle K § 612 shall be permitted in any StE zone except StE-19 as a matter of right, subject to the development standards **of** Subtitle ~~**C, Chapter 8**~~ **K, §§ 602 through 606**.

Section 618, SPECIAL EXCEPTION – GENERAL USE PROVISIONS (STE), is proposed to be amended to correct an erroneous cross-reference, to read as follows:

618.1 In addition to the general standards set forth in Subtitle X, an applicant for a special exception to establish a community based institutional facility **(CBIF)** pursuant to Subtitle K § ~~**616**~~ **614.1(b)** shall demonstrate …

Section 619, PREFERRED USE REQUIREMENTS (STE), is proposed to be amended to reflect new street names, to transfer the preferred use requirements from the StE-14B zone to the StE-15 and StE-17 zones, and to correct erroneous cross-references, by revising §§ 619.2, 619.3, 619.6, and 619.7, adding a new § 619.3 and renumbering the current §§ 619.3 through 619.87 as new subsections 619.4 through 619.8, to read as follows:

…

619.2 Each building that faces the following streets or locations in the following zones shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to preferred uses:

(a) StE-3 …

(b) StE-7: facing Martin Luther King Jr. Avenue, S.E., Cypress Street, S.E., ~~**Dogwood**~~ **Sycamore** Drive, S.E., or ~~**Oak Drive**~~ **8th Street**, S.E.;

~~**(c) StE-14B: facing Dogwood Drive, S.E., Oak Drive, S.E., or the southwest corner;**~~

~~**(d)**~~ **(c)** StE-15: facing ~~**Dogwood**~~ **Sycamore** Drive, S.E., 13th Street, S.E., Oak Drive, S.E., or the park;

~~**(e)**~~ **(d)** StE-16: facing 13th Street, S.E., and the southwest corner; and

~~**(f)**~~ **(e)** StE-17: facing ~~**Dogwood**~~ **Sycamore** Drive, S.E., 13th Street, S.E., or ~~**Oak Drive**~~ **12th Street**, S.E.

619.3 In addition to the preferred use requirements of Subtitle K § 619.2, each building in the StE-15 and StE-17 zones shall devote additional square footage to preferred uses on the ground floor in an amount sufficient that all buildings in the StE-15 and StE-17 zones collectively provide an additional

6,620 square feet devoted to preferred uses on the ground floor across the StE-15 and StE-17 zones. Each building permit application shall include evidence of the allocation of these 6,620 square feet to the individual buildings in these zones.

~~619.3~~ **619.4** Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in Subtitle K §§ ~~621.2~~ **619.2, and 619.3** shall be devoted to doors or display windows having clear or low emissivity glass.

~~619.4~~ **619.5** Preferred uses shall provide direct, exterior access to the ground level.

~~619.5~~ **619.6** The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).

~~619.6~~ **619.7** Ground floor area required for preferred uses may not be transferred to any other lot through the combined lot development procedures of Subtitle K §§ ~~621.2~~ **602.4 through 602.8**.

~~619.7~~ **619.8** For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under Subtitle K §§ ~~621.2~~ **619.2 and 619.3**. by other uses permitted in the StE zones for up to a five (5) year period, provided that:

(a) The ground-floor space is suitably designed for future occupancy by preferred uses;

(b) The proposed use is compatible with the surrounding uses; and

(c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

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

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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

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

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at http://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

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

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

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

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

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

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

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

NOTICE OF FINAL RULEMAKING

The District of Columbia Commission on Judicial Disabilities and Tenure (the Commission), pursuant to the D.C. Court Reform and Criminal Procedure Act of 1970, effective July 29, 1970 (84 Stat. 473, 91 Pub. L. 91-358; D.C. Official Code, § 11-1525(a) (2012 Repl.)) and § 431(d)(3) of the District of Columbia Self Government and Governmental Reorganization Act, effective December 24, 1973 (87 Stat. 774, Pub.L. 93-198), hereby amends its rules contained in Chapter 20 (Judicial Disabilities and Tenure) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The amended sections of this chapter are § 2002.1, § 2002.4, § 2005.4, § 2030.4, § 2030.5, § 2038.2, and § 2038.3, which incorporate the provisions of D.C. Official Code, § 11-1530, as amended. These amended sections are noted with **"bold"** and "underline" text.

These rules shall be effective immediately upon publication in the *D.C. Register*. D.C. Official Code § 11-1525(a) (2012 Repl.) provides that the Commission is an independent agency; therefore, prior public notice and hearings are not required on the subject of Rules adopted by the Commission.

Chapter 20, JUDICIAL DISABILITIES AND TENURE, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended to read as follows:

CHAPTER 20 JUDICIAL DISABILITIES AND TENURE

2000 COMMISSION ON JUDICIAL DISABILITIES AND TENURE

2000.1 The Commission on Judicial Disabilities and Tenure (also referred to in this chapter as "the Commission") is established and shall be operated in accordance with the provisions of the D.C. Court Reform and Criminal Procedure Act of 1970, effective July 29, 1970 (84 Stat. 473, 91 Pub. L. 91-358; D.C. Official Code, §§ 11-1521, *et seq*.).

2000.2 The Chairperson of the Commission shall be elected annually by the members of the Commission from among the members of the Commission.

2000.3 The Commission may select a Vice Chairperson and other officers as the Commission, from time to time, may deem appropriate.

2000.4 The Chairperson shall preside at each meeting of the Commission.

2000.5 Officers, special counsel, and other personnel who are selected by the Commission shall perform the duties assigned to them by the Commission.

2000.6 The Commission may retain medical or other experts to assist it.

2001 TRANSACTION OF COMMISSION BUSINESS

2001.1 The Commission shall act only at a meeting. The actions of the Commission may be implemented by any appropriate means directed by the Commission.

2001.2 Meetings of the Commission shall be held at times agreed upon by the members of the Commission, or upon call by the Chairperson, or by a majority of the members of the Commission and after notice to all members of the Commission.

2001.3 Minutes shall be kept of each meeting of the Commission. The minutes shall record the names of those present, the actions taken, and any other matters that the Commission may deem appropriate.

2001.4 A quorum for Commission action shall consist of four (4) members.

2001.5 Commission action shall be taken only upon concurrence of four (4) members; Provided, that the concurrence of five (5) members shall be required to suspend a judge from all or part of his or her judicial duties pursuant to § 432(c)(3) of the Self-Government Act.

2001.6 The Chairperson, Vice Chairperson, Acting Chairperson, or a member designated by one of them may carry out the routine of Commission business (such as the granting of postponements pursuant to this chapter, authorization of preliminary inquiry into complaints or information regarding a judge's conduct or health, and authorization of informal and non-determinative communications with a judge or the judge's counsel).

2001.7 A member shall disqualify himself or herself from consideration of matters before the Commission in the following circumstances:

(a) When involved as a litigant or an attorney in a proceeding pending before a judge who is both the subject of and is aware of a complaint before the Commission;

(b) When involved as a litigant or attorney in a proceeding pending before an associate judge seeking reappointment, a retiring judge requesting a favorable recommendation for appointment as a senior judge, or a senior judge seeking favorable recommendation for reappointment to senior status.

2002 PHYSICAL EXAMINATIONS AND MEDICAL INFORMATION

2002.1 At the Commission's request, a judge shall submit to a physical and/or mental examination by a health care professional designated

by the Commission after consultation with the judge. The examination and report shall be made at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service.

2002.2 The physician's report shall be given in writing to the Commission.

2002.3 At the Commission's request, a judge shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution, or other facility regarding the judge's physical or mental condition.

2002.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases required under this section shall be considered by the Commission adversely to the judge.

2002.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2003 FINANCIAL REPORTS

2003.1 Each judge shall file with the Commission on or before the first Monday in June of each year, on forms provided by the Commission, the reports of personal financial interest required by D.C. Official Code § 11-1530, as amended, for the preceding calendar year.

2003.2 The Commission from time to time may require a judge to file pertinent supplemental information.

2003.3 These Rules govern access to the Annual Financial Reports filed by judges of the District of Columbia Courts, as required by D.C. Official Code § 11-1530, as amended.

2003.4 These Rules apply to the processing of all requests for copies of the Annual Financial Reports of judges of the District of Columbia Courts, maintained by the D.C. Commission on Judicial Disabilities and Tenure (the Commission).

2003.5 The Commission's responsibility for monitoring the release of the Annual Financial Reports includes the following:

(a) The Commission will monitor and grant or deny the release of copies of all Annual Financial Reports to ensure compliance with the statute and the Commission's Rules.

(b) The Commission will monitor and grant or deny requests for viewing all Annual Financial Reports at the office of the Commission, to ensure compliance with the statute and the Commission's Rules.

(c) As provided by D.C. Official Code § 11-1530(a)(1c)(a)(c)(1), as amended, the Commission will review and, within the Commission's discretion, grant or deny any requests for the redaction of statutorily mandated information where the release of the information could endanger a judge or a member of the judge's family. It will review, and grant or deny any requests for waiver of costs associated with a request for the release of an Annual Financial Report. It will also provide guidance when questions not covered in these Rules arise.

(d) The Commission will not permit public access to any Annual Financial Report unless all of the Reports due for a calendar year have been received by the Commission. If extensions of time have been requested by judges in which to file Reports, none of the Reports for that calendar year will be available until all extension deadlines have expired and all Reports have been received by the Commission.

2003.6 The Annual Financial Reports filed by judges are maintained by the Commission, and in accordance with the statute and the Commission Rules, the Reports are kept for three years subsequent to filing.

2003.7 All requesters who wish to review or obtain a copy of an Annual Financial Report must submit a Form CJDT 10A to the staff of the Commission. The form must be in writing and contain the following information:

(a) The requester's name, occupation, telephone number, e-mail, and mailing address;

(b) The name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(c) That the requester is aware of the prohibitions with regard to obtaining or viewing the Report.

(d) A list of the judges whose Reports are being requested.

2003.8 Requesters will be notified in writing of the Commission's decision to grant or deny a request for viewing or copying Reports. If the Commission grants a request, the requester will also be advised of the total reproduction cost for the Reports ordered.

2003.9 Requesters will be charged twenty-five cents ($0.25) per page to cover costs. Only entire Reports will be reproduced, requests for particular pages or sections will not be honored. The Commission only accepts checks or money orders, which must be made payable to the D.C. Treasurer.

2003.10 Requesters must provide a copy of the CJDT 10A form with the check or money order to the Commission. Once the form and payment are received the requester will be notified of the date when the requested Report(s) can be collected from the Commission office.

2003.11 Each CJDT 10A form received that results in the release or viewing of a Report will be filed and will be made available to the public throughout the period during which the Report is made available to the public.

2003.12 Annual Financial Reports may be viewed in the Commission office by appointment. Appointments must be made at least five working days in advance. Commission staff will provide the requester with a copy of the Report(s) requested, which may be redacted, if so approved by the Commission. In no case will the original file be removed from the Commission office for review by a member of the public. Requesters wishing to view Reports must also complete a CJDT 10A and provide all of the information requested, and will be notified in writing of the Commission's decision to grant or deny the request.

2003.13 A copy of the requested Reports may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest. Requests for waivers must be presented in writing to the Commission.

2003.14 Annual Financial Reports will not be released to any individual who fails to properly complete a CJDT 10A form or pay costs.

(a) Commission staff will take every step to ensure that the Reports are maintained securely.

(b) Commission staff will not release or allow the viewing of any Report until the Commission has approved the requester's CJDT 10A form, and until written notice has been given to the judge. In accordance with the Commission's direction, Commission staff will minimize security risks by redacting information not required by the statute including without limitation:

(1) Spouse's and dependents' names;

(2) Home addresses;

(3) Social security numbers;

(4) Financial account and bank account numbers;

(5) Street addresses of personal properties, financial institutions, and business properties;

(6) Ownership codes; and

(7) Judge's signature.

2003.15 The Commission will immediately notify the judge in writing and by e-mail when a Form CJDT 10A is received requesting the release of the judge's Annual Financial Report(s) and will provide each judge with a copy of the requester's CJDT 10A form. A judge will have ten (10) days from receipt of the Commission's notification, to request a redaction.

2003.16 A Report that may be disseminated to the public after release to a requester, may be redacted pursuant to D.C. Official Code § 11-1530(c)(1)(2), as amended, to prevent public disclosure of personal or sensitive information that could endanger the judge or a member of the judge's family, directly, or indirectly, if possessed by a member of the public hostile to the judge or a member of the judge's family.

2003.17 The procedure for determining whether redaction is appropriate will be as follows:

(a) When an Annual Financial Report is filed, the judge may request redaction(s) believed to be appropriate before release of a Report that may be disseminated to the public. Requests for redaction may also be made after a judge receives a notification of a request to view or copy a Report.

(b) The judge must state with specificity what material is sought to be redacted. The judge must also state in detail the reasons justifying redaction. These reasons may include, but are not limited to

(1) The purposes and need for an ongoing protective detail provided by the United States Marshals Service, or the D.C. Courts Security Division;

(2) Particular threats or inappropriate communications;

(3) Involvement in a high threat trial or appeal; or

(4) Certain information on the form that could endanger the judge or a member of the judge's family directly or

indirectly if possessed by a member of the public hostile to the judge or a member of the judge's family.

2003.18 The Commission will determine, whether information sought to be redacted could, if disseminated to the public, endanger the judge or a member of the judge's family directly or indirectly and grant or deny the request accordingly. Information that could facilitate the financial harassment of a judge or a member of the judge's family, such as identity theft, may be deemed information that could endanger a judge or a member of the judge's family.

2003.19 No redactions will be granted that eliminate disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the judge from serving as a judge in litigation involving that entity, unless disclosure of that interest would reveal the location of a residence of the judge or a member of the judge's family, reveal the place of employment of the judge or a member of the judge's family.

(a) Information may be redacted from a Report in accordance with such findings to the extent necessary to protect the judge who filed the Report and his or her family, and the redactions will remain in effect for three (3) years.

(b) The Commission staff will notify a judge in writing and by e-mail when a Report is actually released or reviewed and provide the judge with a copy of the released Report with any redactions. The staff will maintain a copy of the redacted material for as long as the original Report is maintained.

(c) A request for redaction and its supporting documents, except for copies of the Annual Financial Report and any amendments thereto, are considered confidential and will only be used to determine whether to grant a request for redaction.

2004 COMPLAINTS

2004.1 Subject to the confidentiality provisions of § 2044, the Commission may receive information or a complaint from an individual or an organization regarding a judge's conduct or health.

2005 PRECEDENTS

2005.1 The provisions of this section shall apply to determinations by the Commission of grounds for removal under § 432(a)(2) of the Self-Government Act, and to evaluations by the Commission of judges who are candidates for renomination.

2005.2 Each judge shall be deemed to be on notice of the following; Provided, that copies of the decisions, evaluations, reports, or communications have been filed by the Commission with the Chief Judge of each court:

(a) The Commission's decisions in proceedings;

(b) The Commission's evaluations of judges who have been candidates for re-nomination;

(c) The annual reports of the Commission; and

(d) Any communication by the Commission to either of the Chief Judges of the courts of the District of Columbia specifying that the judges are to take notice of the communication.

2005.3 Expressions by the Commission in the decisions, evaluations, and communications listed in § 2005.2 shall be pertinent precedents to be taken into account by the Commission.

2005.4 Each judge shall be deemed to be on notice of provisions promulgated by the Advisory Committee on Judicial Activities of the Judicial Conference of the United States regarding the Code of Judicial Conduct for United States Judges. Each judge shall also be on notice of the advisory opinions of the District of Columbia Courts' Advisory Committee on Judicial Conduct.

2005.5 Insofar as the opinions of the Advisory Committee on Judicial Activities deal with provisions of the Code of Judicial Conduct that are similar to requirements applicable to judges of District of Columbia courts, the Commission shall regard them as persuasive.

§§ 2006 – 2009: [RESERVED]

2010 INVESTIGATIONS

2010.1 The Commission may investigate to determine whether a proceeding should be instituted on charges of misconduct, failure to perform judicial duties, or disability, upon receiving information regarding the following by complaint or otherwise:

(a) That a judge may have been guilty of willful misconduct in office or willful and persistent failure to perform his or her judicial duties; or

(b) That a judge engaged in other conduct prejudicial to the administration of justice or which brings the judicial office into disrepute; or

(c) That a judge may have a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties.

2010.2 The investigation may be carried out in a manner that the Commission deems appropriate, including the taking of evidence at Commission meetings or by deposition.

2010.3

(a) A respondent judge shall cooperate with the Commission in the course of its investigation and shall, within such reasonable time as the Commission may require, respond to any inquiry concerning the conduct of the judge, whether the questioned conduct occurred during the course of a concluded case or matter, a pending case or matter or in an extrajudicial context. The failure or refusal of the judge to respond may be considered a failure to cooperate.

(b) The failure or refusal of a judge to cooperate in an investigation, or the use of dilatory practices, frivolous or unfounded responses or argument, or other uncooperative behavior may be considered a violation of Canon 1 of the Code of Judicial Conduct and, therefore, an independent ground for disciplinary action.

2010.4 After investigation, if the Commission determines that a proceeding should not be instituted, the Commission shall so inform the judge if he or she was previously informed of the pendency of the complaint by either the complainant or the Commission and shall give notice to the complainant either that there is insufficient cause to proceed or that the complaint poses a legal issue over which the Commission has no jurisdiction, as appropriate.

2011 NOTICE OF A PROCEEDING

2011.1 If, after investigation, the Commission determines that a proceeding is warranted, the Commission, except for good reason, shall notify the judge of its determination.

2011.2 If immediately requested by a judge who has been notified under § 2011.1, the Commission, or a member of the Commission, or a special counsel may, if the circumstances warrant, confer with the judge for the purpose of considering whether the matter may be disposed of without a proceeding.

2011.3 If the matter is disposed of without a proceeding, notice shall be given to the complainant that the matter has been resolved.

2011.4 If notification under § 2011.1 is not given or, if given, if a disposition without a proceeding does not result, the Commission shall issue a written notice to the judge advising him or her of the institution of a proceeding to inquire into the charges.

2011.5 Each proceeding shall be titled as follows:

BEFORE THE DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

Inquiry Concerning A Judge, No. _____

2011.6 The notice of proceeding shall specify concisely the charges and the alleged basis for the charges, and shall advise the judge of the following rights:

(a) The right to counsel; and

(b) The right to file a written answer to the notice within twenty (20) days after service of the notice.

2011.7 The notice shall be served by personal service upon the judge.

2011.8 If it appears to the Chairperson of the Commission upon affidavit that, after reasonable effort for a period of ten (10) days, personal service could not be made, service may be made upon the judge by mailing the notice by registered or certified mail, addressed to the judge at his or her chambers or at his or her last known residence.

2012 OFFICIAL RECORD

2012.1 The Commission shall keep a complete record of each proceeding.

2013 ANSWER AND HEARING DATE

2013.1 Within twenty (20) days after service of a notice of proceeding, the judge may file an answer with the Commission.

2013.2 Upon the filing of an answer, unless good reason to the contrary appears in the answer, or if no answer is filed within the time for its filing, the Commission shall order a hearing to be held before it concerning the matters specified in the notice of proceeding.

2013.3 The Commission shall set a time and place for the hearing and shall mail a notice of the hearing time and place to the judge by registered or certified mail addressed to the judge at his or her chambers at least thirty (30) days prior to the date set.

2013.4 The Chairperson may extend the time either for filing an answer or for the commencement of a hearing for periods not to exceed thirty (30) days in the aggregate.

2013.5 The notice of proceeding and the answer shall constitute the pleadings. No further pleadings or motions shall be filed.

2013.6 The judge shall include in the answer all procedural and substantive defenses and challenges which the judge desires the Commission to consider.

2013.7 The Commission may rule on the defenses and challenges at the outset of the hearing or may take them under advisement to be determined during, at the close of, or at a time subsequent to the hearing.

2014 AMENDMENT OF NOTICE OF PROCEEDING

2014.1 The Commission at any time prior to its final decision in a proceeding may amend the notice of proceeding to conform to proof or otherwise.

2014.2 The judge shall be given a reasonable time to answer an amendment and to present his or her defense against any matter charged in an amendment.

2015 HEARINGS

2015.1 At the time and place set for hearing, the Commission shall proceed with the hearing whether or not the judge has filed an answer or appears at the hearing.

2015.2 The failure of the judge to answer or to appear at the hearing shall not, standing alone, be taken as evidence of the truth of facts alleged to constitute grounds for removal or involuntary retirement.

2015.3 The hearing shall be held before the Commission.

2015.4 Evidence at a hearing shall be received only when a quorum of the Commission is present.

2015.5 A verbatim record of each hearing shall be kept.

2016 PROCEDURAL RIGHTS OF JUDGES

2016.1 In a proceeding the judge shall be admitted to all hearing sessions.

2016.2 A judge shall be given every reasonable opportunity to defend himself or herself against the charges, including the introduction of evidence,

representation by counsel, and examination and cross-examination of witnesses.

2016.3 A judge shall have the right to the issuance of subpoenas for attendance of witnesses at the hearing to testify or produce material evidentiary matter.

2016.4 A copy of the hearing record of a proceeding shall be provided to the judge at the expense of the Commission.

2016.5 If it appears to the Commission at any time during a proceeding that the judge is not competent to act for himself or herself, the Commission shall seek the appointment of a *guardian ad litem* unless the judge has a legal representative who will act for him or her.

2016.6 The *guardian ad litem* or legal representative may exercise any right and privilege and make any defense for the judge with the same force and effect as if exercised or made by the judge, if he or she were competent. Whenever the provisions of this chapter provide for notice to the judge, that notice shall be given to the *guardian ad litem* or legal representative.

2017 OATHS OR AFFIRMATIONS

2017.1 Each witness who appears before the Commission in an investigation or proceeding shall swear or affirm to tell the truth and not to disclose the nature of the investigation or of the proceeding or the identity of the judge involved unless or until the matter is no longer confidential under the provisions of this chapter.

2017.2 The provisions of § 2017.1 shall apply to witnesses at Commission meetings or testifying by deposition. Individuals interviewed by a member of the Commission or its staff shall be requested to keep the matter confidential.

2017.3 Each member of the Commission shall be authorized to administer oaths or affirmations to all witnesses appearing before the Commission.

2018 SUBPOENAS AND ORDERS FOR INSPECTION OF DOCUMENTS

2018.1 In aid of any investigation or proceeding, the Commission may order and otherwise provide for the inspection of papers, books, records, accounts, documents, transcriptions, and other physical things, and may issue subpoenas for attendance of witnesses and for the production of papers, books, records, accounts, transcriptions, documents, or other physical things, and testimony.

2018.2 Whenever a person fails to appear to testify or to produce any papers, books, records, accounts, documents, transcriptions, or other physical things, as required by a subpoena issued by the Commission, the Commission may petition the United States District Court for the district in which the person may be found for an order compelling him or her to attend, testify, or produce the writings or things required by subpoena, pursuant to D.C. Official Code § 11-1527(c)(3).

2019 DEPOSITIONS

2019.1 The Commission may order the deposition of any person in aid of any investigation or proceeding.

2019.2 The deposition shall be taken in the form prescribed by the Commission, and shall be subject to any limitations prescribed by the Commission.

2019.3 To compel a deposition, the Commission may petition the Superior Court of the District of Columbia requesting an order requiring a person to appear and testify and to produce papers, books, records, accounts, documents, transcriptions, or other physical things before a member of the Commission or a special counsel or other officer designated by the Commission.

2019.4 The petition to the Superior Court shall state, without identifying the judge, the general nature of the pending matter, the name and residence of the person whose testimony or other evidence is desired, and any special directions the Commission may prescribe.

2019.5 Depositions shall be taken and returned in the manner prescribed by law for civil actions.

2020 GRANTS OF IMMUNITY

2020.1 Whenever a witness refuses, on the basis of his or her privilege against self-incrimination, to testify or produce papers, books, records, accounts, documents, transcriptions, or other physical things and the Commission determines that his or her testimony, or production of evidence, is necessary, it may order the witness to testify or to produce the evidence under a grant of immunity against subsequent use of the testimony or evidence, as prescribed by D.C. Official Code § 11-1527(c)(2).

2021 COMPENSATION OF WITNESSES

2021.1 Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his or her attendance the fees prescribed by D.C. Official Code § 15-714 for witnesses in civil cases.

2021.2 All witnesses shall receive the allowances prescribed by D.C. Official Code § 15-714 for witnesses in civil cases.

2022 FINDINGS OF FACT AND DECISIONS

2022.1 Within ninety (90) days after the conclusion of the hearing or the conclusion of any reopened hearing in a proceeding, the Commission shall make written findings of fact, conclusions of law, and a determination regarding the conduct or health of the judge.

2022.2 The findings, conclusions, and determination shall be set forth in an order, as the Commission deems appropriate. A copy of the order shall be sent to the judge and his or her counsel, if any.

2022.3 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established and orders removal or retirement, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.

2022.4 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established, but that removal or retirement should not be ordered, it shall include in its decision a statement of reasons for not so ordering, and, as it deems appropriate under the circumstances, shall order that the record of the proceeding either shall be made public or shall remain confidential.

2022.5 If the record of the proceedings remains confidential under § 2022.4, and if the judge within ten (10) days after a copy of the decision is sent to him or her requests that the record be made public, the Commission shall so order.

2022.6 If the record is to be made public, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.

2022.7 When a decision and transcript of the record are filed with the District of Columbia Court of Appeals pursuant to §§ 2022.3 or 2022.6, the Commission shall provide the judge with a copy of the entire record at the expense of the Commission except for those portions that it previously may have provided to him or her, and it shall notify the Chief Judge of the judge's court of its decision.

2022.8 If the Commission determines that grounds for removal or involuntary retirement of a judge have not been established, it shall ask the judge whether he or she desires the Commission to make public disclosure of information pertaining to the nature of its investigation, its hearing, findings, determination, or other facts related to its proceedings.

2022.9 If the judge, in writing, requests disclosure under § 2022.8, the Commission shall make the information available to the public except for the identity of an informant or complainant other than a witness at the hearing.

2023 CONVICTION OF A FELONY

2023.1 The Commission shall not file in the District of Columbia Court of Appeals an order of removal certifying the entry of a judgment of a criminal conviction, as provided in § 432(a)(1) of the Self-Government Act, without giving to the judge concerned at least ten (10) days' notice of its intention to do so.

§§ 2024 – 2029: [RESERVED]

2030 EVALUATION OF CANDIDATES FOR RENOMINATION

2030.1 Not less than six (6) months prior to the expiration of his or her term of office, a judge seeking reappointment shall file with the Commission a declaration in writing of candidacy for reappointment.

2030.2 Judges shall be urged to file the declaration well in advance of the six (6) month minimum, and shall, if possible, file the declaration nine (9) months prior to the expiration of his or her term.

2030.3 Not less than six (6) months prior to expiration of his or her term, the candidate shall submit to the Commission a written statement, including illustrative materials, reviewing the significant aspects of his or her judicial activities that the judge believes may be helpful to the Commission in its evaluation of his or her candidacy.

2030.4 A judge seeking reappointment shall, contemporaneous with his or her request, submit on a form provided by the Commission a report of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform judicial duties.

2030.5 When deemed appropriate by the Commission, a judge seeking reappointment shall submit to a physical and/or mental examination by a health care professional designated by it after consultation with the judge. The physician's report shall be given in writing to the Commission. Such examination and report shall be at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service pending the Commission's decision on the request for reappointment.

2031 EVALUATION STANDARDS

2031.1 A judge declaring candidacy for reappointment shall be evaluated by the Commission through a review of the judge's performance and conduct during the judge's present term of office.

2031.2 The evaluation categories shall include the following:

(a) Well Qualified – The candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's performance consistently reflects credit on the judicial system.

(b) Qualified – The candidate satisfactorily performs the judicial function or, if there are negative traits, they are overcome by strong positive attributes.

(c) Unqualified – The candidate is unfit for further judicial service.

2032 COMMUNICATIONS FROM INTERESTED PERSONS

2032.1 The lay public, the bar, court personnel, and other judges may communicate to the Commission, preferably in writing, any information they may have that is pertinent to the candidacy of a judge for renomination.

2033 INTERVIEWS WITH INFORMED PERSONS

2033.1 Ordinarily the Commission shall interview the Chief Judge of the candidate's court.

2033.2 In addition, the Commission may seek pertinent information by interviews with others conducted by the full Commission, by one (1) or more members, or by a special counsel or others of its staff.

2034 DISCLOSURE OF TAX INFORMATION

2034.1 At the Commission's request, the candidate shall execute all waivers and releases necessary for the Commission to secure tax information concerning him or her, including copies of tax returns.

2034.2 The failure of a candidate to provide the waivers and releases required under § 2034.1 may be considered by the Commission adversely to the candidate.

2034.3 Copies of all records received from the taxing authorities shall be provided to the candidate.

2035 CONFERENCES WITH CANDIDATES

2035.1 At the Commission's request, the candidate shall confer with the Commission in person and in private on reasonable notice.

2035.2 At the candidate's request, the Commission shall confer with him or her in person and in private on reasonable notice.

2035.3 At any conference with the candidate, the Commission may allow attendance by one (1) or more special counsel or others of its staff. The candidate may be accompanied by counsel.

2035.4 All members of the Commission shall endeavor to be present at any conference with a candidate, but the failure of a member to attend shall not prevent the Commission member from participating in the Commission's evaluation.

2035.5 If the Commission has information which, if uncontroverted, the Commission feels would raise a substantial doubt that the candidate is at least qualified, it shall inform the candidate of the nature of the questions raised.

2035.6 To the extent feasible, subject to the limitations of §§ 2004 and 2036, the Commission shall provide to the candidate in summary form the basis for doubt under § 2035.5.

2035.7 Prior to concluding its evaluation, the Commission shall afford the candidate a reasonable opportunity to confer with it, in accordance with the provisions of §§ 2035.1 through 2035.4, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the candidacy.

2036 EVALUATION REPORTS

2036.1 The Commission shall prepare and submit to the President a written evaluation of the candidate's performance during his or her present term and his or her fitness for reappointment to another term, not less than sixty (60) days prior to the expiration of the candidate's term of office.

2036.2 The Commission's evaluation report to the President of the United States shall be furnished, simultaneously, to the candidate.

2036.3 The Commission's evaluation report shall be made public immediately after it has been furnished to the President and the candidate.

2037 EVALUATION OF RETIRED JUDGES REQUESTING RECOMMENDATION FOR APPOINTMENT AS SENIOR JUDGES

2037.1 At any time prior to or not later than one (1) year after retirement, a judge seeking favorable recommendation for appointment as a senior judge shall file with the Commission a request in writing for such recommendation. The term of such appointment shall be for a term of four (4) years unless the judge has reached his or her seventy-fourth (74^{th}) birthday in which case the appointment shall be for a term of two (2) years.

2037.2 Contemporaneous with the filing of the request, such judge shall submit to the Commission a written statement, including illustrative materials, reviewing such significant aspects of his or her judicial activities as he or she believes may be helpful to the Commission in its evaluation of his or her request.

2037.3 A judge requesting recommendation for appointment as a senior judge not more than four (4) years subsequent to the date of his or her appointment or reappointment as a judge of a District of Columbia Court pursuant to § 433 of the Self-Government Act shall submit a written statement as prescribed by § 2037.2 but may limit the matters addressed in his or her statement to those judicial activities performed since the date of such appointment or reappointment.

2037.4 A retired judge who did not file a request for an initial recommendation from the Commission prior to April 29, 1985, and who is now willing to perform judicial duties shall file with the Commission not later than April 27, 1987, a request in writing for a recommendation for appointment as a senior judge and, contemporaneous with such request, shall submit a written statement, as prescribed by § 2037.2.

2037.5 Not more than one hundred eighty (180) days nor less than ninety (90) days prior to the expiration of each term, a senior judge willing to continue to perform judicial duties shall file with the Commission a request in writing for recommendation for reappointment to an additional term.

2037.6 Contemporaneous with the filing of the request prescribed by § 2037.5, such judge shall submit to the Commission a written statement reviewing such significant aspects of his or her judicial activities performed since the date of his or her last appointment or reappointment as he or she believes may be helpful to the Commission in its evaluation of his or her request.

2037.7 A judge who does not file a request within the time periods prescribed in §§ 2037.1, 2037.4 and 2037.5 shall not be eligible for appointment as a senior judge at any time thereafter, except for good cause shown.

2038 PHYSICAL EXAMINATION AND MEDICAL INFORMATION

2038.1 A judge seeking favorable recommendation for appointment or reappointment as a senior judge shall, contemporaneous with his or her request, submit on a form provided by the Commission a report of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform judicial duties.

2038.2 **When deemed appropriate by the Commission, a judge seeking favorable recommendation for appointment or reappointment to a term as a senior judge shall submit to a physical and/or mental examination by a health care professional designated by it after consultation with the judge. The physician's report shall be given in writing to the Commission. Such examination and report shall be at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service pending the Commission's decision on the request for appointment or reappointment.**

2038.3 **At the Commission's request, a judge required to submit to an examination as prescribed in §§ 2038.1 and 2038.2 shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution or other facility regarding the judge's physical or mental condition.**

2038.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases as required by §§ 2038.1, 2038.2 and 2038.3 may be considered by the Commission adversely to the judge.

2038.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2039 RECOMMENDATION STANDARDS

2039.1 A retired judge seeking a favorable recommendation for appointment or reappointment to a term as a senior judge shall be evaluated by the Commission through a review of the judge's physical and mental fitness and his or her ability to perform judicial duties.

2039.2 The recommendation standards are as follows:

(a) Favorable – The judge is physically and mentally fit and able satisfactorily to perform judicial duties.

(b) Unfavorable – The judge is unfit for further judicial service.

2040 COMMUNICATIONS FROM INTERESTED PERSONS

2040.1 The lay public, the bar, court personnel, and other judges are invited to communicate to the Commission, preferably in writing, any information they may have that is pertinent to a request for recommendation for appointment or reappointment as a senior judge.

2041 INTERVIEWS WITH INFORMED PERSONS

2041.1 The Commission shall interview the Chief Judge of the requesting judge's court.

2041.2 The Commission may seek pertinent information by interviews with others conducted by the full Commission, by one or more members, or by a special counsel or others of its staff.

2042 CONFERENCES WITH THE CANDIDATE

2042.1 At the Commission's request, the judge shall confer with it in person and in private on reasonable notice; and, at the judge's request, the Commission shall confer with the judge in person and in private on reasonable notice.

2042.2 At any such conference the Commission may allow attendance by one or more special counsel or others of its staff.

2042.3 The judge may be accompanied by counsel.

2042.4 All members of the Commission will endeavor to be present at any such conference, but the failure of a member to attend will not prevent his or her participation in the Commission's evaluation.

2043 NOTICE OF SPECIAL CONCERN AND OPPORTUNITY TO CONFER

2043.1 In the event the Commission has information which the Commission feels, if uncontroverted, would raise a substantial doubt that the judge is fit for further judicial service, it shall inform the judge of the nature of the questions raised and, to the extent feasible and subject to the limitation of §§ 2044.2 and 2044.3, the Commission shall provide to the judge in summary form the basis for doubt.

2043.2 Prior to concluding its evaluation the Commission shall afford the judge a reasonable opportunity to confer with it, in accordance with § 2042.1, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the request.

2044 CONFIDENTIALITY

2044.1 Commission records shall not be available for public inspection, except the following;

(a) Time and attendance data reported pursuant to the provisions of D.C. Official Code §§ 11-709 and 11-909; and

(b) Financial data reported pursuant to the provisions of D.C. Official Code § 11-1530, as amended.

2044.2 The record of investigations, proceedings, evaluations, and recommendations conducted or made by the Commission, as well as all financial and medical information received by the Commission pursuant to this chapter, other than the financial data referred to in § 2044.1, shall be confidential, except:

(a) When disclosed, in the Commission's discretion or as provided by this chapter, to the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation; or

(b) Where the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation, consents to disclosure; or

(c) When disclosed in a proceeding, or in a Commission decision in a proceeding; or

(d) When disclosed in a Commission evaluation of a judge who is a candidate for reappointment, or to the President of the United States in connection therewith; or

(e) When disclosed to the Chief Judge of a District of Columbia court in connection with a judge who has requested the Commission's recommendation for appointment as a senior judge; or

(f) When disclosed, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission in response to a request concerning a judge whose elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia court is being considered; or

(g) When disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

For purposes of this Rule, the record of an investigation, proceeding, evaluation, or recommendation shall include all papers filed or submitted

and all information furnished to or considered by the Commission in connection therewith (including, but not limited to, the substance of any complaint by or communications with individuals or organizations, financial and medical information obtained pursuant to this chapter, depositions, grants of immunity, and the notice and transcript of proceedings, if any).

2044.3 Notwithstanding any provision of § 2044.2, the identity of any individual or organization submitting a complaint, or furnishing information to the Commission in connection with an investigation, proceeding, evaluation of a candidacy for reappointment, or request for recommendation for appointment as a senior judge, shall not be disclosed to anyone, including the judge who is the subject of the complaint or information, except:

(a) Where the individual or organization consents to such disclosure; or

(b) When disclosed in a proceeding where the individual or a person connected with the organization is called as a witness; or

(c) When disclosed by the Commission to the President of the United States at his or her request when it concerns a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering; or

(d) When disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning a judge being considered by such Nomination Commission for elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia Court; or

(e) When disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

2044.4 Hearings in proceedings shall be conducted in closed session, unless the judge who is the subject of the proceeding shall consent to make the hearing open to the public.

2099 DEFINITIONS

2099.1 When used in this chapter, the following terms shall have the meanings ascribed:

Chairperson – The Chairperson of the Commission, or the Vice Chairperson or Acting Chairperson designated by the Commission when acting as Chairperson.

Evaluation – The process whereby the Commission, pursuant to § 433(c) of the Self-Government Act, prepares and submits to the President of the United States a written report evaluating the performance and fitness of a candidate for reappointment to a District of Columbia court.

Investigation – An inquiry to determine whether a proceeding should be instituted.

Judge – A judge, senior judge, or retired judge of the District of Columbia Court of Appeals or of the Superior Court of the District of Columbia.

Proceeding – A formal proceeding, initiated by a Notice of Proceeding, to hear and determine charges as to a judge's conduct or health pursuant to § 432 (a)(2) or (b) of the Self-Government Act.

Recommendation – The process whereby the Commission, pursuant to D.C. Official Code § 11-1504, prepares and submits a written report of its recommendation and findings to the chief judge of a District of Columbia court regarding the appointment of senior judges to the court.

Self-Government Act – The District of Columbia Self-Government and Governmental Reorganization Act of 1973, effective December 24, 1973 (87 Stat. 774, Pub. L. 93-198).

Special Counsel – any member of the District of Columbia Bar retained by the Commission to assist it.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

RM28-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES REGARDING UNIVERSAL SERVICE

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802, 2-505, and 34-2003 of the District of Columbia Code,[1] of its final rulemaking action adopting amendments to Chapter 28 (Universal Service) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. On July 19, 2019, the Commission published a Notice of Proposed Rulemaking (NOPR) [2] seeking to remove limitations on the amount of reimbursement eligible telecommunications carriers may receive for the provision of wireline Lifeline voice service to qualifying customers from the District of Columbia Universal Service Trust Fund, following decreases to federal universal support mandated by the Federal Communications Commission.

3. No comments on this NOPR were filed. The Commission approved the amendments as proposed in a vote at the September 11, 2019 open meeting, with the amendments becoming effective upon publication in the *D.C. Register*.

Chapter 28, UNIVERSAL SERVICE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2803, DISTRICT OF COLUMBIA UNIVERSAL SERVICE TRUST FUND, is amended as follows:

…

2803.2 The amount to be reimbursed shall be calculated for each ETC to be the remainder of the ETC's retail tariffed rate less funding from the Federal Universal Service Low Income Fund less the tariffed lifeline rate for each eligible customer subscribing to the ETC's lifeline service.

[1] D.C. Official Code §§ 34-802 (2019 Repl.); 2-505 (2016 Repl.); 34-2003 (2019 Repl.).

[2] 66 DCR 8387-8388 (July 19, 2019).

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.0l(a); 38-1202.06)(3),(13) (2019 Repl.)), hereby gives notice of its intent to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the rule is to revise the student health insurance fees the University charges students.

The substance of the rules adopted herein was published in the *D.C. Register* on May 10, 2019 at 66 DCR 005883 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a)(2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on September 10, 2019, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Paragraph (q) of Subsection 728.9 of Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, is amended as follows:

(q)	Student Health Insurance	$978.00 (Fall Enrollment) $575.00 (Spring Enrollment) $236.00 (Summer 1 Enrollment) $124.00 (Summer 2 Enrollment)

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2019 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR); hereby gives notice of the adoption of amendments to Section 4101 (Rates and Charges for Sewer Service) of Chapter 41 (Retail Water and Sewer Rates and Charges), of Title 21 (Water and Sanitation) DCMR.

At its regularly scheduled meeting on September 5, 2019, the Board adopted Resolution #19-56 to amend the retail sanitary sewer service rate for discharges of groundwater from unimproved real properties, properties under construction and properties under groundwater remediation.

Pursuant to Board Resolution #18-73, dated November 1, 2018, DC Water's Notice of Proposed Rulemaking was published in the *District of Columbia Register* (*D.C. Register* or DCR) at 65 DCR 12831 on November 16, 2018 to receive comments on the proposed rulemaking. Further, a Notice of Public Hearing was published in the *D.C. Register* on June 21, 2019 at 66 DCR 7385 for a public hearing on August 14, 2019.

On August 14, 2019, the Board received comments at the public hearing on the proposed rulemaking to amend the retail sanitary sewer service rate for discharges of groundwater from unimproved real properties, properties under construction and properties under groundwater remediation. On August 27, 2019, the DC Retail Water and Sewer Rates Committee met to consider the comments offered during the public comment period and the public hearing, and recommendations from the General Manager. At that meeting, the DC Retail Water and Sewer Rates Committee recommended that the Board adopt amendments to the retail sanitary sewer service rate for discharges of groundwater from unimproved real properties, properties under construction and properties under groundwater remediation.

On September 5, 2019, the Board, through Resolution #19-56, after consideration of all the comments received, the report from the DC Retail Water and Sewer Rates Committee, and recommendations from the General Manager, voted to adopt the amendments to the retail sanitary sewer service rate for discharges of groundwater from unimproved real properties, properties under construction and properties under groundwater remediation.

No substantive changes were made to the proposed regulations.

These rules were adopted as final on September 5, 2019 by resolution, and will become effective on October 1, 2019, after publication of this notice in the *D.C. Register*.

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

Section 4101, RATES AND CHARGES FOR SEWER SERVICE, Subsection 4101.2, is amended as follows:

4101.2 The retail rates for sanitary sewer service for the discharge of groundwater, cooling water, and non-potable water sources shall be:

(a) The retail groundwater sewer charge for an unimproved real property, property under construction or under groundwater remediation shall be two dollars and eighty-three cents ($2.83) per Ccf ($3.78 per 1,000 gallons) for groundwater discharged into the District's wastewater sewer system.

(b) The retail cooling water sewer charge shall be the retail sanitary sewer service rate as provided in Subsection 4101.1(a) for cooling water discharged into the District's wastewater sewer system.

(c) The retail non-potable water source sewer charge shall be the retail sanitary sewer service rate as provided in Subsection 4101.1(a) for non-potable water discharged into the District's wastewater sewer system.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2019 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR); hereby gives notice of the adoption of amendments to Section 4102 (Customer Assistance Program) of Chapter 41 (Retail Water and Sewer Rates and Charges) of Title 21 DCMR.

At its regularly scheduled meeting on September 5, 2019, the Board adopted Resolution #19-55 to amend the Customer Assistance Program regulations to extend the Customer Assistance Program II (CAP2) program through Fiscal Year 2020.

Pursuant to Board Resolution #19-37, dated June 6, 2019, DC Water's Notice of Proposed Rulemaking was published in the *District of Columbia Register* (*D.C. Register* or DCR) at 66 DCR 7460 on June 21, 2019 to receive comments on the proposed rulemaking. Further, a Notice of Public Hearing was published in the *D.C. Register* on June 21, 2019 at 66 DCR 7385 for a public hearing on August 14, 2019. On July 11, 2019, the Board through Resolution #19-44, authorized the carryover of the unexpended CAP2 funds to Fiscal Year 2020.

On August 14, 2019, the Board received comments at the public hearing on the proposed rulemaking to extend DC Water's CAP2 program through Fiscal Year 2020. On August 27, 2019, the DC Retail Water and Sewer Rates Committee met to consider the comments offered during the public comment period and the public hearing, and recommendations from the General Manager. At that meeting, the DC Retail Water and Sewer Rates Committee recommended that the Board adopt amendments to the Customer Assistance Program regulations to extend the CAP2 program through Fiscal Year 2020.

On September 5, 2019, the Board, through Resolution #19-55, after consideration of all the comments received, the report from the DC Retail Water and Sewer Rates Committee, and recommendations from the General Manager, voted to adopt the amendments to the Customer Assistance Program rules in the DCMR to extend the CAP2 program through Fiscal Year 2020.

No substantive changes were made to the proposed regulations.

These rules were adopted as final on September 5, 2019 by resolution, and will become effective on October 1, 2019, after publication of this notice in the *D.C. Register*.

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

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

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

4102.2 CUSTOMER ASSISTANCE PROGRAM II (CAP2)

…

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

(1) CAP2 customers that submit a complete application to DOEE before November 1, 2019, shall receive CAP2 benefits retroactive to October 1, 2019 and terminating on September 30, 2020.

(2) CAP2 customers that submit a complete application on or after November 1, 2019, shall receive CAP2 benefits as of the date of submittal and terminating on September 30, 2020.

(d) If DC Water determines that the remaining budgeted funds are insufficient to provide CAP2 benefits, DC Water may:

(1) Suspend the process for accepting CAP2 applicants; or

(2) Suspend or adjust providing CAP2 benefits to CAP2 recipients.

(e) The CAP2 Program shall terminate on September 30, 2020.

DEPARTMENT OF HEALTH

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Health ("Department"), pursuant to the authority set forth in § 1301 of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq*. (2012 Repl.)) (the "Act") and in accordance with Mayor's Order 2005-137, dated September 27, 2005, hereby gives notice of her intent to adopt the following amendment to Chapter 101 (Assisted Living Residences) of Title 22 (Health), Subtitle B (Public Health and Medicine), of the District of Columbia Municipal Regulations ("DCMR").

The adoption of this amendment to Chapter 101, which had until now contained only licensure fees, is necessary to supplement the Act, which sets uniform, minimum standards of licensure for assisted living residences ("ALRs") in the District. The purpose of the rulemaking is to address gaps in the Act that put residents at risk of injury to their persons and to the rights granted to them under the Act. The rulemaking will also enhance and clarify the Act's existing provisions as necessary to address current industry practices and challenges while promoting and protecting ALR residents' rights, health, welfare, and safety. Lastly, this rulemaking relocates the section titled "Fees" from 22-B DCMR § 10101 to 22-B DCMR § 10105, but does not make any substantive changes to the existing language in the section.

The rulemaking was first published as a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on August 24, 2018 at 65 DCR 8785. The Department received comments in response to the notice from the following (in order of receipt): Sharon E. Ricardi, President, Northbridge Advisory Services, on behalf of Hallkeen Assisted Living & Northbridge Advisory Services, jointly; Marjorie Rifkin, Managing Attorney, Disability Rights DC at University Legal Services; Kathleen N. Ausley and Dr. Allan J. Reiter, together in their individual capacities; Edward F. Howard, in his individual capacity; Mark C. Miller, DC Long-Term Care Ombudsman, Office of the DC Long-Term Care Ombudsman, Legal Counsel for the Elderly; Louis Davis, Jr., State Director, AARP DC State Office; Gilda H. Lambert, in her individual capacity; Veronica Damesyn Sharpe, President, District of Columbia Health Care Association; Kate Sullivan Hare, Executive Director, Long Term Care Quality Alliance; Judith Levy, Coordinator, District of Columbia Coalition on Long Term Care; Stephanie M. Ross, in her individual capacity; Dallas Salisbury, in his individual capacity; Margaret Lenzner, in her individual capacity; and Christy Kramer, Director, LeadingAge DC. Those who submitted comments in their individual capacities will be referred to as "Individual Commenters" for the purpose of addressing comments, below.

Based upon the review of the written comments received during the comment period, the following provisions have been amended or added in order to improve conveyance of the rulemaking's purpose, intent, or meaning:

§ 10106.3 – revised to incorporate the recommendation of Disability Rights DC, to state clearly that background check information collected pursuant to § 10104 shall be considered with the rest of the application. Commenter's recommendation was directed at § 10104.2;

however, the Department determined that the best course was to incorporate the provision via § 10106 "Initial ALR License."

§ 10106.5 – removed, to incorporate the recommendations of the DC Long-Term Care Ombudsman and Disability Rights DC to remove the provision excepting ALRs with fewer than seven (7) beds from providing evidence of a certificate of occupancy with their license application, as is consistent with current zoning regulations.

§ 10107 – revised to incorporate the recommendations of Disability Rights DC, the District of Columbia Health Care Association, and the DC Long-Term Care Ombudsman, to provide additional rules with respect to inspections conducted by the Department, including the events that trigger inspection, the scope of information subject to inspection, and the Department's protection of resident information prior to releasing an inspection report to the public. The revisions are reflected in this Second Proposed Rulemaking at §§ 10107.1, 10107.2, 10107.3, 10107.5, 10107.6, and 10107.7. The Department, however, declined to adopt the recommendation to prescribe the fixed percentage of records to review during inspections because the number of records required for the Department to ascertain compliance may be more or less than the indicated fixed percentage, depending on the circumstances of the investigation.

§ 10108.2 – revised to incorporate the recommendation of the DC Long-Term Care Ombudsman, to clarify that the minimum standard for admission is that an applicant requires "at least" the minimal level of assistance with assisted living services provided by the ALR. To further clarify the intent and meaning of the subsection, the Department has also specified "assisted living services" to be "assistance with activities of daily living or instrumental activities of daily living," consistent with the terminology used by the Act.

§ 10108.3 – revised to incorporate the recommendation of Disability Rights DC, to expressly state that an ALR shall consider available mental health resources in the District when assessing a potential resident's mental health needs and the ALR's ability to meet those needs at the time of admission.

§ 10109.3 – revised to incorporate the recommendation of the District of Columbia Health Care Association, in part, to permit a resident to view, upon demand, a copy of the required ALR policies enumerated in § 10110, but not a copy of all internal procedures connected to those enumerated policies. The Department determined that residents and surrogates must be afforded access to the ALR procedures related to the resident's access to grievance mechanisms and his or her participation in the development and revision of the individualized service plan ("ISP"). Therefore, the rulemaking will continue to preserve residents' access to those procedures, in addition to all the policies indicated in § 10110, upon demand. (Note: The revisions to §10109.3 are reflected in §§ 10110.5 and 10110.6 of this Second Proposed Rulemaking.)

Regarding resident groups and the resolution of grievances and requests: §§ 10109.4 through 10109.6 – revised to incorporate the recommendations of 2 Individual Commenters, Disability Rights DC, and the Long Term Care Quality Alliance, to set a

fifteen (15) day deadline for ALRs to respond, in writing, to requests and grievances submitted by a resident or resident group. Consequently, the Department declined to adopt the recommendation from another Individual Commenter and the DC Long-Term Care Ombudsman to set the deadline for ALRs to respond to submitted grievances or requests at ten (10) and thirty (30) days, respectively. The Department also declined to adopt another Individual Commenter's recommendation that would have also required ALRs to report their progress on all received requests or grievances within the fifteen (15) day response window because § 10109.7's requirement for the ALR to identify the action (or inaction) it intends to take is adequate correspondence from the ALR and in-line with the spirit of the Act. (Note: Recommendations for §§ 10109.4 – 10109.6 are reflected in §§ 10109.6 and 10109.7 of this Second Proposed Rulemaking.) **A new § 10109.5 – added to incorporate the recommendation of 2 Individual Commenters and AARP,** to provide for resident group meetings to be posted prominently in designated areas; to have the date, time, and location of upcoming meetings be included in the ALR's published activity calendars or schedules of events; and to ensure resident group meetings are provided meeting space of appropriate size and seating for attendees. **A new § 10109.13 – added to incorporate the recommendation of an Individual Commenter,** to prohibit using "resident group" or "resident council" to describe a group or other gathering that is moderated or otherwise controlled by an ALR.

A new § 10109.11 – added to incorporate the recommendation of the Long Term Care Quality Alliance, to ensure that the documents made available to residents on demand by the Act also be made available to a resident's surrogate, when applicable.

Regarding mandatory policies and procedures: § 10110.1 – revised to incorporate the recommendations of 2 Individual Commenters, the Long Term Care Quality Alliance, the District of Columbia Health Care Association, and Disability Rights DC, to specify that an ALR's A/V monitoring system policies shall include length of retention of recordings and destruction of recordings; to add resident falls and protection from retaliation against residents for expressing complaints and grievance to the enumerated mandatory policies and procedures; to specify that an ALR's policy on visitation shall include visitor conduct; and to rephrase language requiring that policies meet "requirements set forth by the Department" in order to clarify that the policies must meet the Director's approval. (Note: §10110.1 has been renumbered to §10110.2 in this Second Proposed Rulemaking.) **A new § 10110.1 – added in response to the recommendations of the DC Long-Term Care Ombudsman, the Long Term Care Quality Alliance, Disability Rights DC, and 2 Individual Commenters for additional policies and procedure topics to be specified,** to expressly state the Department's intent for ALRs to develop and implement policies and procedures concerning aspects of the ALR's operation, and that all policies and procedures be consistent with applicable District and federal law. **§ 10110.2 – revised to incorporate the recommendation of the Long Term Care Quality Alliance, in part,** to require all policies be dated as to when they became effective; however, the Department did not adopt the commenter's recommendation to require each dated

policy also identify all changes made from its prior version in strike-through format, as the Department does not seek to regulate how policies are edited.

Regarding Financial Agreements: § 10112.1 – revised to incorporate the recommendation of the District of Columbia Health Care Association, to clarify that quarterly financial records reported to a resident (or surrogate) shall pertain to the funds and personal property entrusted to the ALR, as described in § 603(a)(2) of the Act. (Note: § 10112.1 has been renumbered to § 10112.4 in this Second Proposed Rulemaking.) **§ 10112.2 – revised to incorporate the recommendation of Disability Rights DC,** to require an ALR turn over funds entrusted to the ALR at the time of the resident's discharge; however, the Department did not incorporate commenter's recommendation to require the final accounting be turned over at the time of discharge, as a period for the ALR to finalize its accounting beyond the moment of discharge is reasonable and consistent with practices in other jurisdictions. The revisions are reflected in §§ 10115.10 and 10115.11 of this Second Proposed Rulemaking.) **A new § 10112.2 – added to incorporate the recommendation of Disability Rights DC,** to require resident funds over two hundred dollars ($200) that are entrusted to an ALR be deposited in an interest-bearing account in the resident's name.

Regarding ISPs: A new § 10113.2 – added to incorporate the recommendation of the DC Long-Term Care Ombudsman, AARP, and an Individual Commenter, to support the participation of family and friends in the development, review, and renegotiation of a resident's ISP. **§ 10113.3 – revised to incorporate the recommendation of District of Columbia Health Care Association,** to increase the time for completing a post-admission assessment to seventy-two (72) hours. (Note: § 10113.3 has been renumbered to 10113.5 in this Second Proposed Rulemaking.) **A new § 10113.3 and new § 10113.6 – added to incorporate the recommendation of Disability Rights DC,** to identify the individuals required to participate in the ISP development and update process on behalf of the ALR. **§ 10113.5 – revised to incorporate the recommendation of an Individual Commenter,** to enumerate the details that an ALR must address in the notice of a resident's upcoming ISP review. (Note: § 10113.5 has been renumbered to § 10113.8 in this Second Proposed Rulemaking.) **A revised § 10113.6 and a new §§ 10113.10, 10113.12, & 10113.13 – added to incorporate the recommendations of Disability Rights DC, the DC Long-Term Care Ombudsman, the Long Term Care Quality Alliance, and an Individual Commenter,** to clarify the means by which disagreements between a resident and the ALR regarding updates of the resident's ISP shall be resolved prior to implementation of the ISP, and to emphasize a resident's right to engage in negotiating a shared responsibility agreement ("SRA") to refuse participation in a service. The Act and rulemaking provide for negotiation of an SRA to be the mechanism for disputing services an ALR attempts to provide a resident, and for resolving those disputes. The Act provides great protection to a resident's right to initiate negotiation of an SRA for any disagreement as to lifestyle, personal behavior, safety, or the resident's ISP. (*See*, the Act, at D.C. Official Code § 44-106.05(a)). As indicated by the numerous comments received with respect to the ISP update process, the

Department has been made aware that the Act and rulemaking's coverage of the ISP and SRA processes did not adequately inform and guide the public as intended. As a result, the Department revised and added provisions to § 10113 to provide express, detailed rules for navigating a disagreement during the ISP update process. (Note: § 10113.6 has been renumbered to §1013.11 in this Second Proposed Rulemaking.)

§ 10114.3 – revised to incorporate the recommendation of an Individual Commenter, in part, to explicitly require an ALR to document and provide to a resident, in writing, the adverse risks for which the ALR declined to enter into an SRA with the resident when declining under the authority of this subsection. A copy of that correspondence shall also be kept in the resident's record. (Note: § 10114.3 has been renumbered to § 10114.4 in this Second Proposed Rulemaking.)

§ 10114.5 – revised to incorporate the recommendation of the District of Columbia Health Care Association, to clarify that an ALR is not required to permit a resident to pursue a course of action it poses a clear and present risk of harm to the health, wealth, or safety of other residents or staff. (Note: § 10114.5 has been renumbered as § 10114.6 in this Second Proposed Rulemaking.)

Regarding a resident's relocation, transfer, or discharge: § 10115.1 – revised to incorporate the recommendation of 2 Individual Commenters and Disability Rights DC, to require consultation between the ALR and a resident prior to the ALR initiating a discharge on the basis that it can no longer meet a resident's care needs. **A new § 10115.6 – added to incorporate the recommendations of 3 Individual Commenters and the Long Term Care Quality Alliance,** to expound on the Act's protections for residents seeking to return to an ALR after having been transferred to an acute care facility to temporarily receive a higher level of care. **§ 10115.8 – revised to incorporate the recommendation of Disability Rights DC, in part,** to ensure a resident receives all personal funds he or she entrusted to the ALR during his or her residency; however, the Department did not adopt commenter's recommendation to require that ALRs provide a final accounting and any refunds due at the time of the resident's discharge because the rulemaking's existing provision of up to thirty (30) days is consistent with practices in several other jurisdictions. (Note: § 10115.8 has been renumbered as § 10115.11 in this Second Proposed Rulemaking.) **A new §10115.14 – added to incorporate the recommendations of 2 Individual Commenters, in part,** to ensure documentation of a resident's relocation, transfer, or discharge, and the basis for the action, be kept in the resident's record and, thus, be accessible to the resident. The Department declined to adopt the commenter's recommendation to require a copy of the documented relocation, transfer, or discharge be sent to the resident's physician or surrogate because both the physician and surrogate are part of the interdisciplinary team that conducts the resident's ISP review.

A new § 10116.19 – added to incorporate the recommendation of 2 Individual Commenters, to require posting the name of the assisted living administrator ("ALA") or acting administrator on duty.

§ 10118.1 – revised to incorporate the recommendation of the District of Columbia Health Care Association, and in response to multiple comments indicating a misunderstanding of the extent of an ALR's responsibility for private duty healthcare professionals, to simplify the rulemaking by holding ALRs responsible for private duty healthcare professionals to the extent of requiring and causing a private duty healthcare professional to comply with the provisions of § 10118 as a condition of providing service on the ALR's premises.

A new § 10118.3 – added to incorporate the recommendation of 2 Individual Commenters, to provide a resident with notice and an opportunity to appeal in the event that a private duty healthcare professional hired by the resident is removed from the ALR premises upon determination by the ALR that the private duty healthcare professional has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of one (1) or more residents in the ALR.

§ 10119.4 – revised to incorporate the recommendation of the DC Long-Term Care Ombudsman, to provide for residents or their surrogates to challenge an ALR's decision to immediately remove a companion from its premises under § 10119.4. (Note: § 10119.4 has been renumbered as § 10119.5 for this Second Proposed Rulemaking.)

A new § 10119.6 – added to incorporate the recommendation of the District of Columbia Health Care Association, to ensure that ALRs require all companions, as defined by the rulemaking, to report abuse, neglect, or exploitation of a resident to the ALR. This amendment is consistent with the reporting requirement for ALR staff and all private duty healthcare professionals providing services to residents on the ALR's premises.

§ 10122.1 – revised to incorporate the recommendation of the DC Long-Term Care Ombudsman, to clarify that on-site medication reviews are performed by a registered nurse.

A new § 10123.2 – added to incorporate the recommendation of an Individual Commenter, to clearly hold medication that requires refrigeration or medication stored on portable medication carts to security standards consistent with the Act's requirements for medication stored in the ALR's medication storage area; and to expressly state that medication be stored as indicated on its label.

§10123.3 – revised to incorporate the recommendation of Disability Rights DC, to ensure that medications are returned to residents at the time of their discharge from an ALR, to the extent permitted by law. (Note: § 10123.3 has been renumbered as § 10123.6 in this Second Proposed Rulemaking.)

Regarding medication self-administration: § 10124.2 – revised to incorporate the recommendation of Disability Rights DC, to ensure that individuals with disabilities are not disqualified from being assessed capable of self-administration due to performing the required assessment tasks with the utilization of accommodations for their disabilities, provided that he or she can perform the tasks in part (a) or (b) of the assessment tool without the assistance of another person. It is the Department's position that any individual who cannot perform the tasks required in the part (a) or (b) of the assessment tool without the assistance of another person, regardless of ability or disability, cannot safely self-administer. **A new § 10124.4 – added to incorporate the recommendations of 4 Individual Commenters and the Long Term Care Quality Alliance,** to more clearly convey the rulemaking's intent to permit residents who are capable of self-administration – or self-administration with a reminder or physical assistance to open or remove medication from containers – to utilize devices or other resources to facilitate the self-administration of their medication, as limited by the rulemaking.

§§ 10124.3 and 10124.7 – revised to incorporate the recommendation of the District of Columbia Healthcare Association, to remove trained medication employee ("TME") from the list of permitted private duty healthcare professionals because ALR residents may not directly employee TMEs. (Note: § 10124.7 has been renumbered as § 10124.8 for this Second Proposed Rulemaking.)

A new § 10125.1 – added to incorporate the recommendation of an Individual Commenter, to clarify that the Department may receive complaints regarding ALRs in addition to the DC Office of the Long-Term Care Ombudsman.

§ 10125.2 – revised to incorporate the recommendations of the DC Long-Term Care Ombudsman and Disability Rights DC, to require instances of abuse or unusual incidents involving death or criminal activity at an ALR be reported to the Metropolitan Police Department. (Note: § 10125.2 has been renumbered as § 10125.4 in this Second Proposed Rulemaking.)

A new § 10126 – added to incorporate the recommendation by the District of Columbia Health Care Association, to provide additional guidance with respect to the grounds for which an inspection can be conducted and the breadth of information that is subject to inspection. The Department provided inspection rules consistent with those that govern every other residence facility within its purview, taken from 22-B DCMR §§ 3101 and 3105 as necessary to supplement the inspection provisions already in effect under the Act.

The Department received, but declined to incorporate the following comments into this Second Proposed Rulemaking:

Regarding the Preamble and § 10117.1, recommendations to provide a grandfathering clause to permit continued practice of assisted living administration without a license for

the ALAs who currently practice in the absence of ALA licensure regulations - from Hallkeen Assisted Living & Northbridge Advisory Services and the District of Columbia Health Care Association. The Department did not accept these recommendations. This rulemaking does not have the authority to promulgate "grandfather" licensure exceptions for ALAs because license requirements for ALAs are promulgated by the District of Columbia Board of Long-Term Care Administration under the authority of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq*. (2016 Repl.)). The Board of Long-Term Care Administration governs the practice of assisted living administration and will develop rules in a separate rulemaking to address ALA licensure and authorized practice. Furthermore, as stated in the preambles of both the initial Notice of Proposed Rulemaking and this Second Proposed Rulemaking, the Department will not enforce the portions of the rulemaking that require an individual to be licensed by the District of Columbia Board of Long-Term Care Administration or otherwise authorized by the Director to practice assisted living administration until rules have been promulgated, and become effective, to govern said licensure and authorization.

Regarding §§ 10100.2, 10109, 10116, and Chapter 101, recommendations to repeat all or some sections of the Act, *verbatim*, in the rulemaking – from DC Long-Term Care Ombudsman, and AARP. The Department did not accept the recommendations because to do so contradicts the clear language of the rulemaking authority granted by the Act at D.C. Official Code § 44-113.01: to supplement the provisions of the Act. The Department's position is that repeating provisions for the sole purpose of visibility in both the Act and the rulemaking is not within the spirit of the rulemaking authority granted by the Act.

Regarding §§ 10100.3 and 10109, generally, recommendation to insert additional provisions to create a right to external review by an independent party in the event of the resident's disagreement with an action or inaction by an ALR; to insert additional provisions that provide a formal appeals process for residents dissatisfied with an ALR's action or inaction; and to allow residents to submit complaints to District agencies or advocacy organizations – from an Individual Commenter and Disability Rights DC. The Department did not accept the recommendation because the Act, at D.C. Official Code § 44-105.05(a)(4), already requires an ALR to provide for independent external review process as part of the grievance mechanism intended by the Act. The processes by which to exercise the grievance mechanism are presented in the service agreement between the resident and the ALR, per the Act, at D.C. Official Code § 44-106.02(a)(4). As mentioned previously, it is not the purpose of this rulemaking to repeat the Act's provisions. Furthermore, nothing in the rulemaking or the Act prevents a resident from lodging complaints to any organization that will receive them. Notwithstanding that, the Act clearly notifies residents of their right to address grievances to the Office of the Long-Term Care Ombudsman at § 44-105.05(a)(5). Nonetheless, the Department included an explicit statement of a resident's options to lodge complaints with

both the Office of the Long-Term Care Ombudsman and the Department of Health when it undertook a revision to § 10125 "Reporting" unrelated to this comment.

Regarding §§ 10100.3 and 10109, recommendations to instruct on a resident's available causes of action in the event of the resident's disagreement with an action or inaction by the Department, and to create a right for a resident to bring civil action before a jury against an ALR for violation of these rules, District and federal law, internal policies and procedures, resident agreements, or ISPs – from an Individual Commenter. The Department did not accept this recommendation because instructing residents on their available causes of action is a matter outside the scope of this rulemaking (which is to provide and expound on standards for the licensing and operation of ALRs). Furthermore, absence of the commenter's desired language does not affect a resident's right to pursue civil action against a party in common law and under other statutory authority.

Regarding § 10100.4, a recommendation to cross-reference to the corresponding federal provision for settings requirements at 42 CFR § 441.301(c)(4) and include a statement requiring compliance thereto – from DC Long-Term Care Ombudsman. The Department did not accept the recommendations because the requirement to comply with the federal rules for settings requirements at 42 CFR § 441.301 is expressly stated in the District of Columbia Department of Health Care Finance's rules for participation, at 29 DCMR § 4200.6. It is unnecessary to repeat that requirement in this rulemaking.

Regarding §§ 10100.4 and 10109, recommendations to require all ALRs comply with the requirements to participate in the Medicaid Home Community-Based Services Waiver program for the Elderly and Persons with Physical Disabilities ("Waiver program" or "EPD Waiver Program"), and to integrate all of the rules for participation in the Waiver program into the rulemaking – from Disability Rights DC, the DC Long-Term Care Ombudsman, and an Individual Commenter. The Department did not accept these recommendations because universal compliance with the Waiver program rules is not required. The Act and this rulemaking set forth uniform minimum standards of licensure which are to apply to all ALRs in the District; whereas, the Department of Health Care Finance has set forth comprehensive regulations for settings seeking participation in the Waiver program at 29 DCMR 4200 *et seq*. An ALR is required by the Department of Health Care Finance to meet the Waiver program's requirements if, and only if, that ALR expects to participate in the Waiver program. Consequently, this rulemaking instructs only ALRs seeking participation in the Waiver program to comply with the Waiver program requirements set forth by the Department of Health Care Finance and declines to incorporate those Waiver program requirements across all ALRs within the District without regard to their participation status. The Department is satisfied that the Act and its attendant regulations will ensure that ALRs who don't participate in the Waiver program maintain standards that protect the health and safety of the public and the rights of the residents, within.

Regarding § 10101, recommendations to add "facilitate aging in place" and "resident's right to have access to the community" to the purpose statement – from an Individual Commenter and DC Long-Term Care Ombudsman. The Department did not accept the recommendations because it has replaced the enumerated principles to which the commenters sought to add their suggestions with language that more clearly captures the intended purpose of the rulemaking. The recommendations have become moot.

Regarding § 10103.6, recommendation to expressly require that an ALR return its license to the Department after a license restriction has been imposed upon it – from the DC Long-Term Care Ombudsman. The Department did not accept this recommendation because commenter's recommendation is inconsistent with existing rule language governing the return of licensure for other residence facilities within the Department's purview. The Department has determined that this license requirement language should be consistent across all residence facilities within its purview at this time.

Regarding § 10104, recommendations to make the applicant background checks described in § 10104.2 compulsory for all applicants – from the DC Long-Term Care Ombudsman and an Individual Commenter. The Department did not accept these recommendations because the applicant background checks in § 10104.2 are separate from and additional to the criminal background checks already required for applicants by the Act. The applicant background checks in § 10104.2 are available to the Department as a tool for the agency to utilize when further applicant information is needed. The applicant background checks in § 10104.2 are intentionally discretionary in order to avoid unnecessary expenditure of resources on applications for which such background checks would be frivolous.

Regarding § 10104.2, recommendations for a compulsory disqualification of applicants who "fail the criminal background check" or who are alleged to have engaged in conduct that would "fail" the criminal background check – from the DC Long-Term Care Ombudsman and Disability Rights DC. The Department did not accept these recommendations because the Act already cross-references to the enumerated list of crimes for which an applicant who has been convicted may not receive an ALR license under the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998. Further, the standard for disqualification is <u>conviction</u> of one of the crimes enumerated in that list (and its corresponding regulation at 22-B DCMR § 4705), not just the allegation of criminal conduct, as requested by the commenter.

Regarding § 10105, recommendations to increase licensing fees – from the Long-Term Care Quality Alliance and an Individual Commenter. The Department did not accept the recommendation because it did not determine that there was a need to increase licensing fees at this time.

Regarding § 10106: A recommendation to add an explicit requirement that all application materials be matters of public record and posted publicly – from an Individual Commenter. The Department did not accept the recommendation because the public's right to access and inspect public records is set forth by the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq*. (2016 Repl.)), as amended. It is not necessary to repeat the provisions of that law in this rulemaking. **A recommendation to alter the definition of "change of ownership" as it currently exists in the Act in order to expressly account for changes of control at an ALR – from an Individual Commenter.** The Department did not determine a need for this requirement at this time. It is the Department's position that the Act's existing definition for "change in ownership" is sufficient to adequately inform and instruct the public.

Regarding § 10606.6, recommendation to remove the requirement for the internal procedures enumerated in § 10110 to be submitted to the Department as part of the ALR license application – from the District of Columbia Health Care Association. The Department did not accept this recommendation because the requirement to review policies and procedures during the application process is completely consistent with the Act's existing application requirements to submit disaster plans, staffing plans, ISP procedures, and other reasonably relevant information required by the Department. The Department is the regulatory authority charged with enforcing an ALR's compliance with ALR laws and its safekeeping of ALR residents in the District. As such, it is the Department's position that it must be able to review the applicant's procedures enumerated in § 10110 in order to adequately assess an applicant's proposed operations and proactively protect the public from violations of the Act's standards of care and other applicable requirements.

Regarding §§ 10107 and 10126, recommendations to add provisions that prescribe a fixed type and number of files to be reviewed by the Department during inspections – District of Columbia Health Care Association, DC Long-Term Care Ombudsman, and an Individual Commenter. The Department did not adopt the recommendation to prescribe the fixed percentage of records to review during inspections because the number of records required for the Department to ascertain compliance may be more or less than the fixed percentage, depending on the circumstances of the investigation and size of the ALR. The Department has provided in this Second Proposed Rulemaking additional inspection rules that are consistent with the inspection regulations applicable to other residence facility within its purview in order to supplement the inspection provisions already in effect under the Act. (Note: § 10126 has been incorporated into § 10107, which has been retitled "Inspections Before and After Licensure" in this Second Proposed Rulemaking.)

Regarding § 10108, recommendations to amend the minimum standard for admission to allow individuals who do not receive assisted living services to be admitted to an ALR – from 2 Individual Commenters and the Long-Term Quality Care Alliance. The Department did not adopt this recommendation because it is not consistent with the spirit or intent of the Act.

It is the Department's position that an ALR shall admit only individuals whose initial assessments and ISP indicate that the individual should receive assisted living services (i.e., assistance with activities of daily living or instrumental activities of daily living), as is intended by the Act and evidenced in its Purpose and Philosophy of Care sections. (*See* D.C. Official Code §§ 44-101.01 – .02). The Department's position is consistent with numerous jurisdictions across the nation that also restrict admission to individuals who receive some level of assistance with activities of daily living or instrumental activities of daily living.

Regarding § 10108.1, recommendation to amend the leading sentence to incorporate a resident' surrogate – from AARP. The Department did not accept this recommendation. The Department deleted the leading sentence after determining it to be unnecessarily repetitive of the Act, thereby rendering the recommendation moot.

Regarding § 10108.2: A recommendation to base the determination of a resident's need for the minimum level of assisted living service provided by the ALR on the assessments conducted prior to admission rather than on the ISP that is developed based on those assessments – from the District of Columbia Health Care Association. The Department did not adopt this recommendation because it is in the public's best interest for an ALR to develop (or attempt to develop) an ISP for all applicants prior to making a determination about the level of assisted living services that individual should receive. The requirement ensures that an ALR adequately documents in the ISP the assistance needs indicated by an applicant's assessments or, if the applicant's assessment does not indicate a need for the minimum level of assistance, the requirement ensures that the ALR creates adequate documentation of the resident's assessment as the basis of his or her ineligibility for admission. **A recommendation to clarify the intended meaning of "minimum level of assisted living services provided by the ALR" by clarifying that those services are provided in the base monthly cost without any additional fees; and to require that ALR providers present each applicant with line by line detail regarding the services included at every level of care, and what is interchangeable without added charge, and if a point system is used to determine level of care, that the applicant shall be given a menu of the points for each and every service that the ALR would propose to charge for as part of more than the "minimum level" of care provided for the base rent/fee – from an Individual Commenter.** The Department has determined that it need not adopt the commenter's recommendations. The Department, when revising the language in § 10108.02 of this Second Proposed Rulemaking, clearly indicated that an applicant must require "at least the minimal level of assistance with activities of daily living or instrumental activities of daily living provided by the ALR." The Department determined that it is not necessary to accommodate the commenter's recommendation to define "minimal level of assistance provided by an ALR" as "the assistance included in an ALR's base service package" because the Department's new definition adequately conveys the meaning that the Department intends to be received by the public. Further, it is the Department's position that the Act provides a sufficient universal, minimum standard for disclosure of rates, services, and service packages at D.C. Official Code §

44-106.03(a)(3) and assures residents are adequately informed of these financial details prior to admission at §§ 44-106.02(a) and 106.03(a). Therefore, the Department declined to accept the recommendations. **A recommendation that § 10108.2 should be revised to prohibit the perpetuation of disability-based discrimination that would violate the Americans with Disabilities Act, the Fair Housing Act, and the District of Columbia Human Rights Act – from Disability Rights DC.** The Department did not accept this recommendation. The recommendation appears to be founded on the commenter's misunderstanding that § 10108.2 prohibits individuals who need more than the minimal level of assisted living service provided by an ALR. Instead, the provision prohibits those who do not require at least the minimum level of service. The Department has revised the language of § 10108.2 for clarity in order to prevent similar misunderstandings in the future. Additionally, the commenter's recommendation appears to be founded on the mistaken belief that beneficiaries of the District's EPD Waiver program must require a level of service that can only be provided by facilities that provide a nursing facility level of care or higher; however, the EPD Waiver program is intended for individuals who might be eligible for admission to a nursing facility, but who can receive appropriate and adequate care at a facility that provides less than a nursing facility level of care. (*See*, DC Department of Health Care Finance webpage for the EPD Waiver Program. "The EPD waiver program is a Medicaid Waiver choice program for the elderly and individuals with physical disabilities who are able to safely receive supportive services in a home and community-based setting." (Emphasis added.))

Furthermore, the commenter did not provide reasoning or support for its allegation that the admission standards in § 10108 perpetuate a policy of admissions practices and discharge grounds that discriminate against individuals with mobility disabilities and, thus, violated the Americans with Disabilities Act, the Fair Housing Act, or the District's Human Rights Act. The Department has deliberated on this allegation greatly and has not found any provision in § 10108 or the Act that corroborates the commenter's allegations. To the contrary, the Act expressly states that all residents have the right to reasonable accommodations for individual needs and preferences, and the rulemaking reiterates the Act's provision that an ALR shall make every effort to avoid discharge, including reasonable accommodations.

Lastly, the commenter incorrectly alleges that the rulemaking inappropriately permits ALRs to deny admission to individuals who need more than 35 weekly hours of combined nursing and health air services when, in fact, this admission standard: 1) Is statutorily established by the Act at § 44-106.01(d)(2); and 2) denies admission when the individual is at high risk for health or safety complications that the ALR cannot adequately manage and requires more than 35 weekly hours of combined nursing and health air services. Nothing in the rulemaking expands the Act's limitation to encroach upon disability rights, contrary to the comment's allegation. Therefore, the Department determined that there is no need to adopt the recommendation to revise the subsection to avoid perpetuating discrimination.

Regarding § 10108.3: A recommendation to describe an ALR's obligation to provide appropriate treatment modalities – from Disability Rights DC. The Department did not adopt this recommendation because it is the Department's position that both § 10108.3 and the Act, at D.C. Official Code § 106.01(d)(1), are sufficiently clear on the point: An ALR is obligated to employ appropriate treatment modalities to manage dangerous and negative behaviors as a condition of admitting a resident who is dangerous to himself or others or exhibits the negative behavior described by the rule. **A recommendation to amend the Act's admission standards in order for residents with dementia to reside at ALRs, and to allow ALRs to reject patients whose compliant behavior depends on the use of strong sedative medication or restraints that incapacitate the patient and do not comply with the facility's standards – from an Individual Commenter.** The Act provides that an ALR may only admit a resident for whom it can provide adequate and appropriate services. That decision is made by the ALR, which is in the best position to know its capabilities and resources, not by rulemaking. The Act's admission standards do not need to be amended in order for residents with dementia to be admitted at ALRs which are prepared to render adequate and appropriate care, as evidenced by the successful operation of an ALR in the District that continues to accept residents with dementia. Furthermore, neither the Act nor the rulemaking compel an ALR to admit a resident that it cannot adequately and appropriately treat without violating that resident's rights (e.g., by using physical restraints or psychopharmacologic drugs to render the resident compliant rather than to treat a standard psychological diagnosis). Therefore, the Department did not determine a need to amend the Act's admission standards for residents with dementia at this time.

Regarding § 10109: A recommendation to expressly mention the entire range of ALR services provided by ALRs – from Disability Rights DC. The Department did not accept this recommendation because Act, at D.C. Official Code § 101.02(b)(1), adequately describes the services that may be provided by ALRs: the provision or coordination of personalized assistance through activities of daily living (which the Act defines with adequate specificity), recreational activities, 24-hour supervision, and provision or coordination of health services and instrumental activities of daily living (which the Act also defines with adequate specificity). The Department did not determine a need to enumerate ta list of ALR services in the rulemaking. R**ecommendations to extend all rights provided within to surrogates – from an Individual Commenter.** The Department did not accept this recommendation. Although a surrogate is extended the rights granted to a resident in several cases due to the nature of the legal relationship between the two, there are many cases in which rights granted to residents do not apply to the surrogate. Instead of broadly granting surrogates the same rights as residents across § 10109, the rulemaking expressly states when the surrogate is extended a right (e.g., the phrase "the resident (or surrogate)" appears throughout the rulemaking when applicable.). **A recommendation to insert an additional rule that states: Except in emergencies, the resident may refuse to admit and, may deny immediate entry of ALR staff to their unit until an appointment has been scheduled at a mutually convenient time – an Individual Commenter.** The Department did not accept this recommendation because it is inconsistent

with the agency's objective to protect the health, safety, and welfare of the public, including ALR residents. An ALR is responsible for the safety of its residents at all times. A requirement to wait for an appointment in order to gain entry to a resident's living quarters can interfere with an ALR's ability to assess the health or welfare of a resident, and the Department does not venture to regulate how an ALR might determine an emergency is occurring within the resident's living unit that would justify entry without consent. Therefore, the Department does not intend to incorporate the recommendation. **A recommendation to insert an additional rule that requires an ALR to report to the resident if the ALR suspects the surrogate is making decisions or taking actions that are not consistent with the resident's desires – from an Individual Commenter.** The Department did not accept this recommendation because to do so would result in imposing a rule on ALRs to speculate "what the resident desires or would want" when that decision is the surrogate's by definition of the surrogate-resident relationship. Furthermore, the Act and this rulemaking already require an ALR to report any surrogate conduct that is suspected to be abuse, neglect, or exploitation of a resident to the proper authorities. Therefore, the Department's position is that the rulemaking and Act provide adequate protections and there is no need to adopt this recommendation. **A recommendation to add a provision requiring ALRs to consult with residents prior to selecting, planning, and scheduling all resident activities – from an Individual Commenter.** The Department did not adopt this recommendation because it overreaches the spirit and intent of the Act at § 44-105.01(b). (In order to promote independence an ALR shall provide or coordinate recreational and social activities in a way that promotes optimum dignity and independence for the residents.) The recommendation is at odds with the Act because it seeks to require that an ALR consult with its residents before selecting, planning, or scheduling any resident activity; whereas the Act provides for the ALR to steer the organization of activities with the resident's dignity and independence in mind. Furthermore, if the recommendation were incorporated into the rulemaking, it would impede, rather than improve, social and recreational activity planning because all social and recreational planning would be stalled until the activities could be presented to all interested residents for their input. **Recommendations to state a resident's right to exercise his or her rights as a resident of the ALR and as a citizen or resident of the United States, and to expressly prohibit an ALR from altering the authority granted to a surrogate by the resident or a court of law – from an Individual Commenter.** The Department did not accept these recommendations because they are outside the scope of the rulemaking's authority and are also unnecessary. The Department does not have the authority to confer upon individuals the rights granted to residents or citizens of the United States. Likewise, the commenter seeks to include language that expressly prohibits an ALR from altering the rights granted to a surrogate; however, an ALR does not have the natural authority to augment or diminish the legal rights granted to a surrogate by the resident or a court order. Furthermore, it is unnecessary for the rulemaking to create "the right to exercise his or her rights as a resident" as this language is circular. **A recommendation to insert additional language to present grievances to the ALR or any party without criticism, restriction, punishment, or**

discouragement by the ALR or an organization affiliated with the ALR and without action taken against a third party as a means of exerting pressure (i.e., without retaliation) – from an Individual Commenter. The Department did not accept this recommendation because the requested provision is already sufficiently protected by law, at D.C. Official Code § 44-105.05(a)(3), which provides residents the right to present grievances and complaints without fear of threat of retaliation. **Recommendations to insert additional language to protect a resident's right to make his or her own choices, and a resident group's right to conduct its business, free of interference by family, surrogates, or the ALR; and to prohibit the ALR from seeking out a resident's family members or others with the intent of having them influence the choices of the resident (i.e., interference with a resident's right to act autonomously) – from 2 Individual Commenters.** The Department did not adopt these requests for additional provisions protecting a resident's right to autonomy because the Act and this rulemaking already include several provisions that prohibit retaliation and interference with a resident's right to act autonomously. **A recommendation to create rights for family groups and groups other than resident groups to form on ALR premises and be provided the same benefits and protections given to resident groups under the Act – from the Long Term Care Quality Alliance and 2 Individual Commenters.** Commenter's request to create a right for residents to form groups other than resident groups is not within the spirit and intent of the Act, and not a matter of public health, safety, and welfare within the Department's purview. The Act clearly assigns several rights to resident groups but does not extend those rights to groups organized and run independent of the residents, such as family groups. The Department's position is that the Act did not intend to extend a resident group's rights to members of the general public such that they should be entitled to organize on an ALR's premises and be accommodated by the ALR with meeting space and staff members to assist with the meeting and respond to grievances and complaints by deadlines enforced by the Department.

Regarding §§ 10109 and 10111, recommendations to mandate compliance with HIPAA across all ALRs, to prescribe a process for protecting confidential information in resident records and resident health records, and to impose a requirement for all ALRS to track and identify every staff member each time he or she accesses information contained within a resident's health record – from 2 Individual Commenters. The Department did not accept these recommendations because they seek for the Department to subject all ALRs to HIPAA's Privacy and Security rules regardless of whether the ALRs would be considered covered entities by HIPAA's own definition. Additionally, the Act, at D.C. Official Code § 44-105.06(a)(2), adequately protects residents' rights to confidential treatment of health information by providing for residents to have their records kept confidential and released only in accordance with their informed, uncoerced consent. The commenter did not offer recommendations that could improve the Act's existing provisions. Last, the tracking of staff members' access to resident records is not required by any of the District's residence facility standards and the Department did not determine that a need exists to create such a standard for ALRs.

Regarding § 10109, generally, and § 10109.8, recommendations to state a requirement for ALRs operate in compliance with the Department's policies and procedures, and District and federal laws; and to require that ALR resident agreements shall conform with District and federal laws – from 2 Individual Commenters. The Department did not accept these recommendations because ALRs are already required to operate in conformance with all applicable District and federal law, per §§ 10102 and 10106. Additionally, federal law does not regulate the operation of ALRs beyond their eligibility to participate in Medicaid and Medicare; therefore, a requirement to operate in compliance with federal ALR law is impractical. Furthermore, the Department's policies and procedures are internal, and meant to address ALR survey and licensure tasks for the Department's staff. Therefore, neither can be imposed upon ALRs.

Regarding § 10109.1, a recommendation to require ALR staff to follow the direction of the resident at all times, unless the resident is declared incompetent by a court of law – from an Individual Commenter. The Department did not accept this because the Department's position is that ALR staff must not be prohibited from using their professional judgment to make decisions about resident care in order to prevent a resident from serious harm to the resident or others.

Regarding § 10109.2, a recommendation that "retaliation" should be changed to "fear of retaliation;" and that a resident's fear of retaliation should be deemed the same as abuse under the Act; and that all the provisions related to reporting abuse under the Act and the rulemaking shall also apply to causing fear of retaliation. The Department did not accept this recommendation, but rather amended "retaliation" to be "threat of retaliation," because it is a more precise description of the conduct ALRs are prohibited from engaging in under the Act. In contrast, "fear of" threat of retaliation – which is the complete phrase used in the Act - pertains to the resident's response (fear) to the prohibited conduct (threats of retaliation). The Department's chosen language more clearly conveys the agency's intent to prohibit threats of retaliation per the Act and minimizes potential for misinterpretation.

Regarding §§ 10109.3 and 10110, recommendations to require all ALRs to provide written and or electronic copies of any and all policies enumerated in § 10110 upon demand; and to require a standard that policies presented for a resident's be presented in written form – from Long Term Care Quality Alliance, and 4 Individual Commenters. The Department did not accept these recommendations because it did not wish to impose a universal requirement for ALRs, big and small, to print policies upon request due to the number of policies enumerated in §10110, the volume of each policy's contents, and the requirement of staff available to accommodate the requests on demand. The Department is also aware that not every ALR keeps electronic copies of its policies fit for public distribution at all times (nor does every resident have the technology required to receive an electronic copy) and does not seek to impose such a requirement in order to effectuate the recommendations. Furthermore, the purpose of the rule is to guarantee residents' access to ALR policies, and it is the Department's position that this goal

can be achieved via electronic or written presentation of those policies. The rulemaking does not intend to restrict the methods by which an ALR shares its policy with a resident (provided that the resident does not require accommodations for a disability that compels the ALR to provide the policies in a particular format).

Regarding §§ 10109.4 and 10109.7, to insert language that requires the resident group to approve attendance by a surrogate or the guests a resident invites to the resident group meeting, and to modify the ALR's requirement to provide a staff member to facilitate meetings and receive requests and grievances so that staff need only be provided upon the request of the resident group – from District of Columbia Health Care Association. The Department did not accept these recommendations because they contradict the Act and restrict a resident in his or her ability to exercise the resident rights expressly granted by the Act, at D.C. Official Code § 44-105.05. The rules are intended by the Department to protect the rights of residents, and to ensure that surrogates can be involved and informed in ALR resident matters so that they may make decisions in the best interest of the resident he or she represents.

Regarding § 10109.6, a recommendation to remove the provision that § 10109.6 should not be interpreted as requiring an ALR to implement a resident or resident group's requests exactly in the manner recommended by the resident or the resident group – from the DC Long-Term Care Ombudsman. The Department did not adopt this comment because, in order to sufficiently convey the intent of the rule, to the rulemaking must make clear that an ALR is not required to adopt recommendations made by residents or resident groups in the exact manner they are recommended.

Regarding § 10109.8: A recommendation to relocate § 10109.8 to its own section - from the DC Long-Term Care Ombudsman. The Department did not adopt this comment because § 10109.8 is correctly organized under the proper section. Resident groups are organized in the Act under Subchapter V "Resident's Rights and Quality of Life," and will be organized in the regulations under the corresponding section for Resident Rights, § 10109. **Recommendations to expand the list of documents to which residents have a right to access upon demand at D.C. Official Code § 44-105.06(a)(1) – from 2 Individual Commenters and the Long Term Quality Care Alliance.** The Department did not accept this recommendation because the documents identified by the existing rule are the documents the Act intended to be made available. To provide better clarity as to the intent and meaning of the rule, the Department has taken the opportunity in this Second Proposed Rulemaking to describe the documents that are covered in additional detail but did not expand the list of documents. The revision is reflected in § 10109.10 of this Second Proposed Rulemaking.

Regarding §§ 10109.8 and 10111.1, recommendations to emphasize the parts of a resident agreement containing a binding pre-dispute arbitration agreement – from an Individual Commenter and the Long-Term Quality Care Alliance. The Department did not adopt this recommendation at this time because the agency will look to federal rules for guidance on

binding pre-dispute arbitration clauses in long-term care facilities when the federal rules are issued as final.

Regarding § 10110, recommendations to require that ALRs make all currently-written policies and procedures available immediately, and to complete the development and implementation of any that do not currently exist within 90 days of the rulemaking's effective date – from 2 Individual Commenters. The Department did not accept these recommendations because it is not necessary to add these requests to the rulemaking. The rulemaking, by operation of law on its effective date, will require that the enumerated policies be made available for view upon request. Additionally, the Department is working with ALRs to help providers achieve compliance with policy and procedure requirements in a period of time that is reasonable for ALRs while still protecting the health and safety of the public. The Department declines to set a fixed deadline via rulemaking because ALRs will progress to full compliance at different rates, depending on their size and available resources. The Department will monitor ALRs to ensure progress towards full compliance does not stall.

Regarding § 10110, recommendations to require policies and procedures that ensure ALRs make their applications, contracts, agreements, ISPs and all policies and procedures, and written notices available in alternative formats for people who are blind or have low vision, and accommodate people who rely on service animals to live in ALRs with their service animals based on the Fair Housing Amendments Act; and to require policies and procedures that incorporate the District's HCBS Transition Plan, including the "EPD Provider Readiness Review Checklist which the District [committed to using] to process renewals of assisted living providers' status as EPD waiver providers and to verify compliance with the following requirements under 42 CFR § 441.301...[to ensure, inter alia,] [t]he setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community" – from Disability Rights DC. The Department did not adopt these recommendations. § 10110 sets forth the mandatory policies and procedures to be required across all ALRs, based on the Act's expressed requirements and the minimum documentation needed by the Department in order to assess whether the facility is appropriate for licensure. It is the Department's position that the commenter's policy and procedure suggestions are not necessary for the Department's assessment purposes. The commenter's recommendations are already provided by the Americans with Disabilities Act and the Fair Housing Act, as amended, and are applicable to ALRs under those federal laws. The rulemaking enables the Department to enforce an ALR's compliance with the ADA, FHA, and other anti-discrimination laws via §§ 10102.5 and .6, and §§ 10130.1-.3. The Department's position is that the protections provided by those federal laws, coupled with the agency's ability to enforce them, is sufficient to protect the public's interests. Thus, the Department did not determine a need to adopt the recommendation at this time.

Additionally, the commenter mistakes the HCBS Transition Plan as the Department of Health's obligation to implement into the rulemaking. The Transition Plan, which sets forth the

benchmarks and timeline the District needed to achieve in order to be approved for Medicaid participation, was developed and implemented by the Department of Healthcare Finance because it is the agency responsible for the District's State Medicaid plan. The Transition Plan is not within the Department's purview or the scope of the Act or this rulemaking; therefore, the Department will not incorporate it into the rulemaking.

Regarding § 10110.1, recommendations to expand the enumerated policies and procedures required by all ALRs in the District to include "privacy rights, confidentiality of health records under HIPAA, and diversity training;" "Unwitnessed falls and injuries, Family Council, Resident and Family Council, Resident Council, bedsore and wound care treatment and prevention, catheter care, stroke and heart attack care, symptoms and prevention, Lifeline and response methods and timing, resident responsibilities, administrative and housekeeping schedule and requirements, food poisoning or similar adverse food related events, contagion disease outbreak, and partial or total emergency evacuation in the event of fire, earthquake, prolonged power outage, prolonged water or plumbing failure, or prolonged mechanical system failure;" "privacy rights and confidentiality of health records under HIPAA and DC laws protecting health and mental health information, basic non-discrimination principles, diversity training (including LGBTQI training), prohibition on physical or chemical restraints, and handling and documentation of unusual incidents;" and "use of electronic medical records and electronic medication administration records as well as supporting resident use of technology in all areas where it might contribute to resident health and safety" – from the DC Long-Term Care Ombudsman, 2 Individual Commenters, the Long Term Quality Care Alliance, and Disability Rights DC. The Department did not adopt this recommendation. § 10110 sets forth the minimum mandatory policies and procedures that will be required across all ALRs in order to satisfy the Act's express requirements to have a particular policy or procedure, and to provide the minimum policies and procedures needed for the Department to assess whether the facility is appropriate for licensure and operation. It is the Department's position that the additional policies recommended by the commenters are not necessary for the Department's assessment purposes at this time. Last, some of the recommended policies and procedures have already been captured by a category enumerated in the rulemaking; e.g., the requirement for emergency preparedness policies and procedures will address partial or total emergency evacuation in the event of fire, earthquake, prolonged power outage, prolonged water or plumbing failure. (Note: § 10110.1 has been renumbered as §10110.2 for this Second Proposed Rulemaking.)

Regarding § 10110.1, recommendations to add specific requirements and scope to the content of the enumerated policies and procedures, including specifying that the criteria to determine a resident's care must include written details on services provided at each level of care or detail on point systems used to determine each level of care offered by the ALR; specifying that visitation policies shall require that the ALR allow residents immediate access to representatives of numerous government agencies and resident advocacy groups,

to family and guests, and to his or her physician and legal counsel; specifying that complaints and grievances policies and procedures must cover a neutral independent arbitrator, a resident's right to be represented by an advocate of choice or have a witness present at meetings, timelines for each phase of the process that ensure that the grievance is resolved and a final report issued within 30 business days from the date the grievance is filed with the grievance officer, use of written or audio records of the grievance and any supporting evidence, use of audio recordings of all meetings held related to the complaint, a written report with conclusions and justifications, an appeals process, and a file containing all pertinent information related to the complaint that is required to be maintained by the ALR for a minimum of 10 years and is accessible to the resident; specifying that policies for audio-visual monitoring systems must prohibit misuse of the system in a retaliatory, discriminatory, or disciplinary manner; – from 2 Individual Commenters. The Department did not accept this recommendation because it is not the purpose of § 10110 to set prescriptive policies for ALRs. Instead, § 10110 sets forth the minimum mandatory policies and procedures that will be required across all ALRs in order to satisfy the Act's express requirements to have a particular policy or procedure, and to provide the minimum policies and procedures needed by the Department to assess whether the facility is appropriate for licensure and operation. It is the Department's position that the recommended additions to the Department's selected policies and procedures are not necessary for the Department's assessment purposes at this time. Furthermore, the recommended specifications seek to create protections of resident rights that are redundant to resident right protections already provided throughout the Act and the rulemaking. Nonetheless, the Department did take the opportunity in this Second Proposed Rulemaking to revise § 10110.1(l) in order to indicate that audio-visual monitoring systems shall be used to monitor non-private areas of the ALR's internal and external premises, which is in-line with the spirit of the recommendations received from the 2 Individual Commenters regarding discriminatory, retaliatory, or disciplinary use of surveillance.

Regarding § 10110.1, recommendations to rewrite paragraph (f) as "incidents and complaints" in order to be consistent with the Department of Health Care Finance; and to rewrite paragraph (q) as "access to emergency medical services, including emergency transport via ambulance" – Long-Term Care Quality Alliance and District of Columbia Health Care Association, respectively. The Department did not accept these recommendations because the existing language in paragraph (f) is consistent with the Act and the existing language in paragraph (q) clearly describes the policy and procedure that the Department seeks to require.

Regarding § 10110.1(m), recommendations to make visitation policy standards allow for 24/7/365 unrestricted visitation – from 4 Individual Commenters. The Department did not accept this recommendation because § 10110 sets forth the minimum mandatory policies and procedures that will be required across all ALRs in order to satisfy the Act's express requirements to have a particular policy or procedure, and to provide the minimum policies and

procedures needed by the Department to assess whether a facility is appropriate for licensure and operation. It is not the purpose of § 10110 to set policies for ALRs, which is what the commenters are effectively requesting. Instead, the Act directs ALR visitation policies by granting residents a right to "free access to visitors of their choice." Therefore, it is the Department's position that the recommended specifications to visitation policies are not necessary or appropriate for this rulemaking. Furthermore, the recommendations would confer upon visitors a right to stay on an ALR's premises 24/7/365, which overreaches the intent and spirit of the Act. The Department's position is that "free access to visitors of their choice" was intended to prevent an ALR from withholding a resident's visitation in a discriminatory manner and does not equate to a right to keep visitors on the ALR's premises 24/7/365 and without restriction.

Regarding § 10110.1(m), a recommendation that "the visitation policy should distinguish between 'paid' and 'unpaid' visitors, since a compensated Private Duty Aide (10119) or compensated Companion (10118) are also 'visitors' to the resident and the facility" – from the Long Term Care Quality Alliance. The Department did not adopt this recommendation because a distinction between paid and unpaid visitors is not pertinent to the Department's assessment of an ALR's visitation policy. Furthermore, the rulemaking clearly distinguishes between receiving a visitor and receiving healthcare or companion service providers, as indicated by separating the policies for a resident's right to visitation (paragraph (n)) from policies for private duty healthcare professionals and companions (paragraphs (c) and (d)).

Regarding § 10111, generally: A recommendation to add "And every licensed ALR in the District of Columbia shall fully comply with the patient privacy and access to information provisions of HIPPA" – from an Individual Commenter. The Department did not accept this recommendation because it seeks for the Department to subject all ALRs to HIPAA's Privacy and Security rules regardless of whether the ALRs would be considered covered entities by HIPAA's own definition. Furthermore, the Act, at D.C. Official Code § 44-105.06(a)(2), adequately protects residents' rights to confidential treatment of health information by providing for residents to have their records kept confidential and released only in accordance with their informed, uncoerced consent. The commenter did not recommend how these existing protections could be further improved beyond this standard. **A recommendation to expound on the Act's provision regarding fair and reasonable contract terms and billing practices by, for example, requiring ALRs to provide the elements that make up service levels, offering bundled services a la carte with opportunity to decline services on an a la carte basis, and capping cost of a la carte services at the price of the service level – from the Long Term Care Quality Alliance.** The Department did not adopt this recommendation because the Act already provides a sufficient universal, minimum standard for disclosure of rates, services, and service packages at D.C. Official Code § 44-106.03(a)(3): "The written resident agreement shall include financial provisions that indicate the following: Rate structure and payment provisions

covering all rates to be charged to the resident, including the following: (A) Service packages; (B) Fee for service rates; and (C) Any other nonservice related charges." The Act requires that these financial details be available for an applicant to review prior to admission so that a resident is afforded an opportunity to gather all the service cost information he or she requires before entering into a resident agreement. The Department will be consistent with other jurisdictions in the nation by regulating ALR service costs only to the extent provided in the Act is. **Recommendations to rewrite the subsection to read: "An ALR shall not provide any service or item that will be at a cost additional to the aggregate of assisting living services that are identified in the resident's most current ISP;" to remove the requirement to provide oral notice of an increase in fees; and to remove the requirement to obtain a resident's signature confirming receipt of the written advanced disclosure – from the District of Columbia Health Care Association.** The Department did not accept these recommendations. The language selected by the Department achieves the Department's intent to protect residents' rights by requiring proper notice of <u>any</u> rate increase, pursuant to the Act at § 44-106.03(a)(6), including nonservice related charges. Furthermore, the Department's position is that the written disclosure requirement is critical in protecting residents from surprise expenses related to their services. Rather than delete the provision, as recommended, the Department has inserted an additional provision to instruct how ALRs should document unsuccessful attempts to obtain a resident's signature confirming receipt of the advance disclosures. The Department made a clerical revision to the subsection in this Second Proposed Rulemaking in order to more concisely convey the provision; however, the subsection maintains the Department's intent to protect residents' rights by requiring proper notice of any rate increase, including increases for nonservice related charges. **Recommendations to provide for a resident to affirm agreement, or indicate his or her disagreement, with the ISP – from 2 Individual Commenters.** The Department did not adopt these recommendations because they do not assist the agency in achieving the rule's intent, which is to document that the statutorily-required notice was given. The rulemaking provides for a resident's disagreement with the ISP to be recorded in § 10113 of this Second Proposed Rulemaking.

Regarding § 10111.3, a recommendation to remove § 10111.3, which allows an ALR to be excused from the section's requirements under emergency circumstances – from the DC Long-Term Care Ombudsman. The Department did not accept this recommendation because this provision is necessary to allow an ALR to immediately implement a new service or item to protect a resident's health and safety in exigent emergency circumstances without fear of penalization.

Regarding § 10112, generally, a recommendation to clarify whether an ALR may require a responsible party to guaranty full payment of ALR invoices and other obligations – from an Individual Commenter. The Department did not accept this recommendation because the Act is clear that an ALR may require a guarantor, stating, at D.C. Official Code § 44-106.03(a)(5), that a resident agreement shall identify the persons responsible for payment of all

the resident's fees and charges. The Department did not determine that there is a need to repeat this provision in the rulemaking.

Regarding § 10112.3, a recommendation to require ALRs to disclose all fees and extra charges that a resident may encounter during their lifetime at the ALR, prior to admission – from an Individual Commenter. The Department did not accept this recommendation because it is not reasonable to require an ALR to anticipate all fees and charges it might impose for the indeterminable future.

Regarding §§ 10113 and 10114.4, recommendations to regulate a resident's documentation of good faith attempts to negotiate an SRA, or disagreements with an ALR or its version of recorded events. – from an Individual Commenter. The Department did not adopt these recommendations to regulate a resident's independent documentation of interactions and disagreements with an ALR because this rulemaking is concerned with regulating the licensure and operation of ALRs, not residents. Furthermore, the Department's regulations do not affect a resident's right or ability to independently document its interactions with an ALR.

Regarding § 10113.2, a recommendation to clarify whether ALRs may accept recent assessments performed by practitioners who are unaffiliated with the ALR for purposes of the ALR's initial assessment and ISP development process – from Disability Rights DC. The Department did not adopt this recommendation because the reliability of such assessments is a determination to be made by the ALR and the healthcare professionals developing the resident's ISP. The Department's position is that there is not a need to regulate the use of such assessments at this time.

Regarding § 10113.2(c), a recommendation to remove the requirement that an ISP be based on the reasonable accommodation of a resident or surrogate's preferences because such preferences are not assessments – from District of Columbia Health Care Association. The Department did not remove paragraph (c) as recommended by this comment because the contents of paragraphs (a), (b), and (c) are required by the Act. However, the comment is correct in that the preferences indicated in paragraph (c) are not assessments, as the lead-in language of § 10113.2 suggests. Therefore, the Department has amended § 10113.2 to correct the misstatement by referring to paragraph (a), (b), and (c) as "factors" instead of "assessments." (Note: § 10113.2 has been renumbered as § 10113.4 in this Second Proposed Rulemaking.)

Regarding 10113.4: Recommendations to also obtain a signed statement from residents indicating whether the resident agrees or disagrees with the ISP – from 2 Individual Commenters. The Department did not accept this recommendation because the Department has revised the rulemaking, particularly in Section 10113, to include additional protections and guidance when a resident disagrees with the ISP developed by the ALR. The revision instructs that a resident's disagreement with an ISP shall be documented in the ISP, thereby rendering the recommendations unnecessary. **A recommendation to remove the requirement for an ALR**

to obtain a written confirmation from residents indicating their invitation and participation in the review of the resident's ISP and, rather, to permit ALRs to document the resident's invitation and participation without resident confirmation– from District of Columbia Health Care Association. The Department did not accept the recommendation because it is the Department's position that a minimum standard requiring an ALR to attempt to obtain written confirmation is critical to promoting the participation of a resident in his or her ISP review, as is intended by the Act; however, the Department recognizes that challenges out of the ALR's control may frustrate attempts to secure a resident's written confirmation. Instead of adopting the recommendation to remove the requirement, § 10113.7 of this Second Notice of Proposed Rulemaking has been revised to instruct how an ALR shall document unsuccessful attempts to obtain a resident's written confirmation when obtaining it proves to be difficult. **Recommendation to provide that, during health emergencies, changes to an existing ISP shall have no effect without the signature of the resident or surrogate – from an Individual Commenter.** The Department did not accept this recommendation because the Department finds that it requests an unnecessary provision. Changes do not occur to an ISP during an emergency, as suggested by the commenter; rather, changes to an ISP occur only after the emergency has subsided and a re-assessment of the resident's care needs has taken place. A resident may then indicate his or her disagreement with an updated ISP based on the reassessment in accordance with these proposed rules.

Regarding § 10113.5, recommendations to change the seven (7) day notice period prior to a resident's ISP review to fourteen (14) days or "advanced notice"– from an Individual Commenter and the District of Columbia Health Care Association, respectively. The Department did not adopt the recommendations. The Department declines to adopt an undefined period of advanced notice because a minimum standard is necessary to ensure residents are provided enough time to prepare to discuss their ISP. The Department adopted another commenter's recommendation, discussed *supra*, to provide residents an opportunity to reschedule the date and time of their ISP review after receiving the notice. As a result, the Department's position is that seven (7) days' notice is adequate time for residents to prepare for their ISP reviews or request a mutually agreeable appointment.

Regarding § 10113.6, recommendations to require ALRs receive resident approval of an ISP prior to its implementation; to add numerous rights regarding a resident's participation in the ISP update process; and to clarify that a resident's disagreement with an ISP update shall not, in and of itself, prevent an ALR from attempting to implement the ISP – from 5 Individual Commenters, the Long term Care Quality Alliance, AARP, and the District of Columbia Health Care Association. The Act provides great protection to a resident's right to initiate negotiations of an SRA for any disagreement as to lifestyle, personal behavior, safety, or the resident's ISP. (*See*, the Act, at D.C. Official Code § 44-106.05(a)). The Act and this rulemaking provide for SRA negotiations to be the mechanism for disputing and resolving services that an ALR attempts to provide a resident. As indicated by the numerous

comments received with respect to the ISP update process, the Department has been made aware that the Act and rulemaking's coverage of the ISP and SRA processes did not adequately inform and guide the public as intended. As discussed *supra*, the Department revised and added provisions to § 10113 to provide express, detailed rules for navigating a disagreement over proposed services during the ISP update process. The Department's revision makes unnecessary many of the rights requested by the commenters, while the Act already provides the remainder. The Department's revision also specifies the limited circumstances in which certain ISP services may be implemented without a resident's approval of the ISP, consistent with the Act: with consent, or in a health emergency. Therefore, the Department did not adopt the recommendations to add rights to the rulemaking, require a resident's approval for updated ISPs, or rephrase §10113.6 as suggested. (Note: § 10113.6 has been renumbered to § 1013.11 in this Second Proposed Rulemaking.)

Regarding § 10114, generally, a recommendation that the section requires more detail because it does not describe the purpose and contours of SRAs and what they add to the ISP process; and to incorporate a provision that protects the rights of residents through the execution of leasing agreements between the residents and ALRs setting forth the terms of residency including a breakdown of the monthly cost(s), time period, and rights and responsibilities of the residents and ALR operators – Disability Rights DC. The commenter is mistaken that the purpose and contours of SRAs and their place in the ISP are not described. The rulemaking's authority and purpose are to supplement the Act, not repeat its provisions; thus, the rulemaking did not repeat the Act's provisions describing the purpose and contours of SRAs and what they add to the ISP process. The Act describes the purpose and contours of SRAs numerous times in its "Definitions" and "Shared Responsibility Agreements" sections, and throughout the Act. The rulemaking sets forth numerous provisions establishing parameters for the proper and improper use of SRAs. Additionally, the Act does not require or prohibit the use of a lease between ALRs and a resident, and the rulemaking is consistent with the Act in this respect. The Department of Health Care Finance's regulations for EPD Waiver program participation, however, require a written lease or residency agreement between the ALR and a resident, and neither the Act nor the rulemaking conflict with or prevent an ALR from conforming to those requirements if the ALR elects to participate in the EPD waiver program.

Because the rulemaking and Act provide an adequate description of the purpose and contours of SRAs, and because the rulemaking and Act do not conflict with an ALR's decision to use a written lease or residency agreement, it is the Department's position not to adopt the recommendations at this time.

Regarding § 10114.2, recommendations to add language stating that paragraph (b) shall not be construed to infringe upon a resident's right to refuse treatment or medications – from the District of Columbia Health Care Association, the Long-Term Care Quality Alliance, and an Individual Commenter. The Department did not accept the recommendations as they were recommended. Instead, the Department revised § 10114.2(b) by clarifying its

meaning and intent in order to correct the implication that a resident's right to refuse treatment or medication was curtailed. The Department's revision achieved the desired effect of the recommendations although it did not incorporate the commenters' recommended language.

Regarding § 10114.5: A recommendation to remove the subsection or greatly limit the use of an SRA to very specific circumstances – for DC Long-Term Care Ombudsman. The Department did not accept this recommendation to restrict the use of SRA because it is not consistent with the intent and spirit of the Act. The ISP and SRA operate in tandem and, per the Act, SRAs shall be attempted whenever disagreements arise as to lifestyle, personal behavior, safety, and service plans. To remove or restrict the use of SRAs is contradictory to the Act. **A recommendation to require an ALR prove a resident's actions are harmful by objective or scientific methods before pursuing discharge for conduct that is harmful to self or others, and to prescribe by regulation a grievance mechanism for residents to disagree with an ALR's pursuit of discharge on the basis of conduct that is harmful to self or other – 2 Individual Commenters.** The Department did not adopt this recommendation because, as discussed earlier, ALRs are responsible for providing the grievance and complaint mechanisms through which residents can lodge their disagreements with the ALR's determinations. Furthermore, the recommendation to condition discharge based on objective or scientific proof of harmful conduct could restrict an ALR from taking protective action in time to maintain a safe environment for the residents or staff that are put in jeopardy by an affronting resident's harmful conduct.

Regarding § 10115, generally, a recommendation to require discharge plans be developed for all residents leaving the ALR – DC Long-Term Care Ombudsman. The Department did not accept this recommendation because it is not required by the Act; nor is it consistent with discharge planning requirements for other residential facilities within the agency's purview.

Regarding §10115, generally, and § 10115.5, recommendations that the rulemaking must be revised to comply with federal and District law for legally sufficient advance notice of discharge for the resident, including the stated basis for discharge, instructions for appealing the discharge, obtaining legal services, and how to keep services in place during the pendency of the discharge appeals – Disability Rights DC. The Department did not accept this recommendation because the commenter mistakes the Medicaid EPD Waiver program participation requirements as being compulsory across all ALRs, including those that do not participate in the Waiver program. The recommendation seeks to apply federal and District laws for public assistance participants to all ALRs in the District. The Department does not seek to hold ALRs who do not participate in Medicaid to specialized Medicaid standards for Waiver programs at this time. Instead, the Department is satisfied that the requirements established by the Act and bolstered by the rulemaking ensure that the ALRs not participating in the Waiver program maintain standards that protect the health and safety of the public and the rights of ALR residents throughout the District.

Additionally, the Department did not accept this recommendation because § 10115 is, in fact, compliant with federal and District law for advance notice and due process, including providing the stated basis for discharge, instructions for appealing the discharge, obtaining legal services, and how to keep services in place during the pendency of the discharge appeals. The notice language provided at § 10115.06 is fully compliant with the Act's directive to follow all notices for involuntary discharge provided in the Nursing Home and Community Residence Facility Resident's Protections Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code §§ 44-1001.01 *et seq*. (2012 Repl.)) which governs the transfer, discharge, and internal relocation of residents within residence facilities. D.C. Law 6-108 expressly provides the exact notice language required to be provided to a resident prior to all involuntary transfers, discharges, and internal relocations, including the detailed reason for discharge, instructions for requesting an appeals hearing, how to contact the DC Long-Term Care Ombudsman for legal service, and assurance that the ALR may not move the resident before a hearing decision is rendered (absent emergency or other compelling circumstances). § 10115.6 provides this statutorily-mandated notice language *verbatim* to reinforce the provision of legally-sufficient notice and process due to ALR residents. The Department will continue to adhere to DC Law 6-108 and its provisions, accordingly.

Finally, the comment appeared to be based on a misunderstanding that the rulemaking allows for discharge of a resident after only seven (7) days' notice. It is unknown how the commenter arrived at the conclusion that the rulemaking provides for discharge after seven (7) days, because the Act expressly states that an ALR must provide a thirty (30) day written notice prior to involuntary discharge at D.C. Official Code § 44-106.08(d).

Regarding § 10115.4: A recommendation to remove § 10115.4 entirely, in light of the grounds for discharge provided by D.C. Law 6-108 – from DC Long-Term Care Ombudsman. The Department did not accept the recommendation to remove § 10115.4 because, although D.C. Law 6-108 provides the notices and processes by which all ALRs must adhere to for involuntary discharge, D.C. Law 6-108 does not prescribe the bases for discharge at ALRs. Bases for discharge are covered by the Act at D.C. Official Code § 44-106.08, which provides two (2) examples of acceptable grounds for discharge. § 10115.4 is necessary to provide additional examples of discharges that are within the spirit and intent of the Act. **A recommendation to include a provision that penalizes discharges conducted for the purpose of retaliation – from an Individual Commenter.** The Department did not accept the recommendation because retaliation is already addressed by the Act and rulemaking: the Department and the Office of the Long-Term Care Ombudsman are authorized to investigate a resident's complaints of coercion or threats of retaliation, and the Department is authorized to impose sanctions and civil penalties in the manner provided by §§ 10127 and 10128, and D.C. Official Code §§ 44-104.01 and .02. **A recommendation to remove the reference to "every" effort from § 10115.4 since not all efforts are appropriate, and to provide additional**

grounds for discharge – from District of Columbia Health Care Association. The Department did not accept the recommendation because the recommendation is inconsistent with the Act, which expressly states, "an ALR shall make every effort to avoid discharge." Additionally, § 10115.4 does not indicate that it is, or intends to be, an exhaustive list of grounds for discharge. An ALR may arrange the terms for discharge in its resident agreement, per the Act at D.C. Official Code § 44-106.02(a)(6); provided that those grounds for discharge are not inconsistent with the Act or regulations issued thereto, and do not violate residents' rights or other applicable laws.

Regarding the enumerated examples of discharge in § 10115.4: Recommendations to remove "failure to pay all fees and costs" from the examples of grounds for involuntary discharge, at paragraph (a), due to vagueness in the rule; and to provide provisions that shield a resident from discharge when an ALR's accounting error precipitates the failure to pay, or the ALR curtails the resident's advanced notice of charges and due process – from Disability Rights DC and an Individual Commenter. The Department did not accept these recommendations because the Act expressly authorizes "failure to pay all fees and costs as specified in the contract" as a basis for discharge at D.C. Official Code § 44-106.08(e)(1). Furthermore, the Department does not endeavor to list the scenarios in which a clerical error or a violation of advanced notice and due process would shield a resident from discharge for failure to pay, as the Individual Commenter has requested. Instead, the rulemaking and Act provide for sufficient mechanisms through which a resident may challenge a discharge notice that results from an ALR's accounting error or curtailment of the resident's right to advanced notice of charges and due process, through the ALR's grievance mechanism or before the Office of Administrative Hearings. **Recommendation to remove "inability of the ALR to meet the care needs of the resident as provided in the ISP" from the examples of grounds for involuntary discharge, at paragraph (b), due to constituting disability-based discrimination – from Disability Rights DC.** The Department did not accept these recommendations because the Act expressly authorizes "inability of the ALR to meet the care needs of the resident as provided in the ISP" as an acceptable basis for discharge from an ALR at D.C. Official Code § 44-106.08(e)(2). The commenter does not support the allegation that § 10115.4(b) constitutes disability-based discrimination and fails to persuade the Department as to why the Act should not be enforced. Thus, the Department will continue to adhere to the Act's provisions and will not remove § 10115.4(b). **A recommendation to extend the reference to discharge for sexual harassment, exploitation, or degrading conduct to the detriment of another resident's dignity, at paragraph (c), to also include the detriment of ALR staff – from District of Columbia Health Care Association.** The Department did not adopt this recommendation because it is beyond the scope of this rulemaking's authority. The language of § 10115.4(c) is derived from the section of the Act entitled "Dignity" at D.C. Official Code § 44-105.03(11), which provides residents the right "To be free from mental, verbal, emotional, sexual and physical abuse, neglect, involuntary seclusion, and exploitation." ALR personnel are not provided these same resident rights under that cited authority. However, the rulemaking does

account for ALR personnel safety, as indicated by the example of proper discharge when a resident presents a risk of physical harm to staff presented by § 10115.4(d). **A recommendation to define "harm" in paragraph (d) to include physical and emotional harm – from District of Columbia Health Care Association.** The Department did not accept the recommendation. The recommendation seeks to add to the examples of bases for discharge the infliction of an emotional harm. The Department does not seek to use emotional harm as an example of a basis for discharge because emotional harms are complex, can be confusing to interpret, and ultimately make the section's list of examples less instructive to the public - thereby defeating the purpose of the examples. **A recommendation to remove paragraph (e) due to alleged inconsistency with the Act; and a recommendation to require residents to participate in ISP evaluations conducted for the purpose of determining a resident's need for assisted living services – from an Individual Commenter and the District of Columbia Health Care Association.** The Department did not agree with these recommendations. The Department, however, has removed 10115.4(e), *sua sponte*, in this Second Proposed Rulemaking because it became unnecessary after the Department revised admissions criteria in § 10108.2 to clarify that an ALR may not admit an individual who does not require at least the minimal level of assisted living services. **A recommendation to remove paragraphs (c) – (e) because they contain terms that are not defined, including "harm," "degrading conduct," "and "administrative needs" – an Individual Commenter.** The Department did not accept this recommendation because each paragraph provides a discernible and legally sufficient regulation that protects the rights of ALR residents while allowing ALRs to maintain a safe environment for all residents. The Department determined that there is not a need to remove the paragraphs. **A recommendation to remove paragraph (f) regarding discharge of a resident in order "to meet the ALR's reasonable administrative needs" because it is allegedly vague and broad – from Disability Rights DC.** The Department did not accept this recommendation because it presents a discernible and legally sufficient basis for discharge. The Nursing Home and Community Residence Facility Resident's Protections Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1001.01 *et seq.*) expressly authorizes discharge from facilities under its jurisdiction, "If essential to meet the facility's reasonable administrative needs and no practicable alternative is available" at D.C. Official Code § 44-1003.01(a)(4). Although the bases for discharges under D.C. Law 6-108 do not apply to ALRs, they are instructive as to the types of scenarios a residence facility may encounter and have already been deemed legally-sufficient during the legislative drafting and review process. The Department does not intend to remove this example of a proper basis for discharge.

Regarding § 10115.4, a recommendation to remove "exploitation or other degrading conduct to the detriment of another resident's dignity," at paragraph (c), due to alleged vagueness; a recommendation to either remove paragraphs (c) – (f) due to absence of specific objective criteria or specific requirements for proof from the ALR, or to require that an ALR provide full documentation and evidence to support its stated basis for discharge; – from Disability Rights DC and an Individual Commenter. The Department did

not remove accept the recommendations to remove paragraphs (c) – (f) because each is a discernible and legally-sufficient regulation that protects the rights of ALR residents while allowing ALRs to maintain a safe environment for all residents. Although the Department did not accept this recommendation, this Second Proposed rulemaking has added a requirement for ALRs to document any relocation, transfer, or discharge of a resident, and the basis for the action, at a new § 10115.14 as part of the Department's adoption of an unrelated recommendation. (Note: §10115.4 has been renumbered as § 10115.5 for this Second Proposed Rulemaking.)

Regarding § 10115.5, a recommendation to add that an ALR must obtain a signed acknowledgment of having received all required notices of discharge prior to effectuating the involuntary discharge of a resident – from an Individual Commenter. The Department did not adopt this recommendation because it is not reasonable to condition an involuntary discharge on obtaining a resident's confirmation signature. A resident that disagrees with the involuntary discharge need only withhold his or her signature and the discharge would be delayed indefinitely. The recommendation is not consistent with the intent of the discharge statutes incorporated into the Act from subchapter 3 of Chapter 10 of Title 44 of the District of Columbia Official Code (D.C. Law 6-108; D.C. Official Code §§ 44-1003.01 – 1003.13).

Regarding § 10115.6: A recommendation to remove § 10115.6 entirely, in light of the advanced notice language provided by D.C. Law 6-108 that is already incorporated by reference in § 10115.5 – from the District of Columbia Health Care Association. The Department did not accept the recommendation to remove § 10115.6 because the advanced notice language from D.C. Law 6-108 that is restated in § 10115.6 is crucial to the delivery of legally sufficient notice to ALR residents. The advanced notice language warrants being presented *verbatim* in the rulemaking in order to facilitate the public's awareness of, and access to, it. **A recommendation to state the Act's requirement for thirty (30) day notice in the rulemaking – DC Long-Term Care Ombudsman.** The Department did not accept this recommendation because a notice requirement other than thirty (30) days could apply, depending on the circumstances identified by the Act or the Nursing Home and Community Residence Facility Resident's Protections Act of 1985, effective April 18, 1986 (D.C. Law 6-108, D.C. Official Code § 44-1001.01 *et seq.*), as incorporated into the Act. **A recommendation to incorporate a resident's right to appeal an ALR's discharge decision to the Office of Administrative Hearings, and state that a resident need not exhaust the District's administrative reconsideration processes in order to appeal to the Office of Administrative Hearings – from Disability Rights DC.** The Department did not accept these recommendations because the language stated in § 10115.06 is identical to the statutorily-mandated notice language for involuntary relocation, transfer, or discharge from residence facilities required by D.C. Law 6-108 (D.C. Official Code § 44-1003.02(d)). The notice language in § 10115.6 is clear that the only step to challenging an involuntary discharge is to complete the hearing request

form to OAH. Therefore, the Department finds that there is not a need to adopt the recommendation at this time.

Regarding § 10115.9, a recommendation to revise the subsection because it allegedly violates D.C. Official Code § 44-1003.02(b) – from DC Long-Term Care Ombudsman. The Department did not adopt this recommendation because § 10115.9 does not violate the requirements for emergency relocations provided in D.C. Official Code § 44-1003.02(b), as alleged by the comment. § 44-1003.02(b) pertains to emergency health circumstances that are documented in a resident's clinical record. § 10115.9, on the other hand, pertains to "an imminent and physical harm [that is] present in the living unit," such as black mold, that requires temporary evacuation of the living unit until the harm can be cured. The Department declines to remove § 10115.9; however, the Department has revised the language to use the term "relocation" rather than "temporary transfer" in order to be consistent with the terminology used in D.C. Law 6-108 (D.C. Official Code § 44-1001.01 *et seq.*).

Regarding § 10116, generally: A recommendation to require that all ALRs create and maintain an up-to-date photo directory of all employees, which shall contain current photographs, names, and titles, and a copy made available on each floor of the ALR – from an Individual Commenter. The Department did not adopt this recommendation because the agency determined that the rule is not necessary for the safe operation of ALRs, the protection of resident's rights, or the health and safety of the public. **A recommendation to create a minimum standard that requires ALRs to provide residents access to information and staff at all times, including "assur[ing] at least one staff member is present physically at all times at the ALR who has access to all areas of the ALR and resident records, assur[ing] at least one staff member is awake at all hours of the day and night, and assur[ing] that a written work schedule that reflects the ALR's twenty-four (24) hour staffing pattern is provided upon request to residents and surrogates" – from an Individual Commenter.** The Department did not adopt this recommendation because it is inconsistent with the operation of ALRs in the District. The recommendation seeks to impose a requirement that would impede the operation of the District's ALRs that are small or designed to be affordable and would frustrate development of affordable assisted living in the District, if adopted. Furthermore, expecting that each staff member have access to all resident information is not practical, as ALR confidentiality practices restrict staff from accessing records unless the resident is one for whom the staff member provides care. Additionally, the Department declined to impose a requirement for ALRs to provide their 24-hour staffing patterns to residents and surrogates because the Department did not determine such a provision to be necessary for the safe operation of ALRs, the protection of resident's rights, or the health and safety of the public. Therefore, the Department declined to adopt this recommendation as a standard across all ALRs in the District. **A recommendation to expand the availability of social work services referred to at D.C. Code § 44-106.07(b) by providing for a full-time social worker for an ALR with more than 120 beds, and a licensed independent clinical social worker for a minimum of twenty hours**

a week in an ALR with more than sixty (60) beds. The Department did not adopt this recommendation because the recommendation seeks to impose a standard that overreaches the Act's requirement that ALRs facilitate access to social work. The recommendation seeks to impose a requirement that would frustrate development of affordable assisted living in the District, if adopted.

Regarding § 10116.4, a recommendation to clarify why the rulemaking's age requirement for an ALA is different from the statute's requirement to be twenty-one (21) years old – from the DC Long-Term Care Ombudsman. The Department did not adopt this recommendation. The commenter mistakes eighteen (18) as the age requirement for ALAs in the rulemaking when eighteen (18) is, in fact, the age requirement for the Acting Administrator who temporarily replaces the ALA. ALAs are still required to be twenty-one (21) years of age by both the Act and the rulemaking.

Regarding §§ 10116.4 - 10116.12, a recommendation to replace the rules for ALR coverage by ALAs or the Acting Administrator with following standards: The Administrator shall be responsible for ensuring that the ALR is appropriately staffed, at all times and that another licensed Administrator or other qualified staff is physically present and authorized to act as Administrator in his or her absence; The Acting Administrator shall have the necessary authority to act in any absence of the Administrator so that each ALR has an authorized Administrator on duty during regular business hours; If the Administrator is absent for more than six (6) consecutive weeks the facility shall appoint a designee and shall notify the licensing agency; Each facility shall have written guidelines on the authority and responsibilities of the Administrator and the Acting Administrator. The Department did not adopt the recommendation to replace subsections 10116.4-10116.12 with the commenter's suggested language because the suggested language lacks critical protections that the Department intended to include in order to protect the public: The suggested replacement language lacks a requirement for either the ALA or acting administrator to be on-site after regular business hours; lacks a requirement for the ALA to be available and responsive to ALR when off-site; and allows operation of an ALR without a licensed ALA for an unreasonable amount of time and without alerting DC Health during periods of 3 weeks or more.

Regarding § 10116.13: A recommendation to provide an exception for "unforeseen communication emergencies" to the requirement that a registered nurse respond to the ALA or ALR staff members within 1 hour – from Hallkeen Assisted Living and Northbridge Advisory Services, jointly. The Department did not accept this recommendation. The Department deliberated greatly on the requirements for RNs and believes the rulemaking language is the best course to protect the public. **Recommendations to require a registered nurse on-site 24/7 – from 3 Individual Commenters.** DC Health did not adopt this recommendation because it would impose a requirement that would frustrate the operation of the District's ALRs that are small, designed to be affordable, or participate in Medicaid's Home and Community Based Services' EPD Waiver program. Furthermore, skilled nursing is not

constantly required by ALR residents and, in fact, the Act prohibits admission of a resident that requires constant skilled nursing care. ALRs are designed as social or residential models, as opposed to institutions, which typically maintain a nurse on-site at all times. **Recommendations to require that a registered nurse be on-site for a minimum of eight (8) hours per day on a scheduled basis between 6 a.m. and 8 p.m. – from 2 Individual Commenters and the Long Term Care Quality Alliance.** See above.

Regarding § 10116.14, a recommendation to require that the on-call registered nurse's name and contact information be posted in a prominent location at the entrance of the facility - from an Individual Commenter. The Department did not adopt this recommendation because the Department holds the position that the rulemaking is sufficient, as-is, requiring that the registered nurse's contact information be prominently and conspicuously posted for ALR staff to see.

Regarding § 10116.18, a recommendation to require ALR staff name tags display information in 48-point font, 74-point font, or other large font – from the Long-Term Care Quality Alliance and 4 Individual Commenters. The Department declined to adopt the recommendation to impose a font size standard at this time, but amended the language of the section to better convey the agency's intended name badge rule. The revision clarifies that name badges must be unobscured, and prominently and conspicuously display the employee's name and job title.

Regarding § 10117.1, a recommendation to include an explicit statement in the rulemaking that provisions requiring for ALAs to be licensed are not and will not be effective until the District's Board of Long-Term Care Administration promulgates licensure regulations into effect – from the District of Columbia Health Care Association. The Department did not adopt this recommendation. As stated in the preambles of both the initial Notice of Proposed Rulemaking and this Second Proposed Rulemaking, the Department will not enforce the portions of the rulemaking that require an individual to be licensed by the District of Columbia Board of Long-Term Care Administration or otherwise authorized by the Director to practice assisted living administration until rules have been promulgated, and become effective, to govern said licensure and authorization. The rulemaking preamble clearly and sufficiently indicates the Department's commitment to refraining from the enforcement of ALA licensing requirements until those licensing requirements are put into effect in a separate rulemaking to be promulgated by the DC Board of Long-Term Care. Furthermore, this rulemaking cannot "grandfather" in ALAs who are already practicing because the authorized practice of ALA's is not within the scope of the Act. Instead, the Board of Long-Term Care Administration governs the practice of assisted living administration and will develop rules in a separate rulemaking to address ALA licensure and authorized practice.

Regarding § 10118, generally, a recommendation to state that ALRs are not responsible for any personal care services contracted privately by the resident or their family members if

the services are not part of the service plan or if the resident contracts with a provider with no affiliation with the residence – from Disability Rights DC. The Department did not accept this recommendation. Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), an ALA shall be responsible for all personnel and services within the ALR. It is the Department's position that this includes private duty healthcare professionals that provide healthcare related services to residents on the ALR's premises. The Department does not seek to provide an exception to the requirements of § 10118 based on the type of health care services being provided because the intent of this section is to ensure that each ALR is actively keeping abreast of the health care services being provided on its premises. All private duty healthcare professionals who are contracted to perform services for the resident on a recurring basis must comply. Therefore, the recommendation is not adopted.

Regarding §10118.1: A recommendation to remove the requirement that ALRs be responsible for the private duty health care professionals practicing on its premises – from Hallkeen Assisted Living and Northbridge Advisory Services, jointly, and the District of Columbia Health Care Association. The Department declined to remove the requirement that ALRs maintain responsibility for supervising, monitoring, or otherwise ensuring the provision of adequate and appropriate care and services to its residents. Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), an ALA shall be responsible for all personnel and services within the ALR. It is the Department's position that this includes private duty healthcare professionals that provide healthcare related services to residents on the ALR's premises. However, in response to multiple comments indicating a misunderstanding of the extent of an ALR's responsibility for private duty healthcare professionals, the Department has revised § 10118.1 to simplify the rulemaking by holding ALRs responsible for private duty healthcare professionals to the extent of requiring and causing a private duty healthcare professional to comply with the provisions of § 10118 as a condition of providing service on the ALR's premises. **A recommendation to add a rule to the regulations that explicitly protects a resident's right to enter into a private employment contract and without undue interference by an ALR attempting to terminate private duty healthcare services – from an Individual Commenter and Disability Rights DC.** The Department did not adopt this recommendation. The comment from the Individual Commenter suggests that an issue exists of ALRs terminating residents' contracts with private duty healthcare professionals, but did not provide any support for the allegation that the terminations were abuses of power rather than based on legitimate reasons for the health and safety of the residents. Ultimately, the health and safety of residents is the responsibility of the ALR's. The ALR is in the best position to evaluate whether a private duty healthcare professional is negatively impacting a resident's health and should be prohibited from returning before (further) harm can occur. Therefore, it is the Department's position that there is not a need to adopt the recommendation at this time. Nonetheless, the Department has adopted the Individual Commenter's recommendation at § 10118.2(c) to hold ALRs accountable for documenting and alerting a resident as to the reason and duration of a private duty healthcare professional's removal from the premises.

Regarding § 10118.2, a recommendation to revise or remove the "unwieldy requirement" that the District license all privately-retained services, including those by residents' family members or friends because it will inevitably hamstring residents and subject them to discharge – from Disability Rights DC. The comment appears to misunderstand the rule as creating another licensing type to capture privately-retained services provided by family and friends at an ALR, rather than simply referring to the longstanding District law that any individual providing a healthcare service that requires authorization must be authorized to do so in accordance with the law; e.g., an individual seeking to perform occupational therapy services at an ALR must be licensed as an occupational therapist. All health professional licensing laws established by the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq*. (2016 Repl.)), shall be enforced. The rulemaking does not intend to authorize unlicensed practice.

Regarding § 10119, generally: Recommendations that seek to exclude family members from the rules governing companions at an ALR – from 5 Individual Commenters and the Long Term Care Quality Alliance. The Department did not accept the recommendations because the comments appear to misunderstand the definition of companion and seek to exclude family members or unpaid companions from the provisions of this section, regardless of whether they meet the definition of a "companion" and are providing companion services. In response to the comments, the Department has revised the definition of Companion in § 10199 to more clearly convey that the rulemaking applies to companions who are employed, for pay or not-for-pay, to provide services to the resident at the discretion of the resident, the companion's client, or the companion's employer; thereby correcting misunderstandings about who is and is not a companion, and to whom companion rules and restrictions apply. The definition of companion may be inclusive of a resident's family member if that family member is employed to provide services in accordance to the definition provided in this Second Proposed Rulemaking. **A recommendation to remove the requirement for companions to undergo criminal background checks for unlicensed professionals, as it is "an unnecessarily burdensome and bureaucratic process" – from Disability Rights DC.** The Department did not adopt this recommendation because the commenter appears to contest background checks based on the misunderstanding that the definition of companion includes family and others who are not employed to provide companion services at the discretion of the resident, the companion's client, or the companion's employer. As discussed immediately above, companions are individuals who are employed, for pay or not-for-pay, to provide companion services to a resident at the discretion of someone other than the companion. A criminal background check is required for companions with direct resident access, as is consistent with ALR regulations in other jurisdictions. Therefore, an ALR, which is responsible for all of its residents and the services being provided within, must require companions to get criminal background checks in accordance with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act.

Regarding § 10119.5, recommendations to remove the requirement that ALRs be responsible for the companions providing companion services on its premises – from Hallkeen Assisted Living and Northbridge Advisory Services, jointly, and Disability Rights DC. The Department did not accept this recommendation. Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), an ALA shall be responsible for all personnel and services within the ALR. It is the Department's position that this includes companions that provide companion services to residents on the ALR's premises. However, in response to multiple comments indicating a misunderstanding of the extent of an ALR's responsibility for companions, the Department has simplified § 10119.5 by holding ALRs responsible for companions to the extent of requiring and causing a companion to comply with the provisions of § 10119 as a condition of providing service on the ALR's premises. (Note: § 10119.5 has been renumbered to § 10119.1 for this Second Proposed Rulemaking.)

Regarding § 10120.1, a recommendation to remove the requirement for contract employees to be subject to the criminal background check for unlicensed personnel – from the District of Columbia Health Care Association. The Department did not adopt this recommendation because the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*) clearly states "No facility shall employ or contract with any unlicensed person until a criminal background check has been conducted for that person."

Regarding § 10121, generally, a recommendation to remove the entire section because prospective residents would attest to their own capability or need for help with respect to medication management; and to require that an ALR must accommodate residents who need prompting for medications, or setup of medications in daily dosing containers, blister-packs, or prefilled syringes with the appropriate medications – from Disability Rights DC. The Department did not adopt this recommendation because the rulemaking and Act provide for accommodations at § 10124 and D.C. Official Code § 44-109.07, respectively and the Department has not determined a need to impose further requirements across all ALRs. The rulemaking dedicates several provisions to establishing regulations that provide for an ALR to assist a resident in administering his or her medication. Furthermore, the Act directs ALRs to develop and implement blister or bubble or unit dose package where feasible and the rulemaking does not interfere with the Act's instruction. Such devices require monitoring to ensure that residents safely use the device to properly administer their medication, and the ALR must determine if it is feasible for it to provide such monitoring to its residents, as some ALRs may not have the resources to do so. Therefore, the Department declines to adopt the recommendation to add any further requirements to § 10121.

Regarding § 10121.1, a recommendation to provide for timers and electronically-equipped medication dispensers and other technology to aid a resident who self-administers medication with the proper timing and dosing of their medication – from the Long Term Care Quality Alliance. The Department did not adopt this recommendation because the agency

determined that the requested provision did not belong in this section. The recommendation was incorporated into § 10124, instead.

Regarding § 10122, a recommendation to add language to state a requirement for the registered nurse to hold a consultation with the resident or surrogate at the time of each forty-five (45) day medication assessment. The Department did not adopt this recommendation because performance of the medication assessment necessitates that the registered nurse is present with the resident and, therefore, available to consult and answer questions at that time.

Regarding § 10123.2, a recommendation to remove the requirement for ALRs to record the lot numbers of prescription and non-prescription medication and dietary supplements stored by self-administering residents in their living units – from the District of Columbia Health Care Association. The Department did not adopt this recommendation because it is inconsistent with the Act, which requires that ALRs record the lot numbers for all prescription drugs it stores at § 44-109.04(e)(2). The Department's position is that the same safety considerations that warrant the recordation of lot numbers for prescription drugs should be extended to non-prescription drugs and dietary supplements (when applicable), as well, for the protection of all residents.

Regarding § 10123.3, a recommendation to require that <u>all</u> prescription medication be destroyed rather than attempting to return it to a resident's surrogate or caregiver – from the District of Columbia Health Care Association. The Department did not adopt this recommendation because the language of the rulemaking already accounts for the fact that some medications may be prohibited by law from being returned to anyone other than to whom they were prescribed. Therefore, the Department finds the existing language to be sufficient and does not intend to adopt the recommendation.

Regarding § 10124.1, a recommendation to permit residents who have been assessed as not capable of self-administering medication to move to self-administration through an SRA in cases where the ALR fails to consistently or accurately carry out its obligation to administer the resident's medication. The Department did not adopt this recommendation because it is unsafe to authorize residents who cannot self-administer to be in charge of administering their medications. The Department advises that a resident report an ALR that fails to administer medication consistently and accurately to the District of Columbia Office of the Long-Term Care Ombudsman or the Department of Health.

Regarding § 10124.2, a recommendation to clarify when residents are charged, what the charges cover, and how residents are informed of charges, at paragraph (b). The Department did not accept this recommendation because the information is already provided in paragraphs (c) and (d).

Regarding § 10124.3: A recommendation to add a provision requiring that a resident receive the ALR's approval prior to hiring a private duty healthcare professional to provide care services on the ALR's premises. The Department did not adopt this recommendation because the Act only requires ALR approval for coordination of third-party services when the ALR is determining whether it will accept resident for admission who requires care services that the ALR is not equipped to provide. There is no requirement in the Act for the ALR to approve for a third-party to provide care once a resident has been admitted and is aging in place. **Recommendations to explicitly allow for family members to provide full medication administration to a resident if a resident enters an SRA – from an Individual Commenter and the Long-Term Quality Care Alliance.** The Department did not adopt these recommendations because administration of medication by anyone other than a healthcare professional authorized to do so is inconsistent with the Act. For example, a resident who is assessed and determined not to be capable of self-administration "requires that medication be administered by a TME or licensed nurse." (*See* the Act, at D.C. Official Code § 44-109.01(3)). In contrast, administration of medication by an authorized healthcare professional is clearly stated by, and within the spirit of, the Act. *See* D.C. Official Code § 44-109.05(a) ("Licensed nurses, physicians, physician assistants, and TMEs may administer medications to residents or assist residents with taking their medications.")

Regarding § 10124.4, a recommendation to remove the rule ensuring that resident's provide informed consent to medication administration services provided by the ALR, at paragraph (d), because it is redundant – from the District of Columbia Health Care Association. The Department did not adopt this recommendation because the commenter is mistaken that the provision is redundant. The ISP does not ensure that a resident receives medication administration policy information and disclosure of the medication administration fees, as the commenter suggests. The Department determined that there is a need to emphasize disclosure protections with respect to medication administration, and the provisions of § 10124.4(d) is necessary to state those disclosure protections.

Regarding § 10124.9, a recommendation to permit an ALR's investigation of medication errors or adverse drug reactions to occur within the context of a confidential assurance process. The Department did not adopt this recommendation because the outcome would result in the findings of the medication error and adverse drug reactions being confidential and not subject to the rulemaking's recordkeeping and disclosure provisions. The Department's position is that the results of investigations into medication errors and adverse drug reactions should be made available to the affected resident and not restricted by ALR confidentiality processes.

Regarding § 10125, generally, a recommendation to mention staff training on person-centered planning and services, informed consent, maintaining resident confidentiality and privacy of protected health care information, de-escalation and mediation techniques, and disability rights, among other essential topics – from Disability Rights DC. The Department did not adopt this recommendation because the Act requires to the Department's satisfaction that

all staff shall be properly trained and be able to demonstrate proficiency in the skills required to effectively meet the all the requirements of the Act, which includes all the topics listed by the commenter.

Regarding § 10125.1, a recommendation to explicitly add causing "fear of retaliation" or "coercion" as a means of pressuring a resident to the list of "abuse" complaints that must immediately be reported to the Department for investigation – from an Individual Commenter. The Department did not adopt this recommendation because the Act and rulemaking adequately provide for the Department and the Office of the Long-Term Care Ombudsman to investigate a resident's complaints of coercion or threats of retaliation through their regular investigation mechanisms. Furthermore, the Act and rulemaking impose a series of prevention, reporting, and investigation requirements to stymie resident abuse, neglect, or exploitation. This heightened response protocol for abuse should not be conflated with fear of retaliation or pressuring a resident.

Regarding § 10125.3: A recommendation to expand the description of "Unusual Incidents" to include "any complaint of a violation of resident rights" and "food poisoning; water contamination; fire; contagion disease outbreak; partial or total emergency evacuation required by fire, plumbing failure, or prolonged mechanical system failure; water damage resulting in mold; elevator malfunction resulting in injury or entrapment; vermin infestation; an accident resulting in injury to a resident; death; theft of a resident's property or funds or financial information; or any occurrence requiring or resulting in intervention from law enforcement or emergency response personnel" – from 2 Individual Commenters. The Department did not adopt these recommendations because the Act already adequately provides for the Department and the Office of the Long-Term Care Ombudsman to investigate a complaint regarding violation of resident rights under its normal investigation mechanism. Furthermore, the Department declined to expand the definition of "Unusual Incidents;" however the Department revised the definition of "unusual incident" on its own volition to increase clarity with respect to the rulemaking's intended definition. The revision provides an improved description, which includes sustained utility outages and environmental hazards and addresses is responsive to the comment's request

Regarding § 10128, generally, a recommendation to revise the entire section because it is allegedly vague due to not indicating maximums for the fines, not describing the conduct that can be fined, and not stipulating the use of funds once collected – from District of Columbia Health Care Association. Commenter misunderstands the function of § 10128. This section serves as a cross-reference to the civil penalties available under the Act and is not intended to accommodate the recommendation because: 1) Regulations addressing civil infraction fine amounts per class of violation are in title 16, chapter 32 of the DCMR. They are promulgated by the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), not the Department of Health; 2) A schedule of fines presently exists at 16 DCMR § 3663 for specific conduct that violates the Act. The Department may follow this rulemaking with

a separate rulemaking on civil fines to set fines for conduct prohibited by this rulemaking that is not already captured by the Act and fine-able under 16 DCMR § 3663; and 3) The Department is not required to stipulate the use of funds in this rulemaking.

Regarding § 10128.2: Recommendations to include in the rulemaking provisions for *per diem* civil penalties instead of "per instance" civil penalties – from the Long Term Care Quality Alliance and an Individual Commenter. The Department did not adopt this recommendation because regulations addressing civil infraction fine amounts per class of violation are in title 16, chapter 32 of the DCMR. They are promulgated by DCRA, not the Department of Health. Furthermore, 16 DCMR § 3201 provides for tiered penalties based on harm and, along with the Act at D.C. Official Code § 44-104.02(c), provides for escalated penalties for repeat infractions. Furthermore, 16 DCMR § 3201 provides for tiered penalties based on degree of harm, daily-repeated infractions, and escalated fines for repeat infractions, along with the Act at D.C. Official Code § 44-104.02(c). Thus, the Department did not determine that there is a need to adopt the recommendations at this time. **A recommendation to expand the range of civil penalties the Department is authorized to use; to provide for a $1000 per incident per day fine for violations; and to penalize all violations of resident rights in order to incentivize ALRs to treat all provisions of the law seriously – from the DC Long-Term Care Ombudsman and an Individual Commenter.** The Department did not adopt these recommendations because regulations addressing civil infraction fine amounts per class of violation are in title 16, chapter 32 of the DCMR. They are promulgated by DCRA, not the Department of Health. Furthermore, 16 DCMR § 3201 provides for tiered penalties based on harm and, along with the Act at D.C. Official Code § 44-104.02(c), provides for escalated penalties for repeat infractions. Last, a schedule of fines presently exists at 16 DCMR § 3663 for specific conduct that violates the Act. The Department may follow this rulemaking with a separate rulemaking on civil fines to set fines for conduct prohibited by this rulemaking that is not already captured by the Act and fine-able under 16 DCMR § 3663. **Recommendations to ensure that the Department is not limited to using sanctions only in instances of immediate or serious and continuing danger – from the DC Long-Term Care Ombudsman and an Individual Commenter.** The Department did not adopt these recommendations because § 10128.2(b) simply refers to the Act's corresponding provision for civil penalties in the Act, at D.C. Official Code § 44-104.02, which the rulemaking does not have the authority to change.

Regarding § 10130, recommendations to require compulsory referral to regulatory entities – from an Individual Commenter and the Long-Term Care Quality Alliance. The Department did not adopt the recommendations because the Department must retain the discretion to determine for itself whether allegations of prohibited conduct warrant referral for disciplinary action in order to prevent forwarding meritless claims. The Department rephrased the subsection, replacing "suspected" with "alleged" to clarify this matter and reduce confusion in the future.

Regarding § 10199.2: A recommendation to include a definition of "surrogate" – from an Individual Commenter. The Department did not adopt this recommendation because "surrogate" has been defined by the Act and the rulemaking, at § 10199.1, incorporates all definitions provided by the Act. To prescribe a second, different meaning to "surrogate" in the rulemaking could cause confusion. **A recommendation to add to the "Definitions" section numerous terms and their definitions as they were used in the commenter's numerous recommendations – from an Individual Commenter.** The Department did not adopt this recommendation. The Department believes the definitions it provided are adequate and accurate as they pertain to its use of the terms within the chapter.

The Department has also revised language in this Second Proposed Rulemaking, on its own volition, in order to adjust syntax for clarity and to correct apparent confusion and misinterpretations of the rulemaking's meaning or intent prior to republishing the rulemaking. The Department's *sua sponte* revisions to the following provisions were notable, or were greater than clerical adjustments and resulted in substantive change to the affected subsections and sections:

A new § 10100.4 – to clarify that ALRs must adhere to laws other than the Act when such laws are applicable.

§ 10101.1 – revised to more accurately reflect the purpose of the rulemaking.

§ 10107 "Licensure Inspections" - renamed "Inspections Before and After Licensure," and augmented with provisions on inspections and complaint investigations.

A new § 10109.04 – to require ALRs honor a disables resident's duly-executed supported decision-maker agreement, in accordance with Title III of the Disability Services Reform Amendment Act of 2018.

§ 10113 – revised to supplement the Act by instructing on the use of shared responsibility agreements as the mechanism to dispute and resolve any service an ALR attempts to provide a resident and provide express, detailed rules for navigating a disagreement during the ISP renewal process. As indicated by the numerous comments received with respect to the ISP renewal process, the Department has been made aware that the Act and rulemaking's treatment of the ISP and SRA processes did not adequately inform and guide the public as intended. As a result, the Department undertook a major revision of § 10113 to supplement the Act by providing the aforementioned aspects to the section in order to clarify the rulemaking's intent.

§ 10115 "Discharge and Transfer" – renamed "Transfer, Discharge, and Relocation" in order to reflect the content within.

§ 10126 "Inspections" – renamed "Denial, Restriction, Suspension, or Revocation of a License," and rewritten to cover administrative procedure for denials, restrictions, suspensions, and revocations; all inspection provisions previously in this section were relocated to § 10107.

As a result of the comments received and the Department's *sua sponte* revisions, the majority of sections in the initial proposed rulemaking have been revised to some degree. Therefore, the rulemaking is being republished for a second comment period.

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

The Director gives notice of her intent to adopt this rule as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the forty-five (45) day Council period of review if the Council of the District of Columbia does not act earlier to adopt the rules by resolution.

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

CHAPTER 101 ASSISTED LIVING RESIDENCES

Secs.

10100 GENERAL PROVISIONS

10100.1 These rules are implemented pursuant to and in accordance with the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq*. (2012 Repl.), as amended from time to time (hereinafter, the Act).

10100.2 The provisions set forth in this chapter have been issued to supplement provisions of the Act. Accordingly, each assisted living residence ("ALR") licensed pursuant to the Act must comply with the Act and with this chapter, which together constitute standards for licensing and operation of ALRs within the District of Columbia.

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

10100.4 Nothing in this chapter shall be construed to authorize conduct that is in violation of any other District or federal law or rules issued thereto, including, where applicable, the D.C. Human Rights Act of 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2016 Repl.)), the Americans With Disabilities Act of 1990 (42 USC §§ 12101 *et seq*.), the Fair Housing Act (42 USC §§ 3601 *et seq*.); and the Health Insurance Portability and Accountability Act of 1996 (42 USC §§ 1320d *et seq*.).

10100.5 An ALR that participates in the Medicaid Home Community-Based Services Waiver program for the Elderly and Persons with Physical Disabilities, as approved by the Council of the District of Columbia and the Centers for Medicare and Medicaid Services, shall maintain compliance with Chapter 42 (Home and Community-Based Services Waiver for Persons Who Are Elderly and Individuals with Physical Disabilities) of Title 29 of the District of Columbia Municipal Regulations (DCMR) in addition to the Act and this chapter.

10101 PURPOSE

10101.1 The purpose of this chapter is to supplement provisions of the Act, which sets

minimum, reasonable standards for licensure of ALRs in the District of Columbia. This chapter is intended to promote the principles of the Act, and establish additional minimum standards as necessary to protect assisted living residents' health, safety, and welfare.

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

10102.1 A separate license shall be required to operate each ALR, regardless of whether multiple ALRs are operated by the same person, or whether the ALR is on premises shared with another ALR or facility. Each ALR license shall be specific to the location of the ALR.

10102.2 The provision of housing under a landlord-tenant arrangement does not, in and of itself, exclude a person from the requirements to be licensed and in compliance with the provisions of the Act and this chapter.

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

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

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

10102.6 An ALR's failure to comply with the Act, this chapter, or any other applicable District or federal laws or regulations may be grounds for sanctions or penalties, including suspension or revocation of licensure, as specified in the Act and in § 10126 of this chapter.

10103 RESTRICTIONS

10103.1 An ALR shall not provide services beyond the scope of its license.

10103.2 An entity may not use the term "assisted living" to advertise its services unless the entity is licensed under the Act to operate as an ALR.

10103.3 A person may not advertise, represent, or imply to the public that an ALR is authorized to provide a service that the service provider is not licensed, certified, or otherwise authorized to provide.

10103.4 A person may not advertise the facilities or services provided by the ALR in a manner that is false, misleading, or fraudulent. Facilities or services that are

provided at an additional cost to an ALR resident shall be identified in a manner that indicates such.

10103.5 The Director shall issue each license only for the premises and person or persons named as applicants in the application. The license shall not be valid for use by any other person or persons or at any place other than that designated on the license. Any transfer as to person or place shall cause the immediate forfeiture of the license.

10103.6 Each license to operate an ALR that is in the Licensee's possession shall be the property of the District Government and shall be returned to the Director immediately upon any of the following events:

(a) Suspension, or revocation of the license;

(b) Denial of an application to renew the license;

(c) Forfeiture consistent with § 10103.5; or

(d) The ALR's operation is discontinued by voluntary action of the Licensee.

10104 QUALIFICATION AND ELIGIBILITY

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

10104.2 Applicant background checks may consist of, but not be limited to, investigating the following:

(a) Whether the applicant, or the individual identified on the application to serve as assisted living administrator (ALA) for the ALR, holds a current, valid license to practice assisted living administration in the District of Columbia;

(b) Applicant's history of compliance with the District of Columbia or any other jurisdiction's licensing requirements and with any federal certification requirements, including any license revocation or denial; and

(c) The arrest and criminal records of the applicant, including, but not limited to, the following:

(1) Crimes or acts involving abuse, neglect or mistreatment of a person or misappropriation of property of the person;

(2) Crimes or acts related to the manufacture, distribution, prescription, use, or dispensing of a controlled substance;

(3) Fraud, or substantial or repeated violations of applicable laws and rules in the operation of any health care facility or in the care of dependent persons;

(4) A conviction or pending criminal charge which substantially relates to the care of adults or minors, to the funds or property of adults or minors, or to the operation of a residential or health care facility; or

(5) Current investigations by enforcement agencies to include, but not be limited to, the District of Columbia Departments of Health, Health Care Finance, and Consumer and Regulatory Affairs, the Federal Bureau of Investigation, the Office of Inspector General of the United States Department of Health and Human Services, and law enforcement agencies.

10105 FEES

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

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

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

10105.4 As provided in § 305 of the Act (D.C. Official Code § 44-103.05), each assisted living residence facility seeking a revised license as required due to changes

within the facility shall pay the following fees, as applicable, which fees shall be paid at the time of the facility's request for revision of the license:

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

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

10106 INITIAL ALR LICENSURE

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

10106.2 An application for an initial license to operate an ALR shall be made as prescribed by this section and § 302(a)-(e) of the Act (D.C. Official Code § 44-103.02(a)-(e)), or as prescribed by § 304 of the Act (D.C. Official Code § 44-103.04) if an application for renewal.

10106.3 The application shall be submitted to the Director for review and shall not be approved for licensure unless determined by the Director to meet the requirements of the Act and this chapter. The Director shall consider the entirety of the application record when determining whether to approve or deny an application, including the results of a background check conducted pursuant to § 10104 of this chapter and any documents required under this section.

10106.4 In addition to the requirements in § 302(d)(2) of the Act (D.C. Official Code § 44-103.02(d)(2)), an application for an ALR license shall include evidence of a current, valid license issued by the District of Columbia to the assisted living administrator (ALA) named in the application.

10106.5 In addition to the information required under § 302(e)(2) of the Act (D.C. Official Code § 44-103.02(e)(2)), an applicant for licensure shall provide the following information:

(a) The policies and procedures required by §§ 10110.2 and 10110.3 of this chapter;

(b) A floor plan specifying dimensions of the ALR, exits and planned room usage;

(c) Proof that the ALR’s proposed location has passed an inspection for compliance with fire codes conducted by the District of Columbia Fire & EMS Department’s Fire Prevention Division or a successor entity that

becomes responsible for conducting such inspections on behalf of the District; and

(d) Any additional information requested by the Director.

10106.6 The documentation required under § 302(e)(2) of the Act (D.C. Official Code § 44-103.02(e)(2)) and § 10106.05 of this chapter shall be provided to the Director during the pre-licensure inspection period, after on-site inspection of the applicant's ALR has been conducted.

10106.7 An applicant for an ALR license shall pay the licensure fees set forth in § 10105 of this chapter.

10107 INSPECTIONS BEFORE AND AFTER LICENSURE

10107. 1 The Director is authorized to conduct inspections:

(a) At the time of an ALR's application for initial licensure;

(b) Six (6) months after an ALR's initial licensure;

(c) At the time of an ALR's application for each annual renewal of licensure;

(d) To investigate complaints alleging a violation of the Act or this chapter; and

(e) To ensure an ALR or suspected ALR's compliance with the Act and this chapter, at the discretion of the Director.

10107. 2 The inspections set forth in § 10107.1 shall be conducted in accordance with the procedures set forth by § 306 of the Act (D.C. Official Code § 44-103.06) and D.C. Official Code § 44-505, and pursuant to the rules set forth in 22-B DCMR § 3101.

10107.3 In addition to the procedures and rules described in § 10107.2, inspections for the purpose of investigating a complaint alleging a violation of the Act or this chapter shall be guided as follows:

(a) The Director shall investigate complaint allegations of a life-threatening nature or those that represent immediate danger within twenty-four (24) hours of receipt of the complaint by the Department. All other complaints shall be investigated by the Director no later than thirty (30) days from their receipt or as deemed appropriate.

(b) The Director shall conduct complaint investigations during time periods and staff shifts consistent with the allegations in the complaint, when deemed appropriate.

(c) The Director shall communicate the findings of the complaint investigation directly to the ALR or suspected ALR, and the complainant, if the complaint is received directly by the Department. If the complaint is referred by another governmental agency, the Director shall send its findings to the referring agency. The referring agency shall be responsible for communicating the findings to the complainant.

10107.4 An ALR or prospective ALR that seeks to accept the Director's suggested remedy to a deficiency or propose its own remedy, pursuant to § 306(e) of the Act (D.C. Official Code § 44-103.06(e)), shall do so by submitting the remedy to the Director in a written, signed and dated plan of corrective action to abate the cited deficiencies. The ALR shall include the plan of corrective action in its response to the Director that is required by § 306(e) of the Act (D.C. Official Code § 44-103.06(e)).

10107.5 The Director, after having conducted an inspection described in paragraphs (b) through (e) of § 10107.1, shall require an ALR it has determined to be in violation of the Act and the rules, but whose deficiencies are not life threatening or seriously endangering to the public's health, safety, and welfare, to correct the deficiencies within thirty (30) days from receipt of the written notice of violations provided by the Director pursuant to § 306(d) of the Act (D.C. Official Code § 44-103.06(d)).

10107.6 An ALR shall be subject to the sanctions provided under § 401 of the Act (D.C. Official Code § 44-104.01) if it fails to correct within thirty (30) days the deficiencies indicated in the written notice of violations provided by the Director pursuant to § 306(d) of the Act (D.C. Official Code § 44-103.06(d)) after the conclusion of any inspection conducted under § 10107.1. The Director may extend this time as he or she determines is appropriate under the circumstances.

10107.7 The Director shall, after having conducted any inspection under § 10107.1, deny, suspend, or revoke an ALR's licensure pursuant to § 10126 of this chapter if the ALR is found to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety, but which do not pose an immediate threat to warrant an emergency suspension described by § 404 of the Act (D.C. Official Code § 44-104.04).

10108 ADMISSIONS

10108. 1 No ALR may have more residents, including respite care residents, than the maximum bed capacity on its license.

10108.2 An ALR shall deny admission to an individual if the individualized service plan (ISP) that is developed prior to the individual's admission, pursuant to section 604(a)(1) of the Act (D.C. Official Code § 44-106.04(a)(1)), does not indicate that the individual requires at least the minimal level of assistance with activities of daily living or instrumental activities of daily living provided by the ALR.

10108.3 For the purpose of § 601(d)(1) of the Act, physical or mental abuse of others or destruction of property shall be considered behavior that significantly and negatively impacts the lives of others. An ALR shall not admit an individual who at the time of initial admission, and as established by the initial assessment, exhibits such behavior where the ALR would be unable to eliminate it through the use of appropriate treatment modalities.

10108.4 An ALR shall consider the availability of mental health treatments offered by the District's network of core service agencies and the Department of Behavioral Health prior to determining whether it can provide, or arrange for a third party service to provide, appropriate services for an individual requiring mental health treatment.

10109 RESIDENT'S RIGHTS AND QUALITY OF LIFE

10109.1 The ALR shall promote and facilitate resident self-determination through support of resident choice and all the rights specified in the Act and this chapter.

10109.2 The ALR shall support the resident (or surrogate) in exercising the resident's rights under this chapter without interference, coercion, discrimination, or threat of retaliation.

10109.3 An ALR shall not discriminate against a resident in treatment or access to services based on reasons prohibited by the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2016 Repl.)) or any other applicable anti-discrimination law, or rule issued pursuant thereto.

10109.4 An ALR shall honor a duly-executed supported decision-making agreement provided to it by a resident with a disability or a prospective resident with a disability, in accordance with Title III of the Disability Services Reform Amendment Act of 2018 (D.C. Law 22-93; D.C. Official Code §§ 7-2131.01 *et seq.* (2018 Repl.)). An ALR that has received a supported decision-making agreement from a resident shall be advised that all notices required to be sent to that resident under the Act or this chapter must also be sent to the resident's supported decision maker as designated in the resident's supported decision-making agreement, pursuant to § 303(c) of Title III of the Disability Services Reform Amendment Act of 2018 (D.C. Official Code § 7-2133(c)). For the purpose of this subsection, "supported decision-making agreement" and "disability" shall have the meanings prescribed to them by Title III of the

Disability Services Reform Amendment Act of 2018 (D.C. Official Code §§ 7-2131.01 *et seq.*).

10109.5 An ALR shall allow notices of upcoming resident group meetings to be posted prominently and conspicuously in designated areas. The ALR shall also include the date, time, and location of upcoming resident group meetings in the calendars or schedules of activities that are published by the ALR for residents on a regular basis, provided that the resident group submits the pertinent information to the ALR prior to the date of the calendar or schedule's publication.

10109.6 By the rights granted under § 505(a)(7) of the Act (D.C. Official Code § 44-105.05(a)(7)):

(a) A resident shall have the right to organize and participate in resident groups in the ALR;

(b) A resident shall have the right to invite staff or visitors, including family members and other individuals interested in the resident's wellbeing, to resident group meetings in the ALR;

(c) The ALR shall provide meeting space of appropriate size and with appropriate seating to accommodate the resident group meeting's attendees; and

(d) The ALR shall designate an employee or employees who shall assist with resident group meetings, and through whom the resident group may submit its written requests to the ALR and shall receive the ALR's response to those requests.

10109.7 An ALR shall consider the written requests and grievances submitted by a resident or resident group and respond within fifteen (15) days, in writing, indicating its intended action or inaction in response to the issues of resident care and life in the ALR raised by the resident or resident group. The ALR shall act promptly to complete the actions indicated in its response within a reasonable amount of time. This subsection shall not be construed to imply that the ALR must implement the requests of a resident or resident group in the exact manner recommended by that resident or resident group.

10109.8 An ALR shall maintain complete written records of the filing and disposition of all requests, grievances, and appeals.

10109.9 An ALR shall permit a resident group meeting to have in attendance family members, visitors, and other guests invited by the resident group's members. ALR staff may attend a resident group meeting only at a resident group member's invitation. This subsection shall not prevent a resident's surrogate from attending a resident group meeting with, or instead of, the resident he or she represents.

10109.10 For the purpose of § 506(a)(1) of the Act (D.C. Official Code § 44-105.06(a)(1)) "the ALA and healthcare records" to which a resident shall have access on demand shall mean the aggregate of the following records maintained by the ALR with respect to a particular resident:

(a) Signed resident agreements written pursuant to § 602 of the Act (D.C. Official Code § 44-106.02), including the financial provisions required by § 603 of the Act (D.C. Official Code § 44-106.03);

(b) Healthcare records, including healthcare notes and progress reports written by ALR staff, the record of prescription medication stored by the ALR pursuant to § 904 of the Act (D.C. Official Code § 44-109.04) to administer to the resident, and the record of prescription and non-prescription medication and dietary supplements stored by a resident in his or her living unit pursuant to § 10123.3 of this chapter;

(c) Individualized service plans (ISPs), including all SRAs pertaining thereto;

(d) Medication administration records, including records of drug errors and adverse drug reactions; and

(e) Medication and treatment orders.

10109.11 A resident (or surrogate, to the extent that disclosure of the resident's health information of is not prohibited by applicable laws) shall be entitled to access, on demand, the following documents from the ALR, and to obtain a copy at a fee not to exceed that which is reasonable to cover the cost of its reproduction:

(a) The resident's ALA and healthcare records, as described in § 10109.10;

(b) The resident's financial records pertaining to the funds and personal property deposited or managed by an ALR for the benefit of the resident described in § 603(a)(2) of the Act (D.C. Official Code § 44-106.03(a)(2)); and

(c) The results of investigations conducted by the ALR that were prompted by the resident's submission of a complaint.

10109.12 An ALR shall provide a space with adequate privacy for a resident (or surrogate) to review the document or documents he or she requested to access pursuant to § 10109.11. The space shall have the means to view the document in the format in which the ALR presented it. This subsection is not intended to accommodate copies of documents made at a resident's request pursuant to § 10109.11.

10109.13 An ALR shall not name a group, council, meeting, or other gathering of individuals a "resident group," "resident council," "family group," "family council," or combination thereof if the ALR conducts or otherwise controls that gathering beyond providing its resident's the support and services specified in the Act and this chapter.

10109.14 A copy of all signed agreements between an ALR and a resident (or surrogate), and all notifications required under the Act or this chapter, shall be retained in the resident's record. An ALR shall provide its residents (or surrogates) with a copy of signed documents within three (3) business days of signing the document.

10109.15 An ALR shall maintain each resident's record for no less than three (3) years after transfer, discharge, or death.

10110 REQUIRED POLICIES AND PROCEDURES

10110.1 An ALR shall develop and implement dated, written policies and procedures concerning its operation which shall be consistent with the Act, this chapter, and all other applicable District or federal law.

10110.2 Policies developed and implemented pursuant to § 10110.01 shall include, but not be limited to the following, which shall meet the approval of the Director:

(a) Medication management, administration of medication, medication administration errors, and medication storage;

(b) Developing, reviewing, and revising a resident's ISP, including policies on addressing a resident's (or surrogate's) disagreement with an ISP in part or whole and using a shared responsibility agreement (SRA) to resolve remaining discrepancies between the individual resident's right to independence and the ALR's concerns for the safety and wellbeing of the resident and others;

(c) Private duty nurses, aides, and other healthcare professionals;

(d) Companions;

(e) Admission, transfer, and discharge, including guidelines on accommodating a resident's needs prior to an admission, transfer, or discharge;

(f) Complaints and grievances, including policies for use of the mechanism through which a resident may have complaints and grievances addressed, and for review of submitted complaints and grievances;

(g) Protecting residents from the threat of retaliation for expressing complaints and grievances;

(h) Preventing, investigating, reporting, and remediating abuse, neglect, and exploitation of residents;

(i) Criteria to determine the care needs required by each resident upon initial assessment and throughout the duration of the resident's stay, including how staffing, emergency triage, and fees assessed to residents are impacted by the level of care needs assigned to a resident;

(j) Alcohol, tobacco, and marijuana use;

(k) Infection control, sanitation, and universal precautions;

(l) Emergency preparedness, which shall meet the same standards for emergency preparedness as those set for long term care facilities by the Centers for Medicare and Medicaid Services, at 42 CFR § 483.73;

(m) Use of audio-visual monitoring systems to monitor the non-private areas of the ALR's internal and external premises, including length of retention and the destruction of recordings;

(n) Resident's right to visitation, and visitor conduct;

(o) Monitoring of independent contractors performing work on the ALR's premises on behalf of the ALR or resident;

(p) Availability of the ALA to the ALR staff;

(q) Contacting the ALR's registered nurse;

(r) Determining when an ambulance or emergency medical services are contacted during a health emergency;

(s) Resident falls; and

(t) Notification system to inform residents in the event of emergencies such as utility outages, environmental hazards, and other events that pose a substantial threat to the safety of the general ALR community.

10110.3 Procedures developed and implemented in connection with the policies in § 10110.2 shall meet the approval of the Director.

10110.4 An ALR shall train its staff in the proper implementation of its procedures.

10110.5 A resident shall be permitted to view a copy of any policy required under § 10110.2 at his or her request.

10110.6 A resident shall be permitted, at his or her request, to view a copy of the ALR procedures developed in connection with the policies identified in paragraphs (b) and (f) of § 10110.2.

10111 DISCLOSURE

10111.1 An ALR shall not provide any billable service or item that will be at a cost additional to the resident's existing balance for the billing cycle unless the ALR has first:

(a) Provided the resident (or surrogate) with:

(1) Oral and written notice of all fees, rates, and charges he or she will incur for the provision of the service or item; and

(2) The dollar amount, frequency, and number of recurring charges that will occur for the provision of that service or item; and

(b) Obtained the resident's (or surrogate's) signature acknowledging receipt of the advance disclosures required by paragraph (a) of this subsection.

10111.2 An ALR shall keep a copy of the written notice and signed acknowledgment required by this subsection in the resident's record.

10111.3 An ALR shall be excused from the requirements of § 10111.01 if emergency circumstances necessitate the immediate provision of an item or service that would otherwise have required advance disclosure of the fees, rates, and charges. An ALR shall provide the disclosures described in § 10111.01(a) and obtain the signature confirmation described in § 10111.01(b) upon concluding its assessment of the resident following the emergency.

10111.4 If an ALR is unable to obtain a resident's (or surrogate's) signed acknowledgement required by § 10111.1 after diligent efforts, the ALR may make note of its inability to obtain the signature on the signature line, which shall include a brief description of the method and number of attempts made to obtain the signature, the dates the attempts were made, and the name of the employee who made the attempts.

10112 FINANCIAL AGREEMENTS

10112.1 The complete terms of all financial provisions in a resident's agreement shall be made available for the resident (or surrogate) to review prior to admission.

10112.2 Funds deposited with or managed by an ALR for the benefit of the resident that total more than two hundred dollars ($200) shall be deposited in an interest-bearing account in the resident's name in a savings institution. Funds deposited or managed by an ALR for the benefit of the resident that total two hundred dollars ($200) or less may be deposited in an interest-bearing or non-interest-bearing account or secured on-site for the resident's use as petty cash.

10112.3 An ALR shall not commingle residents' funds or personal property with the funds or property of the ALR, the licensee, employees, or any other entity or individual other than another resident. The ALR must maintain a system that assures a complete and separate accounting, according to generally accepted accounting principles, of each resident's funds and personal property entrusted to the ALR on the resident's behalf.

10112.4 The resident's financial records pertaining to the funds and personal property described in § 603(a)(2) of the Act (D.C. Official Code § 44-106.03(a)(2)) shall be made available to the resident (or surrogate) upon request. The ALR shall provide a report of the resident's financial records to the resident (or surrogate) on a quarterly basis.

10113 INDIVIDUALIZED SERVICE PLANS (ISPs)

10113. 1 An ISP shall be developed for each resident not more than thirty (30) days prior to admission.

10113.2 An ALR shall support the involvement of family and friends selected by the resident to participate in the development, review, and renegotiation of his or her ISP under the Act and this chapter, provided that the involvement of the selected family and friends is conducive to the resident's participation in the ISP development, review, or renegotiation. This subsection shall not apply to a resident's surrogate acting in his or her capacity as the resident's surrogate pursuant to law.

10113.3 An ALR shall ensure that the assessments conducted prior to a resident's admission, pursuant to §§ 802 and 803 of the Act (D.C. Official Code §§ 44-108.02 and 44-108.03), are performed by a registered nurse who is licensed to practice in the District, and any other healthcare professional necessary to perform the assessments as required who shall also be licensed or otherwise authorized to practice in the District.

10113.4 In accordance with § 604 of the Act (D.C. Official Code § 44-106.04), the ISP developed following the completion of the "post move-in" assessment shall be based on the following factors:

(a) The medical, rehabilitation, and psychosocial assessment of the resident, conducted by or on behalf of the ALR and in accordance with § 802 of the

Act (D.C. Official Code § 44-108.02);

(b) The functional assessment of the resident, conducted by or on behalf of the ALR and in accordance with § 803 of the Act (D.C. Official Code § 44-108.03); and

(c) The reasonable accommodation of the resident's (or surrogate's) preferences.

10113.5 A "post move-in" assessment required by § 604 of the Act (D.C. Official Code § 44-106.04) shall be conducted by or on behalf of the ALR within seventy-two (72) hours of a resident's admission.

10113.6 An ALR shall ensure that the update of a resident's ISP conducted pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)) shall include the involvement of the following personnel on its behalf:

(a) A registered nurse licensed to practice in the District of Columbia;

(b) The ALA or Acting Administrator responsible for the ALR, if the health or safety of the resident is at risk; and

(c) Any additional healthcare professional licensed in the District whose expertise is necessary for the ALR to perform a full and competent review of the services provided in the ISP prior.

10113.7 At or around the time of an ISP review conducted pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)), the ALR shall:

(a) Obtain from the resident (or surrogate) a signed statement confirming that the resident (or surrogate):

(1) Was invited to participate in the review of the ISP; and

(2) Did or did not participate in the review of the ISP; or,

(b) If the resident has refused to give signed confirmation regarding the same ISP review on two (2) separate occasions, document in the resident's record the date, time, and method of each attempt to obtain the resident's signed confirmations and the name of the ALR personnel who made each attempt.

10113.8 An ALR shall provide the resident (or surrogate) no less than seven (7) days' notice prior to the review of a resident's ISP conducted pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)), unless seven days' (7) notice is made impractical due to a significant change in the resident's condition that

necessitates review of the resident's ISP at a sooner date. The notice shall:

(a) Include the date, time, and location at which the ALR proposes to conduct the ISP review, and advise the resident (or surrogate) that he or she may request to reschedule the ISP review to another date or time that is mutually agreeable;

(b) Include an outline of the topics to be discussed during the ISP review and no less than a summary of the ALR's proposed changes to the ISP, if any, in order to facilitate the resident's (or surrogate's) informed decision-making;

(c) Encourage the resident (or surrogate) to participate in the ISP review with the involvement of family and friends of the resident's choice in accordance with § 10113.2;

(d) Be delivered to the resident (or surrogate) in writing; and

(e) Be followed by no less than one (1) written reminder encouraging the resident (or surrogate) to participate in the review.

10113.9 An ALR shall permit a resident (or surrogate) to reschedule the review of his or her ISP conducted pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)) to a date and time that is mutually agreeable.

10113.10 If a resident (or surrogate) disagrees with an ISP that is updated pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)), the ALR shall:

(a) Attempt to resolve the disagreement according to its written policy and procedure for addressing a resident's disagreement with his or her updated ISP, which shall be implemented consistent with this subsection and in accordance with all applicable provisions of the Act and this chapter;

(b) Indicate within the ISP the portions that are in dispute;

(c) Document the disagreement in the resident's record;

(d) Record in the resident's record the date, time, and summary of each effort by the parties to discuss and resolve the disputed portions of the ISP, including, if applicable, the resident's (or surrogate's) uncoerced, written, informed consent to implement the portions of the ISP that are not in dispute, pursuant to § 10113.11 and 10113.12; and

(e) If attempts to resolve the dispute pursuant to paragraph (a) are unsuccessful, attempt to negotiate a shared responsibility agreement ("SRA") with the resident (or surrogate) according to the ALR's written

policy and procedures, which shall be in accordance with § 605 of the Act (D.C. Official Code § 44-106.05) and § 10114 of this chapter.

10113.11 A resident's (or surrogate's) disagreement with an ISP that is updated pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)) and in accordance with the Act and this chapter shall not, in and of itself, prevent the ALR from attempting to implement the ISP, provided that the individuals charged with implementing the ISP do not administer medications or treatments to the resident's person without the resident's (or surrogate's) consent. This subsection shall not be construed to prevent a resident (or surrogate) from engaging in negotiations to reach a SRA in accordance with § 605 of the Act (D.C. Official Code § 44-106.05) and § 10114 of this chapter, for reasons including, but not limited to, resolving a disagreement with respect to that resident's ISP, or exercising that resident's right to refuse participation in a service as provided by § 504(5) of the Act (D.C. Official Code § 44-105.04(5)).

10113.12 Consistent with § 10113.11, an ALR shall be permitted to implement an ISP that has been disputed by the resident (or surrogate) as follows:

(a) Implementation is limited to the portions of the ISP that are not in dispute, and in accordance with the resident's (or surrogate's) uncoerced, written, informed consent. For the purposes of this paragraph, informed consent requires that, prior to giving consent, the resident (or surrogate) has been provided, in writing, the specific ISP services that will not be implemented at that time, and an opportunity to have the ALR explain the consequences of accepting and forgoing the disputed portions of the ISP;

(b) Implementation is in accordance with an SRA that has been reached in order to resolve the resident's (or surrogate's) disagreement with the ISP, pursuant to the ALR's written policy and procedures and in accordance with the Act and § 10114 of this chapter; or

(c) Implementation of a disputed portion of the ISP is necessitated by a health emergency or by the resident's urgent medical needs as explicitly delineated in the signed, written orders of an attending healthcare practitioner or registered nurse.

10113.13 The ALR shall periodically monitor a resident who foregoes an ISP service in order to ascertain whether the resident can continue to forego the service safely.

10113.14 Nothing in this section shall compel an ALR to enter into a SRA that is inconsistent with § 605 of the Act (D.C. Official Code § 44-106.05), § 10114 of this chapter, or other applicable District or federal requirement.

10114 SHARED RESPONSIBILITY AGREEMENTS (SRAs)

10114.1 Shared responsibility agreements (SRAs) may be developed and entered into between an ALR and a prospective or admitted resident (or surrogate), at any time prior to or subsequent to the resident's admittance to the ALR.

10114.2 An ALR shall not enter into a SRA with a prospective or admitted resident (or surrogate) that:

(a) Seeks to directly or indirectly waive the ALR's obligations to the resident, in whole or in part, beyond the scope necessary to accommodate the resident's (or surrogate's) reasonable, requested arrangement or course of action;

(b) Relieves the ALR of its obligation ensure that it makes available for a resident's use all prescription and non-prescription medications and dietary supplements required to be provided to that resident according to his or her ISP developed or updated pursuant to § 604(d) of the Act (D.C. Official Code § 44-106.04(d)), or applicable law;

(c) Violates any applicable District or federal criminal law; or

(d) Violates or will cause the violation of any provision of the Act or this chapter.

10114.3 An SRA shall not have the effect of absolving a party from responsibility for negligent conduct.

10114.4 An ALR may decline to enter into a SRA if satisfaction of the SRA will result in an adverse risk to the health, welfare, or safety of other residents or ALR staff. The ALR shall identify the adverse risks for which it declined to enter the SRA in writing to the resident (or surrogate), and include a copy of that correspondence in the resident's record.

10114.5 Attempts to develop a SRA shall be conducted in good-faith. For purposes of this section, a good-faith attempt to negotiate a SRA shall mean a two-way negotiation between the ALR and the resident (or surrogate), where both parties have equal opportunity to propose and decline terms of the SRA, and suggest reasonable alternatives to accommodate the course of action the resident wishes to pursue.

10114.6 In the event that a good-faith attempt to negotiate a SRA is unsuccessful, the ALR:

(a) Shall document in the resident record the ALR's consultations with the resident (or surrogate) to dissuade the course of action, including but not

limited to:

(1) The date and time each consultation was held;

(2) The content of the consultations;

(3) The alternative courses of action proposed by the resident (or surrogate) and ALR, and why the proposed alternatives were not acceptable to the resident (or surrogate) or ALR;

(b) Shall notify the resident (or surrogate) that harm to the resident's person or others as a result of the persisted course of action may result in discharge;

(c) Shall not obstruct the resident from pursuing the course of action sought after, provided that the course of action does not pose a clear and present risk of harm to the health, welfare, or safety of other residents or staff, or otherwise warrant intervention by the ALR in order to maintain an environment that is safe and compliant with the ALR's obligations under the Act and this chapter. This paragraph shall not be construed to authorize either party to violate the terms of the resident agreement entered into between the ALR and resident pursuant to §§ 602 and 603 of the Act (D.C. Official Code §§ 44-106.02 and 44-106.03) as it pertains to resident conduct, or to prohibit an ALR from enforcing the provisions of its resident agreement in accordance with the Act, this chapter, all applicable law; and

(d) Shall monitor the resident as necessary to ascertain whether the resident's chosen course of action places the resident or others in danger, or other conduct for which subsequent action by the ALR is necessary to maintain an environment that is safe and compliant with the ALR's obligations under the Act and this chapter.

10115 TRANSFER, DISCHARGE, AND RELOCATION

10115. 1 The ALA or Acting Administrator shall determine if the care needs of a resident exceed the resources that can be marshalled by the ALR or third-party services in order to safely support the resident, making transfer to another facility necessary. This determination shall only be made after having consulted with the resident (or surrogate) to identify if the ALR can continue to support the resident safely. An ISP review shall satisfy the requirement for this consultation.

10115.2 Except as provided in § 10115.13, an ALR shall conform to the notices and procedures applicable to involuntary relocation, transfer, or discharge provided by subchapter 3 of Chapter 10 of Title 44 of the District of Columbia Official Code (D.C. Official Code §§ 44-1003.02 – 1003.13), and shall conduct the involuntary relocation, transfer, or discharge in accordance with this chapter and § 608(d)-(f)

of the Act (D.C. Official Code § 44-106.08(d)-(f)).

10115.3 Prior to transferring a resident to another facility for reasons other than an emergency described in § 608(b) of the Act (D.C. Official Code § 44-106.08(b)), or prior to a discharge, the ALR shall complete and transmit to the receiving facility or, if no receiving facility has been identified, to the resident (or surrogate) any information related to the resident that is necessary to ensure continuity of care and services, including at a minimum, the:

(a) Contact information of the healthcare practitioner or practitioners responsible for the primary care of the resident;

(b) Current medication and treatment orders from the resident's healthcare practitioner or practitioners;

(c) Dosage and date of each medication last administered to the resident;

(d) Resident's most recent ISP, which shall include the resident's assessments;

(e) Resident's name, date of birth, and a personal identifier number, such as a social security number or health insurance information, for purposes of continuing medical care services;

(f) Primary medical diagnoses and allergies;

(g) Name and contact information for the resident's surrogate, if applicable; and

(h) Resident's Advanced Directive information.

10115.4 An ALR shall not transmit the information prescribed in § 10115.3 to the receiving facility without the prior, written, uncoerced consent of the resident (or surrogate). In the event that consent is withheld, an ALR shall transmit the information prescribed in § 10115.3 directly to the resident (or surrogate) prior to transfer or discharge.

10115.5 Although an ALR shall make every effort to avoid discharge, grounds for involuntary discharge may include the following:

(a) Failure to pay all fees and costs as specified in the contract;

(b) Inability of the ALR to meet the care needs of the resident as provided in the ISP, as amended by an SRA when applicable;

(c) Engaging in sexual harassment, exploitation, or other degrading conduct

to the detriment of another residents' dignity, in violation of the victim's rights provided under the Act and this chapter;

(d) Resident presents a risk of physical self-harm, or harm to one or more other residents or staff, for which no other reasonable means of mitigation are available;

(e) Discharge is essential to meet the ALR's reasonable administrative needs and no practicable alternative is available;

(f) The ALR is ceasing to operate;

(g) The licensed capacity of the ALR is being reduced by the District; or

(h) The license to operate the ALR is suspended or revoked.

10115.6 A resident's return to an ALR after transfer to, and subsequent discharge from, an acute care facility pursuant to § 608 (c) of the Act (D.C. Official Code § 44-106.08(c)) shall be guided by the following provisions:

(a) Pursuant to § 608(c) of the Act (D.C. Official Code § 44-106.08(c)), a resident's return to his or her ALR from an acute care facility pursuant to an attending healthcare practitioner's written approval shall be a provisional return pending renegotiation of the resident's ISP and the ALA's determination concerning whether the resident can continue to reside safely at the ALR in accordance with § 10115.1;

(b) It shall be considered an involuntary discharge for the purposes of the Act and this chapter for an ALR to refuse or obstruct a resident's return to the ALR from an acute care facility pursuant to his or her attending healthcare practitioner's written approval. An involuntary discharge described in this paragraph shall be afforded the same notices, procedures, and provisions applicable to involuntary discharges described in the Act, this chapter, and D.C. Official Code §§ 44-1003.02- 44-1003.13;

(c) If the attending healthcare practitioner's written approval to return to an ALR indicates that the resident requires additional supports in order to do so safely, those additional supports shall be arranged consistent with the resident agreement's financial provisions for coordinating and contracting services not covered by the resident agreement;

(d) Except for under the circumstances set forth in D.C. Official Code § 44-1003.02(b)(1) and (2) or the occurrence of a separate event for which a resident may be lawfully discharged under the Act or this chapter, a resident who has returned to the ALR pursuant to an attending healthcare practitioner's written approval shall be permitted to remain in the ALR:

(1) Throughout the ISP renegotiation performed under § 608(c) of the Act (D.C. Official Code § 44-106.08(c));

(2) Throughout the ALA's determination of whether the resident can continue to safely reside in the ALR in accordance with § 10115.1; and

(3) If the ALA determines that the resident must be transferred or discharged because of the ALR's inability to continue supporting the resident safely, throughout the transfer or discharge notice period, and hearing period if applicable, provided by the Act, this chapter, and D.C. Official Code §§ 44-1003.02 and 44-1003.03.

10115.7 As provided for by D.C. Official Code § 44-1003.02(d), the written notice due to a resident prior to an involuntary discharge, transfer, or relocation shall be on a form prescribed by the Director and shall, at a minimum, contain:

(a) The specific reason(s), stated in detail and not in conclusory language, for the proposed discharge, transfer, or relocation;

(b) The proposed effective date of the discharge, transfer, or relocation;

(c) A statement in not less than twelve (12)-point type that reads:

"You have a right to challenge this facility's decision to discharge, transfer, or relocate you. If the decision is to discharge you from the facility or to transfer you to another facility and you think you should not have to leave, you or your representative have 7 days from the day you receive this notice to inform the Administrator or a member of the staff that you are requesting a hearing and to complete the enclosed hearing request form and mail it in the preaddressed envelope provided. If you are mailing the hearing request form from the facility, the day you place it in the facility's outgoing mail or give it to a member of the staff for mailing shall be considered the date of mailing for purposes of the time limit. In all other cases, the postmark date shall be considered the date of mailing. If, instead, the decision is to relocate you within the facility and you think you should not have to move to another room, you or your representative have only 5 days to do the above.

"If you or your representative request a hearing, it will be held no later than 5 days after the request is received in the mail, and, in the absence of emergency or other compelling circumstances, you will not be moved before a hearing decision is rendered. If the decision is against you, in the absence of an emergency or other compelling circumstances you will have at least 5 days to prepare for your move if you are being discharge or transferred to another facility, and at least 3 days to prepare for your move if you are being relocated to another room within the

facility.

"To help you in your move, you will be offered counseling services by the staff, assistance by the District government if you are being discharged or transferred from the facility, and, at your request, additional support from the Long-Term Care Ombudsman program. If you have any questions at all, please do not hesitate to call one of the phone numbers listed below for assistance.";

(d) A hearing request form, together with a postage paid envelope preaddressed to the appropriate District official or agency;

(e) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge, transfer, or relocation;

(f) The names, addresses, and telephone numbers of the Long-Term Care Ombudsman program and local legal services organizations; and

(g) The location to which the resident will be transferred.

10115.8 If the tribunal adjudicating a contested transfer, discharge, or relocation finds that the existence of a ground for transfer, discharge, or relocation, respectively, has been proven at a hearing requested by the resident pursuant to D.C. Official Code § 44-1003.03, the resident shall not be:

(a) Discharged or transferred from the facility before the 31st calendar day following his or her receipt of the transfer or discharge notice required under the Act and § 10115.7, or the 5th calendar day following his or her notification of the hearing decision, whichever is later, unless a condition set forth in D.C. Official Code § 44-1003.02(b)(1) and (2) develops in the interim; or

(b) Relocated within the facility before the 8th calendar day following his or her receipt of the relocation notice required under the Act and § 10115.7, or the 3rd calendar day following his or her notification of the hearing decision, whichever is later, unless a condition set forth in D.C. Official Code § 44-1003.02(b)(1) and (2) develops in the interim.

10115.9 The involuntary transfer or discharge of a resident shall be canceled, and the resident shall be entitled to remain in the ALR, upon remediation of the ground or grounds for transfer or discharge. Remediation may be, when applicable, the payment of all monies owed at any time prior to discharge, or the negotiation of a new ISP, and SRA if applicable, that meets the care needs of the resident prior to transfer or discharge.

10115.10 The ALR shall return all funds and personal property that have been deposited with or managed by the ALR for the benefit of the resident no later than the time of discharge.

10115.11 Within thirty (30) days after the date of the discharge or death of a resident, the ALR shall:

(a) Provide a final accounting of funds and personal property that have been deposited with or managed by the ALR for the benefit of the resident, which shall be delivered to the resident (or surrogate) in the event of discharge, or to the resident's legal representative in the event of the resident's death; and

(b) Return any refunds due to the resident (or surrogate) in the event of discharge, or to the resident's legal representative in the event of the resident's death.

10115.12 An ALR may temporarily relocate a resident to another living unit within the ALR on an involuntary basis if:

(a) Temporary relocation is necessary to protect the resident from an imminent and physical harm present in, or threatening to enter, the living unit;

(b) The imminent and physical harm is due to a curable condition of the living unit; and

(c) The temporary relocation lasts no longer than necessary to cure the threat to physical harm posed by the condition and return the living unit to its habitable condition.

10115.13 An involuntary, temporary relocation that is necessitated by the conditions set forth in § 10115.12 shall conform to the notices and procedures for involuntary relocation provided by subchapter 3 of Chapter 10 of Title 44 of the District of Columbia Official Code (D.C. Official Code §§ 44-1003.02 – 1003.13), except when an exigent threat to the resident's physical safety demands an abbreviated notice period.

10115.14 An ALR shall document in the resident's records any relocation, transfer, or discharge of a resident, and the basis for the action taken.

10116 STAFFING STANDARDS

10116.1 An ALR shall be supervised by an assisted living administrator (ALA) who shall be responsible for all personnel and services within the ALR, including, but not limited to, resident care and services, personnel, finances, adherence to the ALR's

own policies and procedures, and the ALR's physical premises.

10116.2 A Licensee may designate a person to serve as ALA to supervise the ALR provided that the designee holds a current, valid license to practice assisted living administration issued by the District of Columbia's Board of Long-Term Care Administration. The Licensee shall submit the name of the person designated to be ALA to the Director on a form approved by the Director not more than ten (10) days after the designation is made or the designee has begun employment as the ALA, whichever occurs first.

10116.3 In addition to the staffing standards for ALAs set forth by § 701 of the Act (D.C. Official Code § 44-107.01), an ALA shall meet all requirements to practice assisted living administration prescribed by the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and all requirements to practice assisted living administration set forth by the Director by rulemaking.

10116.4 At all times one (1) or more residents are on the premises of an ALR, an ALA or Acting Administrator shall also be on the premises. At all times an ALA is not on the premises, an ALA shall:

(a) Ensure that an Acting Administrator is designated and assumes the responsibilities of the ALA required by the Act and this chapter, and that the Acting Administrator is a staff member who is at least eighteen (18) years of age, meets the staffing standards for an ALA required by § 701 of the Act (D.C. Official Code § 44-107.01), and is authorized to temporarily practice as an Acting Administrator without an ALA license by rulemaking promulgated by the Director to regulate the practice of assisted living administration; and

(b) Be available to the ALR staff by telephone, at a minimum, and shall respond to the ALR staff's attempts to contact him or her by telephone within 1 hour of the staff's initial attempt, except as provided for in § 10116.6.

10116.5 The Licensee or ALA may, during an ALA's leave of absence, designate a staff member who meets the requirements in paragraph (a) of § 10116.4 to serve as Acting Administrator for the ALR and perform the duties of the ALA for up to six (6) cumulative weeks in a twelve (12) month period. For purposes of this section, a "leave of absence" shall mean an ALA's scheduled or unscheduled absence from his or her supervision of the ALR for more than one (1) work day during which the ALA would normally have been expected to oversee the ALR's day-to-day operations.

10116.6 An ALA shall not be subject to § 10116.4(b) during a leave of absence described in § 10116.5.

10116.7 An Acting Administrator who is designated pursuant to § 10116.5 shall be held responsible for all duties prescribed to an ALA under the Act and this chapter for the duration of the ALA's leave of absence, or until relieved from duty as the Acting Administrator.

10116.8 An Acting Administrator who is designated pursuant to § 10116.5 shall, at all times one (1) or more residents are on the ALR's premises and he or she is not, comply with paragraphs (a) and (b) of § 10116.4.

10116.9 An ALR shall not be administrated by any person other than a licensed ALA for more than six (6) cumulative weeks in a twelve (12) month period without prior, written approval by the Director. A request for written authorization under this subsection shall be submitted to the Director in writing, and shall contain all information deemed necessary by the Director to determine the qualifications of the individual or individuals who will be serving as an Acting Administrator beyond the sixth (6^{th}) cumulative week of the ALA's leave of absence.

10116.10 An ALR shall not permit any person or persons, other than a licensed ALA, to administrate the ALR for more than a total of twelve (12) cumulative weeks in a twelve (12) month period.

10116.11 An ALR shall give to the Director prior written notice if an ALA's leave of absence will be for a period longer than three (3) consecutive weeks in duration. The notice shall include the name or names of the staff member or members designated to serve as Acting Administrator during the ALA's leave of absence, as well as the telephone number by which the Acting Administrators are to be contacted pursuant to § 10116.4(b).

10116.12 An ALR shall be responsible for maintaining accurate record of the ALA's leaves of absence from the ALR. Record of the ALA's leaves of absence shall be made available to the Director or the Director's designee upon request during an inspection of an ALR authorized by this chapter or the Act.

10116.13 An ALR shall cause no less than one (1) registered nurse to be available to the ALA and the ALR's staff members twenty-four (24) hours a day, seven (7) days a week. For the purpose of this subsection, "available" means the registered nurse is required to:

(a) Be accessible to the ALA and ALR staff members in-person or by real-time communication methods, such as telephone, text message, or video call; and

(b) Respond to the ALA or ALR staff members' attempts to contact him or her within 1 hour; and

(c) Be able to present him or herself, in person, to the ALR's premises to respond to a significant change in a resident's health status if the nurse determines, in his or her professional opinion, that the change in health status necessitates his or her presence.

10116.14 The contact information for the available registered nurse shall be posted conspicuously for, and shall be easily accessible to, the ALR staff.

10116.15 Personnel records maintained by the ALA for each employee pursuant to § 701(d)(11) of the Act (D.C. Official Code § 44-107.01(d)(11)) shall be accurate and current and shall contain documentation including, but not limited to, the following:

(a) A description of the employment, signed and dated by the employee, that includes the employee's duties and responsibilities, and the qualifications required for the position;

(b) Initial date of hire;

(c) Proof of license, registration, certificate, or other authority for the employee to practice his or her profession in the District, if applicable;

(d) A completed criminal background check, performed as required by the District laws and regulations applicable to each individual;

(e) Employee training required by the Act or this chapter, or the individual's exemption therefrom; and

(f) A healthcare practitioner's written statement as to whether the employee bears any communicable diseases, including communicable tuberculosis.

10116.16 Employee records shall be made available for review by the Department of Health upon request during any inspection of an ALR that is authorized by the Act or this chapter.

10116.17 All employees, including the ALA, shall be required on an annual basis to document freedom from tuberculosis in a communicable form. Documentation shall be provided by the employee's licensed healthcare practitioner.

10116.18 All employees shall wear identification badges on their persons, which shall not be obscured, but shall always remain visible while the employee is on the ALR premises. The identification badge shall prominently and conspicuously display the employee's full name and job title.

10116.19 The first name, last name, and job title of the ALA, or Acting Administrator, on duty shall be posted in a manner conspicuous to residents and visitors.

10117 ASSISTED LIVING ADMINISTRATORS (ALAs)

10117.1 The ALA shall maintain a current, valid license to practice assisted living administration in the District at all times he or she is responsible for the administration of an ALR. For purposes of this subsection, an ALA shall not be considered responsible for the administration of an ALR for the period of time he or she is on a leave of absence described in § 10116.5 of this chapter.

10117.2 The ALA shall ensure that the ALR complies with the Act and this chapter.

10117.3 An ALA shall be subject to action by the District of Columbia Board of Long-Term Care Administration for failure to comply with the requirements of this section, or other applicable requirements of the Act or this chapter.

10118 PRIVATE DUTY HEALTHCARE PROFESSIONALS

10118.1 Pursuant to § 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel and services within the ALR, and shall cause all private duty healthcare professionals that provide healthcare related services on the ALR's premises to comply with the requirements of this section as a condition of providing service on the ALR's premises.

10118.2 An ALR shall require that private duty healthcare professionals arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR's premises on a recurring basis:

(a) Be certified, registered, licensed, or otherwise authorized by the District of Columbia to render the healthcare-related service they will provide to the resident;

(b) Maintain an accurate and current personnel record with the ALR that includes, but is not limited to, the following:

(1) A signed and dated description of the services to be rendered to the resident;

(2) A copy of the registration, certification, license, or other authorization required for the nurse, aide, or other healthcare professional to lawfully practice the healthcare-related services being rendered in the District of Columbia;

(3) Initial date and final date, if known, of providing service to resident on the ALR's premises;

(4) A healthcare practitioner's written statement as to whether the nurse, aide, or other healthcare professional bears any communicable diseases, including communicable tuberculosis; and

(5) If the nurse, aide, or other healthcare professional is providing care to the resident under the employ of an agency:

(A) The name, address, telephone number of the agency;

(B) The name and telephone number of the private nurse, aide, or other healthcare professional's immediate supervisor; and

(C) A copy of the agency's license or other authorization to operate in the District;

(c) Administer prescription medication to only the resident for whom the medication was prescribed, or assist in the self-administering of prescription medication for only the resident to whom the medication was prescribed; and

(d) Be subject to immediate removal from the premises upon determination by the ALA or designee that the nurse, aide, or other healthcare professional has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of one (1) or more residents in the ALR.

10118.3 An ALR shall inform a resident (or surrogate) promptly if a private duty healthcare professional he or she has contracted has been removed for the premises under § 10118.2(d). The ALR shall include the reason for the removal and its intended duration, and provide the resident (or surrogate) with an opportunity to appeal its decision in accordance with the ALR's internal grievance procedures required by § 10110.2 of this chapter.

10118.4 An ALR shall have a written agreement with each private duty healthcare professional providing healthcare services on the ALR's premises, or the agency that employs him or her, if applicable, requiring the private duty healthcare professional to report the following events to the ALR and describing the procedure by which such reporting shall occur:

(a) Medication errors and adverse drug reactions;

(b) Abuse, neglect, exploitation, or unusual incidents, such as changes in the resident's condition; and

(c) Any restriction of, suspension, revocation, or failure to renew the healthcare professional's license or other authorization to practice his or her healthcare profession in the District.

10118.5 Pursuant to § 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving services from private duty healthcare professionals on the ALR's premises.

10118.6 An ALR shall have the duty to ensure that all services and supports identified in a resident's ISP are received by the resident. Services provided by a private duty healthcare professional shall not be presumed to have satisfied the ALR's obligation to ensure that the resident receives all services and supports due, pursuant to his or her ISP. An ALR must provide or arrange for the provision of any service or support identified in a resident's ISP that is left unsatisfied by the resident's private duty healthcare professional.

10118.7 Nothing in this section authorizes a private duty healthcare professional to practice outside the scope of their authority to practice their profession in the District.

10118.8 The requirements for a private duty nurse, aide, or other healthcare professional under this section shall not apply to companions of a resident.

10119 COMPANIONS

10119.1 Pursuant to § 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel and services within the ALR, and shall cause all companions that provide companion services on the ALR's premises to comply with the requirements of this section as a condition of providing service on the ALR's premises.

10119.2 A companion shall not be permitted to provide any healthcare services to a resident or perform any services that constitute hands-on care of the resident.

10119.3 A companion may provide companion services, including but not limited to cooking, housekeeping, errands, and providing social interaction with a resident. The ALR shall obtain a written description of the type and frequency of services to be delivered to the resident, review the information to determine if the services are acceptable based on the resident's care needs, and notify the companion if the services to be provided are unacceptable.

10119.4 An ALR shall require that, prior to performing companion services for a resident, any companion with direct resident access must provide to the ALR:

(a) A completed criminal background check for unlicensed professionals

performed in accordance with D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq*., which shall be free from conviction of an offense listed in 22-B DCMR § 4705.1, or their equivalents, within seven (7) years prior to the criminal background check unless permitted under § 22-B DCMR § 4705.2;

(b) A healthcare practitioner's written statement as to whether the companion bears any communicable diseases, including communicable tuberculosis; and

(c) A signed and dated description of the type and frequency of services to be delivered to the resident, approved pursuant to § 10119.3.

10119.5 A companion shall be subject to immediate removal from the ALR premises upon determination by the ALA or designee that he or she has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of the residents. An ALR shall permit a resident (or surrogate) to appeal the removal of his or her companion in accordance with the ALR's internal grievance procedures required by § 10110.2 of this chapter.

10119.6 An ALR shall have a written agreement with each companion providing companion services on the ALR's premises, or the agency that employs him or her, if applicable, requiring the companion to report abuse, neglect, exploitation, or unusual incidents, such as changes in the resident's condition, to the ALR and describing the procedure by which such reporting shall occur.

10119.7 Pursuant to § 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving companion services from companions on the ALR's premises.

10120 UNLICENSED PERSONNEL CRIMINAL BACKGROUND CHECK

10120.1 No ALR shall employ or contract an unlicensed person for work on the ALR's premises until a criminal background check has been conducted for that person.

10120.2 An ALR shall implement and comply with the criminal background check standards and requirements for unlicensed personnel prescribed by D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq*.

10121 PRE-ADMISSION MEDICATION MANAGEMENT ASSESSMENT

10121.1 In addition to the consultations required by § 902 of the Act (D.C. Official Code § 44-109.02), the ALR shall consult with the prospective resident's healthcare practitioner regarding the prospective resident's ability to self-administer medication within thirty (30) days prior to admission.

10122 ON-SITE MEDICATION REVIEW

10122.1 The on-site medication review by a registered nurse that is arranged to occur every forty-five (45) days, pursuant to § 903 of the Act (D.C. Official Code § 44-109.03), shall include documentation of any changes to the resident's medication profile, including changes in dosing and any medications that have been added or discontinued.

10123 MEDICATION STORAGE

10123.1 Medication that is entrusted to the ALR for storage shall be stored in accordance with the requirements of § 904 of the Act (D.C. Official Code § 44-109.04) and the following:

(a) Each medication shall be stored under proper conditions of light and temperature as indicated on its label; and

(b) Medication requiring refrigeration shall be maintained in a refrigerator that is secured and used exclusively for the storage of medication. The key to the refrigerator shall be kept on the person of the employee on duty who is responsible for administering the medications within.

10123.2 Medication taken from the ALR's storage space for delivery to a resident or elsewhere shall not leave the immediate control of the employee delivering it unless the medication is secured with a locking mechanism or the delivery has been completed. The key to the lock must be kept on the person of the employee who is responsible for delivering the medication for the duration of the delivery.

10123.3 An ALR shall keep a current record of each prescription and non-prescription medication and dietary supplement kept by a resident in his or her living unit pursuant to § 904(e)(8) of the Act (D.C. Official Code § 44-109.04(e)(8)), which shall be retained in the resident's healthcare record and include:

(a) Name of the medication;

(b) Strength of medication and quantity;

(c) Lot number; and

(d) If a prescribed medication:

(1) Name of prescriber;

(2) Name and phone number of the pharmacy that filled the prescription;

(3) Date the prescription was filled; and

(4) The frequency and directions for use provided by the prescriber.

10123.4 In the event of voluntary or involuntary discharge, the ALR shall notify and attempt to return all medications to the resident (or surrogate) or a caregiver at the time of discharge, unless return of the medication is prohibited by federal or other District law. If the resident's medications can't be returned or remains unclaimed for more than thirty (30) days after the resident has been discharged, the medication shall be considered abandoned and destroyed. Witness and documentation of the destruction shall be in accordance with the § 904 of the Act (D.C. Official Code § 44-109.04) and applicable District law.

10124 MEDICATION ADMINISTRATION

10124.1 A resident shall be permitted to self-administer his or her medications, provided that the resident has been determined capable of self-administering his or her own medication as defined in paragraphs (a) or (b) of § 10124.2 by the most recent on-site medication review required under the Act or, if he or she is a new resident, by the initial assessment conducted during the ALR's admission process.

10124.2 The initial assessment and periodic medication review performed pursuant to §§ 901 and 903 of the Act (D.C. Official Code §§ 44-109.01 and 44-109.03) for the purpose of determining whether a resident is capable of self-administering medication shall make one the following findings based on an assessment of the associated tasks below:

(a) A resident is capable of self-administering his or her own medication, provided that the resident can:

(1) Correctly read the label on the medication's container;

(2) Correctly interpret the label;

(3) Correctly follow instructions as to route, dosage, and frequency of administration;

(4) Correctly ingest, inject, or otherwise apply the medication;

(5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes;

(6) Safely store the medication;

(7) Correctly follow instructions as to the time the medication must be administered; and

(8) Open the medication container, remove the medication from the container, and close the container;

(b) A resident is capable of self-administering his or her own medication, but requires a reminder to take medications or requires physical assistance with opening and removing medications from the container, or both, provided that the resident can:

(1) Correctly read the label on the medication's container;

(2) Correctly interpret the label;

(3) Correctly follow instructions as to route, dosage, and frequency of administration;

(4) Correctly ingest, inject, or otherwise apply the medication;

(5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes; and

(6) Safely store the medication; or

(c) A resident is not capable of self-administering his or her own medication, provided that the resident needs the assistance of another person to properly carry out one or more of the tasks enumerated in paragraph (b) of this subsection.

10124.3 A resident who has been determined not capable of self-administering medication pursuant to paragraph (c) of § 10124.2, or has elected not to self-administer his or her own medications, or his or her surrogate, may arrange with a third-party for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, or certified medication aide to administer medication to the resident or assist the resident with taking his or her medications to the extent of the healthcare professional's authority to do so under District and federal laws or regulations. A healthcare professional arranged to administer or assist in the self-administering of medication to a resident in accordance with this subsection shall be required to conform to the requirements of private duty healthcare professionals provided in § 10118 of this chapter.

10124.4 A resident who has been determined to be capable of self-administering his or her own medication but requires a reminder or physical assistance as defined in paragraph (b) of § 10124.02, shall be permitted to utilize a device or a third-party other than those who are listed in § 10124.3 in order to be reminded to take a medication, to open a medication container, or to remove a medication from its container, only. Under no circumstance shall this subsection be construed to

authorize a person, other than a healthcare professional employed as described in § 10124.3, to assist a resident with an activity related to the administration of medication other than reminding that resident to take a medication, opening a medication container at the explicit direction of that resident, or removing a medication from its container at the explicit direction of that resident; nor shall any activity other than reminding a resident to take a medication, opening a medication container at the explicit direction of the resident, or removing a medication from its container at the explicit direction of the resident be construed as permissible for the purpose of this subsection. Activities that are not authorized by this subsection include, but are not limited to, the following: administering a medication, preparing a medication for administration or self-administration, advising or assisting in the administration of a medication, sorting medications, relabeling a medication, transferring medications from one container to another, removing a medication from its container for a purpose other than for the resident to self-administer independently promptly thereafter, or any other activity not expressly authorized by this subsection.

10124.5 An ALR shall provide or arrange for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, trained medication employee ("TME"), or certified medication aide to administer, or assist in the self-administering of, medication to a resident, provided that:

(a) The resident has been determined not capable of self-administering medication pursuant to paragraph (c) of § 10124.2 or has elected not to self-administer his or her own medications, and he or she has not arranged with a third-party to administer, or assist in the self-administering of, his or her medication in accordance with § 10124.3;

(b) The healthcare professional holds the requisite certificate, registration, or license to practice issued by the District;

(c) The healthcare professional does not exceed his or her authority to administer or assist in the administration of medication to the resident under District and federal laws or regulations;

(d) The ALR discloses, orally and in writing, any fees, rates, or charges associated with providing assistance with or the administration of a medication that are additional to the resident's existing bill, in accordance with § 10111 of this chapter;

(e) Prior to the provision of the medication administration or assistance, the resident (or surrogate) provides in writing:

(1) Acceptance of the medication administration or assistance offered by the ALR; and

(2) Acknowledgment of receiving the ALR's medication administration policy and the disclosure of fees required in paragraph (c) of this subsection; and

(f) The ALR has in place education, remediation, and discipline procedures by which to address recurring medication errors perpetrated by the licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or certified medication aide.

10124.6 An ALR shall require that administration or assistance in the administration of medication to a resident by a healthcare professional pursuant to §§ 10124.3 and 10124.5 be in accordance with the prevailing standard of acceptable medication administration rights in the healthcare professional's field.

10124.7 An ALR shall ensure that all medication administered to a resident by licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or certified medication aide on its premises shall be recorded on a written or electronic medication administration record that is kept as part of the resident's healthcare records.

10124.8 An ALR shall ensure that all employees and all licensed practical nurses, registered nurses, advanced practice registered nurses, physicians, physician assistants, or certified medication aides responsible for administering or assisting in the administration of medication to a resident while on the ALR's premises, immediately report any medication error or adverse drug reactions to the ALR's available registered nurse and ALA upon discovery. The ALR shall require the ALA or Acting Administrator to report the medication error or adverse drug reaction, to the resident's healthcare practitioner, prescriber, pharmacist, and the resident (or surrogate), as appropriate.

10124.9 An ALR shall require all medication errors and adverse drug reactions be documented in the resident's record.

10124.10 An ALR shall initiate an investigation of any reported medication error or adverse drug reaction within twenty-four (24) hours of discovery. Upon the completion of the investigation, the ALR shall compose a report documenting the findings and conclusion of the investigation, which shall be kept as part of the ALR's records for no less than five (5) years. A report required under this subsection shall also be made available to the Director or the Director's designee upon request during an inspection authorized by the Act or this chapter.

10124.11 An ALR shall submit to the Director a copy of any report of an adverse drug reaction required by § 10124.10 within thirty (30) days of the discovery of the adverse drug reaction, in addition to the requirements of § 10124.10 and the notification requirements of § 10125.4(a) of this chapter.

10124.12 Nothing in this section authorizes a healthcare professional to practice outside the scope of their authority to practice their profession in the District.

10125 REPORTING COMPLAINTS TO THE DIRECTOR; REPORTING ABUSE, NEGLECT, EXPLOITATION, AND UNUSUAL INCIDENTS

10125.1 Notwithstanding a resident's right to address grievances and complaints to representatives of the Office of the Long-Term Care Ombudsman provided by § 505(a)(5) of the Act (D.C. Official Code § 44-105.05(a)(5)), the Director may receive any complaint alleging violations of the Act and this chapter from any person and may conduct an inspection to determine the validity of the complaint pursuant to § 10107.3 of this chapter.

10125.2 An ALR shall immediately notify the Department of Health, the District's Adult Protective Services program, and the District of Columbia Long-Term Care Ombudsman of all suspected or alleged incidents of abuse, neglect, or exploitation. The Department of Health shall be notified by phone immediately, and the ALR shall follow up by written notification to the Department within twenty-four (24) hours or the next business day.

10125.3 The results of an ALR's investigation into allegations of abuse, neglect, or exploitation of a resident pursuant to § 509(b)(3) of the Act (D.C. Official Code 44-105.09(b)(3)) shall be reported to the Director within thirty (30) days of the complaint or fifteen (15) days of the conclusion of the investigation, whichever occurs first.

10125.4 In addition to the requirements to report abuse, neglect, and exploitation of a resident provided in § 509 of the Act (D.C. Official Code § 44-105.09):

(a) An ALR shall notify the Director of any unusual incident that substantially affects a resident. Notifications of unusual incidents shall be made by contacting the Department of Health by phone promptly, and shall be followed up by written notification to the same within twenty-four (24) hours or the next business day; and

(b) An ALR shall notify the Metropolitan Police Department of abuse or any unusual incident involving death or criminal activity at an ALR before notifying the Director pursuant to paragraph (a) of this subsection. Instances of sexual abuse, specifically, shall be directed to the Metropolitan Police Department's Sexual Assault Unit.

10125.5 For purposes of § 10125.4, an "unusual incident" shall mean any occurrence involving a resident or the ALR's physical plant that results in significant harm, or the potential for significant harm, to any resident's health, welfare, or wellbeing. Unusual incidents include, but are not limited to: an accident resulting in significant injury to a resident, unexpected death, a sustained utility outage,

environmental hazards, misappropriation of a resident's property or funds, or an occurrence requiring or resulting in intervention from law enforcement or emergency response personnel.

10125.6 An ALR shall keep record of all instances of unusual incidents for no less than three (3) years after the date of occurrence.

10125.7 An ALR shall, upon request, provide an affected resident (or surrogate) with a copy of the results of the ALR's investigation into suspected abuse, neglect, or exploitation of that resident, and any actions taken by the ALR, that are reported to the Department pursuant to § 509(b)(3) of the Act (D.C. Official Code § 44-105.09(b)(3)).

10126 DENIAL, RESTRICTION, SUSPENSION, OR REVOCATION OF A LICENSE

10126.1 The Director may take the following actions with respect to a license issued pursuant to the Act and § 10106 of this chapter:

(a) Refuse to issue, renew, or restore a license;

(b) Issue a provisional license pursuant to § 304(e)(2) of the Act (D.C. Official Code § 44-103.04(e)(2));

(c) Restrict a license for one of the reasons listed in § 401 of the Act (D.C. Official Code § 44-104.01) or § 10127 of this chapter; or

(d) Suspend or revoke the license of an ALR that:

(1) Fails to meet all applicable requirements for renewal, as provided by § 304(e) of the Act (D.C. Official Code § 44-103.04(e));

(2) Violates a condition or requirement of an imposed sanction, as provided by § 401(c) of the Act (D.C. Official Code § 44-104.01(c)); or

(3) Is determined by the Director, after an inspection, to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety, as provided by § 306(d) of the Act (D.C. Official Code § 44-103.06(d)).

10126.2 Except for an emergency suspension undertaken pursuant to § 404 of the Act (D.C. Official Code § 44-104.14), every applicant for or holder of a license, or applicant for reinstatement after revocation, shall be afforded notice and an opportunity to be heard prior to the action of the Director, if the effect of which would be one of the following:

(a) To deny an initial license for cause which raised an issue of fact;

(b) To suspend a license;

(c) To revoke a license;

(d) To refuse to restore a license;

(e) To issue a provisional renewal license; or

(f) To refuse to issue a renewal license for any cause other than failure to pay the prescribed fees.

10126.3 When the Director contemplates taking any action of the type specified in § 10126.2(a), the Director shall give to the applicant a written notice containing the following statements:

(a) That the applicant has failed to satisfy the Director as to the applicant's qualifications;

(b) The respect in which the applicant has failed to satisfy the Director; and

(c) That the denial shall become final unless the applicant files a request for a hearing with the Director within fifteen (15) days of receipt of the notice.

10126.4 When the Director contemplates taking any action of the type specified in paragraphs (b), (c), (d), (e), and (f) of § 10126.2, the Director shall give the licensee a written notice containing the following statements:

(a) That the Director has sufficient evidence (setting forth the nature of the evidence), which if not rebutted or explained, justifies taking the proposed action; and

(b) That the Director shall take the proposed action unless within fifteen (15) days of the receipt of the notice the ALR files with the Director a written request for a hearing or in the alternative submits documentary evidence for the Director's consideration before the Director takes final action.

10126.5 If the ALR does not respond to a notice required under §§ 10126.3 or 10126.4 within the time specified, the Director may, without a hearing, take the action contemplated in the notice. The Director shall inform the applicant or licensee, in writing, of the action taken.

10126.6 If the ALR chooses to submit documentary evidence but does not request a hearing, the Director shall consider the material submitted and take such action as

is appropriate without a hearing. The Director shall notify the ALR in writing of the action taken.

10126.7 Service of any notice required by this section shall be in accordance with the rules provided in 22-B DCMR § 3109.

10127 SANCTIONS

10127.1 Failure of a Licensee to comply with the requirements of this chapter shall be grounds for sanctions, which shall be imposed in accordance with the Act and this chapter.

10127.2 On determining that a Licensee has violated this chapter, the Director may impose, or cause to be imposed, the sanctions set forth in § 401 of the Act (D.C. Official Code § 44-104.01).

10127.3 If the Director determines that the Licensee has violated a condition or requirement of a sanction imposed under the authority of this chapter, the Director may suspend or revoke the license.

10127.4 Appeals under this section may be taken pursuant to § 1201 of the Act (D.C. Official Code § 44-1012.01).

10128 CIVIL PENALTIES

10128.1 The Director may impose, or cause to be imposed, one or more of the civil penalties authorized under § 402 of the Act (D.C. Official Code § 44-104.02) against persons who:

(a) Maintain or operate an unlicensed ALR; or

(b) Otherwise violate provisions of this chapter.

10128.2 Notwithstanding any other provision of law, penalties authorized under § 10128.1 shall not be imposed by the Director unless a violation cited during an inspection:

(a) Is within the control of the ALR; and

(b) Poses an immediate or serious and continuing danger to the health, safety, welfare, or rights of resident.

10128.3 If, during a follow-up inspection, the Director determines that violations of this chapter which are within the control of the ALR and were cited in an immediately prior inspection have not been corrected or have recurred, the Director may impose the penalties authorized under § 402 of the Act (D.C. Official Code § 44-104.02).

10128.4 Appeals under this section may be taken as provided by § 402(d) of the Act (D.C. Official Code § 44-104.02(d)).

10129 CRIMINAL PENALTIES

10129.1 The criminal penalties authorized by § 403 of the Act (D.C. Official Code § 44-104.03) of the Act shall apply to an ALR.

10130 REFERRALS TO REGULATORY ENTITIES

10130.1 The Director may refer an ALA who is alleged to have engaged in conduct prohibited by the Act, this chapter, or other District or federal law or rules issued pursuant thereto, to the District of Columbia Board of Long-Term Care Administration for review of the conduct.

10130.2 The Director may refer any healthcare professional who practices his or her healthcare profession on the premises of an ALR and who is alleged to have engaged in conduct prohibited by the Act, this chapter, or other District of federal law or rules issued pursuant thereto, to the appropriate regulatory entity with jurisdiction over the healthcare professional for review of the conduct.

10130.3 Nothing in this section shall prohibit any person, including the Director, from referring any individual suspected of conduct prohibited by District or federal law or regulation to the appropriate District or federal regulatory entities.

10131–10198 [RESERVED]

10199 DEFINITIONS

10199.1 The definitions of terms provided in the Act (at D.C. Official Code § 44-102.01) shall apply to this chapter, unless provided another definition under § 10199.2.

10199.2 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Act" or "the Act" – means the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000, (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.*).

Acting Administrator – means a member of the ALR staff who is designated by the Licensee or Assisted Living Administrator to assume the responsibilities of the Assisted Living Administrator for a temporary period of time.

"Administer" or "Administration" – means, with respect to medication, the direct application of a medication to the body of a person by injection, inhalation, ingestion, or any other means.

ALA – means "Assisted Living Administrator," as defined by the Act (D.C. Official Code § 44-102.01).

ALR – means "Assisted Living Residence," as defined by the Act (D.C. Official Code § 44-102.01).

Audio-Visual Monitoring – means the surveillance of the ALR facility, its employees, or its residents by audio, visual, or audio-visual means.

Certified Medication Aide – means a person certified to practice as a medication aide by the District of Columbia Board of Nursing, who shall not practice independently, but shall work under the supervision of a registered nurse of licensed practical nurse.

Companion – means an individual who is employed, for pay or not-for-pay, to provide companion services to a resident at the discretion of the companion's client, the companion's employer, or the resident. For purposes of this chapter, the definition of a companion shall not include the resident's social guest, unless that social guest is performing companion services on the ALR's premises at the discretion of anyone other than himself or herself.

Companion services – means non-healthcare related services, such as cooking, housekeeping, errands, and social interaction, performed for a resident on the ALR's premises.

Department – means the District of Columbia Department of Health.

Direct Resident Access – means access to a resident that involves, or may foreseeably involve, presence in a room occupied by the resident while not under the immediate and contemporaneous supervision of a licensed health care professional employed by the ALR.

Director – means the Director of the District of Columbia Department of Health.

Employee – means any person who works under the employ of an ALR or a separate entity that is owned or operated or a subsidiary of the ALR; or any person who is contracted through an entity independent of an ALR for the purpose of working under the direction and supervision of the ALR.

Healthcare Professional – means the practitioner of a healthcare occupation, the practice of which requires authorization pursuant to the District of

Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended from time to time.

ISP- means "Individualized Service Plan," as defined by the Act (at D.C. Official Code § 44-102.01).

Medication Error – means any error in the prescribing, dispensing, or administration of a drug, irrespective of whether such errors lead to adverse consequences or not.

Private Duty Healthcare Professional – means a nurse, home health aide, nurse aide, or any other healthcare professional arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR's premises.

SRA – means "Shared Responsibility Agreement," as defined by the Act (at D.C. Official Code § 44-102.01).

"Staff" or "Staff member" – means "Employee," as defined by this subsection.

Unlicensed Person – means a person who is not licensed pursuant to the Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code § 3-1201.01 *et seq.*) and who functions in a complementary or assistance role to licensed health care professionals in providing direct patient care or carrying out common nursing tasks, such as nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, or other health aides. "Unlicensed person" also includes housekeeping, maintenance, and administrative staff for whom it is foreseeable that the person will come in direct contact with patients.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.0l(a); 38-1202.06)(3),(13) (2019 Repl.) hereby gives notice of its intent to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to adjust tuition rates for degree granting programs beginning in the fall semester of 2020.

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

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Subsections 728.1-728.8 of Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, are amended as follows:

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

728.2 COMMUNITY COLLEGE ASSOCIATE DEGREE-GRANTING PROGRAMS

	Per Credit Hour
Washington, D.C. Residents	$117.00
Metropolitan Area Residents	$197.00
All Other Residents	$332.00

728.3 FLAGSHIP BACCALAUREATE DEGREE-GRANTING PROGRAMS

	Per Credit Hour
Washington, D.C. Residents	$324.00
Metropolitan Area Residents	$374.00
All Other Residents	$680.00

728.4 FLAGSHIP GRADUATE DEGREE-GRANTING PROGRAMS

	Per Credit Hour
Washington, D.C. Residents	$513.00
Metropolitan Area Residents	$580.00
All Other Residents	$986.00

728.5 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)

	Per Semester
Washington, D.C. Residents	$6,219.00
Metropolitan Area Residents	$9,328.00
All Other Residents	$12,436.00

728.6 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS ALL OTHER STUDENTS

	Per Credit Hour
Washington, D.C. Residents	$422.00
Metropolitan Area Residents	$631.00
All Other Residents	$843.00

728.7 SCHOOL OF ENGINEERING BACCALAUREATE DEGREE-GRANTING PROGRAMS

	Per Credit Hour
Washington, D.C. Residents	$345.00
Metropolitan Area Residents	$400.00
All Other Residents	$725.00

728.8 Definitions

(a) **Full-Time Students**. Any undergraduate or community college student enrolled in at least twelve (12) credit hours per semester, or any graduate student enrolled in at least nine (9) credit hours per semester, shall be considered a full-time student for the purposes of calculation of tuition in accordance with this chapter. Full-time undergraduate and community college students shall be charged tuition for each semester in which they are enrolled in the amount of twelve (12) credit hours, regardless of the number of credit hours actually taken. Full-time graduate students shall be charged tuition for each semester in which they are enrolled in the amount of nine (9) credit hours, regardless of the number of credit hours actually taken.

(b) **Metropolitan Area Residents**. Any individual who can establish residency in one of the following counties and cities shall be considered a

Metropolitan Area Resident: Montgomery County, Maryland; Prince George's County, Maryland; Arlington County, Virginia; Alexandria County, Virginia; Fairfax County, Virginia; and City of Alexandria, Virginia. The standards used to establish residency shall be the same standards used to establish residency for District residents.

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

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

Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Tuition and Fees: Degree-Granting Programs " in the subject line.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING
Z.C. Case No. 19-06
(Text Amendment – 11-X DCMR)
(To Clarify Voluntary Design Review FAR Aggregation)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)), hereby gives notice of its intent to amend the first Notice of Proposed Rulemaking (NOPR) in this case, which was published in the *D.C. Register* on July 5, 2019 at 66 DCR 7980, to propose additional changes to Subtitle X (General Procedures) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

In response to public comments to the NOPR, the Commission proposes to amend the NOPR to revise § 601.4 of Subtitle X to clarify that a Voluntary Design Review (VDR) application cannot include a public street, but only an alley or other non-street right-of-way. This proposed revision of § 601.4 supersedes those proposed in the NOPR, which is otherwise retained. The Commission is publishing these changes in this Notice of Second Proposed Rulemaking pursuant to 1 DCMR §§ 309.7 and 310.5.

At its public meeting of September 9, 2019, upon the motion of Commissioner May, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** to authorize the publication of a Notice of Second Proposed Rulemaking by a vote of **4-1-0** (Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Anthony J. Hood to deny).

Final rulemaking action on the NOPR, as modified by this Notice of Second Proposed Rulemaking, shall be taken not less than seven (7) days from the date of publication of this notice in the *D.C. Register*. As permitted under D.C. Official Code § 2-505(a), the Commission is providing a reduced comment period of seven (7) days for "good cause," namely that the public has already had the required thirty (30) days to comment on the underlying rulemaking so that this additional comment period is for the proposed change, which is very minor, affecting only one subsection, and which was proposed in response to some of the public comments filed on the underlying rulemaking.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold and underlined** text and deletions are shown in ~~**bold and strikethrough**~~ text; the proposed changes to the first Notice of Proposed Rulemaking text are shown in **CAPITALS**):

Subsection 601.4 of Section 601, APPLICABILITY, of Chapter 6, DESIGN REVIEW, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended as follows:

601.4 All the property included in a design review application**, whether voluntary or ~~NON-VOLUNTARY~~ MANDATORY,** shall be contiguous, except that the

property may be separated only by a public ~~**STREET,**~~ alley~~,~~ or **PUBLIC** right-of-way **OTHER THAN A PUBLIC STREET**.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than seven (7) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

DEPARTMENT OF HEALTH

NOTICE OF FOURTH EMERGENCY RULEMAKING

The Director of the Department of Health ("Department"), pursuant to the authority set forth in Section 1301 of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq*. (2012 Repl.)) (the "Act") and in accordance with Mayor's Order 2005-137, dated September 27, 2005, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 101 (Assisted Living Residences) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations ("DCMR").

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

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

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

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

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 24, 2018 at 65 DCR 8785 to immediately preserve and promote the health, safety and welfare of the public for the reasons addressed above. Those emergency regulations were adopted on August 16, 2018 and expired one hundred twenty (120) days from their date of adoption, *i.e.*, on December 14, 2018. A Notice of Second Emergency Rulemaking identical to the first was adopted by the Department on December 10, 2018, published in the *D.C. Register* on January 25, 2019 at 66 DCR 1222, and expired one hundred twenty (120) days from its date of adoption, *i.e.*, on April 9, 2019. The Notice of Second Emergency Rulemaking was adopted in order to sustain the District's sole body of regulations governing the operation and emergency preparedness of assisted living residences while the Department sought to incorporate comments it received from the proposed regulations published on August 24, 2018. A Notice of Third Emergency Rulemaking was adopted by the Department on April 2, 2019, published in the *D.C. Register* on June 21, 2019 at 66 DCR 7472, and expired one hundred twenty (120) days from its date of adoption, *i.e.*, on July 31, 2019. The Notice of Third Emergency Rulemaking was adopted in order to prevent any lapse in the District's assisted living residence emergency regulations while the Department sought publication of its Notice of Second Proposed Rulemaking.

This Notice of Fourth Emergency Rulemaking is identical to the Notice of Third Emergency Rulemaking published in the *D.C. Register* on June 21, 2019 at 66 DCR 7472, except that trained medication employees ("TMEs") have been removed from the list of permitted private duty healthcare professionals in §§ 10124.3 and 10124.7 so as to be in alignment with Board of Nursing regulations for TMEs. This Notice of Fourth Emergency Rulemaking is also necessary to prevent any lapse in the District's assisted living residence emergency regulations while the Department seeks publication of its Notice of Second Proposed Rulemaking. The emergency rules are the only municipal regulations governing the operation and emergency preparedness of assisted living residences in the District of Columbia. Therefore, this emergency rulemaking action is necessary to maintain the status quo and preserve the District's entire body of regulations governing the operation and emergency preparedness of assisted living residences after the expiration of the previous emergency rules on July 31, 2019.

This emergency rule was adopted on July 31, 2019, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (*i.e.*, on November 28, 2019), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

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

CHAPTER 101 ASSISTED LIVING RESIDENCES

Secs.

10100 GENERAL PROVISIONS

10100.1 These rules are implemented pursuant to and in accordance with the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-

127, D.C. Official Code §§ 44-101.01 *et seq*.), as amended from time to time (hereinafter, "the Act").

10100.2 The provisions set forth in this chapter have been issued to supplement provisions of the Act. Accordingly, each assisted living residence ("ALR") licensed pursuant to the Act must comply with the Act and with this chapter, which together constitute standards for licensing and operation of assisted living residences within the District of Columbia.

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

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

10101 PURPOSE

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

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

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

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

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

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

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

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

10103 RESTRICTIONS

10103.1 An ALR shall not provide services beyond the scope of its license.

10103.2 An entity may not use the term "assisted living" to advertise its services unless the entity is licensed under the Act to provide assisted living services.

10103.3 A person may not advertise, represent, or imply to the public that an ALR is authorized to provide a service that the service provider is not licensed, certified, or otherwise authorized to provide.

10103.4 A person may not advertise the facilities or services provided by the assisted living residence in a manner that is false, misleading, or fraudulent. Facilities or services that are provided at an additional cost shall be identified in a manner that indicates such.

10103.5 The Director shall issue each license only for the premises and person or persons named as applicants in the application and the license shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place shall cause the immediate forfeiture of the license.

10103.6 Each license to operate an ALR that is in the Licensee's possession shall be the property of the District Government and shall be returned to the Director immediately upon any of the following events:

(a) Suspension or revocation of the license;

(b) Refusal to renew the license;

(c) Voluntary forfeiture of the license; or

(d) The ALR's operation is discontinued by voluntary action of the Licensee.

10104 QUALIFICATION AND ELIGIBILITY

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

10104.2 Background checks may consist of, but not be limited to, investigating the following:

(a) Whether the applicant, or the individual identified on the application to serve as assisted living administrator ("ALA") for the ALR, holds a current, valid license to practice assisted living administration in the District of Columbia;

(b) Applicant's history of compliance with the District of Columbia or any other state's licensing requirements and with any federal certification requirements, including any license revocation or denial; and

(c) The arrest and criminal records of the applicant, including but not limited to the following:

(1) Crimes or acts involving abuse, neglect or mistreatment of a person or misappropriation of property of the person;

(2) Crimes or acts related to the manufacture, distribution, prescription, use, or dispensing of a controlled substance;

(3) Fraud or substantial or repeated violations of applicable laws and rules in the operation of any health care facility or in the care of dependent persons;

(4) A conviction or pending criminal charge which substantially relates to the care of adults or minors, to the funds or property of adults or minors, or to the operation of a residential or health care facility; or

(5) Currently under investigation by Law Enforcement Agencies to include, but not limited to the FBI, Office of Inspector General, Department of Health, and Department of Health Care Finance.

10105 FEES

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

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

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

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

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

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

10106 INITIAL ALR LICENSURE

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

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

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

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

10106.5 [RESERVED].

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

(a) The policies and procedures required by Section 10110 of this chapter;

(b) A floor plan specifying dimensions of the ALR, exits and planned room usage;

(c) Proof that the ALR's proposed location has passed an inspection for compliance with fire codes conducted by the District of Columbia Fire & EMS Department's Fire Prevention Division or a successor entity that becomes responsible for conducting such inspections on behalf of the District; and

(d) Any additional information requested by the Director.

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

10107 LICENSURE INSPECTIONS

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

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

10108 ADMISSIONS

10108.1 An ALR shall accept as residents only individuals for whom the ALR can provide appropriate services unless the ALR arranges for third party services or the

resident does so with the agreement of the ALR. No ALR may have more residents, including respite care residents, than the maximum bed capacity on its license.

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

10108.3 In addition to the provisions in Section 601(d)(1) of the Act (D.C. Official Code § 44-106.01(d)(1)), no individual may be admitted who at the time of initial admission, and as established by the initial assessment is dangerous to him or herself or others or exhibits behavior that significantly and negatively impacts the lives of others, to include physical or mental abuse of others or destruction of property, where the ALR would be unable to eliminate such danger or behavior through the use of appropriate treatment modalities.

10109 RESIDENT'S RIGHTS AND QUALITY OF LIFE

10109.1 The ALR shall promote and facilitate resident self-determination through support of resident choice and all the rights specified in this chapter.

10109.2 The ALR shall support the resident in exercising his or her rights under this chapter without interference, coercion, discrimination, or retaliation.

10109.3 A resident shall have the right to view, upon demand, a copy of the ALR policies and procedures required under Section 10110 of this chapter.

10109.4 As provided by Section 505(a)(7) of the Act (D.C. Official Code § 44-105.05(a)(7)):

(a) A resident shall have the right to organize and participate in resident groups in the ALR;

(b) A resident shall have the right to invite family members to resident group meetings in the ALR; and

(c) The ALR must designate an ALR employee who shall assist with the meeting, and through whom the resident group may submit its written requests to the ALR and may receive the ALR's response to those requests.

10109.5 An ALR shall consider the views of a resident group and respond promptly to the grievances indicated in the resident group's written requests that concern issues of resident care and life in the ALR.

10109.6 An ALR must be able to demonstrate their responses to written requests from a resident group. Nothing in this subsection shall be construed to imply that the ALR must implement as recommended every request of the resident group.

10109.7 Staff, family members, visitors, and other guests may attend resident group meetings only at the group's invitation. Nothing in this subsection shall prevent a resident's surrogate from attending a resident group meeting with, or instead of, the resident he or she represents.

10109.8 For the purpose of Section 506(a)(1) of the Act (D.C. Official Code § 44-105.06(a)(1)) an ALA record shall be interpreted to mean the aggregate of the following records maintained by the ALR with respect to a particular resident:

(a) Signed resident agreements written pursuant to Section 602 of the Act (D.C. Official Code § 44-106.02, including the financial provisions required by Section 603 of the Act (D.C. Official Code § 44-106.03);

(b) Healthcare records;

(c) Individualized service plans (ISPs);

(d) Medication administration records; and

(e) Medication and treatment orders.

10110 REQUIRED POLICIES AND PROCEDURES

10110.1 The ALR shall develop and implement written policies on all of the following, which shall meet the requirements set forth by the Department:

(a) Medication management, administration of medication, medication administration errors, and medication storage;

(b) Developing, reviewing, and revising resident's individualized service plan;

(c) Private duty nurses, aides, and other healthcare professionals;

(d) Companions;

(e) Admission, transfer, and discharge;

(f) Complaints and grievances;

(g) Preventing, remediating, and reporting abuse, neglect and exploitation of residents;

(h) Criteria to determine the care needs required by each resident upon initial assessment and throughout the duration of the resident's stay, including how staffing, emergency triage, and fees assessed to residents are impacted by the level of care needs assigned to a resident;

(i) Alcohol, tobacco, and marijuana use;

(j) Infection control, sanitation, and universal precautions;

(k) Emergency preparedness, which shall meet the same standards for emergency preparedness as those set for long term care facilities by the Centers for Medicare and Medicaid Services, at 42 CFR § 483.73;

(l) Use of audio-visual monitoring systems to monitor the ALR's internal and external premises;

(m) Resident's right to visitation;

(n) Supervision of independent contractors performing work on the ALR's premises on behalf of the ALR or resident;

(o) Availability of the ALA to the ALR staff;

(p) Contacting the ALR's registered nurse; and

(q) Determining when an ambulance or emergency medical services are contacted during a health emergency.

10110.2 An ALR shall develop and implement written procedures in connection with the policies in Subsection 10110.01, which shall meet the requirements set forth by the Director.

10111 DISCLOSURE

10111.1 An ALR shall not provide any service or item that will be at a cost additional to the aggregate of assisted living services most recently billed to, or on behalf of, the resident unless the ALR has first:

(a) Provided the resident (or surrogate) with:

(1) Oral and written notice of all fees, rates, and charges he or she will incur for the provision of the service or item; and

(2) The dollar amount, frequency, and number of recurring charges that will occur for the provision of that service or item; and

(b) Obtained the resident's (or surrogate's) signature confirming receipt of the advance disclosures required by paragraph (a) of this subsection.

10111.2 An ALR shall keep a copy of the signed confirmation required by this subsection in the resident's record.

10111.3 An ALR shall be excused from the requirements of Subsection 10111.01 if emergency circumstances necessitate the immediate provision of an item or service that would otherwise have required advance disclosure of the fees, rates, and charges. An ALR shall provide the disclosures described in Subsection 10111.01(a) and obtain the signature confirmation described in Subsection 10111.01(b) upon concluding its assessment of the resident following the emergency.

10112 FINANCIAL AGREEMENTS

10112.1 The ALR shall report the resident's financial record to the resident on a quarterly basis. The resident's financial record shall also be made available to the resident, upon request of the resident (or surrogate), within twenty-four (24) hours or the next business day, whichever occurs last.

10112.2 Upon the discharge, eviction, or death of a resident with a personal fund deposited with the ALR, the ALR shall convey within thirty (30) days the resident's funds, and a final accounting of those funds, to the resident, or in the case of death, the individual or probate jurisdiction administering the resident's estate in accordance with the laws of the District of Columbia.

10112.3 The complete terms of all financial provisions in a resident's agreement shall be made available for the resident (or surrogate) to review prior to admission.

10113 INDIVIDUALIZED SERVICE PLANS (ISPs)

10113.1 An ISP shall be developed for each resident not more than thirty (30) days prior to admission.

10113.2 In accordance with Section 604 of the Act (D.C. Official Code § 44-106.04), the ISP developed following the completion of the "post move-in" assessment shall be based on the following assessments conducted by or on behalf of the ALR:

(a) The medical, rehabilitation, and psychosocial assessment of the resident, conducted in accordance with Section 802 of the Act (D.C. Official Code § 44-108.02;

(b) The functional assessment of the resident, conducted in accordance with Section 803 of the Act (D.C. Official Code § 44-108.03 (2012 Repl.); and

(c) The reasonable accommodation of the resident (or surrogate) preferences.

10113.3 A "post move-in" assessment required by Section 604 of the Act (D.C. Official Code § 44-106.04) shall be conducted by or on behalf of the ALR within forty-eight (48) hours of a resident's admission.

10113.4 At each review of a resident's ISP conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)), the ALR shall obtain from the resident (or surrogate) a signed statement confirming that the resident (or surrogate):

(a) Was invited to participate in the review of the ISP; and

(b) Did or did not participate in the review of the ISP.

10113.5 An ALR shall provide the resident (or surrogate) no less than seven (7) days' notice prior to the review of a resident's ISP conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)), unless seven days' (7) notice is made impractical due to a significant change in the resident's condition that necessitates review of the resident's ISP at a sooner date.

10113.6 A resident's disagreement with an ISP that is updated pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d)) and in accordance with the Act and this chapter shall not, in and of itself, prevent implementation of the ISP.

10114 SHARED RESPONSIBILITY AGREEMENTS (SRAs)

10114.1 Shared responsibility agreements ("SRAs") may be developed and entered into between an ALR and a prospective or admitted resident (or surrogate,) at any time prior to or subsequent to the resident's admittance to the ALR.

10114.2 An ALR shall not enter into a shared responsibility agreement with a prospective or admitted resident that:

(a) Intentionally or unintentionally waives liability of the ALR to the resident, in whole or in part, beyond the scope necessary to accommodate the resident's (or surrogate's) reasonable, requested arrangement or course of action;

(b) Relieves the ALR of its duty under law or the ISP to ensure that the resident is provided or administered all prescription and non-prescription medications and dietary supplements required to be provided or administered by the ALR;

(c) Violates any applicable District or federal criminal law; or

(d) Violates or will cause the violation of any provision of the Act or this chapter.

10114.3 An ALR may decline to enter into a shared responsibility agreement if satisfaction of the SRA will result in an adverse risk to the health, welfare, or safety of other residents or ALR staff.

10114.4 Attempts to develop a shared responsibility agreement shall be conducted in good-faith. For purposes of this section, a good-faith attempt to negotiate a SRA shall mean a two-way negotiation between the ALR and the resident (or surrogate), where both parties have equal opportunity to offer and reject terms of the SRA, and suggest reasonable alternatives to accommodate the course of action the resident wishes to pursue.

10114.5 In the event that a good-faith attempt to negotiate a SRA is unsuccessful, the ALR:

(a) Shall not obstruct the resident from pursuing the course of action sought after;

(b) Shall use the ISP to document the ALR's consultations with the resident to dissuade the course of action, including but not limited to:

(1) The date and time each consultation was held;

(2) The content of the consultations;

(3) The alternative courses of action proposed by the resident and ALR, and why the proposed alternatives were not acceptable to the resident or ALR; and

(4) Notify the resident that harm to self or others as a result of the persisted course of action may result in discharge.

10115 DISCHARGE AND TRANSFER

10115.1 The ALA shall determine if the care needs of a resident exceed the resources that can be marshalled by the ALR or third-party services to support the resident safely, making transfer to another facility necessary.

10115.2 Prior to the voluntary or involuntary transfer of a resident to another facility, or discharge, the ALR shall complete and transmit to the receiving facility or, if no receiving facility has been identified, to the resident (or surrogate), any information related to the resident that is necessary to ensure continuity of care

and services, including at a minimum, the:

(a) Contact information of the healthcare practitioner or practitioners responsible for the primary care of the resident;

(b) Current medication and treatment orders from the resident's healthcare practitioner or practitioners;

(c) Dosage and date of each medication last administered to the resident;

(d) Resident's most recent ISP, which shall include the resident's assessments;

(e) Resident's name, date of birth, and a personal identifier number, such as a social security number or health insurance information, for purposes of continuing medical care services;

(f) Primary medical diagnoses and allergies;

(g) Name and contact information for the resident's surrogate, if applicable; and

(h) Resident's Advanced Directive information.

10115.3 An ALR shall not transmit the information prescribed in Subsection 10115.02 to the receiving facility without the prior, written, uncoerced consent of the resident (or surrogate). In the event that consent is withheld, an ALR shall transmit the information prescribed in Subsection 10115.02 directly to the resident (or surrogate) prior to transfer or discharge.

10115.4 Although an ALR shall make every effort to avoid discharge, grounds for involuntary discharge may include the following:

(a) Failure to pay all fees and costs as specified in the contract;

(b) Inability of the ALR to meet the care needs of the resident as provided in the ISP;

(c) Engaging in sexual harassment, exploitation, or other degrading conduct to the detriment of another residents' dignity, in violation of the victim's rights under this chapter;

(d) Resident presents a risk of physical self-harm, or harm to one or more other residents or staff, for which no other reasonable means of mitigation are available;

(e) The resident does not require any assisted living services provided by the ALR, as indicated by the resident's most recent ISP review conducted pursuant to Section 604(d) of the Act (D.C. Official Code § 44-106.04(d));

(f) Discharge is essential to meet the ALR's reasonable administrative needs and no practicable alternative is available;

(g) The ALR is ceasing to operate;

(h) The licensed capacity of the ALR is being reduced by the District; or

(i) The license to operate the ALR is suspended or revoked.

10115.5 An ALR shall conform to the notices and procedures for involuntary discharge, transfer, or relocation provided by subchapter 3 of Chapter 10 of Title 44 of the District of Columbia Official Code (D.C. Official Code §§ 44-1003.01 – 1003.13).

10115.6 As provided for by D.C. Official Code § 44-1003.02(d), the written notice due to a resident prior to an involuntary discharge, transfer, or relocation shall be on a form prescribed by the Director and shall, at a minimum, contain:

(a) The specific reason(s), stated in detail and not in conclusory language, for the proposed discharge, transfer, or relocation;

(b) The proposed effective date of the discharge, transfer, or relocation;

(c) A statement in not less than twelve (12)-point type that reads:

"You have a right to challenge this facility's decision to discharge, transfer, or relocate you. If the decision is to discharge you from the facility or to transfer you to another facility and you think you should not have to leave, you or your representative have 7 days from the day you receive this notice to inform the Administrator or a member of the staff that you are requesting a hearing and to complete the enclosed hearing request form and mail it in the preaddressed envelope provided. If you are mailing the hearing request form from the facility, the day you place it in the facility's outgoing mail or give it to a member of the staff for mailing shall be considered the date of mailing for purposes of the time limit. In all other cases, the postmark date shall be considered the date of mailing. If, instead, the decision is to relocate you within the facility and you think you should not have to move to another room, you or your representative have only 5 days to do the above.

"If you or your representative request a hearing, it will be held no later than 5 days after the request is received in the mail, and, in the absence of emergency or other compelling circumstances, you will not be moved before a hearing decision

is rendered. If the decision is against you, in the absence of an emergency or other compelling circumstances you will have at least 5 days to prepare for your move if you are being discharge or transferred to another facility, and at least 3 days to prepare for your move if you are being relocated to another room within the facility.

"To help you in your move, you will be offered counseling services by the staff, assistance by the District government if you are being discharged or transferred from the facility, and, at your request, additional support from the Long-Term Care Ombudsman program. If you have any questions at all, please do not hesitate to call one of the phone numbers listed below for assistance.";

(d) A hearing request form, together with a postage paid envelope preaddressed to the appropriate District official or agency;

(e) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge, transfer, or relocation;

(f) The names, addresses, and telephone numbers of the Long-Term Care Ombudsman program and local legal services organizations; and

(g) The location to which the resident will be transferred.

10115.7 The involuntary discharge of a resident on one or more grounds enumerated in Subsection 10115.04 shall be canceled, and the resident shall be entitled to remain in the ALR, upon rectification of the ground or grounds for discharge. Rectification may be, if applicable, the payment of all monies owed at any time prior to discharge, or negotiation of a new ISP that meets the care needs of the resident.

10115.8 Within thirty (30) days of the date of discharge, the ALR shall:

(a) Give each resident or their surrogate:

(1) A final statement of account; and

(2) Any refunds due; and

(b) Return any money, property, or valuables held in trust or custody by the ALR.

10115.9 An ALR may temporarily transfer a resident to another living unit within the ALR on an involuntary basis if:

(a) The transfer is necessary to protect the resident from an imminent and physical harm present in the living unit;

(b) The imminent and physical harm is due to a curable condition of the living unit; and

(c) The transfer lasts no longer than necessary to cure the threat to physical harm posed by the condition of the living unit and return the living unit to its habitable condition.

10116 STAFFING STANDARDS

10116.1 An ALR shall be supervised by an assisted living administrator ("ALA") who shall be responsible for all personnel and services within the ALR, including, but not limited to, resident care and services, personnel, finances, and the ALR's physical premises.

10116.2 A Licensee may designate a person to serve as ALA to supervise the ALR provided that the designee holds a current, valid license to practice assisted living administration issued by the District of Columbia's Board of Long-Term Care Administration. The Licensee shall submit the name of the person designated to be ALA to the Director on a form approved by the Director not more than 10 days after the designation is made or the designee has begun employment as the ALA, whichever occurs first.

10116.3 In addition to the staffing standards for ALAs set forth by Section 701 of the Act (D.C. Official Code § 44-107.01.), an ALA shall meet all requirements to practice assisted living administration prescribed by the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), as amended by the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-96), and all requirements to practice assisted living administration set forth by the Director by rulemaking.

10116.4 At all times one (1) or more residents are on the premises of an ALR, an ALA or Acting Administrator shall also be on the premises. At all times an ALA is not on the premises, an ALA shall:

(a) Ensure that an Acting Administrator is designated and assumes the responsibilities of the ALA required by the Act and this chapter, a that the Acting Administrator is a staff member who is at least eighteen (18) years of age, meets the staffing standards for an ALA required by Section 701 of the Act (D.C. Official Code § 44-107.01), and is authorized to temporarily practice as an Acting Administrator without an ALA license by rulemaking promulgated by the Director to regulate the practice of assisted living administration; and

(b) Be available to the ALR staff by telephone, at a minimum, and shall

respond to the ALR staff's attempts to contact him or her by telephone within one (1) hour of the staff's initial attempt, except as provided for in Subsection 10116.06.

10116.5 The Licensee or ALA may, during an ALA's leave of absence, designate a staff member who meets the requirements in paragraph (a) of Subsection 10116.04 to serve as Acting Administrator for the ALR and perform the duties of the ALA for up to six (6) cumulative weeks in a twelve (12) month period. For purposes of this section, a "leave of absence" shall mean an ALA's scheduled or unscheduled absence from his or her supervision of the ALR for more than one (1) work day during which the ALA would normally have been expected to oversee the ALR's day-to-day operations.

10116.6 An ALA shall not be subject to Subsection 10116.04(b) during a leave of absence described in Subsection 10116.05.

10116.7 An Acting Administrator who is designated pursuant to Subsection 10116.05 shall be held responsible for all duties prescribed to an ALA under the Act and this chapter for the duration of the ALA's leave of absence, or until relieved from duty as the Acting Administrator.

10116.8 An Acting Administrator who is designated pursuant to Subsection 10116.05 shall, at all times one (1) or more residents are on the ALR's premises and he or she is not, comply with paragraphs (a) and (b) of Subsection 10116.04.

10116.9 An ALR shall not be administrated by any person other than a licensed ALA for more than six (6) cumulative weeks in a twelve (12) month period without prior, written approval by the Director. A request for written authorization under this subsection shall be submitted to the Director in writing, and shall contain all information deemed necessary by the Director to determine the qualifications of the individual or individuals who will be serving as an Acting Administrator beyond the sixth (6^{th}) cumulative week of the ALA's leave of absence.

10116.10 An ALR shall not permit any person or persons, other than a licensed ALA, to administrate the ALR for more than a total of twelve (12) cumulative weeks in a twelve (12) month period.

10116.11 An ALR shall give to the Director prior written notice if an ALA's leave of absence will be for a period longer than three (3) consecutive weeks in duration. The notice shall include the name or names of the staff member or members designated to serve as Acting Administrator during the ALA's leave of absence, as well as the telephone number by which the Acting Administrators are to be contacted pursuant to Subsection 10116.04(b).

10116.12 An ALR shall be responsible for maintaining accurate record of the ALA's leaves of absence from the ALR. Record of the ALA's leaves of absence shall be made

available to the Director or the Director's designee upon request during an inspection of an ALR authorized by this chapter or the Act.

10116.13 An ALR shall cause no less than one (1) registered nurse to be available to the ALA and the ALR's staff members twenty-four (24) hours a day, seven (7) days a week. For the purpose of this subsection, "available" means the registered nurse is required to:

(a) Be accessible to the ALA and ALR staff members in-person or by real-time communication methods, such as telephone, text message, or video call; and

(b) Respond to the ALA or ALR staff members' attempts to contact him or her within 1 hour; and

(c) Be able to present him or herself, in person, to the ALR's premises to respond to a significant change in a resident's health status if the nurse determines, in his or her professional opinion, that the change in health status necessitates his or her presence.

10116.14 The contact information for the available registered nurse shall be posted conspicuously for, and shall be easily accessible to, the ALR staff.

10116.15 Personnel records maintained by the ALA for each employee pursuant to Section 701(d)(11) of the Act (D.C. Official Code § 44-107.01(d)(11)) shall be accurate and current and shall contain documentation including, but not limited to, the following:

(a) A description of the employment, signed and dated by the employee, that includes the employee's duties and responsibilities, and the qualifications required for the position;

(b) Initial date of hire;

(c) Proof of license, registration, certificate, or other authority for the employee to practice his or her profession in the District, if applicable;

(d) A completed criminal background check, performed as required by the District laws and regulations applicable to each individual;

(e) Employee training required by the Act or this chapter, or the individual's exemption therefrom; and

(f) A healthcare practitioner's written statement as to whether the employee bears any communicable diseases, including communicable tuberculosis.

10116.16 Employee records shall be made available for review by the Department of Health upon request during any inspection of an ALR that is authorized by the Act or this chapter.

10116.17 All employees, including the ALA, shall be required on an annual basis to document freedom from tuberculosis in a communicable form. Documentation shall be provided by the employee's licensed healthcare practitioner.

10116.18 All employees shall wear identification badges on their persons, which shall remain visible at all times the employee is on the ALR premises, and shall conspicuously display the employee's full name and job title.

10117 ASSISTED LIVING ADMINISTRATORS (ALAs)

10117.1 The ALA shall maintain a current, valid license to practice assisted living administration in the District at all times he or she is responsible for the administration of an ALR. For purposes of this subsection, an ALA shall not be considered responsible for the administration of an ALR for the period of time he or she is on a leave of absence described in Subsection 10116.05 of this chapter.

10117.2 The ALA shall ensure that the ALR is in compliance with the Act and this chapter.

10117.3 An ALA shall be subject to action by the District of Columbia Board of Long-Term Care Administration for failure to comply with the requirements of this section, this chapter, or the Act.

10118 PRIVATE DUTY HEALTHCARE PROFESSIONALS

10118.1 Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel within the ALR, including private duty healthcare professionals that provide healthcare-related services on the ALR's premises.

10118.2 An ALR shall require that private duty healthcare professionals arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR's premises on a recurring basis:

(a) Be certified, registered, licensed, or otherwise authorized by the District of Columbia to render the healthcare-related service they will provide to the resident;

(b) Maintain an accurate and current personnel record with the ALR that includes, but is not limited to, the following:

(1) A signed and dated description of the services to be rendered to the resident;

(2) A copy of the registration, certification, license, or other authorization required for the nurse, aide, or other healthcare professional to lawfully practice the healthcare-related services being rendered in the District of Columbia;

(3) Initial date and final date, if known, of providing service to resident on the ALR's premises;

(4) A healthcare practitioner's written statement as to whether the nurse, aide, or other healthcare professional bears any communicable diseases, including communicable tuberculosis; and

(5) If the nurse, aide, or other healthcare professional is providing care to the resident under the employ of an agency:

(A) The name, address, telephone number of the agency;

(B) The name and telephone number of the private nurse, aide, or other healthcare professional's immediate supervisor; and

(C) A copy of the agency's license or other authorization to operate in the District; and

(c) Be subject to immediate removal from the premises upon determination by the ALA or designee that the nurse, aide, or other healthcare professional has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of one (1) or more residents in the ALR.

10118.3 An ALR shall have a written agreement with each private duty healthcare professional described in this section, or the agency that employs him or her, if applicable, describing his or her obligations to report to the ALR:

(a) Medication errors and adverse drug reactions; and

(b) Abuse, neglect, exploitation, or unusual incidents, such as changes in the resident's condition.

10118.4 Pursuant to Section 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving services from private duty healthcare professionals on the ALR's premises.

10118.5 The requirements for a private duty nurse, aide, or other healthcare professional under this section shall not apply to companions of a resident.

10119 COMPANIONS

10119.1 A companion shall not be permitted to provide any healthcare services to a resident or perform any services that constitute hands-on care of the resident.

10119.2 A companion may provide such services as cooking, housekeeping, errands, and providing social interaction with a resident.

10119.3 An ALR shall require that, prior to performing companion services for a resident, a companion provide to the ALR:

(a) A completed criminal background check for unlicensed professionals performed in accordance with D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq.*; and

(b) A healthcare practitioner's written statement as to whether the companion bears any communicable diseases, including communicable tuberculosis.

10119.4 A companion shall be subject to immediate removal from the ALR premises upon determination by the ALA or designee that he or she has, or is suspected to have, a communicable disease, is mentally or physically incapable of performing his or her duties, or otherwise presents a risk to the health and safety of the residents.

10119.5 Pursuant to Section 701(a) of the Act (D.C. Official Code § 44-107.01(a)), the ALA shall be responsible for all personnel within the ALR, including companions providing companion services on the ALR's premises.

10119.6 Pursuant to Section 607(a)(1) of the Act (D.C. Official Code § 44-106.07(a)(1)), the ALR shall be responsible for the safety and well-being of its residents, including residents receiving companion services from companions on the ALR's premises.

10120 UNLICENSED PERSONNEL CRIMINAL BACKGROUND CHECK

10120.1 No ALR shall employ or contract an unlicensed person for work on the ALR's premises until a criminal background check has been conducted for that person.

10120.2 An ALR shall implement and comply with the criminal background check standards and requirements for unlicensed personnel prescribed by D.C. Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq.*

10121 PRE-ADMISSION MEDICATION MANAGEMENT ASSESSMENT

10121.1 In addition to the consultations required by Section 902 of the Act (D.C. Official Code § 44-109.02), the ALR shall consult with the prospective resident's healthcare practitioner regarding the prospective resident's ability to self-administer medication within thirty (30) days prior to admission.

10122 ON-SITE MEDICATION REVIEW

10122.1 The on-site medication review arranged to occur every forty-five (45) days, pursuant to Section 903 of the Act (D.C. Official Code § 44-109.03), shall include documentation of any changes to the resident's medication profile, including changes in dosing and any medications that have been added or discontinued.

10123 MEDICATION STORAGE

10123.1 Medication that is entrusted to the ALR for storage shall be stored in accordance with the requirements of Section 904 of the Act (D.C. Official Code § 44-109.04).

10123.2 An ALR shall keep a current record of each prescription and non-prescription medication and dietary supplement kept by a resident in his or her living unit pursuant to Section 904(e)(8) of the Act (D.C. Official Code § 44-109.04(e)(8)), which shall be retained in the resident's medical record and include:

(a) Name of the medication;

(b) Strength of medication and quantity;

(c) Lot number; and

(d) If a prescribed medication:

(1) Name of prescriber;

(2) Name and phone number of the pharmacy that filled the prescription;

(3) Date the prescription was filled; and

(4) The frequency and directions for use provided by the prescriber.

10123.3 In the event of voluntary or involuntary discharge, or upon a resident's death, the ALR shall notify and attempt to return all medications to the resident (or surrogate) or resident's caregiver within thirty (30) days of the resident's discharge or death, unless return of the medication is prohibited by federal or other District law. If the resident's medications remain unclaimed for more than thirty (30) days after the

resident or surrogate have been notified, the medication shall be considered abandoned and disposed of in accordance with the Section 904 of the Act (D.C. Official Code § 44-109.04) and applicable District law.

10124 MEDICATION ADMINISTRATION

10124.1 A resident shall be permitted to self-administer his or her medications, provided that the resident has been deemed capable of self-administering his or her own medication without assistance by the most recent on-site medication review required under the Act or, if he or she is a new resident, by the initial assessment conducted during the ALR's admission process.

10124.2 The initial assessment and periodic medication review performed pursuant to Sections 901 and 903 of the Act (D.C. Official Code §§ 44-109.01 and 44-109.03) for the purpose of determining whether a resident is capable of self-administering medication shall make one the following findings based on an assessment of the associated tasks below:

(a) A resident is capable of self-administering his or her own medication if the resident can:

(1) Correctly read the label on the medication's container;

(2) Correctly interpret the label;

(3) Correctly follow instructions as to route, dosage, and frequency of administration;

(4) Correctly ingest, inject, or otherwise apply the medication;

(5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes;

(6) Safely store the medication;

(7) Correctly follow instructions as to the time the medication must be administered; and

(8) Open the medication container, remove the medication from the container, and close the container;

(b) A resident is capable of self-administering his or her own medication, but requires a reminder to take medications or requires physical assistance with opening and removing medications from the container, or both, if the resident can:

(1) Correctly read the label on the medication's container;

(2) Correctly interpret the label;

(3) Correctly follow instructions as to route, dosage, and frequency of administration;

(4) Correctly ingest, inject, or otherwise apply the medication;

(5) Correctly measure or prepare the medication, including mixing, shaking, and filling syringes; and

(6) Safely store the medication; or

(c) A resident is not capable of self-administering his or her own medication if the resident needs assistance to properly carry out one or more of the tasks enumerated in paragraph (b) of this subsection.

10124.3 A resident who cannot, or chooses not to, self-administer medication without full or partial assistance may arrange with a third-party for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, or certified medication aide to administer medication to the resident or assist the resident with taking his or her medications to the extent of the healthcare professional's authority to do so under District and federal laws or regulations. A healthcare professional arranged to administer or assist in the administration of medication to a resident in accordance with this subsection shall be required to conform to the requirements of private duty healthcare professionals provided in Section 10118 of this chapter.

10124.4 An ALR may employ or arrange for a licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, trained medication employee ("TME"), or certified medication aide to administer, or assist in the administration of, medication to a resident, provided that:

(a) The healthcare professional holds the requisite certificate, registration, or license to practice issued by the District;

(b) The healthcare professional does not exceed his or her authority to administer or assist in the administration of medication to the resident under District and federal laws or regulations;

(c) The ALR discloses, orally and in writing, any fees, rates, or charges associated with providing assistance with or administration of medication that are additional to the resident's existing bill, in accordance with Section 10111 of this chapter;

(d) Prior to the provision of the medication administration or assistance, the resident provides in writing:

(1) Acceptance of the medication administration or assistance offered by the ALR; and

(2) Acknowledgment of receiving the ALR's medication administration policy and the disclosure of fees required in paragraph (c) of this subsection; and

(e) The ALR has in place education, remediation, and discipline procedures by which to address recurring medication errors perpetrated by the licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or medication aide.

10124.5 An ALR shall require that administration or assistance in the administration of medication to a resident by a healthcare professional pursuant to Subsections 10124.03 and 10124.04 be in accordance with the prevailing standard of acceptable medication administration rights in the healthcare professional's field.

10124.6 An ALR shall ensure that all medication administered to a resident by licensed practical nurse, registered nurse, advanced practice registered nurse, physician, physician assistant, TME, or certified medication aide on its premises shall be recorded on a written or electronic medication administration record that is kept as part of the resident's medical records.

10124.7 An ALR shall ensure that all employees and all licensed practical nurses, registered nurses, advanced practice registered nurses, physicians, physician assistants, or certified medication aides responsible for administering or assisting in the administration of medication to a resident while on the ALR's premises, immediately report any medication error or adverse drug reactions to the ALR's available registered nurse and ALA upon discovery. The ALR shall require the ALA or Acting Administrator to report the medication error or adverse drug reaction, to the resident's healthcare practitioner, prescriber, pharmacist, and the resident (or surrogate), as appropriate.

10124.8 An ALR shall require all medication errors and adverse drug reactions be documented in the resident's record.

10124.9 An ALR shall initiate an investigation of any reported medication error or adverse drug reaction within twenty-four (24) hours of discovery. Upon the completion of the investigation, the ALR shall compose a report documenting the findings and conclusion of the investigation, which shall be kept as part of the ALR's records for no less than five (5) years. A report required under this subsection shall also be made available to the Director or the Director's designee upon request during an inspection authorized by this chapter or the Act.

10124.10 An ALR shall submit to the Director a copy of any report of an adverse drug reaction required by Subsection 10124.09 within thirty (30) days of the discovery of the adverse drug reaction, in addition to the requirements of Subsection 10124.09 and the notification requirements of Subsection 10125.02.

10125 REPORTING ABUSE, NEGLECT, EXPLOITATION, AND UNUSUAL INCIDENTS

10125.1 The results of an ALR's investigation into allegations of abuse, neglect, or exploitation of a resident pursuant to Section 509(b)(3) of the Act (D.C. Official Code 44-105.09(b)(3)) shall be reported to the Director within thirty (30) days of the complaint or fifteen (15) days of the conclusion of the investigation, whichever occurs first.

10125.2 In addition to the requirements to report abuse, neglect, and exploitation of a resident provided in Section 509 of the Act (D.C. Official Code § 44-105.09), each ALR shall notify the Director of any unusual incident that substantially affects a resident. Notifications of unusual incidents shall be made by contacting the Department of Health by phone immediately, and shall be followed up by written notification to the same within twenty-four (24) hours or the next business day.

10125.3 For purposes of Subsection 10125.02, an "unusual incident that substantially affects a resident" shall mean any occurrence related to the operation of an assisted living residence or to the conduct of the ALR's personnel that results in significant harm, or the potential for significant harm, to any resident's health, welfare, or wellbeing. Unusual incidents include, but are not limited to: an accident resulting in injury to a resident, death, theft of a resident's property or funds, or any occurrence requiring or resulting in intervention from law enforcement or emergency response personnel.

10126 INSPECTIONS

10126.1 In addition to the inspections authorized by the Act, the Director may inspect an ALR at the Director's discretion to ensure compliance with this chapter.

10126.2 Inspections of an ALR for purposes of initial licensure or compliance with this chapter after license renewal shall be conducted by the Director following the procedures set forth in D.C. Official Code § 44-505 and the requirements of the Act and this chapter.

10127 SANCTIONS

10127.1 Failure of a Licensee to comply with the requirements of this chapter shall be grounds for sanctions, which shall be imposed in accordance with the Act and this

chapter.

10127.2 On determining that a Licensee has violated this chapter, the Director may impose, or cause to be imposed, the sanctions set forth in Section 401 of the Act (D.C. Official Code § 44-104.01).

10127.3 If the Director determines that the Licensee has violated a condition or requirement of a sanction imposed under the authority of this chapter, the Director may suspend or revoke the license.

10127.4 Appeals under this section may be taken pursuant to Section 1201 of the Act (D.C. Official Code § 44-1012.01).

10128 CIVIL PENALTIES

10128.1 The Director may impose, or cause to be imposed, one or more of the civil penalties authorized under Section 402 of the Act (D.C. Official Code § 44-104.02) against persons who:

(a) Maintain or operate an unlicensed ALR; or

(b) Otherwise violate provisions of this chapter.

10128.2 Notwithstanding any other provision of law, penalties authorized under Subsection 10128.01 shall not be imposed by the Director unless a violation cited during an inspection:

(a) Is within the control of the ALR; and

(b) Poses an immediate or serious and continuing danger to the health, safety, welfare, or rights of resident.

10128.3 If, during a follow-up inspection, the Director determines that violations of this chapter which are within the control of the facility and were cited in an immediately prior inspection have not been corrected or have recurred, the Director may impose the penalties authorized under Section 402 of the Act (D.C. Official Code § 44-104.02).

10128.4 Appeals under this section may be taken as provided by Section 402(d) of the Act (D.C. Official Code § 44-104.02(d).).

10129 CRIMINAL PENALTIES

10129.1 The criminal penalties authorized by Section 403 of the Act (D.C. Official Code § 44-104.03) of the Act shall apply to an ALR.

10130 REFERRALS TO REGULATORY ENTITIES

10130.1 The Director may refer an ALA suspected of conduct prohibited by the Act, this chapter, or other District or federal law to the District of Columbia Board of Long-Term Care Administration for review of the suspected conduct.

10130.2 The Director may refer any healthcare professional who practices his or her healthcare profession on the premises of an ALR and who suspected of conduct prohibited by the Act, this chapter, or other District of federal law to the appropriate regulatory entity with jurisdiction over the healthcare professional for review of the suspected conduct.

10130.3 Nothing in this section shall prohibit the Director from referring any individual suspected of conduct prohibited by District or federal law or regulation to the appropriate District or federal regulatory entity.

10131–10198 [RESERVED]

10199 DEFINITIONS

10199.1 The definitions of terms provided in the Act (at D.C. Official Code § 44-102.01) shall apply to this chapter, unless provided another definition under subsection 10199.02.

10199.2 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Act" or "the Act" – means the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq*.).

Acting Administrator – means a member of the ALR staff who is designated by the Licensee or Assisted Living Administrator to assume the responsibilities of the Assisted Living Administrator for a temporary period of time.

"ALA" – means "Assisted Living Administrator," as defined by the Act (at D.C. Official Code § 44-102.01).

"ALR" – means "Assisted Living Residence," as defined by the Act (at D.C. Official Code § 44-102.01).

Audio-visual monitoring – means the surveillance of the ALR facility, its employees, or its residents by audio, visual, or audio-visual means.

Certified Medication Aide – means a person certified to practice as a medication aide by the District of Columbia Board of Nursing, who shall not practice independently, but shall work under the supervision of a registered nurse of licensed practical nurse.

Companion – means an individual who is employed or volunteers to provide a resident with non-healthcare related services such as cooking, housekeeping, errands, and social interaction on the ALR's premises.

Department – means the District of Columbia Department of Health.

Director – means the Director of the District of Columbia Department of Health.

Employee – means any person who works under the employ of an ALR or a separate entity that is owned or operated or a subsidiary of the ALR; or any person who is contracted through an entity independent of an ALR for the purpose of working under the direction and supervision of the ALR.

Healthcare Professional – means the practitioner of a healthcare occupation, the practice of which requires authorization pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended from time to time.

"ISP"- means "Individualized Service Plan," as defined by the Act (at D.C. Official Code § 44-102.01).

Medication Error – means any error in the prescribing, dispensing, or administration of a drug, irrespective of whether such errors lead to adverse consequences or not.

Private Duty Healthcare Professional – means a nurse, home health aide, nurse aide, or any other healthcare professional arranged by a resident, surrogate, or party other than the ALR to provide healthcare-related services to the resident on the ALR's premises.

"SRA" – means "Shared Responsibility Agreement," as defined by the Act (at D.C. Official Code § 44-102.01).

"Staff" or "Staff member" – means "Employee," as defined by this subsection.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-080
September 12, 2019

SUBJECT: Designation of Special Event Area – 33rd Annual High Heel Race

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with the 33rd Annual High Heel Race, which is an institution in the District's LGBTQ community.

2. On Tuesday, October 29, 2019, between 3:00 p.m. and 11:00 p.m., 17th Street, NW, between Riggs Place, NW and P Street, NW, is hereby designated as a Special Event Area to be used as festival grounds and a staging area.

3. The Executive Office of the Mayor is authorized to operate this Special Event Area and to conduct necessary and appropriate activities relating to the 33rd Annual High Heel Race.

4. This Order is an authorization for the closure of the designated street only. The operating entity shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated street. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.

5. Mayor's Order 2019-064, dated July 15, 2019, is rescinded.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST:

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-081
September 13, 2019

SUBJECT: CANNABIS POLICY, GUIDANCE AND PROCEDURES

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), (3), and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2), (3), and (11) (2016 Repl.), it is hereby **ORDERED** that:

I. PURPOSES

The purposes of this Order are:

A. To update and clarify the responsibilities of District government agencies in conforming to laws, in setting rules, in communicating such rules and laws to their employees, and in establishing practices and appropriate discipline to enforce such laws and rules relating to cannabis use, while allowing employees maximum freedom to use cannabis in ways that are legal under District law so long as the use does not endanger themselves or others at work, impair their productivity or ability to effectively and efficiently perform their work, impair the productivity of District workplaces, or endanger members of the public or clients or customers entrusted to their care; and

B. To improve understanding on the part of District government employees, contractors, and grantees, regarding their ability to use cannabis under District law without jeopardizing their positions.

II. AFFECTED AGENCIES AND INDIVIDUALS

A. This Order shall apply to all District government agencies under the direct administrative authority of the Mayor, including agencies whose personnel authority does not report to the Department of Human Resources ("**DCHR**").

B. Agencies not under the direct administrative authority of the Mayor are encouraged to adopt regulations, policies, and procedures consistent with this Order, to ensure that its employees are given notice of agency policies and any designations relating to safety or testing regimes that apply to particular employees, and that any testing regimes are carried out fairly and transparently.

III. VALUES

A. Public service is a public trust, and the public must feel safe and secure when entrusting the District government to provide services. Such services must be delivered in a safe, effective, and efficient manner, and safety, effectiveness, and efficiency can be compromised if an employee is intoxicated or impaired.

B. The District government values its employees and understands that there is a large cost to employees and agencies when employees lose their jobs due to positive drug tests.

C. The District government believes in progressive discipline for all but the most serious offenses.

D. The District government does not endorse the use of cannabis as a healthful activity, any more than it endorses alcohol or tobacco use, but it recognizes that there is a sphere of personal freedom for adult employees, who are allowed under District law to possess and use cannabis.

E. The District government respects the recommendations of medical professionals who recommend the use of medical marijuana for the treatment of various conditions.

F. The District government has and maintains strong policies against being intoxicated at work, whether or not the intoxicant was recommended for a medical condition.

G. District government employees owe the District and its residents their best efforts at work, efforts that can be impaired by cannabis use, and such impairment may extend beyond the time of initial intoxication.

H. The District government provides leave to its employees; therefore, employees with medical conditions warranting the use of cannabis during the work day may take sick leave, or any other type of leave, with the approval of their supervisor, rather than being impaired by cannabis during a shift.

I. District government agencies and employees are obligated by the Code of Conduct to adhere to all applicable federal and District laws regarding employment.

J. Many District government employees hold positions of such sensitivity that any impairment could threaten the safety of themselves or others.

K. Similarly-situated employees across District government agencies should be treated in a similar manner.

IV. POLICIES AND PROCEDURES

A. Employment Categorizations.

1. Title 6-B of the District of Columbia Municipal Regulations ("**DCMR**") establishes an enhanced suitability tiered system of drug and alcohol testing based upon three (3) categories of employees: safety-sensitive, protection-sensitive, and security-sensitive.

2. Safety-sensitive positions are subject to heightened suitability standards, including pre-employment and random drug and alcohol testing, because employees occupying those positions could cause permanent physical injury or loss of life if under the influence of or impaired by drugs or alcohol.

3. Protection-sensitive positions are subject to heightened suitability standards, including pre-employment drug and alcohol testing, because employees occupying those positions carry out duties or responsibilities that involve caring for patients or other vulnerable persons.

4. Employees in security-sensitive positions and all other District employees are subject to drug and alcohol testing when there is a reasonable suspicion that the employee, while on duty, is impaired or otherwise under the influence of a drug or alcohol. Such employees are also subject to post-incident and post-accident drug and alcohol testing.

B. Designation of Safety-, Protection-, and Security-Sensitive Positions.

1. In order to properly implement the District's alcohol and drug testing requirements, agencies shall properly designate employment positions as safety-sensitive, protection-sensitive, and security-sensitive according to their job functions.

2. By October 30, 2019, and annually thereafter by September 30, each agency shall review and designate which positions in the agency are safety-sensitive, protection-sensitive, and security-sensitive consistent with Chapter 4 of Title 6-B of the DCMR. The roster of designations shall be approved by the agency's head of human resources, general counsel, and director. Thereafter, the roster shall be delivered to the agency's personnel authority for final approval.

3. An agency shall not automatically designate every position in the agency as safety-sensitive. Instead, the agency must consider individually each type of position at the agency and shall, when determining whether to designate the position as safety-sensitive, consider such factors as:

a. Whether the position requires or may involve carrying a firearm;

b. Whether the position involves direct contact with, is entrusted with the direct care and custody of, and may affect the health, welfare, or safety of children or youth, or of other vulnerable persons;

c. Whether the position involves work in a facility or residence where contraband including cannabis is strictly prohibited;

d. Whether the duties of the position require periods of such continuous and careful attention that any impairment caused by 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;

e. Whether the position involves, but is not limited to, driving or operating large trucks, heavy or power machinery, or mass transit vehicles; and

f. Whether the employees or positions are required by law to undergo drug testing (a "legally regulated position"), including but not limited employees or positions required to undergo drug testing under the Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970, Pub. L. 91-513, 84 Stat. 1236, 21 U.S.C. § 801 *et seq.*; commercial motor vehicle operators under 49 U.S.C. § 31306 *et seq.*; and air carrier employees under 49 U.S.C. § 45102.

C. **Notice and Acknowledgment.**

1. An employee in a position designated as safety-sensitive or in a legally regulated position shall be provided a notice stating that his or her position is safety-sensitive and/or a legally regulated position and he or she is subject to random drug testing, including for the presence of cannabinoids.

2. The notice required by this subsection shall be provided before or upon hiring and annually thereafter to each employee or applicant in a safety-sensitive designated position or in a position that is legally regulated. If such a notice has already been provided to the employee in Fiscal Year 2019, the agency is not required to provide an additional notice of the designation to the employee during Fiscal Year 2019.

3. Each notice provided to an employee under this subsection shall include an acknowledgement of receipt, which shall be signed by the employee.

D. **Grantee and Contractor Warrants.** Grantees and contractors receiving federal funds through District agencies and/or programs must warrant that they are in compliance with applicable federal laws relating to drugs, including cannabis. Agencies that receive federal funds must comply with the federal Drug-Free Workplace Act, 41 U.S.C. § 8101 *et seq*. While the Drug-Free Workplace Act does not require drug testing, agencies shall require their contractors and grantees to adhere to suspicion-based and post-accident and post-incident testing protocols established by the District.

E. **Pre-Employment Drug Testing.**

1. Applicants for safety-sensitive and protection-sensitive positions are subject to pre-employment drug testing. Applicants for safety-sensitive positions may be disqualified based on the presence of cannabinoids, even if the applicant possesses a medical card authorizing the use of medical marijuana. Applicants for protection-sensitive positions may not be disqualified based on the presence of cannabinoids, unless the applicant is in possession of, or impaired by, cannabis at the time of testing.

2. If an applicant for a safety-sensitive position fails the drug test based only on the presence of cannabinoids, the personnel authority or hiring agency shall provide a second opportunity to take a drug test at least two (2) weeks after the initial test results have been provided. Notwithstanding the foregoing, the hiring agency shall not be required to provide the applicant a second opportunity to take a drug test if the agency determines it is necessary to immediately fill the position for operational needs, and the determination is approved by the personnel authority, or the test results show that the level of cannabinoids detected in the initial drug test indicates impairment at the time of testing.

3. An applicant for a safety-sensitive position who fails a second drug test shall be barred from applying for another safety-sensitive position in District government for a year from the date of the applicant's second test. The applicant may also be subject to further disqualification from the position pursuant to federal law. However, the applicant may apply for a non-safety sensitive position in the District government at any time.

4. If an applicant discloses recent cannabis use, an agency director may, but is not required to, postpone when the drug test will take place.

5. Each vacancy announcement for a safety-sensitive position shall clearly articulate that the position is subject to pre-employment drug testing for cannabis and that failing the drug test could result in disqualification, even if the applicant possesses a medical card authorizing the use of medical marijuana.

F. **Drug Testing of Employees.**

1. Safety-sensitive employees are subject to drug testing on a random basis, upon reasonable suspicion, or after an accident or incident.

2. Employees who are not in a safety-sensitive position will be tested for drugs only upon reasonable suspicion, or after an accident or incident. Thus, those employees not in safety-sensitive positions may find that they can use cannabis, with or without a medical card authorizing the use of medical marijuana, so long as they are not impaired at work.

3. An employee subject to drug testing, whether the testing is random for a safety sensitive position, reasonable-suspicion-based, or post-accident or post-incident, must promptly provide a specimen upon referral for a drug test. As set forth in Chapter 4 of Title 6-B of the DCMR, specimens will be sent to qualified laboratories for analysis and certification of results. If a "higher-quality impairment test" is available, the employee may request that the higher-quality impairment test be conducted at the same time or immediately before he or she provides a specimen for review. (For example, if an employee has recently used cannabis for medical purposes or adult-use purposes, and the employee believes that the drug test may result in a positive result for cannabis but the employee believes he or she is not impaired, the employee may request the higher-quality impairment test.)

4. If any employee tests positive for an unlawful or unauthorized drug, including cannabis, the medical review officer (MRO) shall contact the employee to determine whether the employee has taken any medication that would explain the positive result. If the positive result is consistent with the employee's valid prescription or recommendation for cannabis products pursuant to a medical marijuana program in the District, or an out-of-state program with which the District has reciprocity and where the employee lives, the reporting agency may excuse the positive result if the level of THC metabolites is too low to indicate impairment or if the test results indicate that the employee has only used CBD.

5. If the test result is consistent with a valid prescription or recommendation for cannabis, but the level of cannabis use or timing of cannabis use under the prescription or recommendation may impair the employee physically or intellectually while at work, the employee shall be counseled regarding the options to take leave until the impairment-causing use is no longer necessary.

6. An employee who tests positive for cannabis, even with a prescription or recommendation through a medical marijuana program recognized under

paragraph 4, shall be presumed to be impaired by the use of cannabis if the test was a reasonable-suspicion-based or post-accident or post-incident test. That presumption may be overcome by the employee if the employee presents clear and convincing evidence that he or she was not impaired at the time of the test. Clear and convincing evidence may consist of passing a higher quality impairment test, if such a test is available and taken immediately before or after the employee provides a specimen for the District government's test, as provided in paragraph 3 of this section. An employee may also attempt to overcome this presumption by demonstrating that the medication the employee uses is limited to CBD with only trace amounts of THC, or that the employee's use was so remote in time from when the employee reported for duty as to not present a risk of impairment.

7. Safety-sensitive employees who test positive for cannabis will be presumed to be in violation of relevant District and/or federal laws and policies regarding employment and the use of drugs, including the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 effective April 13, 2005, D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq*., and/or other District or federal laws providing for a drug-free workplace or protecting safety and health. That presumption can be overcome through clear and convincing evidence as provided in paragraph 3 and 6 of this section but an initial positive test result is a violation of this Order. Clear and convincing evidence may not be sufficient to overcome the presumption of violating federal laws and regulations while employed in a legally regulated position.

8. No employee shall be forced to take a blood test for the presence of cannabis, except as may be required by law following an accident or incident.

G. **Progressive discipline.** As provided in Title 6-B of the DCMR, agencies shall adhere to principles of progressive discipline, unless otherwise negotiated in a collective bargaining agreement (or as otherwise provided in Title 6-B), as they strive to maintain drug-free workplaces, to ensure that employees are not impaired on the job, and to retain valuable workers who may use cannabis in their off-work hours. Reporting for duty while impaired by or testing positive for an illegal drug or unauthorized controlled substance currently subjects an employee to suspension or removal for a first offense, and to removal for a subsequent occurrence under Chapter 16 of Title 6-B of the DCMR, and specifically, the Table of Illustrative Actions in Section 1607 of Title 6-B of the DCMR. Those penalties apply to employees with and without medical cards authorizing the use of medical marijuana, including employees in positions that are not safety-sensitive positions.

H. **Agency Response to Employee Acknowledgment of Cannabis Dependence, Addiction, or Use.**

1. Although the use of cannabis may subject a safety-sensitive employee to separation from employment, the agency should consider alternatives to separation as in other situations of dependence or addiction. An employee may request assistance through the Employee Assistance Program or seek treatment for an addiction to or dependence upon cannabis. An employee in a safety-sensitive position may be authorized to use sick or annual leave or may, with the agency's approval, take leave without pay, temporarily relieved of his or her safety-sensitive functions, or reassigned to a non-safety-sensitive position, while the employee seeks assistance or undergoes treatment.

2. An employee not in a safety-sensitive position may be allowed, with supervisory approval and at the discretion of the agency, to use leave to attend addiction-assistance programs during the work day, if the employee affirms that he or she is not and will not be impaired by or use cannabis during the work day. The employee may use sick or annual leave, or, with the agency's approval, leave without pay, in order to obtain assistance or treatment for a cannabis addiction.

3. An employee may inform an agency that he or she uses cannabis when the employee has been notified of an upcoming random drug test or after a positive drug test result. The agency should provide similar opportunities for assistance or treatment to the employee as described in paragraphs 1 and 2 of this section.

4. Safety- or protection-sensitive employees on leave for the purpose of assistance or treatment for use of cannabis may be given a fitness for duty test before returning to work, including a drug test, and they may be required to submit evidence of successful completion of a program before returning to duty.

I. **Medical Marijuana Cards.** An agency shall not take adverse employment action against employees or disqualify applicants simply because the employee or applicant has a medical marijuana card. An applicant or employee may have never used the card or may have used cannabis only during a period of leave and never on the job. Thus, it would be unfair to deny employment to an applicant or discipline an employee simply for having a card.

J. **Hiring of Individuals Previously Removed or Denied Employment for Cannabis Use.** An applicant previously denied employment or an employee removed from his or her position due to a positive cannabis test result or on-duty impairment due to cannabis use is eligible to reapply for jobs in the District government, subject to any limits imposed by federal law. While a former

applicant or employee may be eligible for employment, the applicant is not entitled to be hired, nor entitled to any specific position, pay, or benefits. If an applicant is applying for a job in a safety-sensitive position, and was previously removed from his or her position due to a positive cannabis test result, he or she may be subject to a pre-employment drug test, and evidence of cannabis use shall be disqualifying. If an applicant is applying for a job in a protection-sensitive position, and was previously disqualified from employment due to a positive cannabis test result, he or she may be subject to a pre-employment drug test, and evidence of cannabis use shall be disqualifying unless the applicant provides a valid medical marijuana card.

K. **Relation to Application of Past Policies.** Applicants previously denied employment and employees subject to discipline or removal under previous District government policies are not provided any rights or entitlement to return to their previous positions, and any values, changes, or policies articulated in this Order may not be relied upon in a grievance or action against the District government as an admission of an error or illegality in a determination made or action taken prior to the effective date of this Order.

V. NEW TECHNOLOGIES IN TESTING

DCHR, in conjunction with the Department of Forensic Sciences, shall investigate whether existing or new technologies and methodologies for testing for the presence of cannabis may be accurately used to determine current impairment from cannabis, rather than simply past use of cannabis, and shall report on the efficacy, validation, and costs of such tests to the City Administrator. The City Administrator shall determine whether such technology is appropriate to implement for District government employees and DCHR shall in turn provide new directives to agencies with personnel authority and alert independent personnel authorities to consider the use of the tests. The duty to keep abreast of technological developments in technologies and methodologies for testing for cannabis impairment is a continuing obligation of DCHR.

VI. IMPLEMENTATION

A. The Department of Human Resources ("DCHR") shall amend the District's personnel regulations (Title 6-B of the DCMR) and its policies and procedures as necessary, to conform to the provisions of this Order in accordance with its delegated authority pursuant to Mayor's Order 2008-92, dated June 26, 2008.

B. Each agency subject to this Order shall implement policies and procedures consistent with this Order.

C. Each agency that receives a federal grant shall seek guidance from its grantor agency and implement any additional policies that may be mandated by federal law or the grantor agency. The additional policies shall be communicated to all affected employees and acknowledged by affected employees on an annual basis.

D. All agencies, including those with personnel authority independent of the Director of the Department of Human Resources, shall provide a copy of their policies and procedures related to drug use and drug testing to the Director of DCHR. DCHR shall report to the City Administrator on whether the policies and procedures of the agencies are in compliance with this Order.

E. DCHR shall continue to develop specialized training materials for managers on suspicion of intoxication or impairment at work, including impairment from cannabis, alcohol, prescription medications, and controlled substances, and the procedures for obtaining testing, and continue to provide such training on a regular basis, with updates as technology evolves.

VII. RESCISSION

Any prior personnel policies or Mayor's Orders inconsistent with this policy shall be rescinded upon implementation of policies that flow from this Order, and to the greatest possible extent, the policies articulated by this Order and notices required by it shall be adopted forthwith.

VIII. EFFECTIVE DATE:

A. This Order shall become effective immediately.

B. This Order shall not take effect for an employee under a collective bargaining agreement for at least ninety (90) days to allow for their exclusive representative to engage in impact and effects bargaining.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-082
September 17, 2019

SUBJECT: Delegation – Authority to the Department of For-Hire Vehicles – Unsafe Driving Practices by Public and Private Vehicle-For-Hire Operators under the District of Columbia Traffic Act, 1925

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to the District of Columbia Traffic Act, 1925, approved March 3, 1925, 43 Stat. 1119; D.C. Official Code Title 50 *passim*, it is hereby **ORDERED** that:

1. The Director of the Department of For-Hire Vehicles is delegated the authority vested in the Mayor by section 6(a)(1) of the District of Columbia Traffic Act, 1925 (D.C. Official Code § 50-2201.03(a)(1)), to enforce rules relating to and concerning the control of traffic and the movement of traffic as it relates to unsafe driving practices by operators of public vehicles-for-hire and private vehicle-for-hire operators as those terms are defined in section 4 of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.03). This enforcement authority is concurrent with any existing authority for other agencies.

2. The Director of the Department of For-Hire Vehicles may further delegate any of the authority delegated to him or her under this Order to subordinates under his or her jurisdiction.

3. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST:
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-083
September 17, 2019

SUBJECT: Appointments — Community Schools Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 403(c) of the Community Schools Incentive Act of 2012, effective June 19, 2012, D.C. Law 19-142; D.C. Official Code § 38-754.03(c), and Mayor's Order 2019-014, dated March 25, 2019, it is hereby **ORDERED** that:

1. The following persons are appointed as voting government members of the Community Schools Advisory Committee (the "Committee"), to serve at the pleasure of the Mayor:

   a. **JOHN-PAUL C. HAYWORTH**, as the designee of the President of the State Board of Education.

   b. **NATASHA HERRING**, as the designee of the Director of the Department of Parks and Recreation.

   c. **HAJLA HUSSEINI**, as the designee of the Chancellor of the District of Columbia Public Schools.

   d. **LAQUANDRA NESBITT**, as the Director of the Department of Health.

   e. **AURORA STEINLE**, as the designee of the Deputy Mayor for Education.

   f. **AUDREY WILLIAMS**, as the designee of the Executive Director of the District of Columbia Public Charter School Board.

2. The following persons are appointed as non-voting government members of the Committee, to serve at the pleasure of the Mayor:

   a. **MEGAN DHO**, as the designee of the Director of the Child and Family Services Agency.

   b. **DENISE DUNBAR**, as the designee of the Director of the Department of Behavioral Health.

3. The following persons are appointed as voting public members of the Committee, to serve at the pleasure of the Mayor:

   a. **KIM BOOKARD**, as a representative from a community-based organization.

   b. **ELIZABETH DAVIS**, as a representative from a community-based organization.

   c. **ELLET TOOMEY**, as a representative from a community-based organization.

   d. **JESSICA TRUITT**, as a representative from a community-based organization.

   e. **TIMOTHY JOHNSON**, as a representative from a philanthropic or business organization.

   f. **ELLEN LONDON**, as a representative from a philanthropic or business organization.

   g. **JOSE MUNOZ**, as a representative from a philanthropic or business organization.

4. The following persons are appointed as non-voting public members of the Committee, to serve at the pleasure of the Mayor:

   a. **KRISTINE DUPREE**, as a representative of a current Incentive Initiative grantee.

   b. **CAROLYN GREENSPAN**, as a representative of a current Incentive Initiative grantee.

   c. **GAIL SULLIVAN**, as a parent or guardian of a student attending a DCPS school or a public charter school.

5. **JOHN-PAUL C. HAYWORTH** is appointed as Chair, to serve at the pleasure of the Mayor.

6. **JOSE MUNOZ** is appointed as Vice-Chair, to serve at the pleasure of the Mayor.

7. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST:

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 25, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00088; La Morenita Restaurant, LLC, t/a La Morenita Restaurant, 3539 Georgia Ave NW, License #86595, Retailer CR, ANC 1A
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00090; Howard Theatre Entertainment, LLC, t/a Howard Theatre, 620 T Street NW, License #88646, Retailer CX, ANC 1B
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00093; the George Washington University t/a Charles E. Smith Center, 600 22nd Street NW, License #1070, Retailer CX, ANC 2A
Request to Transfer License to a New Location

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00094; Pacific District Lessee Corporation, t/a Eaton DC 1201 K Street NW, License #95442, Retailer CH, ANC 2F
Substantial Change (Request to add Entertainment Endorsement with Dancing and Cover Charge)

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00095; Cornerstone Bar Group, LLC, t/a The Pub and the People, 1648 North Capitol Street NW, License #94089, Retailer CT, ANC 5E
Substantial Change (Expansion to the Basement Space and Requesting an Increase in Occupancy)

Board's Calendar
September 25, 2019

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00096; Hemen, LLC, t/a Addis Paris Café, 3103 Mount Pleasant Street NW, License #110083, Retailer CR, ANC 1D
Substantial Change (Class Change from "CR" to "CT")

Show Cause Hearing (Status) **9:30 AM**
Case # 18-AUD-00106; Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A
Failed to File Quarterly Statement

Show Cause Hearing (Status) **9:30 AM**
Case # 19-AUD-00016; Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A
Failed to File Quarterly Statement

Show Cause Hearing (Status) **9:30 AM**
Case # 19-CMP-00024; Meskerem Abebe, LLC, t/a Right Spot, 1917 9th Street NW, License #100631, Retailer CR, ANC 1B
Substantial Change without Board Approval (Increase in Occupancy), Cover Charge Endorsement

Show Cause Hearing (Status) **9:30 AM**
Case # 19-CC-00022; Target Corporation, t/a Target Store T-2259, 3100 14th Street NW, License #78895, Retailer B, ANC 1A
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 19-CIT-00202; PQ Union Station, Inc., t/a Le Pain Quotidien, 50 Massachusetts Ave NE, License #92075, Retailer DR, ANC 6C
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 19-CMP-00034; Zinat, Inc., t/a Johnny Pistolas, 2333 18th Street NW License #60401, Retailer CR, ANC 1C
Violation of Settlement Agreement

Board's Calendar
September 25, 2019
Fact Finding Hearing* **10:30 AM**
Pub Crawls
Applicant: Alex Lopez
Date of Event: October 26, 2019
Event: DC Halloween Crawl 2019 (Project DC Events)
Neighborhood: Multiple Licensed Premises
Size of Event: 2400 to 3400

Applicant: Ismail Khadair
Date of Event: October 26, 2019
Event: Halloween Bar Crawl (Elite Bar Crawls, LLC)
Neighborhood: Multiple Licensed Premises
Size of Event: 250 to 500

Applicant: Sarah Coughlin
Date of Event: October 26, 2019
Event: Night of the Crawling Dead (Barcrawls.com)
Neighborhood: Multiple Licensed Premises
Size of Event: 2400 to 3400

Applicant: Sarah Coughlin
Date of Event: October 26, 2019
Event: Nightmare on M Street (Lindy Promotions)
Neighborhood: Multiple Licensed Premises
Size of Event: 3000 to 3000

Applicant: Reginald Eliacin
Date of Event: October 26, 2019
Event: The Hip "Hop" – Old School Hip Hop Bar Crawl (RegMoPromo Holdings, Inc.)
Neighborhood: Multiple Licensed Premises
Size of Event: 400 to 600

Applicant: Ismail Khadair
Date of Event: November 16, 2019
Event: Once Upon a Time (Elite Bar Crawls, LLC)
Neighborhood: Multiple Licensed Premises
Size of Event: 250 to 500

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Board's Calendar
September 25, 2019

Protest Hearing* **1:30 PM**
Case # 19-PRO-00064; Po Boy Jim 2, LLC, t/a Po Boy Jim 2, 1934 9th Street NW, License #105468, Retailer CR, ANC 1B
Application to Renew the License

Protest Hearing* **4:30 PM**
Case # 19-PRO-00085; Express Convenience Store, LLC, t/a Express, Convenience Store, 2031 Benning Road NE, License #113544, Retailer B, ANC 7D
Application for a New License

The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Offical 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
CANCELLATION AGENDA

WEDNESDAY, SEPTEMBER 25, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-026051 – **La Loma** – Retail – C – Restaurant – 316 Massachusetts Avenue NE
[The Licensee did not pay Safekeeping fees within 30 days.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, SEPTEMBER 25, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, September 25, 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-00119, Karma, 2221 Adams Place N.E., Retailer CX, License # ABRA-101682

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2. Case# 19-CMP-00122, Dan's Café, 2315 18th Street N.W., Retailer CT, License # ABRA-000785

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3. Case# 19-CMP-00117, Golden Paradise Restaurant, 3903 14th Street N.W., Retailer CR, License # ABRA-098205

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4. Case# 19-CMP-00116, Big Chief, 2002 Fenwick Street N.E., Retailer CT, License # ABRA-098902

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5. Case# 19-251-00130, Lesly's Grill, 4811 Georgia Avenue N.W., Retailer CT, License # ABRA-104058

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6. Case# 19-CMP-00114, La Jambe, 1550 7th Street N.W., Retailer CR, License # ABRA-099738

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7. Case# 19-CMP-00125, Half Smoke, 651 Florida Avenue N.W., Retailer CR, License # ABRA-100855

8. CC-00124, Grand Cata, 1550 7th Street N.W., Retailer A, License # ABRA-097671

9. Case# 19-MGR-00012, ABC Manager, Claire Corbin, License # ABRA-108519

10. Case# 19-CMP-00130, Tico, 1926 14th Street N.W., Retailer CR, License # ABRA-093610

11. Case# 19-CMP-00146, Right Spot, 1917 9th Street N.W., Retailer CR, License # ABRA-100631

12. Case# 19-CC-00112, Brookland Supermarket & Deli, 2815 7th Street N.E., Retailer B, License # ABRA-111172

13. Case# 19-CC-00120, Rocklands Barbecue and Grilling Company, 2416-2418 Wisconsin Avenue N.W., Retailer CR, License # ABRA-078949

14. Case# 19-CC-00123, New District Kitchen, 2606 Connecticut Avenue N.W., Retailer CR, License # ABRA-087574

15. Case# 19-AUD-00075, Top Spanish Café & Catering, 3541 Georgia Avenue N.W., Retailer CR, License # ABRA-084589

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 25, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 6/26/2019. ANC 7C. SMD 7C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***A-1 Grocery***, 615 Division Avenue NE, Retailer B, License No. 112305.

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2. Review Request to Extend Safekeeping of License – Eleventh Request. Original Safekeeping Date: 7/1/2005. ANC 2F. SMD 2F05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***The Roberts Law Group, PLLC***, 1029 Vermont Avenue NW, Retailer CN, License No. 083728.

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3. Review Request to Extend Safekeeping of License – Sixth Request. Original Safekeeping Date: 4/8/2015. ANC 1C. SMD 1C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***TBD (456, LLC)***, 1723 Columbia Road NW, Retailer CT, License No. 098732.

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4. Review Application for Sidewalk Café with seating for 12 patrons. ***Proposed Hours of Operation for Sidewalk Café:*** Saturday-Sunday 8am to 6pm, Monday-Friday 7am-7pm. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:*** Saturday-Sunday 8am to 6pm, Monday-Friday 8am-7pm. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Le Pain Quotidien,*** 975 F Street NW, Retailer DR, License No. 088176.

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5. Review Request to Expand operations into the second floor of the adjacent premises located at 2510 24th Street NE. ANC 5C. SMD 5C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Prestige Beverage Group***, 2508 24th Street NE, Wholesaler A, License No. 092845.

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6. Review Request to install Dragon Ascent electronic game at premises. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Penn Social,*** 801 E Street NW, Retailer CX, License No. 086808.

***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.**

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS

COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY DEVELOPMENT

Wednesday, September 18, 2019, 6:30 pm
441 4th Street NW Room 721 North
Washington, DC 20001

Agenda

Call to Order
Introduction of Commissioners
Quorum
Approval of Agenda
Approval of August 2019 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Director Ben de Guzman, MOAPIA
2. Commission Task Forces

Miscellaneous Items

Meeting Adjournment

Next Meeting:
Wednesday, October 16, 2019, 6:30 pm
MOAPIA
441 4TH St NW, Room 721 North
Washington, DC 20001
Questions:
John Tinpe Chairman, John.Tinpe@dcbc.dc.gov
Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov
Henry Duong, MOAPIA Henry.Duong@dc.gov
www.apia.dc.gov

CHILD SUPPORT SERVICES DIVISION
DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION

NOTICE OF A PUBLIC MEETING

The District of Columbia's Child Support Guideline Commission's meeting

Thursday, September 26, 2019, at 4:00 P.M. in 11th Floor Conference Room 1114
Office of the Attorney General for the District of Columbia
441 4th Street N.W
Washington, D.C. 20001

Conference Call Option: 1 (605) 313-5671
Access Code: 117839 #

The District of Columbia Child Support Guidelines Commission (Commission) announces meeting in which it will discuss proposed changes to the District's Child Support Guideline (Guideline). The Commission's mission is to review the Guideline annually and to provide the Mayor with recommendations for improving the efficiency and effectiveness of the Guideline. In order to achieve its objective, and to ensure the recommendations the Commission provides to the Mayor take into account the public's concerns, it invites the public to attend its meeting.

Persons wishing to review the Child Support Guideline prior to the public meeting, may access it online by visiting the District of Columbia's website at www.dc.gov.

Individuals who wish to attend should contact: LaShelle Williams-Franklin, Chairperson, at (202) 904-2323, or by e-mail at lashelle.williams-franklin@dcbc.dc.gov by Tuesday, September 24, 2019. E-mail submissions should include the full name, title, and affiliation, if applicable, of the person(s) wishing to attend. Persons wishing to comment should send nine (9) copies of their written commentary to the Office of the Attorney General for the District of Columbia at the address below.

Individuals who wish to submit their comments as part of the official record should send copies of written statements no later than 4:00 p.m., Wednesday, September 25, 2019 to:

David E Martinez, Assistant Attorney General
Office of the Attorney General for the District of Columbia
Child Support Service Division
441 4th Street, N.W.
Suite 550 North
Washington, D.C. 20001
davide.martinez@dc.gov

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

Address:	**Square:**	**Lot:**
0119 Division Avenue, NE	5242	0879

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY 2017 2nd Half ONLY**, for the following reasons: **you provided sufficient evidence to support your extraordinary circumstances and hardship.**

You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.
(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."

DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2.

To learn more about the Vacant Buildings registration process or inspection requirements, please call (202) 442-4332 or visit www.dcra.dc.gov.

If you have questions regarding this decision please contact Theresa Hollins, Program Support Specialist at (202) 442-4377.

Sincerely,
Donald Sullivan
Program Manager
Vacant Building Enforcement

D.C. CRIMINAL CODE REFORM COMMISSION

NOTICE OF PUBLIC MEETING

WEDNESDAY, OCTOBER 2, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, October 2, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, http://ccrc.dc.gov/page/ccrc-meetings. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

I. Welcome and Announcements.

II. Discussion of Advisory Group Written Comments on Draft Reports:

(A) First Draft of Report #37, *Controlled Substance Offenses and Related Provisions*;
(B) First Draft of Report #38, *Enlistment of Minors & Maintaining Location to Manufacture Controlled Substances*;
(C) First Draft of Report #39, *Weapon Offenses and Related Provisions; and*
(D) First Draft of Report #40, *Self-Defense Sprays.*

III. Adjournment.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

NATIONAL SCHOOL LUNCH PROGRAM

FY2020 EQUIPMENT ASSISTANCE GRANT

Request for Application Release Date: Monday, October 7, 2019, 3:00 p.m.

The Consolidated Appropriations Act of 2019 (Public Law 116-6) authorized grants to the Office of the State Superintendent of Education (OSSE), Division of Health and Wellness, for providing equipment assistance to School Food Authorities participating in the National School Lunch Program (NSLP). The District of Columbia has been selected to receive funding in the amount of $70,451.00.

The Healthy Schools Act (HSA) of 2010 (D.C. Law 18-209, as amended; D.C. Official Code § 38- 821.01 et seq.) allows OSSE to issue grants through a competitive process or a formula grants process to public schools, and public charter schools for the acquisition of school kitchen equipment. OSSE is adding an additional $29,549 of HSA funds to the FY 2020 NSLP Equipment Assistance Grant, for a total funding amount of $100,000.

Eligibility and Selection Criteria: These funds will be available through a competitive grant process to public schools (i.e., schools within the District of Columbia Public Schools), and public charter schools and participating private/non-public schools. Priority will be given to high need schools where 50% or more of the student population are eligible to receive free or reduced-price meals. Priority will also be given to schools that did not receive a previous NSLP Equipment Assistance Grant award under the American Recovery and Reinvestment Act of 2009 and the FY 2010, FY 2013, FY 2014, FY 2015, FY 2016 FY 2017 and FY 2018 Agriculture Appropriations Acts. Applications will be scored on the following selection criteria: project vision and implementation, project justification, sustainability, benefit to students with disabilities, and budget justification.

These funds will make a significant investment by allowing the purchase of capital equipment used to serve healthier meals, meet the nutritional standards with emphasis on more fresh fruits and vegetables in school meals, improve food safety and expand accessibility to food services.

In order to make the most effective use of these grant funds, equipment requests must address at least one of the following focus areas:

- Equipment that lends itself to improving the quality of school food service meals that meet the dietary guidelines (e.g., purchasing an equipment alternative to a deep fryer or steam ovens that improve quality of prepared fresh or fresh-frozen vegetables)
- Equipment that improves the safety of food served in the school meal programs (e.g., cold/hot holding bags/equipment, dish washing equipment, refrigeration, milk coolers, freezers, blast chillers, etc.)

- Equipment that improves the overall energy efficiency of the school food service operations (e.g. purchase of an energy-efficient walk in freezer replacing an outdated, energy-demanding freezer)
- Equipment that allows sponsors to support expanded participation in a school meal program (e.g., equipment for serving meals in a non-traditional setting or to better utilize cafeteria space)
- Equipment that aides in strategies for adopting smarter lunchrooms (e.g. lunchroom changes that appeals to student population; highlighting convenience, healthy choices, and supporting menu changes to healthier options)

Length of the Award: All funds must be expended by September 30, 2021.

Available Funding for Award: The District of Columbia has been selected to receive funding in the amount of $70,451.00. OSSE is adding an additional $29,549 of HSA funds to the FY 2020 NSLP Equipment Assistance Grant, for a total funding amount of $100,000. The estimated number of award ranges from 7 to 12 with the minimum award amount being $1,000 and the maximum award amount being $25,000. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested. Grant funds shall only be used to support activities authorized by the relevant statues and included in the applicant's submission.

Application Process: An external review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. Applications must be submitted by November 22, 2019 at 3:00 p.m. Awards will be announced by December 20, 2019.

Pre-Application Question Period: To ensure an equal opportunity for all applicants, OSSE requests that applicants submit questions regarding the RFA electronically to Elysia DiCamillo by 3 p.m. on October 22, 2019. To ensure a fair process, questions submitted after October 22, 2019 will not receive responses. Responses to questions will be published by October 31, 2019.

- Applicants are strongly encouraged to participate in the following webinar information session. A recording of the information session will be available on the OSSE website.
- Pre-application webinar: October 17, 2019 2:00-3:00 pm. Register here.

To receive more information or for a copy of this RFA, please contact:

Elysia DiCamillo
Office of the State Superintendent of Education
1050 First Street, NE, 6th Floor
Washington, D.C. 20002

Telephone: (202) 403-4556
Email: Elysia.DiCamillo@dc.gov

The Request for Applications (RFA) for the competitive grant program as well as the instructions for completing the Equipment Assistance grant application will be available on OSSE's website at www.osse.dc.gov. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 6D05

Petition Circulation Period: **Monday, September 23, 2019 thru Tuesday, Oct. 15, 2019**
Petition Challenge Period: Friday**, October 18, 2019 thru Thursday, October 24, 2019**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections
1015 Half Street, SE, Room 750
Washington, DC 20003

For more information, the public may call **727-2525**.

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE REGISTRATION SUMMARY

As Of AUGUST 31, 2019

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	50,029	3,160	632	259	191	12,608	**66,879**
2	33,912	5,970	261	261	161	12,011	**52,576**
3	41,240	6,311	364	232	145	12,135	**60,427**
4	51,692	2,278	547	148	171	9,766	**64,602**
5	56,759	2,601	623	225	250	10,825	**71,283**
6	61,173	8,194	523	399	254	15,867	**86,410**
7	51,368	1,411	456	110	205	7,944	**61,494**
8	50,131	1,609	489	125	204	8,842	**61,400**
Totals	396,304	31,534	3,895	1,759	1,581	89,998	**525,071**
Percentage By Party	**75.48%**	**6.01%**	**.74%**	**.34%**	**.30%**	**17.14%**	**100.00%**

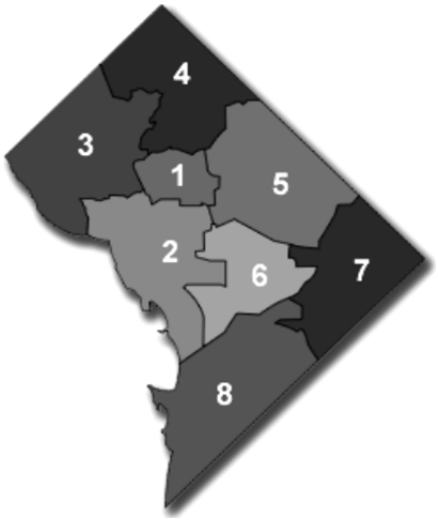
DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF

VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS

AS OF THE END OF AUGUST 31, 2019

COVERING CITY WIDE TOTALS BY:

WARD, PRECINCT AND PARTY



ONE JUDICIARY SQUARE
1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
http://www.dcboe.org

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 1 REGISTRATION SUMMARY

As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,847	40	10	7	7	327	**2,238**
22	4,184	438	27	22	14	1,128	**5,813**
23	3,224	252	45	17	16	885	**4,439**
24	2,960	282	29	33	10	882	**4,196**
25	4,262	464	50	25	11	1,169	**5,981**
35	4,048	216	60	23	12	912	**5,271**
36	4,709	253	46	18	19	1,117	**6,162**
37	3,993	202	40	20	25	967	**5,247**
38	3,148	148	38	16	13	820	**4,183**
39	4,434	188	72	17	12	1,024	**5,747**
40	4,071	195	82	16	14	1,074	**5,452**
41	4,025	206	78	21	19	1,116	**5,465**
42	1,951	98	26	9	9	519	**2,612**
43	1,952	71	23	8	7	392	**2,453**
137	1,221	107	6	7	3	276	**1,620**
TOTALS	**50,029**	**3,160**	**632**	**259**	**191**	**12,608**	**66,879**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	998	178	8	8	8	556	**1,756**
3	1,883	381	16	16	9	733	**3,038**
4	2,225	569	12	13	11	893	**3,723**
5	2,218	621	16	28	11	862	**3,756**
6	2,555	796	17	21	18	1,368	**4,775**
13	1,409	236	6	8	6	464	**2,129**
14	3,186	481	27	25	10	1,069	**4,798**
15	3,338	387	39	29	13	996	**4,802**
16	3,689	476	29	28	16	1,021	**5,259**
17	5,259	655	37	44	26	1,639	**7,660**
129	2,684	443	13	13	12	1,009	**4,174**
141	2,693	345	21	15	10	720	**3,804**
143	1,775	402	20	13	11	681	**2,902**
TOTALS	**33,912**	**5,970**	**261**	**261**	**161**	**12,011**	**52,576**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,388	413	10	11	5	608	**2,435**
8	2,534	615	24	9	9	857	**4,048**
9	1,300	489	8	10	8	532	**2,347**
10	1,997	394	19	14	10	746	**3,180**
11	3,800	823	44	46	19	1,385	**6,117**
12	507	173	1	4	4	223	**912**
26	3,224	370	23	14	9	948	**4,588**
27	2,582	246	20	12	2	598	**3,460**
28	2,726	463	36	17	14	878	**4,134**
29	1,460	215	14	11	8	445	**2,153**
30	1,319	200	10	4	4	324	**1,861**
31	2,567	304	22	11	12	606	**3,522**
32	2,922	287	28	8	10	640	**3,895**
33	3,077	266	27	9	5	718	**4,102**
34	4,247	435	38	15	9	1,219	**5,963**
50	2,328	284	18	14	9	573	**3,226**
136	951	74	8	2	1	281	**1,317**
138	2,311	260	14	21	7	554	**3,167**
TOTALS	**41,240**	**6,311**	**364**	**232**	**145**	**12,135**	**60,427**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,450	65	28	12	7	417	**2,979**
46	2,974	103	34	11	14	530	**3,666**
47	3,686	152	46	10	16	788	**4,698**
48	2,937	128	33	6	3	590	**3,697**
49	955	47	14	4	8	228	**1,256**
51	3,456	506	24	12	11	672	**4,681**
52	1,273	146	9	4	5	240	**1,677**
53	1,304	70	24	3	4	269	**1,674**
54	2,463	88	32	4	8	479	**3,074**
55	2,569	78	22	4	17	470	**3,160**
56	3,369	106	39	19	14	687	**4,234**
57	2,631	69	27	8	10	551	**3,296**
58	2,355	68	20	4	5	405	**2,857**
59	2,700	85	24	10	7	443	**3,269**
60	2,306	74	27	8	10	662	**3,087**
61	1,686	59	16	5	5	320	**2,091**
62	3,263	127	19	5	3	433	**3,850**
63	3,997	146	57	6	15	745	**4,966**
64	2,419	73	19	5	7	402	**2,925**
65	2,899	88	33	8	2	435	**3,465**
Totals	**51,692**	**2,278**	**547**	**148**	**171**	**9,766**	**64,602**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,828	235	70	24	21	1,089	**6,267**
44	3,052	231	30	15	15	718	**4,061**
66	4,881	122	43	16	16	726	**5,804**
67	2,955	105	23	7	8	474	**3,572**
68	2,050	169	23	12	13	431	**2,698**
69	2,189	80	19	7	10	320	**2,625**
70	1,574	68	25	1	5	261	**1,934**
71	2,551	75	24	9	10	418	**3,087**
72	4,616	164	40	19	29	815	**5,683**
73	2,032	100	23	9	8	386	**2,558**
74	5,174	292	64	23	20	1,125	**6,698**
75	4,414	250	48	25	20	924	**5,681**
76	1,883	123	28	11	12	452	**2,509**
77	3,122	121	35	11	12	613	**3,914**
78	3,193	109	46	10	15	559	**3,932**
79	2,264	88	24	5	13	455	**2,849**
135	3,267	182	40	15	17	667	**4,188**
139	2,714	87	18	6	6	392	**3,223**
TOTALS	**56,759**	**2,601**	**623**	**225**	**250**	**10,825**	**71,283**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	5,077	653	43	34	20	1,503	**7,330**
18	5,213	395	44	24	17	1,257	**6,950**
21	1,258	64	10	10	1	270	**1,613**
81	4,907	397	49	22	22	1,057	**6,454**
82	2,685	288	27	17	4	671	**3,692**
83	6,628	883	48	60	29	1,790	**9,438**
84	2,066	432	19	13	11	574	**3,115**
85	2,844	539	18	14	6	793	**4,214**
86	2,324	264	17	10	8	458	**3,081**
87	2,821	307	19	11	19	643	**3,820**
88	2,199	305	25	11	7	512	**3,059**
89	2,817	648	24	23	12	842	**4,366**
90	1,709	237	14	9	15	515	**2,499**
91	4,444	455	34	23	21	1,038	**6,015**
127	4,460	336	50	24	23	1,002	**5,895**
128	2,769	242	25	16	8	694	**3,754**
130	799	323	6	5	4	281	**1,418**
131	4,018	1,125	35	48	21	1,344	**6,591**
142	2,135	301	16	25	6	623	**3,106**
TOTALS	**61,173**	**8,194**	**523**	**399**	**254**	**15,867**	**86,410**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,518	90	18	5	7	309	**1,947**
92	1,627	36	13	1	5	265	**1,947**
93	1,708	46	21	2	9	272	**2,058**
94	2,126	64	22	8	7	322	**2,549**
95	1,774	55	13	2	4	295	**2,143**
96	2,545	68	17	1	12	401	**3,044**
97	1,452	52	15	3	6	251	**1,779**
98	2,056	49	22	6	15	319	**2,467**
99	1,700	54	18	9	14	341	**2,136**
100	2,678	47	19	4	9	373	**3,130**
101	1,681	41	18	7	4	219	**1,970**
102	2,598	69	17	4	15	367	**3,070**
103	3,736	85	39	10	12	568	**4,450**
104	3,436	90	36	3	20	569	**4,154**
105	2,566	77	19	8	10	445	**3,125**
106	2,997	66	26	5	11	431	**3,536**
107	1,880	60	15	3	8	278	**2,244**
108	1,107	33	4	0	3	148	**1,295**
109	978	39	3	3	1	122	**1,146**
110	3,933	106	24	8	11	494	**4,576**
111	2,669	67	40	7	8	472	**3,263**
113	2,362	60	21	3	8	316	**2,770**
132	2,241	57	16	8	6	367	**2,695**
TOTALS	**51,368**	**1,411**	**456**	**110**	**205**	**7,944**	**61,494**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of AUGUST 31, 2019

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,329	62	19	1	11	379	**2,801**
114	4,134	171	52	20	25	841	**5,243**
115	2,966	93	30	7	11	679	**3,786**
116	4,409	106	39	9	15	744	**5,322**
117	2,329	54	21	7	9	415	**2,835**
118	3,001	84	39	5	16	491	**3,636**
119	2,837	110	32	9	17	527	**3,532**
120	2,248	52	14	6	5	352	**2,677**
121	3,668	83	28	12	7	571	**4,369**
122	1,907	58	22	3	9	317	**2,316**
123	2,625	225	29	21	20	519	**3,439**
124	2,847	77	24	5	11	439	**3,403**
125	4,830	112	43	5	17	858	**5,865**
126	4,311	159	50	9	16	867	**5,412**
133	1,387	43	9	1	0	198	**1,638**
134	2,345	56	25	2	4	339	**2,771**
140	1,958	64	13	3	11	306	**2,355**
TOTALS	**50,131**	**1,609**	**489**	**125**	**204**	**8,842**	**61,400**

D.C. BOARD OF ELECTIONS

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 7/31/2019 and 8/31/2019

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	**395,486**	**31,620**	**3,894**	**1,738**	**1,589**	**89,607**	**523,934**
Board of Elections Over the Counter	14	1	0	0	0	4	**19**
Board of Elections by Mail	36	3	0	0	0	16	**55**
Board of Elections Online Registration	102	11	0	0	7	26	**146**
Department of Motor Vehicle	661	110	1	8	6	386	**1,172**
Department of Disability Services	2	0	0	0	0	1	**3**
Office of Aging	0	0	0	0	0	0	**0**
Federal Postcard Application	0	0	0	0	0	0	**0**
Department of Parks and Recreation	0	0	0	0	0	0	**0**
Nursing Home Program	0	0	0	0	0	0	**0**
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	**0**
Department of Corrections	2	0	0	0	0	1	**3**
Department of Human Services	6	0	0	1	0	4	**11**
Special / Provisional	0	0	0	0	0	0	**0**
All Other Sources	126	10	2	1	0	86	**225**
+Total New Registrations	**949**	**135**	**3**	**10**	**13**	**524**	**1,634**

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	221	14	4	1	0	62	**302**
Administrative Corrections	42	0	0	0	0	0	**42**
+TOTAL ACTIVATIONS	**263**	**14**	**4**	**1**	**0**	**62**	**344**

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	70	7	0	0	0	16	**93**
Moved Out of District (Deleted)	0	0	0	0	0	0	**0**
Felon (Deleted)	2	0	0	0	0	1	**3**
Deceased (Deleted)	328	16	4	0	1	32	**381**
Administrative Corrections	128	126	16	1	3	354	**628**
-TOTAL DEACTIVATIONS	**528**	**149**	**20**	**1**	**4**	**403**	**1,105**

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	474	79	40	25	7	605	
- Changed From Party	-340	-165	-26	-14	-24	-397	
ENDING TOTALS	**396,304**	**31,534**	**3,895**	**1,759**	**1,581**	**89,998**	**525,071**

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 air quality permit No. 6743-R1 to the District of Columbia Water and Sewer Authority (DC Water), to operate one Cummins diesel-fired emergency generator set, located at the pumping station at 16th Street and Alaska Avenue NW, Washington, DC. The contact person for the applicant is Kenrick St.Louis, Director, at (202) 264-3861.

Emergency Generator to be Permitted

Equipment Location	**Address**	**Generator Standby Rating (Engine Size)**	**Model Numbers (Engine/ Generator)**	**Permit No.**
Pumping Station at the Intersection of 16th Street and Alaska Avenue NW	16th St and Alaska Ave NW Washington, DC 20012	100 kWe (162 bhp)	QSB7-G5 NR3/ 100DSGAA	6743-R1

The proposed emission limits are as follows:

a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NOx, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
4.0	5.0	0.30

b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].

c. In addition to the requirements of Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

   1. 20 percent during the acceleration mode;

   2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*

d. 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 estimated maximum emissions the emergency generator set are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.07
Oxides of Nitrogen (NO_x)	0.17
Volatile Organic Compounds (VOC)	0.01
Total Particulate Matter , PM (Total)	0.01
Sulfur Dioxide (SO_x)	0.0005

The permit application and supporting documentation, along with the draft permit 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 public 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 permit and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after October 21, 2019 will be accepted.

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

DEPARTMENT OF FORENSIC SCIENCES

NOTICE OF PUBLIC MEETING

Science Advisory Board Meeting
Friday, October 18, 2019
9:00 a.m.
Draft Agenda

On Friday, October 18, 2019, the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024 in Room 1224. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202-727-8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

Roll Call, Review of Minutes from last meeting, Approval of Minutes

Quality Update

Public Health Lab Update

Protocol Discussion

Old Business, New Business

Future meeting dates and locations

Closing and adjournment

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective vendors to provide:

- **Fresh Fruit and Vegetable Products** to children enrolled for the 2019-2020 school year, with a possible extension of (2) one year renewals. All items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained upon request.

The competitive RFP 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 15, 2019**. Questions and Proposals should be submitted on-line at: Procurementinquiry@friendshipschools.org. Proposals can be submitted in person at 1400 1st Street NW, Suite 300, Washington, DC. 20001. All bids not addressing all areas as outlined in the RFP will not be considered. No proposals will be accepted after the deadline.

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES

MAYOR'S COMMISSION ON HEALTHCARE SYSTEMS TRANSFORMATION

NOTICE OF PUBLIC MEETING

The Mayor's Commission on Healthcare Systems Transformation will hold a meeting on Tuesday, September 24, 2019 at 10:00 a.m. The meeting will be held in the Board Room (9th floor) at the District of Columbia Hospital Association, 1152 15th Street NW, Washington, D.C. 20005. Below is the agenda for this meeting. A final agenda will be posted to the Office of the Deputy Mayor for Health and Human Services website at https://dmhhs.dc.gov/.

For additional information, please contact Amelia Whitman, DMHHS Policy Director, at (202) 727-7973 or amelia.whitman@dc.gov.

DRAFT AGENDA

1.	Call to Order	Commission Co-Chairs
2.	Commission Administration	Commission Co-Chairs
3.	Presentation and Discussion with the DC Council's Committee on Health	Councilmember Gray
4.	Executive Updates on Requested Items	Executive Agency Directors
5.	Subcommittee Reports	Subcommittee Chairs
6.	Public Comments	Public
7.	Adjournment	Commission Co-Chairs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog exercise area within Hardy Park, specifically in the green space south of the playground and east of the existing tennis courts.

The proposed application seeks to install and operate an approximate 5,000 square-foot off-leash dog park at the above referenced location. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 1275 First Street, NE on the 8th floor. The application is also available at: http://dpr.dc.gov/page/dog-parks

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after October 20, 2019 will not be accepted.**

Address written comments to:

District Department of Parks and Recreation
Office of Planning & Capital Projects
Attn: Dog Park Comments – Hardy Park Dog Park
1275 First Street, NE
8th Floor
Washington, DC 20002

To submit comments via email, please email dpr.dogparks@dc.gov

For more information, please call (202) 673-7647.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 15, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 20, 2019. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

Acton	Mark D.	Self (Dual) 1722 Corcoran Street, NW	20009
Akuesson	Adoude Clarisse	Chemonics International Inc. 1717 H Street, NW	20006
Alarcon	Edgar E.	RJB Law 1402 Meridian Place, NW	20010
Bailey	Titania R.	Finnegan 901 New York Avenue, NW	20001
Bernal	Pete G.	The Phillips Collection 1600 Twenty First Street, NW	20009
Best	Ashley N.	PNC Realty Investors, Inc. 800 17th Street, NW	20006
Bishop	William R.	United States International Trade Commission 500 E Street, SW, Room 112	20436
Boulanger	Saul Loren	Carr Workplaces 1717 K Street, NW, Suite 900	20006
Broughton	Charlotte Danette	The American Society of Nephrology 1401 H Street, NW, Suite 900	20005
Brown	Devona M.	Slevin and Hart, P.C. 1625 Massachusetts Avenue, NW, Suite 450	20036
Bulatkulov	Serik Sovetovitch	Kazakh Service Center® 1725 I Street, NW, Suite 300	20006
Burke	Tamara L.	Department of Behavioral Health 1905 E Street, SE, Building 14	20003
Callahan	Cara	M&T Bank 2865 Alabama Avenue, SE	20020
Casey	Nicholas Lahiff	The New Washington Land Company 1606 17th Street, NW	20009

Cates	Tierra	TD Bank 4849 Wisconsin Avenue, NW	20016
Chavez	Bryan	TD Bank 801 17th Street, NW	20006
Cimino	Kelly L.	Omni Land Settlement Corporation 2233 Wisconsin Avenue, NW, Suite 232	20007
Cline	Sarah Dawn	Shulman, Rogers, Gandal, Pordy & Ecker, P.A. 1100 New York Avenue, NW, Suite 500	20005
Combs	Eric D.	Combs & Taylor LLP 2101 L Street, NW, Suite 800	20037
Cowser	Danyelle D'Lauren	Self 2220 Bryan B1 Place, SE, B1	20020
Dejene	Bezuayhu	Metropolitan Assessment And Renewal Centers 3326 Georgia Avenue, NW	20010
Di Lena	Debbera Lee	Georgetown University Police Department 3700 O Street, NW, #116	20057
Doerr	Heather Leigh	Catholic University of America Law School 3600 John McCormack Road, NE, Suite 343	20064
Donzo	Malofo A.	Citibank 1901 Wisconsin Avenue, NW	20007
Draughn	Candice	Fidelity National Title Insurance Company 1620 L Street NW, 4th Floor	20036
El-Khatib	Karima	Scoop News Group 2001 K Street, NW, Room 1411	20001
Ellis	Henrietta J.	Holland & Knight LLP 800 17th Street, NW, Suite 1100	20006
Elzie	Fawn	Kobre & Kim LLP 1919 M Street, NW, 410	20036

Farmer	Catherine Elizabeth	National Archives 700 Pennsylvania Avenue, NW	20408
Foster	Katrina Uyvonne	Self 430 19th Street, NE	20002
Fowler-Robinson	Myrie M.	Mt. Zion Baptist Church 5101 14th Street, NW	20011
Franklin	Joyce	Madison Marquette 1000 Maine Avenue, SW, Suite 300	20024
Fripp	SaVern	Office of the Chief Medical Examiner 401 E Street, SW	20024
Gaines	Mary R.	Quarles & Brady, LLP 1701Pennsylvania Avenue, NW, Suite 700	20006
Gall	Alexander Fletcher	Self 2901 16th Street, NW, Apt. 304	20009
Gomez	Brenda	Metropolitan Assessment and Renewal Centers, LLC 3326 Georgia Avenue, NW	20010
Gregory	Helen	Self 4269 Hildreth Street, SE	20019
Grim	Tara Reen	Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. 1615 M Street, NW, Suite 400	20036
Hampton	Cortez	Office of the Attorney General 200 I Street, SE	20003
Harris	Shannon	Thycotic Software 1101 17 Street, NW, 1102	20036
Harrison	Wendy Lee	Compass 1313 14th Street, NW	20005

Hawkins	Frederick Herman	BEST Kids, Inc 1212 4th Street, SE, #201	20003
Hawkins	Ruth M.	DC Department of Behavoral Health 1100 Alabama Avenue, SE	20032
Hawkins	Tammie	CDQ Consulting & Insurance, LLC 2031 36th Street, SE	20020
Hennigan	Hazel A.	Family and Child Care Referral Agency, Inc 1336 Missouri Avenue, NW, 201	20011
Hernandez	Eric	Citibank 3241 14th Street, NW	20010
Higgins	Alice R.	Self 3433 Wisconsin Avenue, NW	20016
Hodges	Illana Nicole	Innovative Defense Enterprises 17 7th Street, SE	20003
Hodges	Samuel John	Georgetown University 3700 O Street, NW	20057
Hollman	Michael C.	Village Settlements, Inc. 5225 Wisconsin Avenue, NW, Suite 313	20001
Howard	Sherwood	Self 2701 17th Street, NE	20018
Inmacolato	Daniel Vicente	StoneBridge Investments 1010 Wisconsin Avenue, NW, Suite 605	20007
Jennings	Dana Necol	Self (Dual) 1636 Ridge Place, SE	20020
Jerez	Maria Angelica	Amis, Patel & Brewer, LLP 1399 New York Avenue, NW, #701	20005
Johnson	Katrina L.	EP Federal Credit Union 13 C Street, SW	20228

Jones	Darlene	Paladin Capital Group 2020 K Street, NW, 620	20006
Jones	Jazsmon	Self 2110 Young Street, SE	20020
Kahn-Pauli	Allison R.	CASA for Children of DC 220 I Street, NE, Suite 285	20002
Kennedy	LaTia D.	Arent Fox LLP 1717 K Street, NW	20006
Kernan	Lara Marie	Fulcrum Investments 3205 R Street, NW	20007
Keserich	Emma	Executive Office of the Mayor 1350 Pennsylvania Avenue, NW, 300	20004
King	Dwight F.	Metropolitan Assessment and Renewal Centers 3326 Georgia Avenue, NW	20010
Kingscott	Gregory W.	Big League Advance LLC 1875 Connecticut Avenue, NW, 10th Floor	20009
Krupka	Susan	Prosperity Now 1200 G Street, NW, Suite 400	20005
Lemke	Stephanie Michaela	Cozen O'Connor 1200 19th Street, NW	20036
Linton	Robert	Federal Mine Safety & Health Review Commission 1331 Pennsylvania Avenue, NW, Suite 520N	20004
Loiler	Sarah Jessica	Planet Depos 1100 Connecticut Avenue , NW, Suite 950	20036
Losco	Phillip	Sandy Spring Bank 1146 19 Street, NW	20036

Lyles	Kimberly	Association of Flight Attendants 501 3rd Street, NW	20001
Malet	Ryan Devin	Shulman, Rogers, Gandal, Pordy & Ecker, PA 1100 New York Avenue, NW, Suite 500	20005
Martin	Veronica	AB InBev Foundation 1440 G Street, NW	20005
Martin	Vickie L.	Paramount Community Development Family Life Center 3924 4th Street, SE	20032
Mast	Andrea Lee Swartley	Pedago, LLC 3000 K Street, NW	20007
McCain	Renada	Natural Resources Defense Council 1152 15th Street, NW, Suite 300	20005
McDuffie	Derrick Delone	Office of Special Counsel 1730 M Street, NW	20036
Mendel	George Bruno	National Association of Independent Schools 1129 20th Street, NW, Suite 800	20036
Mendonca	Rhonda R.	RizeUp Technology 1130 Varney Street, SE	20032
Miller	Andrew Christopher	BEST Kids, Inc. 1212 4th Street, SE, #201	20003
Milone-Wilkerson	Mary K.	Elaine Ellis Center of Health 1627 Kenilworth Avenue, NE	20019
Moody	Ann M.	Shapiro Lifschitz & Schram 1742 N Street, NW	20036
Murphy	Janet M.	Shaw Bransford & Roth, PC 1100 Connecticut Avenue, NW , Suite 900	20036

Neudorfer	Jeffrey P.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Nunes	Luiz A.	Public Defender Service for DC 633 Indiana Avenue, NW	20004
Palomo	Maria Elena	Champion Title & Settlements, Inc 700 Pennsylvania Avenue, SE, #360	20003
Pangburn	Debra L.	Office of the Clerk, U.S. House of Representatives 15 Independence Avenue, SE, 1718 LHOB	20515
Paniagua	Gina	Public Defender Service for DC 633 Indiana Avenue, NW	20004
Pascual	Angelica Galvez	Bank of America 915 Rhode Island Avenue, NE	20018
Peden	Monica Ywuana	Self 5115 Just Street, NE	20019
Perry	Joe	Charles Schwab 1845 K Street, NW	20006
Pratt	Lashion Monique	Small Business Adminstration 409 3RD Street, SW, 7th Floor	20416
Rigsby	Satrice M.	Johns Hopkins University SAIS 1740 Massachusetts Avenue, NW	20036
Russell	Jolene V.	U.S. Department of Justice 950 Pennsylvania Avenue, NW, Rm. 2616	20530
Samuels	Kayla	Peter N.G. Schwartz Management 1350 Connecticut Avenue, NW	20036
Schultz	Rachael Honor	Miriam's Kitchen 2401 Virginia Avenue, NW	20037

Segears Jr.	Bobby W.	Self 4500 Bowen Road, SE	20019
Senn	Branden	Chase Bank 1401 New York Avenue, NW	20001
Siuta	Agnieszka	Salis Holdings 6856 Eastern Avenue, NW, #225	20012
Skoglund	Caitlin N.	American Society for Microbiology 1752 N Street, NW	20036
Smith	Billie LaVerne	Self 4609 Colorado Avenue, NW	20011
Smithmeyer	Cathy	The Aspen Institute 2300 N Street, NW, Suite 700	20037
Spire	Tami	McEnearney Associates 4315 50th Street, NW, 1st Floor	20016
Spittle	Teresa Ann	Guidehouse 7301 Pennsylvania Avenue, NW	20006
Stapleton	Maureen	Stroock & Stroock & Lavan LLP 1875 K Street, NW, Suite 800	20006
Swanson	Diane Elisa	Akin Gump Strauss Hauer & Feld LLP 2001 K Street, NW	20006
Sykes-Minor	Sonja L.	Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW	20004
Taylor	Penelope Eileen	Eisen and Rome, P.C. 1 Thomas Circle, NW, 1010	20005
Thomas	Sheraye	Navy Federal Credit Union 9TH M Street, SE	20374
Thompson	Erika	Koonz, McKenney, Johnson, DePaolis & Lightfoot, LLP 2001 Pennsylvania Avenue, NW, 450	20006

Thompson	Matthew	Coates Development, LLC DBA Coates Living 934 N Street, NW	20001
Tucker	Barbara A.	Finnegan Henderson Farabow Garrett & Dunner LLP 901 New York Avenue, NW	20001
Urban	Lori	USDA Rural Development 1400 Independence Avenue, SW, 5138	20250
Villafan	Gabriella	Arent Fox LLP 1717 K Street, NW	20006
Walker	Michelle	HYL Architecture 401 9th Street, NW, Suite 901	20009
Ware	Staci	George Washington University Division of Operations 2025 F Street, NW	20052
Washington	Pamela M.	United States Department of Justice 1400 New York Avenue, NW, 4th Floor	20005
Whittington	Michael	NCTA - The Internet and Television Association 25 Massachusetts Avenue, NW, 100	20001
Williams	Possilette Chiffaun	District of Columbia Housing Authority 1133 North Capitol Street, NE, Room 210	20002
Wray	Lisa Michelle	Self (Dual) 5527 Chillum Place, NE	20011
Yancey	Angela	Metropolitan Assessment and Renewal Centers, LLC 3326 Georgia Avenue, NW	20010
Zivitz	Nancy S.	Washington Fine Properties 3201 New Mexico Avenue, NW, #220	20016

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, October 3, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 120 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Board Chairman
2.	Roll Call	Board Secretary
3.	Approval of September 5, 2019 Meeting Minutes	Board Chairman
4.	Committee Reports	Committee Chairperson
5.	Chief Executive Officer's Report	Chief Executive Officer
6.	Action Items Joint-Use Non Joint-Use	Board Chairman
7.	Other Business	Board Chairman
8.	Adjournment	Board Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal No. 19713 of Isabelle Thabault, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on January 16, 2018, by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to refuse to revoke Building Permit No. B1712578, to construct a front addition to an existing one-family dwelling in the R-2 Zone at premises 3840 Legation Street, N.W. (Square 1857, Lot 49).

HEARING DATES: April 4, 2018; May 16, 2018; and June 20, 2018
DECISION DATE: June 20, 2018

ORDER DENYING APPEAL

On January 17, 2018, Isabelle Thabault (the "**Appellant**") filed this appeal with the Board of Zoning Adjustment (the "**Board**") to challenge the decision of the Zoning Administrator ("**ZA**") of the Department of Consumer and Regulatory Affairs ("**DCRA**") not to revoke a building permit allowing the construction of an addition and interior alteration to a principal dwelling unit at 3340 Legation Street, N.W. (Square 1857, Lot 49) (the "**Subject Property**"). Following a public hearing, the Board voted to **DENY** the appeal and to **AFFIRM** the determination of the ZA.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memorandum dated February 14, 2018, the Office of Zoning ("**OZ**") provided a Notice of Appeal and Public Hearing to DCRA, specifically to the ZA; the D.C. Office of Planning ("**OP**"); Advisory Neighborhood Commission ("**ANC**") 3G, the ANC within which the Subject Property is located; the Single Member District Commissioner for 3G06; the Councilmember for Ward 3; the Council Chair and At-Large Councilmembers; the owners of the Subject Property; and the Appellant. Notice was published in the *D.C. Register* on February 23, 2018. (65 DCR 1852.)

Party Status. Consistent with Subtitle Y § 501.1, the parties to this proceeding are the Appellant, DCRA, Daniel Liebman and Elisabeth Davis (the "**Property Owners**"), and ANC 3G. There were no requests for intervenor status.

Appellant's Case. Appellant challenged the refusal of the ZA to revoke Building Permit No. B1712578 (the "**Permit**") from the Property Owners. The Permit authorized the construction of an addition and interior alteration to the principal dwelling unit at 3340 Legation Street, N.W. (Square 1857, Lot 49). Appellant alleged that the Permit was issued in violation of Subtitle B § 315.1(c) of the Zoning Regulations of 2016 because the Subject Property is an interior lot, attached on one side to Appellant's dwelling, and the Permit would allow construction to extend the front façade of the Subject Property beyond the front façade of Appellant's dwelling. In

January 2018, after issuance of the Permit, the Zoning Commission ("**ZC**") approved a text amendment (the "**Text Amendment**") that clarified the language of Subtitle B § 315.1(c) to state that a proposed building façade or structure facing a street lot line shall, "in the case of an interior-lot attached or semi-detached building, not be further forward or further back than the building façade of one of the immediately adjoining buildings." (ZC Order No. 08-06N.) Appellant also contended that the ZA had knowledge that the original language of Subtitle B § 315.1(c) intended to reflect this amended language to include semi-detached buildings, supported the Text Amendment to clarify the language, and should have retroactively applied the amended regulation to revoke the Permit. (Exhibit 22.)

DCRA. DCRA urged the Board to deny the appeal, asserting that the ZA correctly reviewed the Permit using the definition of an "attached building" contained within Subtitle B § 100.2 of the Zoning Regulations, as required by Subtitle A § 301.4. DCRA also asserted that the ZA correctly determined that the Text Amendment did not apply retroactively to the Permit, which was issued a month before the technical correction of the language was introduced in ZC Case No. 08-06N. (Exhibit 25.)

The Property Owners. The Property Owners urged the Board to deny the appeal, asserting that the Appellant did not meet the burden of proof because the ZA's interpretation of Subtitle B § 315.1(c) was reasonable based on the definition of "attached building" as included in Subtitle B § 100.2 of the Zoning Regulations. The Property Owners also asserted that the subsequent Text Amendment to Subtitle B § 315.1(c) is evidence that the original language of Subtitle B § 315.1(c) did not include semi-detached buildings at the time the Permit was issued. They contended that even if the ZA knew or agreed that the regulation intended to include semi-detached buildings, the Permit should be subject only to the actual language of the regulation and cannot be subject to regulations adopted four months after the issuance of a permit. (Exhibit 24.)

ANC 3G. The affected ANC did not submit a report stating any issues or concerns or otherwise participate in the proceeding.

FINDINGS OF FACT

1. The Property that is the subject of this appeal is a principal dwelling unit located at 3840 Legation Street, N.W. in the R-2 Zone.

2. The Property is improved with a semi-detached building (the "**Building**"), attached on the east side to Appellant's residence at 3838 Legation Street, N.W. There is an alley on the west side of the Property, and the only building attached to the Building is on the east side.

3. On November 9, 2017, DCRA issued Building Permit No. B1712578 to the Property Owners, authorizing the construction of an addition and interior alteration to the Building. The project consists of a two-story addition on the front of the property that includes a covered front porch, which extends the same distance as the front porch of Appellant's house, and the extension of the second-story front wall above the front porch.

This second-story expansion will project approximately 12 feet further forward than the second-story front façade of Appellant's dwelling. (Exhibit 5.)

4. At the time the Permit was issued, Subtitle B § 315.1(c) of the Zoning Regulations required that "[t]he building façade of an interior lot attached building shall not be further forward or further back than the building façade of one of the immediately adjoining buildings."

5. At the time the Permit was issued, Subtitle B § 100.2 of the Zoning Regulations defined the term "attached building" as "a building that abuts or shares walls on both side lot lines with other buildings on adjoining lots."

6. The term "semi-detached" is defined in Subtitle B § 100.2 as "a building that abuts or shares one (1) wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lot lines."

7. At the time the Permit was issued, Subtitle B § 315.1(c) included no reference to semi-detached buildings, as defined in Subtitle B § 100.2.

8. Subtitle B § 100.1(g) of the Zoning Regulations states that "[w]ords not defined in this section shall have the meanings given in Webster's Unabridged Dictionary."

9. Subtitle A § 301.4 states that "any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued."

10. On November 27, 2017, the Property Owners began construction on the addition.

11. On November 28, 2017, Appellant contacted DCRA to ask the agency to revoke the Permit on the grounds that the addition would violate Subtitle B § 315.1(c) of the Zoning Regulations because the Permit authorized construction to extend the front façade of the Building beyond the front façade of Appellant's dwelling. (Exhibit 41A.)

12. On December 8, 2017, OP filed with the ZC a technical correction to amend Subtitle B § 315.1(c) to read, "The building façade of an interior lot attached *to another* building shall not be further forward or further back than the building façade of one of the immediately adjoining buildings." (*Emphasis added*). OP's request for technical correction also stated, "OP has coordinated with the Office of the Zoning Administrator on this issue and they have confirmed their support for this clarification of what is understood to be the intent of the front setback rule of measurement and regulation." (Exhibit 22.)

13. On December 22, 2017, the ZC published a Notice of Proposed Rulemaking in the D.C. Register for the Text Amendment. (ZC Order No. 08-06N.)

14. On January 16, 2018, the ZA responded to Appellant in an email stating that Subtitle B § 315.1(c) does not apply to the Subject Property as the Building is not an "attached building" as set forth in that section, and, as such, the Building Permit will not be revoked and construction will be allowed to continue. (Exhibit 5.)

15. On January 17, 2018, Appellant filed the instant appeal to the Board and served the appeal on the ZA and the Property Owners. (Exhibit 4.)

16. On January 29, 2018, the ZC took final action to approve the Text Amendment. The Notice of Final Rulemaking states that the amendments shall become final and effective upon publication in the *D.C. Register* on March 2, 2018. (ZC Order No. 08-06N.)

17. The Text Amendment contains no provision that would compel the ZA to apply the revised text to prior building permit applications.

CONCLUSIONS OF LAW AND OPINION

The Board is authorized by § 8 of the Zoning Act to "hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal" made by any administrative officer in the administration or enforcement of the Zoning Regulations. (D.C. Official Code § 6-641.07(g)(1) (2008 Repl.).)

The burden of proof is on the appellant to justify the granting of the appeal. (11-X DCMR § 1101.2.) In meeting its burden of proof, the appellant must show that the decision of the ZA was clearly erroneous or inconsistent with the Zoning Regulations. *See Sheridan-Kalorama Neighborhood Council v. D.C. Bd. of Zoning Adjustment*¸ 411 A.2d 959, 961 (D.C. 1979). The Board must give great deference to the decision of the ZA when the ZA acts reasonably in interpreting the Zoning Regulations. *See id.*

Decision on Appeal

The administrative decision in this case is the refusal of the ZA to revoke the Permit authorizing construction of an addition and interior alteration to a single family dwelling at 3340 Legation Street, N.W. Appellant brings this case on the grounds that the ZA erred in not revoking the Permit because the Permit allows the Building to extend past the façade of Appellant's dwelling.

The Property Owners oppose the appeal and argue that a decision to not revoke a building permit is not an appealable decision. (Exhibit 24.) The Board disagrees with this argument. According to Subtitle Y § 302.1, any person aggrieved or affected by "an order, requirement, decision, determination, or *refusal* made by an administrative officer or body. . . in the administration or enforcement of the Zoning Regulations may file a timely zoning appeal with the Board." (*Emphasis added*.) The building permit is ordinarily the document that reflects a zoning decision about whether a proposed structure, as described in the permit application, conforms to the zoning regulations. *See Appeal No. 18980 of Concerned Citizens of Argonne Place* (2016), quoting *Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 364, 367 (D.C. 2008); *see also Schonberger v. D.C. Bd. of Zoning Adjustment*, 940 A.2d 159 (2008). However, in light of the

pending changes to the Zoning Regulations at issue in the Permit, the email from the ZA can be appealed because it made a new determination, in writing, that the Text Amendment will not apply to the Permit and the Permit will not be revoked. Further, the ZA's refusal to revoke the Permit in this case was not an exercise of the ZA's discretion in the enforcement of the regulations, but rather a determination that no error was committed. (*See Appeal No. 18256 of ANC 1C* (2012) (Board held that "enforcement of the Zoning Regulations is a discretionary function left to the discretion of the ZA" and dismissed appeal alleging failure by ZA to take enforcement action where appellant failed to show any error by the ZA in the administration of the Zoning Regulations).

Merits of the Appeal

There are two issues on appeal: first, whether the Building is an attached building and thus subject to the limitations of Subtitle B § 315.1(c), and second, whether the Text Amendment should have been applied retroactively to revoke the Permit.

On the first issue, Subtitle B § 315.1(c) states that the building façade of an interior lot attached building shall not be further forward or further back than the building façade of one of the immediately adjoining buildings. Appellant argues that the ZA's refusal to revoke the Building Permit is in violation of Subtitle B § 315.1(c) because the Building is an attached building, as it shares a party wall with Appellant's property. (Exhibit 22.)

The Property Owners and DCRA argue that the Building does not meet the definition of an attached building because it is not attached on both sides. (Exhibits 24 and 25.)

According to Subtitle B § 100.2, an "attached building" is a building that abuts or shares walls on both side lot lines with other buildings on adjoining lots. The Board agrees with the ZA that the Building does not meet the definition set forth in the section because it shares only one side lot line with an adjacent building, and therefore meets the definition of a semi-detached building. At the time the Permit was issued, the language of Subtitle B § 315.1 included only attached buildings, not semi-detached buildings.

The Board is not persuaded by Appellant's argument that the Building should be considered "attached" based on the dictionary definition of the word. Subtitle B § 100.1(g) of the Zoning Regulations states that only words not defined in the section shall have dictionary meanings. Here, where the term is defined in the Zoning Regulations, alternative methods of statutory construction are irrelevant. Thus, the Board concludes that the ZA's determination on this point was reasonable and should be sustained.

On the second issue, Appellant argues that the Text Amendment demonstrates the intent of the Zoning Commission to have originally included semi-detached buildings in the restrictions of Subtitle B § 315.1(c). Citing language in the petition for technical correction by OP, Appellant contends that the ZA supported the Text Amendment because it correctly reflected the intent of the regulation. Thus, Appellant argues that the decision not to revoke the Permit was erroneous and the Permit should be reviewed in light of the meaning of the provision advanced by the Text Amendment. (Exhibit 22.)

In response, the Property Owners and DCRA argue that a permit is subject only to the regulations in place at the time of issuance and cannot be retroactively reviewed in light of new or amended Zoning Regulations. (Exhibits 24 and 25.) The Board concurs and concludes that the ZA's decision to not revoke the Permit was reasonable on that basis. According to Subtitle A § 301.4, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date the permit is issued. . .." The Permit was issued on November 7, 2017, and the revisions to the language of Subtitle B § 315.1(c) were not in effect until the Notice of Final Rulemaking for the Text Amendment was published in March 2018. Thus, the ZA acted reasonably in not retroactively revoking the permit based on changes to the Zoning Regulations.

The Board is not persuaded by Appellant's argument that, because the ZA had knowledge of the impending Text Amendment and agreed with OP that the intent of Subtitle B § 315.1(c) was to include both attached and semi-detached buildings, the ZA should have revoked the Permit for violation of the regulations. The Board concludes that it is within the province of the ZA to make a reasonable decision based on the language of the Zoning Regulations at the time of the decision, not based on the language that the ZA or Appellant believe should have been included in the Zoning Regulations.

DECISION

Based on the record before the Board, as well as the findings of fact and conclusions of law herein, the Board concludes that Appellant has not satisfied the burden of proof in her claims of error in the ZA's decision not to revoke Building Permit No. B1712578 allowing the construction of an addition to the semi-detached building at 3340 Legation Street, N.W. (Square 1857, Lot 49). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **DENIED** and the ZA's determination is **SUSTAINED**.

VOTE: 4-0-1 (Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood to DENY; Frederick L. Hill not participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 5, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, OCTOBER 23, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

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

TIME: 9:30 A.M.

WARD THREE

17944A ANC 3D	**Application of The Lab School of Washington,** pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to condition No. 1 in BZA Order No. 17944 in order to modify the time limit of the Order from ten years to 14 years, in an existing school building in the R-1-B Zone at premises 4470 Q Street N.W. (Square 1363, Lot 980).

PLEASE NOTE:

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

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

The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is

made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at http://dcoz.dc.gov/bza/calendar.shtm and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገ ዎት ወይም የ ቋንቋ እርዳታ አገ ልግሎ ቶች (ትርጉ ም ወይ ም ማስ ተርጎ ም) ካስ ፈለገ ዎት እባክ ዎን ከስ ብሰ ባ ወአ ምስ ት ቀና ት በፊ ት ዚ ሂ ልን በስ ልክ ቁጥር (202) 727-0312 ወይ ም በኤ ሜ ል Zelalem.Hill@dc.gov ይገ ና ኙ ፡ እነ ኚህ አገ ልግሎ ቶች የ ሚ ሰጡ ት በነ ጻ ነ ው ።

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

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

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

Spanish
¿Necesita ayuda para participar?
Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a

Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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

BILLS

B23-406	Contractor Indemnity Act of 2019 Intro. 7-9-19 by Councilmembers Bonds, Cheh, Silverman, Evans, and Todd and referred to the Committee on Judiciary and Public Safety
B23-407	Lead Hazard Prevention and Elimination Amendment Act of 2019 Intro. 7-9-19 by Councilmembers Allen, Bonds, Cheh, Nadeau, Grosso, and R. White and referred to the Committee on Transportation and the Environment with comments from the Committee on Housing and Neighborhood Revitalization
B23-408	Senior and Disabled Homeowner Tax Liability Reduction Amendment Act of 2019 Intro. 7-9-19 by Councilmembers Todd and Gray and referred to the Committee on Business and Economic Development
B23-409	Sexual Orientation and Gender Identity Panic Defense Prohibition Act of 2019 Intro. 9-16-19 by Chairman Mendelson and Councilmember Allen and referred to the Committee on Judiciary and Public Safety

B23-410	Department of Forensic Sciences Services and Fees Clarification Amendment Act of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
B23-411	Investigating Maternal Mortalities Amendment Act of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
B23-412	Ignition Interlock Program Amendment Act of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
B23-415	Vision Zero Distracted Driving Amendment Act of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
B23-416	Better Access for Babies to Integrated Equitable Services Act of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
B23-417	Managing Outdoor Work for Seniors Amendment Act of 2019 Intro. 9-16-19 by Councilmember McDuffie and referred to the Committee on Housing and Neighborhood Revitalization

PROPOSED RESOLUTIONS

PR23-444	Modification of the Highway Plan to Remove a Portion of 39th Street, N.W., S.O. 18-41885, Resolution of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR23-445	Green Finance Authority Board Lori Chatman Confirmation Resolution of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
PR23-447	Board of Library Trustees Antonio Williams Confirmation Resolution of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
PR23-448	Truxton Circle Parcel Term Sheet Amendment Approval Resolution of 2019 Intro. 9-16-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
PR23-449	Subpoena Enforcement Resolution of 2019 Intro. 9-16-19 by Chairman Mendelson and Retained by the Council