

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 23-278, Sense of the Council Supporting the Protection of Immigrant Families Resolution of 2019
- D.C. Council schedules a public hearing on Bill 23-0454, Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019
- Department of Health Care Finance establishes Medicaid eligibility and reimbursement standards for Telemedicine Services
- Office of the State Superintendent of Education solicits public input on the District’s proposed plan for Career and Technical Education (CTE) for secondary and postsecondary programs
- Office of the State Superintendent of Education seeks partners to conduct education research aimed at improving the District’s public schools
- Department of Energy and Environment solicits proposals to conduct research and recommend ways of improving utility assistance programs

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 5, 2019

To amend, on a temporary basis, the Advisory Neighborhood Councils Act of 1975, the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, the Lead Service Line Priority Replacement Assistance Act of 2004, and Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2020 budget; and to provide for the award of a grant in the amount of \$100,000 from the Washington Convention Center and Sports Authority to the Historical Society of Washington, D.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2020 Budget Support Clarification Temporary Amendment Act of 2019”.

Sec. 2. Section 16(j)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(j)(3)), is amended to read as follows:

“(3)(A)(i) If a Commission has failed to timely file 2 or more quarterly reports approved by the OANC, the Commission shall forfeit the allotments associated with the most recent untimely quarterly report and shall forfeit additional allotments until the Commission files the required reports.

“(ii) If a Commission had not received a quarterly allotment by the last day of the fiscal year because it failed to file a quarterly allotment approved by the OANC, the Commission shall forfeit the unclaimed allotment or allotments.

“(iii) All funds forfeited pursuant to this paragraph shall return to the District’s General Fund.

“(B) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not apply to the failure to file quarterly reports covering periods prior to the 2020 fiscal year.”.

Sec. 3. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding a new subsection (g) to read as follows:

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“(g) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2020, the Deputy Mayor for Planning and Economic Development shall award a grant to assist with capital improvements and related facility maintenance, and general operating expenses for a theatre that is a National Center for Latino Performing Arts, located in the District-owned Tivoli Building, in an amount not to exceed \$1 million.”.

Sec. 4. Section 6019b(b)(1)(A)(i) of the Lead Service Line Priority Replacement Assistance Act of 2004, effective March 13, 2019 (D.C. Law 22-241; D.C. Official Code § 34-2159(b)(1)(A)(i)), is amended by striking the phrase “median income; and” and inserting the phrase “median income; or” in its place.

Sec. 5. Title 47 of the D.C. Official Code is amended as follows:

(a) Section 47-1005.03(b)(3) is amended to read as follows:

“(3)(A) Rents charged to the tenants described in paragraph (1) of this subsection are not in excess of 30% of 80% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant; and rents charged to tenants described in paragraph (2) of this subsection are not in excess of 30% of 120% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant; provided, that the total rent paid to the nonprofit landlord for any individual unit shall not exceed the greater of the Housing Choice Voucher Program rent in any submarket in which the property is located or for the submarket immediately adjacent to the property, established annually by the District of Columbia Housing Authority;

“(B) For the purposes of this paragraph, the term “occupancy standard” means, for a:

- “(i) Studio/efficiency unit, 1 person;
- “(ii) One-bedroom unit, 1.5 persons;
- “(iii) Two-bedroom unit, 3.0 persons;
- “(iv) Three-bedroom unit, 4.5 persons; and
- “(v) Four-bedroom unit, 6 persons.”.

(b) Section 47-4665.06 is amended as follows:

(1) Subsection (a)(13) is amended to read as follows:

“(13) “Property” means a portion of the real property located at 2445 M Street, N.W., known for tax and assessment purposes as Lot 871 in Square 0024, that is subject to real property taxation under Chapter 8 of this title.”.

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

“(2) The lease execution shall occur on or before August 1, 2019.”.

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Sec. 6. (a) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Washington Convention and Sports Authority (“Events DC”) shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.

(b) In Fiscal Year 2020, of the funds allocated to the Non-Departmental Account, \$100,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

Sec. 7. Subject-to-appropriation repealers.

(a) Section 4 of the Rental Housing Commission Independence Clarification Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-200; 65 DCR 12066), is repealed.

(b) Section 301 of the Short-Term Rental Regulation Act of 2019, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 898), is repealed.

Sec. 8. Applicability.

This act shall apply as of October 1, 2019.

Sec. 9. Fiscal impact statement.

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

Sec. 10. Effective date.

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

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
November 26, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 5, 2019

To amend, on a temporary basis, the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to make it unlawful to deface or burn a religious or secular symbol on any property of another without permission or to place or display on such property a physical impression that a reasonable person would perceive as a threat to physically damage the property of another.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Community Harassment Prevention Second Temporary Amendment Act of 2019”.

Sec. 2. Section 3(a) of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.02(a)), is amended as follows:

(a) The lead-in language is amended by striking the phrase “private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in section 101 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01),” and inserting the phrase “private property of another without the permission of the owner or the owner’s designee” in its place.

(b) Paragraph (3) is amended by striking the word “person” and inserting the phrase “person or property” in its place.

Sec. 3. Fiscal impact statement.

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

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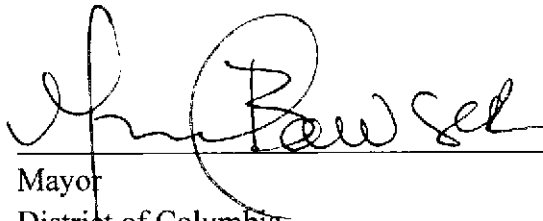
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 5, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 5, 2019

To protect, on a temporary basis, unpaid federal workers, employees of contractors of the federal government, and household members of federal workers and employees of contractors from eviction, late fees, and foreclosure during a federal government shutdown.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Federal Worker Housing Relief Extension Temporary Act of 2019”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Borrower” shall have the same meaning as provided in section 539b(a)(1) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(1)).

(2) “Contractor” shall have the same meaning as provided in 41 U.S.C. § 7101(7).

(3) “Covered period” means:

(A) For a federal worker, the period from the date of a federal worker’s first unpaid payday during a shutdown through the earlier of:

(i) 30 days after the effective date of an appropriations act or continuing resolution that funds a federal worker’s government agency; or

(ii) 90 days after the date of the federal worker’s first unpaid payday; and

(B) For an employee of a contractor, the period from the date an employee of a contractor is laid off or otherwise stops receiving pay because of the shutdown through the earlier of:

(i) 30 days after the effective date of an appropriations act or continuing resolution that funds the agency with which the contractor has a contract; or

(ii) 90 days after the employee of a contractor is laid off or otherwise stops receiving pay because of the shutdown.

(4) “Federal worker” means an employee of a government agency.

(5) “Government agency” means each authority of the executive, legislative, or judicial branch of the government of the United States, the District of Columbia Courts, or the District of Columbia Public Defender Service.

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(6) "Household member" means an individual who resides with a federal worker or an employee of a contractor in a housing unit.

(7) "Housing provider" shall have the same meaning as provided in section 103(15) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(15)).

(8) "Housing unit" means any room or group of rooms forming a single-family residential unit, including an apartment, semi-detached condominium, cooperative, or semi-detached or detached home that is used or intended to be used for living, sleeping, and the preparation and eating of meals by human occupants.

(9) "Lender" shall have the same meaning as provided in section 539b(a)(3) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(3)).

(10) "Mediation Administrator" shall have the same meaning as provided in section 539b(a)(6) of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02(a)(6)).

(11) "Residential mortgage" shall have the same meaning as provided in section 539a(a) of An Act To establish a code of law for the District of Columbia, effective May 8, 1984 (D.C. Law 5-82; D.C. Official Code § 42-815.01(a)).

(12) "Shutdown" means any period in which there is a lapse in appropriations for a government agency that continues through any unpaid payday for a federal worker employed by that agency.

(13) "Superior Court" means the Superior Court of the District of Columbia.

Sec. 3. Stay of proceedings for evictions and foreclosures.

(a)(1) Notwithstanding any other provision of law, if a housing provider initiates an eviction proceeding in Superior Court against a federal worker, an employee of a contractor, or a household member during the covered period, the federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may move the court to stay proceedings until the covered period elapses. The movant shall attach to the motion the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the movant's eligibility under this section. The court shall grant the motion to stay the proceeding if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(2) Notwithstanding any other provision of law, a federal worker, an employee of a contractor, or a household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may also move the court to void late fees charged by a housing provider pursuant to section 531 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.31). The court shall grant the motion if the late

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fees accrued during the covered period.

(b)(1) Notwithstanding the requirements set forth in section 539b of An Act To establish a code of law for the District of Columbia, effective March 12, 2011 (D.C. Law 18-314; D.C. Official Code § 42-815.02), upon the request of a borrower who is a federal worker, an employee of a contractor, or a household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, the Mediation Administrator shall stay the mediation and shall not issue a mediation certificate to a lender until the covered period elapses. The borrower shall provide the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the borrower's eligibility.

(2) Notwithstanding any other provision of law, if during the covered period but before the effective date of this act, the Mediation Administrator issued a mediation certificate and the lender gave written notice of the intention to foreclose on a residential mortgage, a federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may petition the Superior Court to stay the sale until the covered period has elapsed. The petitioner shall attach to the petition the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the petitioner's eligibility under this section. The court shall grant the petition to stay the sale if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(3) Notwithstanding any other provision of law, if a lender initiates a foreclosure proceeding in Superior Court against a federal worker, an employee of a contractor, or a household member during the covered period, the federal worker, employee of a contractor, or household member eligible for relief under subsection (c) or subsection (d) of this section, as applicable, may move the court to stay the proceeding until the covered period elapses. The movant shall attach to the motion the documentation required by subsection (c) or subsection (d) of this section, as applicable, to establish the movant's eligibility under this section. The court shall grant the motion to stay the proceeding if the court determines that the federal worker, employee of a contractor, or household member has submitted the required documentation necessary to establish eligibility for relief in accordance with subsection (c) or subsection (d) of this section, as applicable.

(c) To be eligible for the relief set forth in this section:

(1) A federal worker shall submit to the court or Mediation Administrator one of the following:

(A) A pay stub issued by a government agency showing zero dollars in earnings for the federal worker for a pay period within the period of the shutdown; or

(B) A copy of a furlough notification letter or essential employee status letter; and

(2) An employee of a contractor shall submit to the court or Mediation Administrator a letter from the contractor, issued and signed by an officer or owner of the

ENROLLED ORIGINAL

company or by the company's human resources director, stating:

(A) That the employee of the contractor was laid off or is otherwise not receiving pay from the contractor because of the shutdown;

(B) The date that the employee of the contractor was laid off or otherwise stopped receiving pay from the contractor; and

(C) The name of the agency with which the contractor had a contract.

(d)(1) A household member who is a party to the rental agreement subject to an eviction action or the residential mortgage subject to a foreclosure proceeding shall be eligible for the relief set forth in this section if the household member submits to the court or Mediation Administrator:

(A) Sufficient documentation that a federal worker or employee of a contractor resides in the same household unit as the household member, which shall include any 2 of the following that displays a name and home address for the federal worker or employee of a contractor:

(i) A current government-issued photo identification;

(ii) A utility bill dated no more than 60 days before the beginning of the covered period;

(iii) A bank or credit card statement dated no more than 60 days before the beginning of the covered period;

(iv) A student loan statement dated no more than 60 days before the beginning of the covered period; or

(v) Official mail received from a government agency or a District government agency dated no more than 60 days before the beginning of the covered period;

(B) The documentation required to be submitted by the federal worker or the employee of the contractor under subsection (c) of this section; and

(C) Sufficient documentation that the federal worker or employee of a contractor contributes at least 25% of the monthly rent or mortgage payment, which shall include any of the following for at least 2 of the 6 months before the beginning of the covered period:

(i) Cancelled checks;

(ii) Bank statements;

(iii) Electronic records of payment; or

(iv) Receipts.

(2) A household member shall continue to timely pay the household member's percentage share of the rent or mortgage payments. Failure of a household member to make timely payment of the household member's share of the rent or mortgage payment shall be grounds for lifting a stay of the proceeding.

ENROLLED ORIGINAL

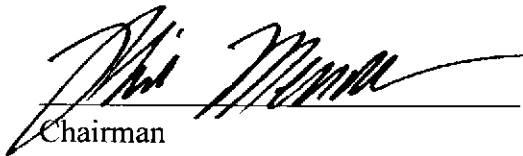
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 5, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 5, 2019

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2018-LRSP-05A with Hill East Parcel F, LLC for program units at Hill East Parcel F-1, located at 1900 C Street, S.E.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Rent Supplement Program Contract No. 2018-LRSP-05A Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract, Contract No. 2018-LRSP-05A, with Hill East Parcel F, LLC to provide an operating subsidy in support of 100 affordable housing units in an initial amount not to exceed \$3,177,600 annually.

Sec. 3. Fiscal impact statement.

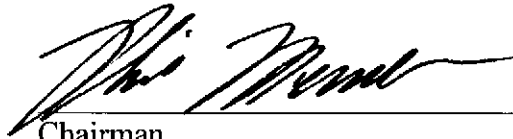
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

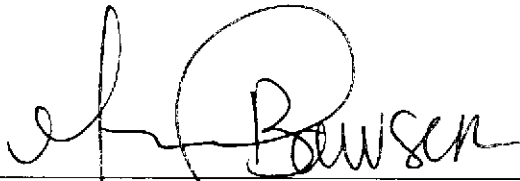
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 5, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 5, 2019

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to eliminate the limit on the number of plants that a cultivation center may grow.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Plant Count Elimination Emergency Amendment Act of 2019”.

Sec. 2. Section 7(e)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(e)(2)), is repealed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 5, 2019

ENROLLED ORIGINAL

A RESOLUTION

23-199

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To confirm the reappointment of Mr. Alan Bubes to the Washington Convention and Sports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2019”.

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

Mr. Alan Bubes
31st Street, N.W.
Washington, D.C. 20007
(Ward 2)

as a public member of the Washington Convention and Sports Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-201

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To confirm the appointment of Mr. Petrick Washington as a member of the Board of Industrial Trades.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Industrial Trades Petrick Washington Confirmation Resolution of 2019”.

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

Mr. Petrick Washington
Wheeler Hill Drive, S.E.
Washington, D.C. 20032
(Ward 8)

as a licensed elevator inspector member of the Board of Industrial Trades, established by D.C. Official Code § 47-2853.06(d), for a term to end June 26, 2022.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 19, 2019

To confirm the reappointment of Mr. Max Brown to the Washington Convention and Sports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2019”.

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

Mr. Max Brown
475 H Street, N.W.
Washington, D.C. 20001
(Ward 2)

as a public member and chairperson of the Washington Convention and Sports Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to Modification 22 of Contract No. CFOPD-11-C-040 with eFunds Corporation to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CFOPD-11-C-040 Extension Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve proposed Modification 22 of Contract No. CFOPD-11-C-040 in the amount of \$571,400 with eFunds Corporation to continue to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury and to authorize payment for the services received and to be received under the contract.

(b) On March 11, 2019, the Office of the Chief Financial Officer executed Modification 20 under Contract No. CFOPD-11-C-040, which partially extended the contract for a period of 6 months, in the amount of \$685,680.

(c) On July 15, 2019, the Office of the Chief Financial Officer executed Modification 21 under Contract No. CFOPD-11-C-040, which added additional services to the contract in the amount of \$170,736. Modification 20 and 21 totaled \$856,680, an amount less than \$1 million, thus, Council approval was not required.

(d) Council approval is necessary because proposed Modification 22 increases the overall expenditures under Contract No. CFOPD-11-C-040 to more than \$1 million during a 12-month period. Further, Council approval is necessary to allow the continuation of these vital services and to allow eFunds Corporation to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

ENROLLED ORIGINAL

Contract No. CFOPD-11-C-040 Extension Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to approve Modification No. M028 and proposed Modification No. M029 to Contract No. DCRL-2016-C-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-C-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification No. M028 and proposed Modification No. M029 to Contract No. DCRL-2016-C-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services and to authorize payment for the services received and to be received under the contract.

(b) By Modification No. M028, issued on September 26, 2019, the Child and Family Services Agency (“CFSA”) exercised a partial option of option year 4 of Contract No. DCRL-2016-C-0002 in the not-to-exceed amount of \$866,893.90 for the period from October 1, 2019, through December 31, 2019.

(c) By Modification No. M029, CFSA proposes to exercise the remainder of option year 4 for the period from January 1, 2020, through September 30, 2020, in the not-to-exceed amount of \$2,600,682.03, making the total not-to-exceed amount for option year 4 \$3,467,575.93 for the period from October 1, 2019, through September 30, 2020.

(d) Council approval is necessary because these modifications increase the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, East River Family Strengthening Collaborative cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-

ENROLLED ORIGINAL

2016-C-0002 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the sense of the Council to call upon Congress to enact legislation granting security and permanent legal status to residents living under the Temporary Protected Status program and the Deferred Action for Childhood Arrivals program, including parents of United States citizens and recipients of these programs, to expand family-based legal immigration, and to ensure the prevention of the separation of families as a result of immigration status.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Supporting the Protection of Immigrant Families Resolution of 2019”.

Sec. 2. The Council finds that:

(1) President Obama issued executive orders, which deferred deportation and provided work authorization for undocumented individuals brought to this country as minors and further established the practice of prosecutorial discretion to defer deportations (“DACA”) until Congress could arrive at a permanent solution. Despite the lack of a permanent solution to these residents’ status, the current administration has sought to cancel the DACA program, which provides just relief from the continued threat of deportation.

(2) At least 325,000 Salvadorans, Nicaraguans, Hondurans, and Haitians are living in the United States with Temporary Protected Status (“TPS”) and have established families, with 273,000 U.S. citizen children born to TPS holders. Nearly two-thirds of those with TPS came from El Salvador, and the largest population of Salvadoran TPS residents – over 32,000 – reside in the District of Columbia. Salvadorans and their families, whether U.S. citizens, residents with TPS, or residents with other immigration statuses, represent the largest Hispanic population in the Washington metropolitan region, and have contributed immeasurably to the District’s culture and economy.

(3) As a result of continued federal inaction, the livelihoods of TPS residents and their families and communities continue to be under threat. Salvadoran TPS eligibility was nearly revoked this calendar year, and though an extension was given until 2021, there is no

ENROLLED ORIGINAL

permanent solution for the continued U.S. residency of Salvadoran TPS recipients or an assured sense of security.

(4) There has been a 250% increase in deportations of those with no criminal records over the last year, with a majority of those deportations being comprised of individuals with families and children.

(5) The separation of children from their mothers or fathers, or both, is a violation of the human rights that should be afforded to all children. Undocumented children and children of undocumented parents are currently forced to endure the unimaginable pain and damage of family separation or deportation on a daily basis.

(6) The 5 million U.S. citizen children and 2 million children brought to this nation as infants should not be deprived of their right to remain with their families through unnecessary separations as the result of political inaction.

Sec. 3. It is the sense of the Council that Congress should expeditiously pass legislation to create permanent protections for those under the DACA program and the TPS program, create a renewable and retroactive visa program for parents and spouses of U.S. citizens and parents and spouses of DACA recipients, craft a pathway to citizenship for DACA and TPS recipients, and reunite families separated at the border.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution to the officers of both houses of Congress, to the committee chairs that have jurisdiction over District of Columbia affairs, to the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, the Delegate to the House of Representatives from the District of Columbia, the Attorney General of the United States, and the Office of the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need approve precinct boundary changes proposed by the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Precinct Boundary Changes Approval Emergency Declaration Resolution of 2019”.

Sec. 2. (a) This emergency legislation would approve adjustments to the voting precinct boundaries adopted by the District of Columbia Board of Elections (“Board”) on October 2, 2019.

(b) The approved changes were developed by the staff of the Board in concert with the Office of the Chief Technology Officer.

(c) Due to a significant increase in voter registration in the area, the proposed changes would divide Precinct No. 83 in Ward 6 into 2 precincts, creating a new Precinct No. 144.

(d) The Board’s action followed a public comment period, during which the Board did not receive any substantive comments related to the change in precinct boundaries. The affected Advisory Neighborhood Commission – ANC 6C – submitted a letter of support.

(e) When the Precinct Boundary Changes Approval Emergency Resolution of 2019 is approved by the Council, the Board will mail each affected voter a notice indicating the voter’s new precinct.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Precinct Boundary Changes Approval Emergency Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To approve, on an emergency basis, precinct boundary changes proposed by the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Precinct Boundary Changes Approval Emergency Resolution of 2019”.

Sec. 2. Pursuant to section 5(a)(8) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(a)(8)), the Council approves the adjustments to voting precinct boundaries as adopted by the District of Columbia Board of Elections on October 2, 2019, to become effective immediately.

Sec. 3. The approved change will divide Precinct No. 83, creating a new Precinct No. 144. The boundaries of the new precinct are as follows:

Beginning at the intersection of 2nd Street, N.E., and G Street, N.E.; thence south on said 2nd Street, N.E., to Massachusetts Avenue, N.E.; thence north on said Massachusetts Avenue, N.E., to North Capitol Street, N.E.; thence north on said North Capitol Street, N.E., to New York Avenue, N.E.; thence north on said New York Avenue, N.E., to Florida Avenue, N.E.; thence south on said Florida Avenue, N.E., to 4th Street, N.E.; thence south on said 4th Street, N.E., to L Street, N.E.; thence west on L Street, N.E., to 3rd Street, N.E.; thence south on 3rd Street, N.E., to H Street, N.E.; thence west on H Street, N.E., to 2nd Street, N.E.; thence south on 2nd Street, N.E., to the point of beginning.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to amend the Anacostia River Toxics Remediation Act of 2014 to extend the deadline, from December 31, 2019, to September 30, 2020, by which the Department of Energy and Environment must adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Anacostia River Toxics Remediation Emergency Declaration Resolution of 2019”.

Sec. 2. (a) In 2014, the Council passed the Anacostia River Toxics Remediation Act of 2014, requiring the Department of Energy and Environment (“DOEE”) to adopt and publish by June 30, 2018, a record of decision choosing the remedy for remediation of contaminated sediment in the Anacostia River.

(b) In January of 2018, the Committee on Transportation and the Environment held a hearing on the project, at which DOEE requested an extension of the deadline by a year and a half. At the hearing, DOEE indicated that it needed additional time to complete the project to accommodate its partnership with the National Park Service as well as robust stakeholder participation. Additionally, DOEE noted that data gaps identified in the initial remedial investigation required additional sample collection and analyzation.

(c) On June 5, 2018, the Council passed emergency legislation, extending the deadline to December 31, 2019. The legislation was made permanent by the Anacostia River Toxics Remediation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 8-104.31).

(d) On November 11, 2019, the Committee on Transportation and the Environment received a letter from DOEE Director Tommy Wells, requesting an extension of the deadline to September 30, 2020. In that letter, Director Wells noted that DOEE would be unable to complete the record of decision by December 31, 2019, but DOEE would be able to issue a draft of the Interim Record of Decision, called a Proposed Plan, by that deadline. The Proposed Plan would include information on DOEE’s preferred cleanup alternative and provide opportunity for public

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comment. The letter also noted that DOEE does not anticipate being able to complete the remedial investigation, required for completion of the record of decision, until the fall of 2020, also adding to the delay.

(e) Emergency legislation is necessary to allow DOEE the time it needs to complete the record of decision for this project in a way that is fully supported.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anacostia River Toxics Remediation Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to declare a sense of the Council on the need for Comcast to maintain the Starz premium movie and television package as part of its programming.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Comcast Programming Emergency Declaration Resolution of 2019".

Sec. 2. (a) Comcast is one of 3 cable providers in the District of Columbia.

(b) The current agreement between Comcast and Starz, a premium movie and television service owned by Lionsgate, ends on December 31, 2019, and Comcast and Starz are negotiating a new agreement.

(c) Comcast announced that on December 10, 2019, Starz, Starz Edge, Starz in Black, Starz Comedy, Starz Cinema, Starz Kids & Family, and associated on-demand content will be removed from packages and that on-demand content for these channels will remain available until December 31, 2019.

(d) As a result, Comcast customers in the District of Columbia who want to continue to view Starz and Starz On Demand will need to subscribe to Starz a la carte and pay an additional \$12 per month, likely resulting in a disproportionate effect on low-income households.

(e) Lionsgate alerted its Comcast subscribers that they will soon lose all 17 Starz channels, along with the on-demand and online services without receiving any refund from Comcast for the loss of programming.

(f) In the place of Starz, more Comcast customers in the District of Columbia will be receiving Metro-Goldwyn-Mayer-owned EPIX as part of their packages beginning December 12, 2019, with 3 additional EPIX channels, EPIX 2, EPIX Hits, and EPIX Drive-In.

(g) In a statement, Starz describes its programming as programming which elevates and captures diverse voices in storytelling that appeals to women, African Americans, Latinx, and other under-served audiences.

ENROLLED ORIGINAL

(h) The Starz programming lineup includes “Outlander,” “Vida,” “American Gods,” and the 6th season of the series “Power,” which ranks as the top-rated premium series among African American audiences.

(i) It is reported that Lionsgate and members of Congress have asked the United States Department of Justice (“DOJ”) to look into whether television providers such as Comcast could be abusing their market position in negotiations over content licenses and further reported that DOJ has contacted Comcast and Lionsgate, the owner of Starz, as part of an informal inquiry into the 2 companies’ contract negotiations.

(j) The Baltimore City Council passed a resolution concerning diversity of programming urging Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast system.

(k) It is reported that DOJ has been weighing an antitrust probe into the matter and federal law enforcement has been interviewing Starz and Comcast executives as part of an informal process and further reported that DOJ has indicated that it is monitoring Comcast to ensure fair market competition.

(l) Diversity of television programming is a valued priority of the District of Columbia, and the elimination of programming should not have a disproportionate or significant impact on low-income families.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council on Comcast Programming Emergency Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare, on an emergency basis, the sense of the Council on the need for Comcast to maintain the Starz premium movie and television package as part of its programming.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council on Comcast Programming Emergency Resolution of 2019”.

Sec. 2. The Council finds that:

(1) Comcast is one of 3 cable providers in the District of Columbia.

(2) The current agreement between Comcast and Starz, a premium movie and television service owned by Lionsgate, ends on December 31, 2019, and Comcast and Starz are negotiating a new agreement.

(3) Comcast announced that on December 10, 2019, Starz, Starz Edge, Starz in Black, Starz Comedy, Starz Cinema, Starz Kids & Family, and associated on-demand content will be removed from packages and that on-demand content for these channels will remain available until December 31, 2019.

(4) As a result, Comcast customers in the District of Columbia who want to continue to view Starz and Starz On Demand will need to subscribe to Starz a la carte and pay an additional \$12 per month, likely resulting in a disproportionate effect on low-income households.

(5) Lionsgate alerted its Comcast subscribers that they will soon lose all 17 Starz channels, along with the on-demand and online services without receiving any refund from Comcast for the loss of programming.

(6) In the place of Starz, more Comcast customers in the District of Columbia will be receiving Metro-Goldwyn-Mayer-owned EPIX as part of their packages beginning December 12, 2019, with 3 additional EPIX channels, EPIX 2, EPIX Hits, and EPIX Drive-In.

(7) In a statement, Starz says its programming elevates and captures diverse voices in storytelling that appeals to women, African Americans, Latinx, and other under-served audiences.

ENROLLED ORIGINAL

(8) The Starz programming lineup includes “Outlander,” “Vida,” “American Gods,” and the 6th season of the series “Power,” which ranks as the top-rated premium series among African American audiences.

(9) It is reported that Lionsgate and members of Congress have asked the United States Department of Justice (“DOJ”) to look into whether television providers such as Comcast could be abusing its market position in negotiations over content licenses and further reported that DOJ has contacted Comcast and Lionsgate as part of an informal inquiry into the 2 companies’ contract negotiations.

(10) The Baltimore City Council passed a resolution concerning diversity of programming urging Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast system.

(11) It is reported that DOJ has been weighing an antitrust probe into the matter and federal law enforcement has been interviewing Starz and Comcast executives as part of an informal process and further reported that DOJ has indicated that it is monitoring Comcast to ensure fair market competition.

(12) Diversity of television programming is a valued priority of the District of Columbia and the elimination of programming should not have a disproportionate or significant impact on low-income families.

Sec. 3. It is the sense of the Council that Comcast should maintain Starz channels and associated on-demand content in its packages until the contract issues are resolved.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and to the Office of Cable Television, Film, Music, and Entertainment.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to grant access to body worn camera footage to certain parties connected to a deceased subject depicted in the footage.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Access to Body-Worn Camera Footage Emergency Declaration Resolution of 2019”.

Sec. 2. (a) This emergency legislation would approve adjustments to the access provisions of the body-worn camera program to allow certain parties connected to a deceased subject depicted in the footage to have access.

(b) Access to body-worn camera footage is currently extended to the subject of the footage and their legal representative. Access is also provided to a minor’s parent or legal guardian.

(c) The regulations do not consider who shall be provided access in the event of the death of the subject. This lack of consideration is most impactful when the footage depicts the homicide of the subject.

(d) In instances of police-involved shootings, the lack of access by close relatives such as the parents of the subject does not forward the transparency goals that the body-worn camera program was designed to forward.

(e) There have been instances where the parent of a decedent have not been able to access the body worn camera footage, which has added to the emotional distress that follows the death of a child. This emergency legislation will bring relief to families that are similarly situated.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Access to Body-Worn Camera Footage Emergency Regulation Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to approve the recommendation of the Director of the Department of Employment Services to increase the maximum weekly benefit amount under the District of Columbia Unemployment Compensation Act to \$444, effective January 5, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “2020 Unemployment Compensation Maximum Weekly Benefit Amount Increase Approval Emergency Declaration Resolution of 2019”.

Sec. 2. Pursuant to section 7(b)(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(b)(3)), the Council must approve the recommendation of the Director of the Department of Employment Services to increase the maximum weekly benefit amount for unemployment compensation benefit claims effective January 1, 2020 to \$444. This increase must be made by January 1, 2020, for the District of Columbia Department of Employment Services to process unemployment compensation benefit claims at the increased rate in a timely and effective manner.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 2020 Unemployment Compensation Maximum Weekly Benefit Amount Increase Approval Emergency Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To approve, on an emergency basis, the recommendation of the Director of the Department of Employment Services to increase the maximum weekly benefit amount under the District of Columbia Unemployment Compensation Act to \$444, effective January 5, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “2020 Unemployment Compensation Maximum Weekly Benefit Amount Increase Approval Emergency Resolution of 2019”.

Sec. 2. Pursuant to section 7(b)(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(b)(3)), the Council approves the recommendation of the Director of the Department of Employment Services to increase the maximum weekly benefit amount for unemployment compensation benefit claims to \$444, effective January 1, 2020.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

**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 23-0453, THE “FLAVORED ELECTRONIC SMOKING DEVICE PROHIBITION
 AMENDMENT ACT OF 2019”**

**BILL 23-0454, THE “PROHIBITION OF ELECTRONIC SMOKING SALES WITHOUT A
 PRESCRIPTION ACT OF 2019”**

AND

**BILL 23-0472, THE “ELECTRONIC SMOKING DEVICE SALES RESTRICTION
 AMENDMENT ACT OF 2019”**

**Thursday, January 2, 2020, 9:30 a.m.
 Room 412, John A. Wilson Building
 1350 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004**

On Thursday, January 2, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0453, the “Flavored Electronic Smoking Device Prohibition Amendment Act of 2019”; Bill 23-0454, the “Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019”; and Bill 23-0472, the “Electronic Smoking Device Sales Restriction Amendment Act of 2019”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The stated purpose of Bill 23-0453, the “Flavored Electronic Smoking Device Prohibition Amendment Act of 2019”, is to amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of a flavored electronic smoking device.

The stated purpose of Bill 23-0454, the “Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019”, is to prohibit the sale of any electronic smoking device or liquids used

in electronic smoking devices, unless the sale occurs at a licensed pharmacy to a person who has a prescription.

The stated purpose of Bill 23-0472, the “Electronic Smoking Device Sales Restriction Amendment Act of 2019”, is to amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of an electronic smoking device within a quarter mile of a middle or high school.

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, December 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.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible, but no later than five business days before the hearing. The Committee will make every effort to fulfill timely requests; however, requests received in fewer than five business days may not be fulfilled, and alternatives may be offered.

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, January 16.**

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCE A PUBLIC HEARING ON

**B23-0564 – THE “MODIFICATION OF THE FREEDOM FORUM, INC. REAL
PROPERTY TAX EXEMPTION AND EQUITABLE REAL PROPERTY TAX RELIEF
ACT OF 2004 AMENDMENT ACT OF 2019”**

Thursday, January 2, 2020, 10:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Thursday, January 2, 2020, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing to consider Bill 23-0564, the “Modification of the Freedom Forum, Inc. Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004 Amendment Act of 2019.” The stated purpose of Bill 23-0564 is to amend Chapter 10 of Title 47 of the District of Columbia Official Code by repealing the “Freedom Forum, Inc. Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004”. The “Freedom Forum, Inc. Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004” authorized an amendment to the District of Columbia code to allow the forgiveness of, and exemption from, taxation for Lots 826 and 831 in Square 491, in support of the Freedom Forum, Inc. and the Newseum. The Freedom Forum, Inc. is closing the Newseum at the end of calendar year 2019. Bill 23-0564 will repeal the Freedom Forum Tax Relief Act of 2004, terminating the existing Land Use Restriction Agreement on the Property and the Payment in Lieu of Taxes Agreement.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at jroberts@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, December 30, 2019**. Witnesses who anticipate needing language interpretation or require sign language interpretation are requested to inform the Committee on Business and Economic Development office of the need as soon as possible but no later than five (5) business days before proceeding. We will make every effort to fulfill timely requests, however requests

received in less than five (5) business days may not be fulfilled and alternatives may be offered. Representatives of organizations will be allowed a maximum of five minutes for oral testimony and individuals speaking in their own capacity will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, to submit a copy of their testimony electronically to jroberts@dccouncil.us in advance of the hearing. For witnesses who are unable to testify at the hearing, submitted written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at jroberts@dccouncil.us, or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on Thursday, January 9, 2020.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

**BILL 23-0571, THE “HEALTH BENEFIT EXCHANGE AUTHORITY INDEPENDENT
PROCUREMENT AUTHORITY AMENDMENT ACT OF 2019”**

**WEDNESDAY, JANUARY 15, 2020
11:00 A.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0571, the “Health Benefit Exchange Authority Independent Procurement Authority Amendment Act of 2019.” The hearing will be held on Wednesday, January 15, 2020, at 11:00 a.m., in Room 412 of the John A. Wilson Building.

Bill 23-0571 would amend the Health Benefit Exchange Authority Establishment Act of 2011 and the Procurement Practices Reform Act of 2010 to make the independent procurement authority for the Health Benefit Exchange Authority permanent.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, by 5:00 p.m. on Monday, January 13, 2020. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Health of the need as soon as possible, but no later than Wednesday, January 8, 2020. We will make every effort to fulfill timely requests, however requests received after this date may not be fulfilled and alternatives may be offered.

**Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

AND

**COUNCILMEMBER ROBERT C. WHITE, JR., CHAIRPERSON
COMMITTEE ON FACILITIES AND PROCUREMENT**

ANNOUNCE A JOINT PUBLIC HEARING ON:

**PR23-0488, THE “HOWARD ROAD SURPLUS DECLARATION AND APPROVAL
RESOLUTION OF 2019”**

PR23-0489, THE “HOWARD ROAD DISPOSITION APPROVAL RESOLUTION OF 2019”

**B23-0110, THE “BRYANT STREET TAX INCREMENT FINANCING AMENDMENT ACT
OF 2019”**

**Monday, January 6, 2020, 10:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Monday, January 6, 2020, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development and Councilmember Robert C. White Jr., the Chairperson of the Committee on Facilities and Procurement will hold a joint public hearing to consider Proposed Resolution 23-0488, the “Howard Road Surplus Declaration and Approval Resolution of 2019”, Proposed Resolution 23-0489, the “Howard Road Disposition Approval Resolution of 2019”, and Bill 23-0110, the “Bryant Street Tax Increment Financing Amendment Act of 2019”.

The stated purpose of PR23-0488 is to declare and approve as surplus the District-owned real property, known as Howard Road located at 1004-1018 Howard Road S.E. and known for taxation and assessment purposes as Lots 0948, 0906, 1035, 0839, 1034, 0952, 0897, and 0908 in Square 5860. The stated purpose of PR23-0489 is to approve the disposition of District-owned real property, known as Howard Road located at 1004-1018 Howard Road S.E. and known for taxation and assessment purposes as Lots 0948, 0906, 1035, 0839, 1034, 0952, 0897, and 0908 in Square 5860. The stated purpose of B23-0110 is to amend the Bryant Street Tax Increment

Financing Act of 2016 to extend the deadline to terminate the Bryant Street Tax Increment Financing Area from March 1, 2019 to March 1, 2020; and to clarify the District's ability to refund bonds under the act.

The Committees invite the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at jroberts@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, January 3, 2020.** Witnesses who anticipate needing language interpretation, or will require sign language interpretation, should inform the Committee as soon as possible no later than five (5) business days before the proceeding. The Committee will make every effort to fulfill the timely request however in the event that the request is received in less than five (5) business days, the request may not be granted and an alternative maybe offered.

Furthermore, representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to jroberts@dccouncil.us. For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at jroberts@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on Monday, January 13, 2020.**

**Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
REVISED NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

ANNOUNCE A PUBLIC ROUNDTABLE ON:

**PR23-0561, THE “HOWARD UNIVERSITY REVENUE BONDS PROJECT APPROVAL
RESOLUTION OF 2019”;**

**PR23-0505, THE “ALCOHOLIC BEVERAGE CONTROL BOARD ED GRANDIS
CONFIRMATION RESOLUTION OF 2019”;** AND

**PR23-0538, THE “ALCOHOLIC BEVERAGE CONTROL BOARD JENI HANSEN
CONFIRMATION RESOLUTION OF 2019”**

**Wednesday, December 18, 2019, 11:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, December 18, 2019, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public roundtable on Proposed Resolution 23-0561, the “Howard University Revenue Bonds Project Approval Resolution of 2019”, Proposed Resolution 23-0505, the “Alcoholic Beverage Control Board Ed Grandis Confirmation Resolution of 2019”, and Proposed Resolution 23-0538, the “Alcoholic Beverage Regulation Control Board Jeni Hansen Confirmation Resolution of 2019”.

The stated purpose of PR23-0561 is to authorize the issuance, sale, and delivery of tax-exempt revenue bonds, notes or other obligations in aggregate principal amount not to exceed \$375 million to Howard University that would be used to finance, refinance, or reimburse costs associated with the University’s property located at 2240 Sixth Street, N.W. The stated purpose of PR23-0505 is to confirm the appointment of Ed Grandis as a public member of the Alcoholic Beverage Control Board (ABC Board) to replace Mike Silverstein for a term to end on May 7, 2023. The stated purpose of PR23-0538 is to confirm the appointment of Jeni Hansen as a public member of the ABC Board to replace Donald Isaac, Jr. for a term to end on May 7, 2023.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee on Business and Economic Development via email at oagwai@dccouncil.us or at (202) 724-8078, and provide their name, telephone

number, organizational affiliation, and title (if any), by **close of business Monday, December 16th**. Witnesses who anticipate needing language interpretation, or will require sign language interpretation, should inform the Committee as soon as possible no later than five (5) business days before the proceeding. The Committee will make every effort to fulfill the timely request however in the event that the request is received in less than five (5) business days, the request may not be granted and an alternative maybe offered. *Please note that this public roundtable was originally scheduled for December 18, 2019 at 10:00 a.m. and has been moved to December 18, 2019 at 11:00 a.m. The measures for consideration remain the same.*

Furthermore, representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to oagwai@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 on Business and Economic Development at oagwai@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on January 3rd, 2020.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF NOVEMBER 30, 2019**

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Petion, Vanessa	Communications Specialist	3	Excepted Service - Reg Appt
Punelli, Katelin	Research Analyst	6	Excepted Service - Reg Appt
Bobak, Alexandra	Constituent Services Coordinator	4	Excepted Service - Reg Appt
Al-Sammarraie, Ali	Research Analyst	6	Excepted Service - Reg Appt
Norris, Julie	Administrative Assistant	2	Excepted Service - Reg Appt
Roberts, Devin	Committee Director	7	Excepted Service - Reg Appt
Pluff, Christa	Legislative Assistant	6	Excepted Service - Reg Appt
Karpinsky, Sandra	Legislative Counsel	2	Excepted Service - Reg Appt
Spence-Sutherland, Errol-Anthony	Budget Analyst	6	Excepted Service - Reg Appt
Mann, Shannon	Administrative Assistant	1	Excepted Service - Reg Appt

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

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

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

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

GBM 23-56: FY 2020 Grant Budget Modifications of November 14, 2019

RECEIVED: 14-day review begins December 5, 2019

GBM 23-57: FY 2020 Grant Budget Modifications of November 25, 2019

RECEIVED: 14-day review begins December 5, 2019

GBM 23-58: FY 2020 Grant Budget Modifications of October 23, 2019

RECEIVED: 14-day review begins December 9, 2019

GBM 23-59: FY 2020 Grant Budget Modifications of December 3, 2019

RECEIVED: 14-day review begins December 10, 2019

GBM 23-60: FY 2020 Grant Budget Modifications of December 4, 2019

RECEIVED: 14-day review begins December 10, 2019

GBM 23-61: FY 2020 Grant Budget Modifications of November 4, 2019

RECEIVED: 14-day review begins December 11, 2019

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

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

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

Reprog. 23-69: Request to reprogram \$3,520,600.49 of Special Revenue funds within the Department of Employment Services (DOES), the Labor Standards Bureau to the Office of Paid Family Leave Program (OPFL) was filed in the Office of the Secretary on December 6, 2019. This reprogramming is needed to accommodate professional services, IT maintenance services for the tax system, supplies, equipment, and general operational needs.

RECEIVED: 14-day review begins December 9, 2019

Reprog. 23-70: Request to reprogram \$25,000,000.00 of FY 2020 Capital Funds within the Department of Health Care Finance (DHCF) to the Department of General Services (DGS) was filed in the Office of the Secretary on December 6, 2019. This reprogramming is needed to ensure DGS has funding to continue and complete the new public parking garage/structure work required for the District to break ground on the new main hospital building, as part of the New Hospital Project.

RECEIVED: 14-day review begins December 9, 2019

Reprog. 23-71: Request to reprogram \$18,674,814 of Fiscal Year 2020 Local funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on December 5, 2019. This reprogramming is needed to ensure that DCPS' budget is properly aligned to accommodate reporting changes within organizations.

RECEIVED: 14-day review begins December 6, 2019

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF RE-REFERRED PROPOSED LEGISLATION

The following proposed legislation was published as referred to the Committee of the Whole with comments from the Committee on Health, but has now been re-referred to the Committee on Health with comments from the Committee of the Whole:

B 23-565, the “Hearing Aid Sales Amendment Act of 2019”.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: November 22, 2019
 Protest Petition Deadline: January 6, 2020
 Roll Call Hearing Date: January 21, 2020
 Protest Hearing Date: March 11, 2020

License No.: ABRA-115707
 Licensee: Actual Space, LLC
 Trade Name: Buckaroos
 License Class: Retailer’s Class “C” Restaurant
 Address: 5029 Connecticut Ave, N.W.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 3

ANC 3F

SMD 3F05

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 January 21, 2020 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 **March 11, 2020 at 1:30 p.m.**

NATURE OF OPERATION

Restaurant serving family-style Californian food with 49 interior seats and a Total Occupancy Load of 50.

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

Sunday through **Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: November 22, 2019
 Protest Petition Deadline: January 6, 2020
 Roll Call Hearing Date: January 21, 2020
 Protest Hearing Date: March 11, 2020

License No.: ABRA-115707
 Licensee: Actual Space, LLC
 Trade Name: Buckaroos
 License Class: Retailer’s Class “C” Restaurant
 Address: 5029 Connecticut Ave, N.W.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 3

ANC 3F

SMD 3F05

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 January 21, 2020 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 **March 11, 2020 at 1:30 p.m.**

NATURE OF OPERATION

Restaurant serving family-style Californian food with 49 interior seats and a Total Occupancy Load of 50.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/13/2019

Notice is hereby given that:

License Number: ABRA-115711

License Class/Type: C Tavern

Applicant: Nunez Property Mgt, LLC

Trade Name: Buho's Restaurant

ANC: 1A04

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

3521 14th ST NW, Washington, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
1/27/2020

A HEARING WILL BE
2/10/2020

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:	7 am - 3 am	8 am - 2 am	7 pm - 11 pm
Monday:	7 am - 3 am	8 am - 2 am	N/A -
Tuesday:	7 am - 3 am	8 am - 2 am	N/A -
Wednesday:	7 am - 3 am	8 am - 2 am	N/A -
Thursday:	7 am - 3 am	8 am - 2 am	7 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	7 pm - 2:45 am
Saturday:	7 am - 3 am	8 am - 3 am	7 pm - 2:45 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 13, 2019
Protest Petition Deadline: January 27, 2020
Roll Call Hearing Date: February 10, 2020
Protest Hearing Date: April 1, 2020

License No.: ABRA-115531
Licensee: Organized Chaos LLC
Trade Name: District Kitchen – 2nd Time
License Class: Retailer’s Class “C” Tavern
Address: 2606 Connecticut Avenue, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 3

ANC 3C

SMD 3C02

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 February 10, 2020 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 **April 1, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Tavern with a seating capacity of 74 and Total Occupancy Load of 74. Sidewalk Café with 25 seats.

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

Sunday 9am – 2am, Monday through Thursday 11am – 2am, Friday 11am – 3am,
Saturday 9am – 3am

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SIDEWALK CAFÉ

Sunday 9am – 11:30pm, Monday through Thursday 11am – 11:30pm, Friday 11am – 12am,
Saturday 9am – 12am

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of a new Section 910, entitled “Medicaid-Reimbursable Telemedicine Services,” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Telemedicine services are designed to improve access to healthcare services, improve patient compliance with treatment plans, improve health outcomes through timely disease detection and treatment options, and increase capacity and choice for treatment in the District of Columbia’s Medicaid program. This rule establishes standards for governing eligibility for Medicaid beneficiaries receiving health services via telemedicine under the Medicaid fee-for-service program, and establishes conditions of participation and reimbursement policies for providers who deliver healthcare services to Medicaid beneficiaries via telemedicine.

In accordance with the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861 (2019 Supp.)), Medicaid will cover and reimburse healthcare services appropriately delivered through telemedicine if the same services would be covered when delivered in person. This rule establishes: (1) eligibility criteria for the receipt of telemedicine services; and (2) conditions of participation for providers who deliver telemedicine services as part of the District of Columbia’s Medicaid program.

Beneficiaries may be unable to access traditional in-person Medicaid services because they face unique health challenges that make traveling to receive healthcare services difficult, or because a specialty provider is not located in their community or healthcare services area. Telemedicine provides a new service delivery pathway to enable these beneficiaries to receive ongoing Medicaid services via telecommunications. These services are essential to ensure that beneficiaries have continued access to health care.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 8, 2016 at 63 DCR 009435. Four (4) sets of comments were received and DHCF made substantive changes to the rulemaking in response. After a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 5, 2017 at 64 DCR 004249, one (1) set of comments were received. DHCF made changes in response and amended the rulemaking to comply with Telemedicine regulations published by the District of Columbia Department of Health at Chapter 46 of Title 17 DCMR. A Notice of Third Emergency and Proposed Rulemaking was published on February 23, 2018, at 65 DCR 001957 in the *D.C. Register*; one (1) set of comments were received, and DHCF made amendments to Subsections 910.7 and 910.8 to include Mental Health Rehabilitation Services providers, Adult Substance Abuse Rehabilitation

Services providers, and Adolescent Substance Abuse Treatment Expansion Program providers as eligible originating and distant site providers. The Fourth Emergency and Proposed rulemaking was published at 66 DCR 008784 (July 26, 2019 – Part 1) of the *D.C. Register*. No comments were received, and no changes were made to this rulemaking.

This final rule was adopted on November 26, 2019, and shall become effective upon publication in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 910, MEDICAID-REIMBURSABLE TELEMEDICINE SERVICES, is added to read as follows:

910 MEDICAID-REIMBURSABLE TELEMEDICINE SERVICES

910.1 The purpose of this section is to establish the Department of Health Care Finance (DHCF) standards governing eligibility for Medicaid beneficiaries receiving healthcare services via telemedicine under the Medicaid fee-for-service program, and to establish conditions of participation for providers who deliver healthcare services to Medicaid beneficiaries via telemedicine.

910.2 Telemedicine is a service delivery model that delivers healthcare services as set forth in Subsections 910.10 and 910.11 through a two-way, real time interactive video-audio communication for the purpose of evaluation, diagnosis, consultation, or treatment.

910.3 The originating site shall be the place where an eligible Medicaid beneficiary is located at the time the healthcare services furnished for payment via a telecommunications system occurs.

910.4 The distant site shall be the place where the eligible Medicaid provider, who furnishes and receives payment for the covered service(s) via a telecommunication system, is located.

910.5 To be eligible for Medicaid reimbursement of telemedicine services under these rules, a Medicaid beneficiary shall meet the following criteria:

- (a) Be enrolled in the District of Columbia Medicaid program pursuant to Chapter 95 (Medicaid Eligibility) of Title 29 of the District of Columbia Municipal Regulations;
- (b) Be physically present at the originating site at the time the telemedicine service is rendered; and

- (c) Provide written consent to receive telemedicine services in lieu of in-person healthcare services, consistent with all applicable District laws.

910.6 A telemedicine provider shall meet the following program requirements:

- (a) Be enrolled as a Medicaid Provider and comply with all the requirements set forth under Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR including having a completed, signed, Medicaid Provider Agreement;
- (b) Comply with all technical, programmatic and reporting requirements as set forth in this section;
- (c) Be licensed in accordance with Subsection 910.9; and
- (d) Comply with any applicable consent requirements under District laws, including but not limited to Section 3026 of Title 5-E of the District of Columbia Municipal Regulations if providing telemedicine services at a District of Columbia Public School (DCPS) or District of Columbia Public Charter School (DCPCS).

910.7 An originating site provider shall consist of the following provider types:

- (a) Hospital;
- (b) Nursing Facility;
- (c) Federally Qualified Health Center (FQHC);
- (d) Clinic;
- (e) Physician Group/Office;
- (f) Nurse Practitioner Group/Office;
- (g) DCPS;
- (h) DCPCS; and
- (i) Mental Health Rehabilitation Service (MHRS) provider, Adult Substance Abuse Rehabilitation Service (ASARS) provider, and Adolescent Substance Abuse Treatment Expansion Program (ASTEP) provider certified by the Department of Behavioral Health (DBH) and eligible to provide behavioral health services set forth under the District of Columbia Medicaid State Plan (State Plan).

- 910.8 A distant site provider shall consist of the following provider types:
- (a) Hospital;
 - (b) Nursing Facility;
 - (c) FQHC;
 - (d) Clinic;
 - (e) Physician Group/office;
 - (f) Nurse Practitioner Group/Office;
 - (g) DCPS;
 - (h) DCPCS; and
 - (i) MHRs provider, ASARS provider, and ASTEP provider certified by DBH and eligible to provide behavioral health services set forth under the State Plan.
- 910.9 When the provider and patient receiving healthcare services are located in the District of Columbia, all individual practitioners shall be licensed in accordance with 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 *et seq.* (2016 Repl. & 2019 Supp.)). For healthcare services rendered outside of the District, the provider of the services shall meet any licensure requirements of the jurisdiction in which the patient is physically located.
- 910.10 Medicaid reimbursement of healthcare services rendered at the originating site shall include only those healthcare services which are covered under the State Plan and implementing regulations.
- 910.11 Medicaid reimbursement of healthcare services rendered at the distant site shall include only the following healthcare services:
- (a) Evaluation and management;
 - (b) Consultation of an evaluation and management of a specific healthcare problem requested by an originating site provider;
 - (c) Behavioral healthcare services including, but not limited to, psychiatric evaluation and treatment, psychotherapies, and counseling; and
 - (d) Speech therapy.

- 910.12 To be eligible for Medicaid reimbursement, a telemedicine provider shall utilize the reimbursement codes designated for telemedicine available at www.dhcf.dc.gov.
- 910.13 A telemedicine provider shall comply with the following technology requirements:
- (a) Use a camera that has the ability to, either manually or by remote control, provide multiple views of a patient and has the capability of altering the camera's resolution, and focus as needed during the consultation;
 - (b) Use audio equipment that ensures clear communication and includes echo cancellation;
 - (c) Ensure internet bandwidth speeds sufficient to provide quality video to meet or exceed fifteen (15) frames per second;
 - (d) Use a display monitor size sufficient to support diagnostic needs used in the telemedicine services; and
 - (e) Use video and audio transmission equipment with less than a three hundred (300) millisecond delay.
- 910.14 Effective January 1, 2017, DHCF shall send a Telemedicine Program Evaluation survey to providers, no more than every three (3) months, via email or regular US mail. A provider shall have thirty (30) calendar days to respond to the survey via email or regular US mail.
- 910.15 A telemedicine provider shall develop a confidentiality compliance plan in accordance with Health Insurance, Portability, and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191, 110 Stat. 1936) (HIPAA) administrative simplification guidance from the Department of Health and Human Services, Office of Civil Rights, available at: <http://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf> to incorporate appropriate administrative, physical, and technical safeguards around data encryption (both for data in transit and at rest) and to protect the privacy of telemedicine participants and ensure compliance with the HIPAA and the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5, §§ 13001-424, 123 Stat. 226).
- 910.16 When clinically indicated, an originating site provider or its designee shall be in attendance during the patient's medical encounter with the distant site professional. An originating site provider shall not be required to be in attendance when the beneficiary prefers to be unaccompanied because the beneficiary feels the subject is sensitive. Sensitive topics may include counselling related to abuse,

or other psychiatric matters. An originating site provider shall note their attendance status in the patient's medical record.

- 910.17 When DCPS or DCPCS is the originating site provider, a primary support professional shall be in attendance during the patient's medical encounter, consistent with Subsection 910.16.
- 910.18 A primary support professional is an individual designated by the school to provide supervisory services for school-based healthcare services. A primary support professional includes a paraprofessional, classroom teacher, resource room staff, library media specialist, and any other certified or classified school staff member.
- 910.19 Each telemedicine provider shall maintain complete and accurate beneficiary records of services provided (not to include videos) for each beneficiary that document the specific healthcare services provided to each beneficiary for a period of ten (10) years or until all audits are completed, whichever is longer.
- 910.20 All beneficiary, personnel and telemedicine program administrative and fiscal records shall be maintained so that they are accessible and readily retrievable, upon request, for inspection and review or audit by DHCF, the federal Centers for Medicare and Medicaid Services, and other authorized government officials or their agents.
- 910.21 A provider shall not be reimbursed by Medicaid for healthcare services delivered via telemedicine when:
- (a) A provider is only assisting the beneficiary with technology and not delivering a healthcare service; or
 - (b) The healthcare service is incomplete.
- 910.22 Reimbursement shall be prohibited for an incomplete healthcare service when the service is not fully rendered due to technical interruptions or other service interruptions resulting in the partial delivery of care.
- 910.23 Telemedicine providers shall be subject to the standard billing practices that are in place for the healthcare services provided in accordance with the relevant regulations, policies, or transmittals issued by the DHCF.
- 910.24 Where a FQHC provides any of the allowable healthcare services described within this Section at the originating or distant site, the FQHC shall be reimbursed at the applicable rate, prospective payment system (PPS), alternative payment methodology (APM), or fee-for-service rate, consistent with Chapter 45 (Medicaid Reimbursement for Federally Qualified Health Centers) of Title 29 DCMR and Subsection 910.27.

- 910.25 If an FQHC is both the originating and distant site provider, and both sites deliver the same healthcare service as outlined in Subsection 910.24, only the distant site will be eligible for reimbursement.
- 910.26 In accordance with the DCPS/DCPCS Medicaid payment methodology, when DCPS or DCPCS provides any of the allowable healthcare services at the originating or distant site, the provider shall only be reimbursed for distant site healthcare services that are Medicaid eligible and are to be delivered in a licensed education agency.
- 910.27 In accordance with the Mental Health Rehabilitation Services Medicaid payment regulations under Chapter 54 of Title 29 DCMR, and consistent with Chapter 34 of Title 22-A DCMR, when an originating site and a distant site are CSAs, and the same provider identification number is used for a service delivered via telemedicine, only the distant site provider shall be eligible for reimbursement of the allowable healthcare services described within this section.
- 910.28 Telemedicine providers shall not be reimbursed for a telemedicine transaction fee and/or facility fee.
- 910.29 Telemedicine providers shall not be reimbursed for store and forward and remote patient monitoring.

910.99 **DEFINITIONS**

When used in this section, the following terms and phrases shall have the meanings ascribed below:

Bandwidth - A measure of the amount of data that can be transmitted at one time through a communication conduit

Core Service Agency - A Department of Behavioral Health (DBH) certified community-based mental health provider that has entered into a Human Care Agreement with DBH to provide specified mental health rehabilitation services.

Data Encryption - The conversion of electronic data into another form which cannot be easily understood by anyone except authorized parties.

Designee - A person designated by the provider based on the person's clinical or administrative qualification to facilitate the delivery of health services by way of telemedicine at the originating site.

Echo Cancellation - A process which removes unwanted echoes from the signal on an audio and video telecommunications system.

Facility Fee - An add-on payment to a provider for the use of their facility for telemedicine.

Fee-For-Service Program - A healthcare payment system that provides Medicaid reimbursement to providers in accordance with a fee schedule, rather than through a Managed Care Organization.

Incomplete Service - A healthcare service that is not fully rendered for reasons to include any technical interruptions or other service interruptions that result in the partial delivery of care.

Medical Encounter - A healthcare service delivered through a through a two-way, real time, interactive video-audio communication system.

Remote Patient Monitoring - A digital technology that collects medical and/or health data from individuals in one location and electronically transmits that information securely to health care providers in a different location for assessment and recommendations.

Store and Forward - A technology that allows for the electronic transmission of medical information, such as digital images, documents, and pre-recorded videos through secure email transmission.

Supervisory Services – The oversight of services delivered via telemedicine by a primary support professional at the originating site.

Transaction Fee - An add-on payment to a provider for delivering a healthcare service via telemedicine.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGRULEMAKING 3-2019-01 – UTILITY CONSUMER BILL OF RIGHTS AND RESPONSIBILITIES

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.), hereby gives notice of its final rulemaking action adopting the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), commonly referred to as the “Consumer Bill of Rights” (CBOR).

2. On January 18, 2019, the Office of the People’s Counsel (OPC) filed a Petition to Amend the Final Rules adopted in Order No. 19759.¹ OPC requested amendments to Section 310, Grounds for Disconnection of Services, to require the electric and natural gas utilities to take into consideration the wind chill factor and heat index when disconnecting customers for non-payment. OPC also requested changes to Section 327 (Customer Protection Standards Applicable to Energy Suppliers) to clarify the commencement of the rescission period when a contract is mailed to a customer.

3. On May 17, 2019, a Notice of Proposed Rulemaking (NOPR) was published in the *D.C. Register* and a Second Notice was published on September 13, 2019.² The Commission published the second NOPR to supersede the first NOPR. In the second NOPR, the Commission further amended Sections 310 and 327 to explain limitations for service disconnections and customer protection standards. No comments on the second NOPR were filed. The Commission approved the amendments as proposed in a vote at the December 4, 2019 open meeting, with the amendments becoming effective upon publication of this notice in the *D.C. Register*.

Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**Section 310, GROUNDS FOR DISCONNECTION, Subsection 310.3, is amended as follows:**

310.3 Disconnection of natural gas or electric utility service for non-payment of bills, failure to post a cash Security Deposit, or failure to comply with the terms of a DPA where natural gas or electricity is used as the primary source of heating or cooling the residence is prohibited:

¹ *RM3-2019-01, In the Matter of the Investigation in to the Public Service Commission’s Rules of Practice and Procedure*, Office of the People’s Counsel for the District of Columbia’s Petition to Amend the Final Rules Adopted in Order No. 19759 at 1, filed January 18, 2019. See 65 *D.C. Reg.* 13506-13523 (December 14, 2018).

² 66 DCR 6201-6202 (May 17, 2019); and, 66 DCR 12190-12191 (September 13, 2019).

- (a) An Electric Utility shall not disconnect residential electric service during the day preceding and the day of a forecast of extreme temperature, or if the forecast of extreme temperature precedes a holiday or weekend day, or on any day during a holiday or weekend, when the National Weather Service (NWS) forecast for the District of Columbia is ninety-five (95°) degrees Fahrenheit or above or thirty-two (32°) degrees Fahrenheit or below during any time of a day as based on the NWS actual temperature forecasts and NWS wind chill factor and heat index temperature forecasts; or
- (b) A Natural Gas Utility shall not disconnect residential gas service during the day preceding and the day of a forecast of extreme temperature, or if the forecast of extreme temperature precedes a holiday or weekend day, or on any day during a holiday or weekend, when the NWS forecast for the District of Columbia is thirty-two (32°) degrees Fahrenheit or below during any time of a day as based on the NWS actual temperature forecasts and NWS wind chill factor.

Section 327, CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS, Subsection 327.15, is amended as follows:

- 327.15 An Energy Supplier shall advise a Customer that he/she has the right to rescind the Contract agreement within the three (3) business day Rescission Period that begins on one of the following dates, as applicable:
- (a) When the Customer signs the Contract;
 - (b) On the date that a positive Third-Party Verification or electronic recording has been made;
 - (c) When the Customer transmits the electronic acceptance of the Contract electronically; or
 - (d) When the Completed Written Contract is received by U.S. Mail; there is a rebuttable presumption that a Contract correctly addressed to a Customer, with sufficient first-class postage attached, shall be received by the Customer three (3) days after depositing in the U.S. Mail.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2018 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 93 (Medicaid Recovery Audit Contractor Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

State Medicaid programs are required, under § 6411 of the Patient Protection and Affordable Care Act of 2011, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat. 119), to establish a Recovery Audit Contractor (RAC) program. Through these programs, states can coordinate with contractors or other entities that perform Medicaid claim audits to better identify and reconcile Medicaid provider overpayments and underpayments. Timely identification of Medicaid provider overpayments and underpayments is an important safeguard against future improper Medicaid payments.

This emergency and proposed rulemaking corresponds to a proposed amendment to the District of Columbia Medicaid State Plan (State Plan). This proposed rulemaking makes changes to align the District's payments with federal requirements set forth at 42 CFR § 455.510 and to update the District's payment methodology for entities under contract with the District under the RAC Program. This change will allow the District's Medicaid program to increase the contingency fee rate paid to RAC entities up to the maximum percentage allowable under federal law. There is no associated fiscal impact.

Emergency action is necessary to avoid delayed recovery revenue for the Medicaid program and lost recovery opportunities for claims that expire during the Medicaid RAC review period. Excessive losses and unrecovered Medicaid revenue could impact the District's ability to finance healthcare services delivered to the District's Medicaid beneficiaries, causing a disruption in healthcare services, which could be detrimental to beneficiaries and the long-term viability of the program. This emergency rulemaking is necessary for the immediate preservation of the health, safety and welfare of vulnerable District residents, without interruption.

The emergency rulemaking was adopted on December 4, 2019 and shall become effective upon publication in the *D.C. Register*. The emergency rules will remain in effect for one hundred and twenty (120) days from adoption, until April 2, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 93, MEDICAID RECOVERY AUDIT CONTRACTOR PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 9300.4 through 9300.7 of Section 9300, GENERAL PROVISIONS, are amended to read as follows:

- 9300.4 The contracted entity identified in § 9300.3 shall be paid a contingency fee in accordance with the requirements set forth in Section 4, Attachment 4.5 of the District of Columbia Medicaid State Plan and federal requirements set forth at 42 CFR § 455.510.
- 9300.5 All audits performed by the Medicaid Recovery Audit Contractor (RAC) shall be subject to the billing standards of the District of Columbia (District) Medicaid program.
- 9300.6 The following claims and payments may be excluded from review and audit under the Medicaid RAC Program:
- (a) Claims associated with managed care, waiver, and demonstration programs;
 - (b) Payments made for Indirect Medical Education and Graduate Medical Education;
 - (c) Claims reimbursed more than three (3) years prior to the date of the RAC review or audit;
 - (d) Claims that require reconciliation due to beneficiary liability; and
 - (e) Unpaid claims.
- 9300.7 In accordance with 42 CFR §§ 455.506(c) and 455.508(g), DHCF shall ensure that no claim audited under the Medicaid RAC Program has been or is currently being audited by another entity.

Subsection 9300.8 is added to read:

- 9300.8 DHCF shall reserve the right to limit the Medicaid RAC Program audit period by claim type, provider type, or for any other reason where DHCF believes it is in the best interest of the Medicaid program to limit claim review. Timely notice of this action shall be made to the Medicaid RAC in writing, by letter or via e-mail.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, N.W., Suite 900, Washington D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPublicComments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2019-125
December 4, 2019

SUBJECT: Appointments — District of Columbia Workforce Investment Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor’s Order 2016-086, dated June 2, 2016, it is hereby **ORDERED** that:

1. The following persons are appointed to the Workforce Investment Council, for terms to end June 23, 2022:
 - a. **SONYA ANDERSON**, as a representative of the healthcare sector member, filling a vacant seat.
 - b. **THOMAS HOREJES**, as a representative of the business organization sector member, replacing Nicole Quiroga.
 - c. **LARRY CALLAHAN**, as a representative of owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority member, filling a vacant seat.
 - d. **JOHN O’BRIEN**, as a representative of the infrastructure industry member, filling a vacant seat.
2. **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 2019-126
December 4, 2019

SUBJECT: Appointment — Mayor’s Council on Physical Fitness, Health, and Nutrition

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), -and in accordance with section 2 of the Mayor's Council on Physical Fitness, Health, and Nutrition Establishment Act of 2011, effective December 2, 2011, D.C. Law 19-58, D.C. Official Code § 7-121 (2018 Repl.), it is hereby **ORDERED** that:

1. **KIMBERLY MOORE** is appointed as a member of the Mayor’s Council on Physical Fitness, Health, and Nutrition, replacing Lisa Fitzpatrick, for a term to end September 30, 2021.
2. **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 2019-127
December 4, 2019

SUBJECT: Appointment — Mayor's Advisory Commission on Caribbean
Community Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2012-127, dated August 15, 2012, as amended by Mayor's Order 2017-182, dated August 8, 2017, it is hereby **ORDERED** that:

1. **DIDIER BARJON** is appointed as a member of the Mayor's Advisory Commission on Caribbean Community Affairs, replacing Liane Angus, for a term to end August 15, 2021.
2. **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 2019-128
December 4, 2019

SUBJECT: Reappointments — State Early Childhood Development Coordinating Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 107 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective March 8, 2011, D.C. Law 18-285, D.C. Official Code § 38-271.07 (2019 Repl.), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the State Early Childhood Development Coordinating Council ("**Council**"), to serve at the pleasure of the Mayor:
 - a. **MARGARETH D. LEGASPI**, as the State Director for Head Start Collaboration.
 - b. **BRENDA HARRIS**, as Director of the entity designated as the state resource and referral agency member.

2. The following persons are reappointed as an additional category identified by the Council as necessary or appropriate members of the Council, for terms to end June 3, 2021:
 - a. **JUDY BERMAN**;
 - b. **CYNTHIA DAVIS**; and
 - c. **LATOYA SMITH**.

3. The following persons are reappointed to the Council, for terms to end June 3, 2021.
 - a. **DANIELA ANELLO**, as a District resident family member whose children are receiving pre-k education services.
 - b. **LINDA MOORE**, as a representative of a public charter school support organization member.

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 2019-129
December 6, 2019

SUBJECT: Reappointments and Appointments – Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs

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 section 3 of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382 (2016 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, as amended by Mayor's Order 2015-262, dated December 22, 2015, it is hereby **ORDERED** that:

1. The following persons are reappointed as public members to the Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs ("Advisory Committee"), for terms to end June 30, 2021:
 - a. **NICOLE ARMSTEAD**;
 - b. **DWAYNE BENSING**;
 - c. **RANDY DOWNS**;
 - d. **CONSUELLA LOPEZ**;
 - e. **DESIREE' LUCKEY**;
 - f. **MICHELLE PARKERSON**;
 - g. **ANDREA SHARRIN**; and
 - h. **JIM SLATTERY**.


2. The following persons are appointed as public members to the Advisory Committee, for terms to end June 30, 2021:
 - a. **SHARITA GRUBERG**, replacing Jaime Grant;
 - b. **NIKOLAS NARTOWICZ**, replacing Victoria Kirby York;
 - c. **RON SIMMONS**, replacing Alexander King; and
 - d. **YAANI SUPREME**, filling a vacant seat.

3. **DEVON TINSLEY** is appointed as a public member to the Advisory Committee, replacing Ruth Eisenberg, for a term to end June 30, 2022.

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 2019-130
December 6, 2019

SUBJECT: Appointment — Office of Employee Appeals


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 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-606.01 (2016 Repl. and 2019 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **DIONNA LEWIS**, pursuant to the Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019, effective July 9, 2019, Resolution 23-0168, is appointed as a member of the Office of Employee Appeals, replacing Vera Abbott, for a term to end April 6, 2025.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 9, 2019



 MURIEL BOWSER
 MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**OFFICE OF ADMINISTRATIVE HEARINGS
DISTRICT OF COLUMBIA ADVISORY COMMITTEE**

PUBLIC NOTICE OF MEETING

In accordance with D.C. Code § 2-576(1), the Advisory Committee to the Office of Administrative Hearings hereby gives notice that it will meet on Thursday, December 12, 2019 at 12:00 pm. The meeting will be held at the following location:

Boardroom
Board of Ethics and Government Accountability
441 Fourth Street NW, Suite 540 South
Washington, DC 20001

For further information, please contact Shauntinique Steele at nikki.steele@dc.gov or 202-741-5303.

AGENDA

- I. **Welcome and Call to Order**
- II. **Introductions**
- III. **Vote to Approve Transmission of the Minutes**
- IV. **Presentations on Fraud**
- V. **Remarks from the Chief ALJ**
- VI. **Old Business**
- VII. **New Business**
- VIII. **Adjournment**

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR
ADVISORY NEIGHBORHOOD COMMISSION SECURITY FUND
ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2019

December 9, 2019

Purpose

As required by law¹, the Office of the District of Columbia Auditor presents the Advisory Neighborhood Commission (ANC) Security Fund Annual Financial Report for Fiscal Year 2019. This report was drafted, reviewed, and approved in accordance with the standards outlined in ODCA's Audit Policies and Procedures.

Historical Background of the Fund

The Advisory Neighborhood Commission Security Fund (Fund) was established to insure ANCs against unauthorized expenditures or loss of funds. The Fund does not cover any loss as the result of an expenditure authorized by a vote of a Commission. The Fund is held in the custody of a Board of Trustees (Trustees) composed of the Secretary of the District of Columbia, the General Counsel to the Council of the District of Columbia, and the District of Columbia Auditor (Auditor). The Executive Director of the Office of Advisory Neighborhood Commissions serves as a non-voting Trustee.²

An ANC is eligible to participate in the Fund if the Treasurer and the Chairperson of the ANC agree in writing to be personally liable to the Fund for any sum paid out by the Fund as a result of the Treasurer or Chairperson's wrongful misappropriation or loss of ANC monies. An ANC becomes a participant of the Fund and is eligible to recover losses upon payment to the Fund of an annual contribution ... in an amount to be determined by the Trustees³.

D.C. law requires the assets of the Fund to be held in an interest-bearing account located in the District of Columbia.⁴ In addition, the law requires that the Fund publish an annual report in the District of Columbia register no later than 90 days after the end of each fiscal year.⁵

ANC 5B lost approximately \$30,000 due to unauthorized expenditures made by their elected Chairman between August 2010 and April 2011. To recover the losses associated with the unauthorized expenditures, ANC 5B, a participant of the ANC Security Fund at the time, requested a reimbursement totaling \$15,467.67 from the ANC Security Fund Board of Trustees. On December 7, 2011, the Board approved the request and authorized the transfer of \$15,467.67 from the Fund to ANC 5B.

¹ D.C. Code § 1-309.14(f) (2019)

² D.C. Code § 1-309.14(a) (2019)

³ D.C. Code § 1-309.14(b) (2019)

⁴ D.C. Code § 1-309.14(e) (2019)

⁵ D.C. Code § 1-309.14(f) (2019)

Related to this earlier action, on December 19, 2011, a settlement agreement between the District government and the former Chairman of ANC 5B ordered the former Chairman to make a payment sum of \$28,878.46 payable to the D.C. Treasurer. At a minimum, according to the agreement, \$15,467.67 will be reimbursed to the security fund. For FY 2019, \$350.00 was repaid to the Fund.

Results

Advisory Neighborhood Commission Security Fund Commercial Savings Account Fund Activities & Balance for Fiscal Year 2019

Description	FY 2019	FY 2018
Beginning Balance	\$ 68,696.89	\$ 67,345.15
Deposits	1,225.00	1,250.00
Interest	204.86	101.74
Withdrawal/Adjustment	0.00	0.00
Total Fund Balance	\$ 70,126.75	\$ 68,696.89

On October 1, 2018, the beginning balance of the Advisory Neighborhood Commission Security Fund was \$68,696.89. Deposits totaling \$1,429.86⁶ and no disbursements during FY 2019 resulted in a Fund balance of \$70,126.75, as of September 30, 2019.

The Fund was held by FVCbank⁷ which was insured by Federal Depository Insurance up to \$250,000. To document the Fund's activity, at the end of each quarter and after receiving the quarterly bank statement, the Auditor reconciled and recorded all Fund activity and balances into the District of Columbia Financial System. Additionally, a quarterly and annual reconciliation/closing report of the Fund's activity and balance was submitted to the District of Columbia's Chief Financial Officer (see Attachment A).

Attachment A

To view the full report, please go to: <http://dcauditor.org/report/advisory-neighborhoodcommission-security-fund-annual-financial-report-for-fiscal-year-2019/>

Please direct questions regarding this report to Diane Shinn, Communications Manager, at diane.shinn@dc.gov.

⁶ The \$1,429.86 includes: \$875.00 ANC annual security fund participation fee (\$25 per ANC), \$204.86 earned interest and \$350.00 court mandated settlement payments to the Fund.

⁷ The fund was held by Columbo bank in previous years and merged with FVCbank on October 12, 2018.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

Roy H. Rockwell
21 9th Street, NE
Washington, DC 20002

RE:

Address:	Square:	Lot:
1000 Independence Avenue, SE	0968	0802

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 2020**, for the following reasons:

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.dkra.dc.gov.

If you have questions regarding this decision please contact Theresa Hollins, Support Specialist at (202) 442-4377.

Sincerely,

Donald Sullivan,
Program Manager
Vacant Building Enforcement

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

Ruth Joel
3614 Morrison Street, NW
Washington, DC 20015

RE:

Address:	Square:	Lot:
3614 Morrison Street, NW	1994	0017

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 2018**, for the following reasons:

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.dkra.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

DC INTERNATIONAL PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Investment Management Services**

RFP Investment Management: DCI invites written proposals from qualified firms interested in helping DCI's financial team with investment management. Please email rfp@dcinternationalschool.org for the full RFP. Proposals are due no later than 5PM on Friday, December 20, 2019. No phone calls, please.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT
ANNOUNCES DECEMBER 19, 2019 PUBLIC MEETING
FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT
ENHANCEMENT COMMITTEE

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee as follows:

12:30 p.m. – 2:00 p.m.
Thursday December 19, 2019
1050 First St. NE, Washington, DC 20002
Conference Room 536 (LeDroit Park)

For additional information, please contact:

Debra Roane, Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor
Washington, DC 20002
(202) 478-5940
Debra.Roane@dc.gov

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the December 19, 2019, committee meeting
- III. Approval of minutes from November 21, 2019, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Girls Global Academy PCS - \$450,000 Unfunded Credit Enhancement
- VI. Creative Minds PCS - \$2,000,000 Direct Loan

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) no later than two (2) business days prior to the meeting.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF INVITATION TO SUBMIT PROPOSALS****DISTRICT OF COLUMBIA EDUCATION RESEARCH PRACTICE PARTNERSHIP**

Pursuant to the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018,” effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.01 *et seq.*) (the “RPP Act”), the District of Columbia hereby issues the Notice of Invitation (NOI) for independent, non-governmental entities to submit proposals to conduct education research on behalf of the District of Columbia through the District’s education research practice partnership.

The purpose of the Notice of Invitation (NOI) is to solicit proposals to enter into an education research practice partnership (hereinafter, “partnership” or “RPP”) with the District of Columbia. The partnership shall conduct independent education-related research that will support improvement in the District’s public schools and shall publicly report the findings of the research.

The Notice of Invitation is available on OSSE’s website beginning December 13, 2019 at: <https://osse.dc.gov/page/research-practice-partnership>.

Eligibility Criteria: Eligible applicants for the partnership include a university, college, non-profit organization, or a consortium that combines university, college, non-profit organizations joined for the purposes of this partnership. Eligible applicants for the partnership shall demonstrate a commitment to enter into the partnership for no less than ten years. For the purposes of this NOI, the term “entity” shall mean an individual university, college, or non-profit organization, or the organization leading a consortium.

Pre-Proposal Meeting: A recommended pre-application webinar will be held on December 18, 2019 at 2:00 pm EDT. To register, please visit the following [link](#).

Proposal Submission Deadline: Proposals shall be submitted no later than 60 days from the issuance date of this notice, February 10, 2020, at 5:00 pm EDT. Late proposals will not be accepted. OSSE reserves the right to not consider incomplete submissions.

Questions from potential applicants regarding this solicitation may be submitted to educationrppnoi@dc.gov no later than January 31, 2020, and the District will publish answers on <https://osse.dc.gov/page/research-practice-partnership> periodically throughout the application window.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF PUBLIC COMMENT PERIOD****CARL D. PERKINS CAREER AND TECHNICAL EDUCATION****PROPOSED CTE STATE PLAN**

As required by the “Strengthening Career and Technical Education for the 21st Century Act” effective July 31, 2018 (PL 115-224; 132 Stat 1563), which amended the “Carl D. Perkins Career and Technical Education Act of 2006” (20 U.S.C. § 2301 *et seq.*), the Office of the State Superintendent of Education (OSSE) must submit a State Education Plan to the US Department of Education which outlines the District’s Career and Technical Education (CTE) strategy for secondary and postsecondary programs receiving Carl D. Perkins funds as developed by OSSE in coordination with a diverse group of stakeholders.

The proposed CTE State Plan for secondary and postsecondary programs receiving Carl D. Perkins funds are available on the OSSE website at: <https://osse.dc.gov/publication/carl-d-perkins-application-forms>.

To ensure an opportunity for the public to provide input prior to submission, the proposed State Plan for Career and Technical Education programs will be posted on OSSE’s website for 45 calendar days and open for written public comment within the same period. The public comment period on the District of Columbia’s CTE State Plan opened on December 13, 2019 and will close January 27, 2020.

Specifically, OSSE is soliciting comments regarding the following:

- How the State Plan meets the requirements of the law;
- Support the improvement of quality and performance of all CTE programs throughout the District of Columbia; and
- Support the needs of the local education and business community.

All persons desiring to comment on the proposed CTE State Plan should submit comments in writing not later than **February 14, 2020** via email to:

ossecomments.proposedregulations@dc.gov.

For more information or questions regarding the proposed CTE State Plan or the public comment period, please contact:

Richard Kincaid
State Director of Career and Technical Education
Richard.Kincaid@dc.gov
(202) 442-4008

DEPARTMENT OF ENERGY AND ENVIRONMENT
BUILDING ENERGY PERFORMANCE STANDARDS TASK FORCE
NOTICE OF PUBLIC MEETING

The Task Force meeting will be held on Tuesday December 10, 2019 from 3:00 p.m. to 5:00 p.m. The meeting will be held at the Department of Energy and Environment's offices at 1200 First St NE, 5th Floor, Washington, DC 20002. The final agenda will be posted on the Department of Energy and Environment's website at <https://doee.dc.gov/service/building-energy-performance-standards>.

For additional information, please contact: Kate Johnson, Chief, Green Building & Climate Branch, at (202) 299-3355 or katherine.johnson@dc.gov.

Draft Meeting Agenda

1. Opening Remarks
2. Administrative Items
3. Working Group Key Takeaways
4. Stakeholder Engagement
5. Technical Advisory Group
6. Cost/Benefit Study
7. Adjournment

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Characterizing Utility Burden among Low- and Moderate-Income District Residents

The Department of Energy and Environment (the Department) seeks eligible entities to characterize the need for financial assistance to pay water, electric, and gas bills among low- and moderate-income residents in the District of Columbia. A successful applicant will propose how to research utility burden, collect primary data from low- and moderate-income residents, and analyze these data to generate recommendations to improve access and utilization of utility assistance programs.

The amount available for the project is approximately \$50,000.00.

Beginning December 13, 2019, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2019UtilityAssistRFA.grants@dc.gov with "Request copy of RFA, RFA-FY20-AED-760, EA" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Mackenzie Mathews at (202) 671-3042 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Mackenzie Mathews RE: RFA-FY20-AED-760, EA" on the outside of the envelope.

The deadline for application submissions is January 30, 2019. The online application must be time stamped by 4:30 p.m. on the date the application is due.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies;
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: 2019UtilityAssistRFA.grants@dc.gov.

**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, December 17, 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 draft 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. | Pew Charitable Trusts Recommendations on Opioids | Pew Charitable Trusts |
| 4. | Discussion and Approval of Remaining Recommendations | Commission Members |
| 5. | Public Comments | Public |
| 6. | Adjournment | Commission Co-Chairs |

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Full-Service Catering**

KIPP DC is soliciting proposals from qualified vendors for Full-Service Catering. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on January 3, 2020. Questions can be addressed to dorian.ezzard@kippdc.org.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PETITION TO AMEND CHARTER**Charter Review – *Multiple Schools**IDEA PCS**Kingsman Academy PCS**Monument Academy PCS**The Children’s Guild DC PCS*

ACTION: Open for Public Comment

PUBLIC COMMENT ACCEPTED UNTIL: **December 16, 2019**

Summary District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on the DC public charter schools listed below, which are up for a charter review on Monday, December 16, 2019. Pending DC PCSB staff’s analysis, the Board may elect to do one of the following for each school: 1) Continue the school’s charter without conditions, 2) Conditionally continue the school’s charter by imposing annual or interim targets it must meet, or 3) Commence charter revocation proceedings.

1. IDEA Public Charter School:

IDEA PCS is up for its 20-Year charter review. The school currently operates a single campus in Ward 7 where it serves students in grades 9-12. Its mission is to “to prepare students with the academic, social, leadership and occupational skills for post-secondary opportunities and to be responsible citizens who contribute to the community.”

2. Kingsman Academy Public Charter School:

Kingsman Academy PCS is up for its 5-Year charter review. The school currently operates a single campus in Ward 6 where it serves students in grades 6-12. Its mission is to “provide an individualized and rigorous education in a supportive environment to prepare scholars for post-secondary success and responsible citizenship.”

3. Monument Academy Public Charter School:

Monument Academy PCS is up for its 5-Year charter review. The school currently operates a single campus in Ward 6 where it serves students in grades 6-8. Its mission is “to provide students, particularly those who have had or might have contact with the foster care system, with the requisite academic, social, emotional, and life skills to be successful in college, career, and community, and to create an outstanding school that attracts, supports, and retains exceptional and caring staff.”

4. The Children's Guild DC Public Charter School:

The Children's Guild PCS is up for its 5-Year charter review. The school currently operates a single campus in Ward 5 educating grades K-8. The school's mission is "to use the philosophy of Transformation Education to prepare special needs and general education students for college, career readiness, and citizenship in their community by developing in them critical thinking and creative problem-solving skills, self-discipline and a commitment to serve a cause larger than themselves."

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., the DC Public Charter School Board (DC PCSB) is required to review each DC charter school's performance at least once every five years.

DATES:

- Comments must be submitted on or before December 16, 2019.
- Public Hearing will be held at 6:30 pm on Monday, December 16, 2019, at GALA Theatre located at 3333 14th Street NW, Washington DC 20010

ADDRESSES: You may submit comments, identified by "Notice of Petition for Charter Review," by any of the following methods:

1. Submit a written comment via:
 - (a) E-mail*: public.comment@dcpsb.org
 - (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
 - (c) Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the informal hearing on December 16, 2019, by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Monday, December 16, 2019.

*Please select only one of the actions listed above.

FOR FURTHER INFORMATION CONTACT: Laterica (Teri) Quinn, Senior Manager—School Quality and Accountability, at (202) 328-2660; email: lquinn@dcpsb.org.

DC PCSB reserves the right but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF 2020 BOARD MEETINGS**

The District of Columbia Public Charter School Board (“DC PCSB”) hereby gives notice, of DC PCSB’s intent to hold a public meeting at 6:30pm on the following dates:

Monday, January 27, 2020

Monday, February 24, 2020

Monday, March 16, 2020

Monday, April 20, 2020

Monday, May 18, 2020

Monday, June 15, 2020

Monday, July 20, 2020

Monday, August 17, 2020 (tentative)

Monday, September 21, 2020

Monday, October 19, 2020

Monday, November 16, 2020

Monday, December 21, 2020

For questions, please call 202-328-2660. An agenda for each meeting will be posted 48 business hours in advance of the meetings on www.dcpsb.org. The location for all meetings is currently to be determined.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:
Fraternal Order of Police/ Metropolitan
Police Department Labor Committee
Petitioner
v.
Metropolitan Police Department
Respondent
PERB Case No. 19-E-06
Opinion No.1728

DECISION AND ORDER

I. Introduction

On August 21, 2019, pursuant to Board Rule 560.1, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed a Petition for Enforcement. The FOP requests enforcement of PERB Case No. 17-U-26, Opinion 1651 (Opinion 1651).1 FOP alleges that the District of Columbia Metropolitan Police Department (MPD) has failed to comply with Opinion 1651. MPD opposes the Petition for Enforcement because it maintains that the initial disciplinary action was correct, but it does not contest the material facts of the Petition. The uncontested facts establish FOP’s entitlement to relief; thus, the Petition for Enforcement is granted.

II. Opinion 1651 Background

On April 8, 2016, an Arbitrator issued an award, which reversed the termination of a Grievant represented by FOP. The award reduced the Grievant’s termination to a 35-day suspension and ordered reinstatement. The Arbitrator retained jurisdiction over the question of attorney fees. On January 18, 2017, the Arbitrator issued an award, directing MPD to pay FOP’s attorney fees and cost. MPD did not file an arbitration review request of either award.

1 FOP/MPD Labor Comm. v. MPD, 65 D.C. Reg. 3306, Slip Op. No. 1651, PERB Case Nos. 17-U-26, 18-U-04, and 18-U-06 (2018). FOP/MPD Labor Comm v. MPD, 65 D.C. Reg. 6430, Slip Op. No. 1661, PERB Case No. 17-U-26 (2018).

Decision and Order
PERB Case No. 19-E-06
Page 2

On May 5, 2017, FOP filed an Unfair Labor Practice Complaint alleging non-compliance with the arbitration awards. On January 31, 2018, the Board found that MPD committed an unfair labor practice by failing to comply with both arbitration awards.² MPD requested reconsideration of the Board's decision. The Board denied the request for reconsideration on March 27, 2018.³

Thereafter, MPD filed a Petition for Review with the Superior Court of the District of Columbia. On March 12, 2019, the Superior Court of the District of Columbia affirmed the Board's order.⁴ MPD did not appeal the decision.⁵

III. FOP's Entitlement to Relief

FOP contends that MPD has failed to comply with Opinion 1651 by refusing to reinstate the Grievant or otherwise comply with the arbitration awards.

The elements for granting a petition for enforcement are present herein.⁶ FOP prevailed at arbitration. The Board issued Opinion 1651, finding that MPD committed an unfair labor practice by failing to comply with the arbitration awards. MPD appealed to the Superior Court of the District of Columbia, which denied MPD's appeal.

FOP filed the instant Petition for Enforcement. MPD's answer does not dispute the material facts.⁷ Despite the undisputed validity of the awards and the Board's order, MPD has refused to comply with the arbitration awards and has refused to reinstate the Grievant.⁸

MPD maintains an argument that the disciplinary action was appropriate, this argument was considered and rejected and thus only presents a mere disagreement with the arbitrator's decisions.⁹ MPD's failure to comply is not based on a genuine dispute over the terms of the awards but is rather a simple refusal to comply. It is undisputed that the Board's order became final and that MPD did not comply.

The Board has held, "When a party fails or refuses to implement an arbitration award where there is no dispute over its terms, such conduct constitutes a failure to bargain in good faith and, thus, an unfair labor practice."¹⁰ Therefore, the Board will proceed with enforcement

² *FOP/MPD Labor Comm. v. MPD*, 65 D.C. Reg. 3306, Slip Op. No. 1651 at 3-4, PERB Case Nos. 17-U-26, 18-U-04, and 18-U-06 (2018).

³ *FOP/MPD Labor Comm v. MPD*, 65 D.C. Reg. 6430, Slip Op. No. 1661, PERB Case No. 17-U-26 (2018).

⁴ Pet. Ex. 5.

⁵ Res. Ex. 1.

⁶ *FOP/MPD Labor Comm. ex rel. Fowler v. MPD*, 65 D.C. Reg. 12487, Slip Op. No. 1681, PERB Case No. 18-E-02 (2018); *FOP/MPD Labor Comm. ex rel. Rosario v. MPD*, Slip Op. No. 1682, PERB Case No. 18-E-03 (2018).

⁷ Res. Answer ¶¶ 7-11.

⁸ Res. Ex. 1. ("The Department's position is that it will not reinstate these individuals. . ."). Also, MPD failed to comply with the requirement that it inform the Board within fourteen (14) days of posting notices as required in Opinion 1651.

⁹ *Renee Jackson v. Teamsters Local 639*, 63 D.C. Reg. 10694, Slip Op. 1581, PERB Case No. 14-S-02 (2016).

¹⁰ *FOP/MPD Labor Comm. v. MPD*, 63 D.C. Reg. 14055, Slip Op. No. 1592, PERB Case No. 11-E-02 (2016). See *D.C. Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 997 A.2d 65, 79 (D.C. 2010).

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Page 3

of this action. The Petition for Enforcement is granted. The Board will seek judicial enforcement of its Decision and Order in Opinion 1651, as provided under D.C. Official Code § 1-617.13(b).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Petition for Enforcement is granted.
2. Within ten (10) days from the issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the arbitration awards, if it has not already done so, and shall notify the Public Employee Relations Board in writing that it has complied.
3. The Board shall proceed with enforcement of PERB Case 17-U-26, Opinion No. 1651, pursuant to §§ 1-605.02(16) and 1-617.13(b) of the D.C. Official Code, if full compliance with PERB Case 17-U-26 is not made within (10) ten days of the issuance of this decision and order.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Charles Murphy, Members Douglas Warshof, and Mary Anne Gibbons

Washington, D.C.

October 17, 2019

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case Nos. 19-E-06, Opinion No. 1728 was sent by File and ServeXpress to the following parties on this the 18th day of October 2019.

Mark T. Viehmeyer
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Anthony M. Conti
Daniel J. McCartin
Conti Fenn & Lawrence LLC
36 South Charles Street, Suite 2501
Baltimore, Maryland 21201

/s/

Sheryl Harrington

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)	
)	
Fraternal Order of Police/ Metropolitan)	
Police Department Labor Committee)	
)	PERB Case No. 19-E-07
)	
	Petitioner)	Opinion No. 1729
	v.)	
)	
Metropolitan Police Department)	
)	
	Respondent)	
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DECISION AND ORDER

I. Introduction

On August 21, 2019, pursuant to Board Rule 560.1, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed a Petition for Enforcement related to PERB Case No. 18-A-11, Opinion 1686 (Opinion 1686).¹ FOP alleges that the District of Columbia Metropolitan Police Department (MPD) has failed to comply with Opinion 1686, in which FOP prevailed. MPD opposes the Petition for Enforcement because it maintains that the initial disciplinary action was correct, but it does not contest the material facts of the Petition. The uncontested facts establish FOP’s entitlement to relief; thus, the Petition for Enforcement is granted.

II. Opinion 1686 Background

On April 17, 2018, an Arbitrator issued an award that reversed the termination of a Grievant represented by FOP. The Arbitrator dismissed the charges in their entirety and ordered MPD to reinstate the Grievant with full back pay, plus pre-judgment and post-judgment interest.

On May 14, 2018, MPD filed an arbitration review request (Request) seeking review of the April 17, 2018 award. FOP opposed the Request.

¹MPD v. FOP/MPD Labor Comm., 66 D.C. Reg.867, Slip Op. No.1686, PERB Case No. 18-A-11 (2019).

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In its Request, MPD asserted that the Arbitrator exceeded his jurisdiction by failing to consider a charge filed against the Grievant in the disciplinary notice and by awarding pre-judgment and post-judgment interest.²

On September 28, 2018, the Board found no cause to set aside, modify, or remand the arbitration award; and denied MPD's Request. Specifically, the Board found that the Arbitrator did not exceed his jurisdiction, as the decision was based on the precise issues agreed to and submitted by the parties.³ Likewise, the Board concluded that an award of pre-judgment and post-judgment interest arose out of the Arbitrator's broad equitable powers and that the awarded remedy was within the arbitrator's jurisdiction.⁴

Thereafter, on November 13, 2018, MPD filed a Petition for Review with Superior Court of the District of Columbia. On March 1, 2019, the Petition was dismissed as untimely.⁵ MPD filed a Motion to Alter or Amend, or in the Alternative Vacate the March 1, 2019 Order. On May 28, 2019, MPD's Motion to Alter or Amend, or in the Alternative Vacate the March 1, 2019 Order was denied.⁶ MPD did not appeal the decision.

III. FOP's Entitlement to Relief

FOP contends that MPD has failed to comply with Opinion 1686 by refusing to reinstate the Grievant. FOP requests that the Board enforce Opinion 1686 and compel MPD to comply with the terms of the arbitration award.⁷

The elements for granting a petition for enforcement are present herein.⁸ FOP prevailed at arbitration. The Board issued Opinion 1686, finding no grounds to set aside, modify, or remand the arbitration award. MPD appealed to the Superior Court of the District of Columbia, and MPD's appeal was denied.⁹

FOP filed the instant Petition for Enforcement. MPD's answer does not dispute the material facts. Despite the undisputed validity of the arbitration award and the Board's order, MPD has refused to comply with the arbitration award and has refused to reinstate the Grievant.¹⁰

MPD maintains an argument that the disciplinary action was appropriate, this argument was considered and rejected and thus only presents a mere disagreement with the arbitrator's decision.¹¹ MPD's failure to comply is not based on a genuine dispute over the terms of the

² *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 867, Slip Op. 1686 at 3, PERB Case No. 18-A-11 (2019).

³ *Id.* at 4.

⁴ *Id.* at 4.

⁵ Pet. Ex. 3

⁶ Pet. Ex. 4

⁷ Petition at 5.

⁸ *FOP/MPD Labor Comm. ex rel. Fowler v. MPD*, 65 D.C. Reg. 12487, Slip Op. No. 1681, PERB Case No. 18-E-02 (2018); *FOP/MPD Labor Comm. ex rel. Rosario v. MPD*, Slip Op. No. 1682, PERB Case No. 18-E-03 (2018).

⁹ Pet. Ex. 3-4.

¹⁰ Res. Ex. 1 ("The Department's position is that it will not reinstate these individuals. . .").

¹¹ *Renee Jackson v. Teamsters Local 639*, 63 D.C. Reg. 10694, Slip Op. 1581, PERB Case No. 14-S-02 (2016).

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Page 3

award but is rather a simple refusal to comply. It is undisputed that the Board's order became final and that MPD did not comply.

The Board has held, "When a party fails or refuses to implement an arbitration award where there is no dispute over its terms, such conduct constitutes a failure to bargain in good faith [], thus, an unfair labor practice."¹² Therefore, the Petition for Enforcement is granted and the Board will seek judicial enforcement of its Decision and Order in Opinion 1686, as provided under D.C. Official Code § 1-617.13(b).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Petition for Enforcement is granted.
2. Within ten (10) days from the issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the arbitration award, if it has not already done so, and shall notify the Public Employee Relations Board in writing that it has complied.
3. The Board shall proceed with enforcement of PERB Case 18-A-11 pursuant to D.C. Official Code §§ 1-605.02(16) and 1-617.13(b) if full compliance with the award is not made and documented within ten (10) days of the issuance of this Decision and Order.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Charles Murphy, Members Douglas Warshof, and Mary Anne Gibbons

Washington, D.C.

October 17, 2019

¹² *FOP/MPD Labor Comm. v. MPD*, 63 D.C. Reg. 14055, Slip Op. No. 1592, PERB Case No. 11-E-02 (2016). See *D.C. Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 997 A.2d 65, 79 (D.C. 2010).

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case No. 19-E-07, Opinion No. 1729 was sent by File and ServeXpress to the following parties on this the 18th day of October 2019.

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/s/

Sheryl Harrington

**Government of the District of Columbia
Public Employee Relations Board**

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In the Matter of:)
)
American Federation of Government Employees, Local 1000)
)
	Complainant)
)
	v.)
)
District of Columbia)
Department of Employment Services)
)
	Respondent)
<hr/>)

PERB Case No. 13-U-07

Opinion No. 1730

DECISION AND ORDER ON REMAND

I. Statement of the Case

This case comes before the Board on remand from the Superior Court of the District of Columbia.¹ The Complainant, American Federation of Government Employees, Local 1000 (AFGE Local 1000), filed an unfair labor practice complaint (Complaint) against the District of Columbia Department of Employment Services (DOES), alleging that DOES violated D.C. Official Code §§ 1-617.04(a)(1) and (5) by unilaterally implementing a dress code policy (2012 Dress Code) without engaging in substantive bargaining or, alternatively, failing to engage in good faith bargaining over the impact and effects of the implementation of the 2012 Dress Code. DOES filed a timely Answer.

¹ See *Am. Fed'n of Gov't Emp., Local 1000 v. D.C. Dep't of Empl. Serv.*, 65 D.C. Reg. 9268, Slip Op. No. 1671, PERB Case No. 13-U-07 (2018). In Opinion 1434, the Board ordered the complaint to "an unfair labor practice hearing to determine whether a past practice existed in which employees were not held to any particular dress code and were not disciplined for their attire or appearance." *Am. Fed'n of Gov't Emp., Local 1000*, Slip Op. No. 1434 at 6. A hearing was held, and the Hearing Examiner's findings went before the Board. In Opinion 1578, the Board rejected the Hearing Examiner's finding that DOES violated D.C. Official Code §§ 1-617.04(a)(1) and (5). *Am. Fed'n of Gov't Emp., Local 1000 v. D.C. Dep't of Empl. Serv.*, 63 D.C. Reg. 9800, Slip Op. No. 1578 at 5, PERB Case No. 13-U-07 (2016). Opinion 1578 was appealed to the D.C. Superior Court. PERB subsequently moved the court to voluntarily remand the case back to PERB to clarify its initial decision. The court granted that motion without addressing the underlying merits of Opinion 1578.

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The Board finds that DOES violated D.C. Official Code §§ 1-617.04(a)(1) and (5) by failing to engage in substantive bargaining over the 2012 Dress Code.

II. Procedural Background

A. 2012 Dress Code

According to the Hearing Examiner's Report and Recommendation (Report), the bargaining unit consisted of approximately 344 non-professional employees at DOES.² Some DOES bargaining unit employees interacted directly with the public. Other bargaining unit employees did not interact with the public, but occasionally performed duties in view of the public.³

The 2012 Dress Code set forth a standard of professional business attire for all employees while performing official duties, especially when employees were in contact with the general public and non-DOES employees.⁴ The policy listed examples of professional business attire, such as suits, blazers, collared shirts, dress pants, and dresses.⁵ The 2012 Dress Code also listed attire that was inappropriate at all times, including athletic wear, casual wear, and beach wear.⁶ A number of exceptions to the policy were outlined, such as casual Fridays, prior supervisory approval, and justifiable medical conditions.⁷

The Deputy Director was responsible for the final determination that an employee violated the 2012 Dress Code. The 2012 Dress Code further stated that the Director had sole discretion to continue, revise, or revoke the policy.⁸

It is undisputed that the 2012 Dress Code was never implemented by DOES.⁹

B. The Complaint and Answer

The Complaint alleged that on October 12, 2012, DOES announced the pending implementation of the 2012 Dress Code.¹⁰ The Complaint further alleged that DOES did not take any steps to bargain with AFGE Local 1000 over the decision to implement the policy or the impact and effects of the policy.¹¹ The Complaint also stated that there had been "a long-standing past-practice that employees were not held to any particular dress code" and that the

² Hearing Examiner's Report and Recommendation at 4.

³ Report at 8.

⁴ Report at 6.

⁵ Report at 6.

⁶ Report at 7.

⁷ Report at 7.

⁸ Report at 8.

⁹ Report at 8.

¹⁰ Complaint at ¶ 4.

¹¹ Complaint at ¶ 6.

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“implementation of a dress code or any material change to an existing dress code is a mandatory subject of bargaining.”¹²

In its Answer, DOES responded that the 2012 Dress Code was not a new policy, but rather a revised policy that replaced a previous dress code that was implemented in 1999.¹³ DOES also stated that it had engaged in impact and effects bargaining.¹⁴ As an affirmative defense, DOES denied that the dress code was a mandatory subject of bargaining, and asserted that the implementation of a dress code was a management right to direct employees and to determine internal security practices.

C. Opinion 1578

In Opinion 1578, the Board held that an agency does not violate D.C. Official Code §§ 1-617.04(a)(1) and (5) by refusing to engage in substantive bargaining over a management right decision that is in harmony with D.C. Municipal Regulations (DCMR).¹⁵ Specifically with regard to the implementation of a dress code, the Board looked at 4 DCMR §§ 513.1-2 which permits agencies to “prescribe standards of appearance or dress for personnel which serve a reasonable business purpose.” The Board found in cases where the dress code goes beyond the language and scope of the DCMR, the dress code could not be imposed without bargaining.¹⁶

On June 20, 2018, the Board vacated its decision and order in Opinion 1578, and ordered the case to a hearing to develop a factual record regarding (1) whether the implementation of the dress code was directly and integrally related to the accomplishment of the agency’s mission; and (2) whether the establishment of the dress code was an exercise of the agency’s management right to direct employees and to determine the agency’s internal security practices.¹⁷ A hearing was held October 3, 2018.

III. Hearing Examiner’s Report and Recommendation

The Hearing Examiner found that (1) the implementation of the 2012 Dress Code was not directly and integrally related to the accomplishment of the agency’s mission; and (2) the 2012 Dress Code did not fall within the agency’s management right to direct employees nor to determine its internal security practices. Accordingly, the Hearing Examiner found that the implementation of the 2012 Dress Code was a mandatory subject of bargaining.¹⁸

In reaching his conclusions, the Hearing Examiner found that a dress code may be unilaterally implemented under an agency’s statutory management right to direct employees,

¹² Complaint at ¶ 8 and 9.

¹³ Answer at 3.

¹⁴ Answer at 2-3.

¹⁵ *Am. Fed’n of Gov’t Emp., Local 383 v. D.C. Dep’t of Youth Rehab. Serv.*, 63 D.C. Reg. 9778, Slip Op. No. 1577 at 11, PERB Case No. 13-U-06 (2016).

¹⁶ *Id.*

¹⁷ Slip Op. No. 1671 at 2.

¹⁸ Report at 21.

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only when a dress code is directly and integrally related to the agency's mission. The Hearing Examiner looked to DOES's mission, which was to "connect District residents, job seekers, and employers to opportunities and resources that empower fair, safe, effective working communities," and involved some employees' direct contact with the public.¹⁹ The Hearing Examiner found that DOES had served constituents for decades without a dress code and did not have any documented complaints of a bargaining unit employee's workplace attire. Furthermore, the Hearing Examiner found no evidence that DOES was hindered in accomplishing its mission by the workplace attire of its employees nor any improvement in customer service from a change in employee attire, after a 2018 dress code policy was implemented.²⁰

The Hearing Examiner also found that the 2012 Dress Code did not fall within DOES's management right to determine its internal security practices, because DOES failed to prove that the dress code was a rational means of differentiating employees from the public.²¹

IV. Discussion

The Board will adopt a Hearing Examiner's Report and Recommendation if the recommendations are reasonable, supported by the record, and consistent with Board precedent.²² The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner."²³ Mere disagreements with a hearing examiner's findings do not constitute proper exceptions if the record contains evidence supporting the hearing examiner's conclusions.²⁴

DOES filed Exceptions to the Hearing Examiner's Report and Recommendation.²⁵ DOES argues that the Report is contrary to D.C. Official Code § 1-617.08(a)(1), 4 DCMR §§ 513.1 and 513.2, and unsupported by the record.²⁶ DOES asserts that it has the exclusive right to direct employees of the agency to dress in a manner that serves a reasonable business purpose or dress in a manner that prevents a danger to the health, welfare, or safety of employees or customers.²⁷ According to DOES, the content of the dress code shows a clear business purpose directly related to maintaining its professional image.²⁸ DOES further asserts that the language of the DCMR is broad and does not limit management to implementing a dress code only if it is directly and integrally related to the mission of the agency.²⁹

¹⁹ Report at 23.

²⁰ Report at 23-24.

²¹ Report at 27.

²² *See Am. Fed'n of Gov't Emp., Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

²³ *Council of Sch. Officers, Local 4, Am. Fed'n of Sch. Adm'r v. Slip Op. 1016 at 6; Tracy Hatton v. FOP/DOC Labor Comm.*, 47 D.C. Reg. 769, Slip Op. 451 at 4, PERB Case No. 95-U-02 (1995).

²⁴ *Hoggard v. DCPS, supra*, Slip Op. No. 496 at p. 3, PERB Case No. 95-U-20.

²⁵ Exceptions at 1.

²⁶ Exceptions at 4.

²⁷ Exceptions at 6.

²⁸ Exceptions at 6.

²⁹ Exceptions at 8.

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In its Exceptions, DOES also argues that AFGE Local 1000 has the burden to prove that DOES committed an unfair labor practice by failing to bargain substantively over the 2012 Dress Code. According to DOES, this burden requires proving that the 2012 Dress Code went beyond the scope of the DCMR and was a mandatory subject of bargaining.³⁰ DOES claims that the Hearing Examiner improperly shifted the burden to DOES to prove that the dress code was a legitimate exercise of a management right.³¹

On April 4, 2019, AFGE Local 1000 filed an Opposition to the Exceptions. AFGE Local 1000 argues that the Exceptions are nothing more than a disagreement with the Hearing Examiner's legal and factual conclusions.

A. Substantive Bargaining of the 2012 Dress Code

The Board finds that the implementation of the 2012 Dress Code is not a management right and must have been substantively bargained over.

The Board has long followed the categorization of subjects of bargaining set forth in *NLRB v. Borg-Warner Corp.*³² As the Supreme Court held, some matters are mandatory subjects of bargaining, some are permissive, and some are illegal.³³ Subjects that are mandatory subjects of bargaining are those upon which the employer is required to bargain. If the employer does not, it will have committed an unfair labor practice for failing to bargain in good faith.³⁴ Subjects which are permissive subjects of bargaining are those which management may but is not required to bargain. Finally, illegal subjects of bargaining are those forbidden by law and which the parties are not permitted to bargain. The Comprehensive Merit Personnel Act's (CMPA) inclusion of a "Management Rights" section, alters dramatically the categorization of several subjects of bargaining: Some subjects that may be mandatory in the private sector are permissive under the CMPA.

D.C. Official Code § 1-617.08(b) provides that "[a]ll matters shall be deemed negotiable, except those that are proscribed by this subchapter." The Board has held that this language creates a presumption of negotiability.³⁵ Thus, an agency must overcome this "presumption" when seeking to establish its affirmative defense that it has a management right to impose a dress code. The Board holds that so long as a dress code is directly linked to the methods and means of performing work in support of the agency's mission,³⁶ then it is a management right to direct employees.

³⁰ Exceptions at 11.

³¹ Exceptions at 10.

³² 356 U.S. 342, 349 (1958).

³³ *Id.*

³⁴ See D.C. Official Code § 1-617.04(a)(5).

³⁵ See *Compensation Unit 31 (American Federation of Government Employees, Locals 631, 872, and 2553; American Federation of State, County, and Municipal Employees, Local 2091; and National Association of Government Employees, Local R3-06) v. District of Columbia Water and Sewer Authority*, 64 D.C. Reg. 9287, Slip Opinion No 16-N-02, PERB Case No. 16-N-02 (2017).

³⁶ The Board finds language from the Federal Labor Relations Authority persuasive in this case. See *Adjutant Gen'l, St. Of Ohio and AFGE, Ohio CANG Locals, Council 127*, 21 FLRA 1062 (May 30, 1986).

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i. Directing Employees

The 2012 Dress Code does not fall under management's right to direct employees. The CMPA's reference to "applicable laws and rules and regulations" means that management's directions must comply with the law. It is important to note that compliance with the law does not make a subject of bargaining a management right. Even if permitted by law, the subject matter in dispute must be an exercise of a management right listed in D.C. Official Code § 1-617.08(a) to exempt an agency from substantive bargaining. Whether the imposition of a dress code is a "management right" requires case-by-case analysis.³⁷

Management's right to "direct employees" is not unbounded. To be considered a management right, the direction of an employee, including the 2012 Dress Code, must be directly related to the agency's mission.

The Hearing Examiner found no evidentiary connection between the 2012 Dress Code and a legitimate business purpose or DOES's mission. The Hearing Examiner found that DOES served its constituents for decades without an employee dress code and without any complaints of the workplace attire of bargaining unit employees. The Board finds that the Hearing Examiner's factual determinations and conclusions are reasonable based on the record. The Board concludes that the imposition of the 2012 Dress Code was not an exercise of management's right to direct employees, and required substantive bargaining.³⁸

ii. Internal Security Practices

The Board finds that the 2012 Dress Code did not fall under management's right to determine internal security practices. The Hearing Examiner found that the 2012 Dress Code did not reasonably relate to DOES's internal security objective of differentiating employees from non-employees.³⁹ The 2012 Dress Code did not require employees to wear any logo or apparel that identified them as DOES employees. The Hearing Examiner determined that DOES failed to prove that the dress code was a rational means of achieving the goal of differentiating employees from members of the public.⁴⁰ Based on these factual determinations, the Board finds that the imposition of the 2012 Dress Code was not reasonably related to management's right to direct internal security practices, and required substantive bargaining.

B. Impact and Effects Bargaining

Since the Board concludes that DOES failed to engage in substantive bargaining, there is no need to address AFGE's allegation that DOES failed to engage in impact and effects bargaining.

³⁷ D.C. Official Code § 1-617.08(a)(1).

³⁸ Report at 24.

³⁹ Report at 26.

⁴⁰ Report at 27.

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C. Remedies

Typically, as a remedy for failing to bargain, the Board would order the parties to engage in substantive bargaining over the 2012 Dress Code. However, in this case, DOES implemented a new dress code in 2018 (2018 Dress Code), and the record does not show that AFGE Local 1000 requested to bargain over the 2018 Dress Code. Therefore, the remedy to bargain is rendered moot.

Notwithstanding, the Board has previously held that “when a violation is found, the Board’s order is intended to have therapeutic as well as remedial effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices is the protection of rights and obligations.”⁴¹ “[I]t is the furtherance of this end, i.e., the protection of employee rights...[that] underlies [the Board’s] remedy requiring the posting of a notice to all employees concerning the violation found and the relief afforded.”⁴² Accordingly, DOES is required to post a notice regarding its violation.

V. Conclusion

Based on the foregoing, the Board finds that DOES failed to engage in substantive bargaining over the 2012 Dress Code in violation of D.C. Official Code §§ 1-617.04(a)(1) and (5). Accordingly, the Board orders DOES to post a notice detailing its violations of the CMPA.

ORDER

IT IS HEREBY ORDERED THAT:

1. DOES shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice where notices to bargaining unit employees are customarily posted. The Notice shall remain posted for thirty (30) consecutive days;
2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, and Douglas Warshof.

October 17, 2019

Washington, D.C.

⁴¹ *NAGE, Local R3-06 v. D.C. Water and Sewer Authority*, 47 D.C. Reg. 7551, Slip Op. No. 635 at 15-16, PERB Case No. 99-U-04 (2000).

⁴² *AFGE, Local 2978 v. D.C. Dep’t of Health*, 61 D.C. Reg. 8025, Slip Op. No. 1443, PERB Op. No. 14-U-01 (2013) (citing *Bagenstose v. D.C. Public Schools*, 41 D.C. Reg. 1493, Slip Op. No. 283 at 3, PERB Case No. 88-U-33 (1991)).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 13-U-07, Op. No. 1730 was sent by File and ServeXpress to the following parties on this the 29th day of October, 2019.

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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFFTT00-5, IN THE MATTER OF VERIZON WASHINGTON, DC INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its final action taken in the above-captioned proceeding.

2. On September 6, 2019, Verizon Washington, DC Inc. (Verizon) filed its Rights-of-Way (ROW) Compliance Filing for 2019,² in accordance with D.C. Code § 10-1141.06.³ On September 11, 2019, Verizon filed a Revised ROW Compliance Filing, superseding the earlier filing.⁴ The Revised ROW Compliance Filing describes the process Verizon uses to recover from its customers the District of Columbia Public ROW fees it pays to the District of Columbia Government. Moreover, Verizon's ROW Compliance Filing contains the most recent calculations and updated rates for the Verizon's ROW surcharges, in accordance with the following tariff page:⁵

GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201
Section 1A
Page 2

3. In the ROW Compliance Filing, Verizon compares the current ROW surcharge rates and the updated ROW surcharge rates for the ROW Surcharge Rider.⁶ Specifically, the ROW Compliance Filing indicates that the monthly customer ROW Surcharge Rider rate will increase by \$0.88, from \$8.11 to the updated rate of \$8.99, for

¹ D.C. Code § 2-505 (2018 Repl.) and D.C. Code §34-802 (2013 Repl.).

² *TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201 (TT00-5)*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Douglas R. Smith, Vice President for State Government Affairs – Mid-Atlantic Region, RE: Case No. TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C. – D.C. No. 201 (ROW Compliance Filing), filed September 6, 2019.

³ See D.C. Code § 10-1141.06 (2001).

⁴ *TT00-5*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Douglas R. Smith, Vice President for State Government Affairs – Mid-Atlantic Region, RE: Case No. TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C. – D.C. No. 201 (Revised ROW Compliance Filing), filed September 11, 2019.

⁵ *TT00-5*, ROW Compliance Filing at 2.

⁶ *TT00-5*, ROW Compliance Filing at 2.

Non-Centrex lines, and increase by \$0.11, from \$1.01 to the updated rate of \$1.12, for Centrex lines.⁷ According to Verizon, the projected cost recovery is based on the line loss experienced in the first half of 2019 versus the first half of 2018.⁸ Verizon intends to implement the new rate on January 1, 2019.⁹

4. The Commission issued a Notice of Proposed Tariff (NOPT) that was published in the *D.C. Register* on October 4, 2019, inviting comments on Verizon's ROW Compliance Filing.¹⁰ In the NOPT, the Commission states that Verizon has a statutory right to implement its filed ROW Surcharge rate revisions, but if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rates, Verizon could be subject to a reconciliation of the surcharge rates. No comments were filed in response to the NOPT and the Commission is satisfied that the ROW Surcharge Rider rates proposed by Verizon in the ROW Compliance Filing comply with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on December 4, 2019, took final action approving Verizon's ROW Compliance Filing. Verizon's ROW Compliance Filing shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁷ TT00-5, ROW Compliance Filing at 2.

⁸ TT00-5, ROW Compliance Filing at 2.

⁹ TT00-5, ROW Compliance Filing at 2.

¹⁰ 66 *D.C. Reg.* 013065-013066 (October 4, 2019).

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 January 15, 2020.

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 December 13, 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.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2020
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Abdul-Malik	Mansur T.	The NHP Foundation 1090 Vermont Avenue, NW, Suite 400	20005
Alvarado	Yajaira	Citi Bank 3241 14th Street, NW	20010
Anderson	Vanessa Ann	Edison International 555 12th Street, NW, Suite 640	20004
Ashton	Dawn	United States Department of Justice 555 Fourth Street, NW	20001
Battisto	Jenna Truax	Trammell Crow Company 1055 Thomas Jefferson Street, NW, Suite 600	20007
Bennett	Roberta A.	Bennett Career Institute, Inc. 700 Monroe Street, NE	20017
Bernard	Denise	Miles & Stockbridge, P.C. 1201 Pennsylvania Avenue, NW, Suite 900	20004
Bernstein	Andrew Donald	Simpson Thacher & Bartlett LLP 900 G Street, NW, 9th Floor	20001
Bing	Shelby R.	Self (Dual) 712 16th Street, NE	20002
Blystone	Jessica	Manatt, Phelps & Phillips, LLP 1050 Connecticut Avenue, NW, Suite 600	20036
Boyd	Destiny	Feldesman Tucker Leifer Fidell 1129 20th Street, NW, Suite 400	20036
Brittingham	Marcia	Metropolitan Police Department 300 Indiana Avenue, NW, Suite 6061	20001
Buttry	Kathleen McGinley	Menkiti Group 3401 8th Street, NE	20017
Calvo	Ulises	Bank of America 3131 Mount Pleasant Street, NW	20010

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Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2020
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Capshaw	Teri	The George Washington University School of Medicine and Health Sciences 2600 Virginia Avenue, NW, Suite 104	20037
Clark	Lovelace Z.	St. Patrick's Episcopal Church and Day School 4700 Whitehaven Parkway, NW	20007
Deoudes	Dimitri William	Fay Law Group 777 Sixth Street, NW, Suite 410	20001
Deshields	Taylor Ashley	Wells Fargo Bank 1545 Alabama Avenue, SE	20020
Dix	Sharra	Koonz McKenney Johnson & DePaolis LLP 2001 Pennsylvania Avenue, NW, Suite 450	20006
Douglas	Kimberly	Democracy Alliance 1401 K Street Street, NW, Suite 700	20005
Dudley	Marquita S.	Government Printing Office Federal Credit Union 732 North Capitol Street, NW	20401
Eagleson	Blair	Bailey & Glasser 1055 Thomas Jefferson Street, NW, Suite 540	20007
Eustaquio	Geocinda F.	Self (Dual) 819 Eighth Street, NE	20002
Falk	Jessica Sara	Entercom 1015 Half Street, SE	20003
Fallstone	Hollie M.	Gallaudet University 800 Florida Avenue, NE	20002
Finney	Dale Demetria	Self 824 Barnaby Street, SE ,#404	20032
Fleming	Elsie Cooper	Self 1330 7th Street, NW, Apartment 105	20001
Foster	Mitzi Arlene	Children's National Hospital 111 Michigan Avenue, NW, Suite 1620	20010

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Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2020
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Garner	Lashawn	Metropolitan Police Department 300 Indiana Avenue, NW, Suite 6061	20001
Gartenhaus	Lori	W.T. Weaver & Sons, Inc 1208 Wisconsin Avenue, NW	20007
Graves	Lily A.	L Graves Law 1629 K Street, NW, Suite 300	20006
Gray	Nakia	Gray Legal, P.C. 800 Maine Avenue, SW, Suite 200	20024
Green	Jennifer	Ditto Management LLC 1015 7th Street, NW	20001
Hailey	Sonja	Self 112 Galveston Street, SW, #102	20032
Hall	Sandra T.	General Services Administration 1800 F Street, NW	20405
Harvey	Patience L.	Bank Fund Staff Federal Credit Union 1725 I Street NW, Suite 150	20006
Hekmat	Arman	Madison Investments 2300 Wisconsin Avenue, NW, Suite 300A	20007
Hogan	Christopher Michael	American Israel Public Affairs Committee 251 H Street, NW	20001
Joya	Bertha	Clark Construction Group, LLC 220 I Street, NE, Suite 108	20002
Kaufman	Jonah Aaron	Price Benowitz LLP 409 7th Street, NW, Suite 200	20004
Kessler	Samantha Kylie	Arent Fox 1717 K Street, NW	20006
King	Veronica	Smoot Construction of Washington DC 5335 Wisconsin Avenue, NW, Suite 940	20015

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Leithead	Katharine R.	Bank of America 1800 K Street, NW	20006
Lerch	Joshua	Bank of America 55 M Street, SW, Suite 101	20003
Lewis	Glenn Michael	Millennium Challenge Corporation 1099 14th Street, NW, Suite 700	20005
Lewis	Myron O'Bryant	Capital City Public Charter School 100 Peabody Street, NW	20011
Luyando	Tamica	Self 417 Atlantic Street, SE	20032
Martinez- Gomez	Alma	Environmental Defense Fund 1875 Connecticut Avenue, NW, Suite 600	20009
Mathias III	John Allen	Palladium 1331 Pennsylvania Avenue, NW	20004
Matson	Emily Anne	Conference of State Bank Supervisors 1129 20th Street, NW, Suite 900	20036
McCadden	Karen	EagleBank 2001 K Street, NW, #150	20006
Mejia	Estania	Right Size Law, PLLC 621 G Street, SE	20003
Miller	Dorothy	Self 4409 F Street, SE	20019
Miranda	Alexander	Self 2750 14th Street, NW, #205	20009
Mitchell	Jermaine C.V.	Children's National Medical Center 111 Michigan Avenue, NW	20010
Nwanze	Audrey L.	GOAL LLC 4710 14th Street, NW, Suite 200	20011

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Nwanze	George O.	GOAL LLC 4710 14th Street, NW, Suite 200	20011
Orr	Lavdena Adams	Self 5804 8th Street, NW	20011
Osman	Ihab F.	EDS Visa Service 1616 H Street, NW, Suite 703	20006
Otey	Joshua	Fannie May 1100 15th Street, NW	20005
Payne	Monique	Peckar & Abramson 2055 L Street, NW, Suite 750	20036
Peterson	Donna A.	Peterson Court Reporting 1629 K Street, NW, Suite 300	20006
Powell	Toya	Faith in Action 999 North Capitol Street, NE, Suite 200	20002
Pringle	Denis P.	Society of Missionaries of Africa 1624 21st Street, NW	20009
Riley	Adrienne	American Resort Development Association 1201 15th Street, NW, Suite 400	20005
Robles	Linda Joseline	Capital City Public Charter School 100 Peabody Street, NW	20011
Ruckner III	Edward A.	United States Senate Disbursing Office 127 Hart Senate Office Building, NE	20510
Samuel	Samuel Antonio	Marcum, LLP 1899 L Street, NW, Suite 850	20036
Sansbury	Brenda	Self (Dual) 150 Thomas Street, NW	20001
Schabacker	Catherine	Dykema 1301 K Street, NW, 1100 West	20005

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Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2020
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Shields	Patrice	Park Hyatt Washington 1201 24th Street, NW	20037
Smith	Ushaiunia	Advantage Financial Federal Credit Union 1319 F Street, NW, Suite 500	20004
Swart	Phillip Samuel	Self (Dual) 1830 Park Road, NW, #B	20010
Syritsyn	Ivan Romanovich	Neal R Gross & Co Inc 1323 Rhode Island Avenue, NW	20005
Valladares	Angelique A.	Ms. P's Child & Family Services 1103 M Street, NW	20005
Walker	Linda Lorraine	American University 4400 Massachusetts Avenue, NW	20016
Weber	Diane R.	Astris Finance LLC 1627 Eye Street, NW, Suite 1210	20006
Williams	Sheila	Appalachian Regional Commission 1666 Connecticut Avenue, NW, Suite 700	20009
Williams	Veronica C.	Self 806 Hilltop Terrace, SE	20019
Wills	Gwendolyn	Self 107 56th Place, SE	20019
Wilson	Jasmine	ThinkWell 1701 Rhode Island Avenue, NW	20036
Winston	Bertha Delose	Law Offices of Robert Bunn 1325 G Street, NW, Suite 500	20006

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO AWARD A SOLE SOURCE CONTRACT

Laser Cutter

Washington Leadership Academy intends to award a sole source contract to Epilog for the EPILOG LASER PRO SERIES 80W with rotary attachment. For more information, contact Mandy Leiter at mleiter@wlapcs.org.

For full Notice of Intent to Award a Sole Source Contract, please visit: www.wlapcs.org/bids

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20146 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).

HEARING DATE: November 20, 2019

DECISION DATE: November 20, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 4, 2019, at which a quorum was present, the ANC voted 6-0-0 to provide no comment on the application. (Exhibit 34.)

OP Report. The Office of Planning ("OP") submitted a report recommending approval of the application. (Exhibit 36.) OP proposed a condition limiting the days and hours of operation based on information provided by the Applicant, but the Board found that the condition was not necessary to adopt.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 35.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller to APPROVE; Lesylleé M. White 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: November 26, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST

¹ Self-certification. In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20148 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 001).

HEARING DATE: November 20, 2019
DECISION DATE: November 20, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 8.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report, provided for the record by the Applicant during the hearing, indicated that at a regularly scheduled, properly noticed public meeting on November 9, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report, dated November 8, 2019, recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted two reports indicating that it had no objection to the application. (Exhibits 32 and 35.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, 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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 6.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Robert E. Miller to APPROVE; one Board seat vacant.)

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: November 26, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

¹Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20152 of Susanna Chu and Ariel David Adesnik, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 and from the rear yard requirements of Subtitle D § 306.1, to construct a one-story rear addition and a porch side addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 4600 45th Street, N.W. (Square 1569, Lot 1).

HEARING DATE: December 4, 2019

DECISION DATE: December 4, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 19 (Final Revised); Exhibit 16 (Revised); Exhibit 8 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 12, 2019, at which a quorum was present, the ANC approved a resolution by a vote of 5-0-0 to support the application. (Exhibit 38.)

OP Report. The Office of Planning submitted a report, dated November 22, 2019, recommending approval of the application. (Exhibit 39.)

DDOT Report. The District Department of Transportation submitted a report, dated October 24, 2019, indicating that it had no objection to the application. (Exhibit 36.)

Persons in Support. The Board received 14 signed letters from neighbors, including one from the adjacent neighbor to the north, in support of the application. (Exhibit 7.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 and from the rear yard requirements

of Subtitle D § 306.1, to construct a one-story rear addition and a porch side addition to an existing detached principal dwelling unit in the R-1-B Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 6.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 5, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

¹Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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