

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-581, Women, Infants, and Children Program Expansion Act of 2018
- D.C. Council enacts Act 22-597, District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018
- D.C. Council enacts Act 22-598, Risk Management and Own Risk and Solvency Assessment Act of 2018
- D.C. Council schedules the Fiscal Year 2018-2019 agency performance oversight hearings
- Alcoholic Beverage Regulation Administration increases the reimbursement percentage for the District of Columbia's MPD Reimbursable Detail Subsidy Program
- Department of Energy and Environment announces funding availability for the Anacostia Ambassador Program
- Department of Insurance, Securities and Banking schedules a public hearing on the application of the Moxy Bank Charter
- D.C. Retirement Board certifies the winner of the Special Election to serve as the Active Teacher Member of the Board

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

Deadlines for Submission of Documents for Publication

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

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

Viewing the DC Register

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

Legal Effect of Publication - Certification

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

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A22-579 Foster Parent Training Regulation Amendment Act of 2018 [B22-97]001331 - 001334

A22-580 Foreign-Government-Owned Vacant and Blighted Building Amendment Act of 2018 [B22-465]001335 - 001338

A22-581 Women, Infants, and Children Program Expansion Act of 2018 [B22-666]001339 - 001341

A22-582 Medical Necessity Review Criteria Amendment Act of 2018 [B22-807]001342 - 001343

A22-583 CleanEnergy DC Omnibus Amendment Act of 2018 [B22-904]001344 - 001361

A22-584 Internet Sales Tax Amendment Act of 2018 [B22-914]001362 - 001366

A22-585 Northwest One Surplus and Disposition Approval Omnibus Act of 2018 [B22-937].....001367 - 001369

A22-586 Rental Housing Smoke-Free Common Area Amendment Act of 2018 [B22-949]001370 - 001372

A22-587 Breast Density Screening and Notification Amendment Act of 2018 [B22-960]001373 - 001376

A22-588 Hidden Figures Way Designation Act of 2018 [B22-965].....001377

A22-589 Rhode Island Avenue (RIA) Tax Increment Financing Act of 2018 [B22-986]001378 - 001387

A22-590 Paperwork Reduction and Data Collection Act of 2018 [B22-574]001388 - 001391

A22-591 Fair Condominium Withdrawal Amendment Act of 2018 [B22-919]001392 - 001394

A22-592 Fare Evasion Decriminalization Amendment Act of 2018 [B22-408]001395 - 001397

A22-593 Sexual Abuse Statute of Limitations Amendment Act of 2018 [B22-21].....001398 - 001401

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

D.C. ACTS CONT'D

A22-594 Sports Wagering Lottery Amendment Act of 2018
[B22-944]001402 - 001422

A22-595 Health Insurance Marketplace Improvement Amendment
Act of 2018 [B22-1001]001423 - 001427

A22-596 Senior Strategic Plan Amendment Act of 2018
[B22-686]001428 - 001430

A22-597 District of Columbia Education Research Practice Partnership
Establishment and Audit Act of 2018
[B22-776]001431 - 001437

A22-598 Risk Management and Own Risk and Solvency Assessment
Act of 2018 [B22-814]001438 - 001443

A22-599 Temporary Parking Permit Limitation Regulation Amendment
Act of 2018 [B22-841]001444 - 001445

A22-600 District Historical Records Advisory Board Amendment
Act of 2018 [B22-842]001446 - 001449

A22-601 Southwest Waterfront Park Bus Prohibition Act of 2018
[B22-916]001450 - 001451

A23-2 Sports Wagering Lottery Clarification Emergency
Amendment Act of 2019 [B23-2]001452 - 001453

RESOLUTIONS

Res 23-11 Federal Worker Housing Relief Emergency Declaration
Resolution of 2019001454 - 001455

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B23-94, B23-95, B23-97, and B23-98
and Proposed Resolutions PR23-82 and PR23-84.....001456 - 001457

COUNCIL HEARINGS

Notice of Public Hearings -
Agency Performance Oversight Hearings, Fiscal Year
2018-2019 (Abbreviated), 1/29/2019 001458 - 001467

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

COUNCIL HEARINGS CONT'D

Notice of Public Hearings - cont'd

Fiscal Year 2020 Proposed Budget and Financial Plan,
Fiscal Year 2020 Budget Support Act of 2019,
Fiscal Year 2020 Local Budget Act of 2019,
Fiscal Year 2020 Federal Budget Act of 2019,
and Committee Mark-up Schedule, 1/23/2019..... 001468 - 001477

Notice of Public Oversight Roundtable -

Destruction of Historic Elements in the Franklin School
Renovation (Reconvened).....001478

Notice of Public Roundtables -

PR23-60 Food Policy Director Ona Balkus Confirmation
Resolution of 2018 001479

PR23-0069 State Superintendent of Education Hanseul Kang
Confirmation Resolution of 2019 (Joint) 001480

PR23-0071 Chief Technology Officer Lindsey Parker Confirmation
Resolution of 2019 001481

OTHER COUNCIL ACTIONS

Notice of Reprogramming Requests -

23-01 Request to reprogram \$873,493 of Fiscal Year
2019 Dedicated Taxes funds budget authority
within the Office of the State Superintendent of
Education (OSSE)001482 - 001483

23-02 Request to reprogram \$1,330,673 of Fiscal Year
2019 Special Purpose Revenue funds budget
authority within the Department of Energy and
Environment (DOEE).....001482 - 001483

23-03 Request to reprogram \$7,108,092 of Capital funds
budget authority and allotment within the Fire and
Emergency Medical Services Department (FEMS)001482 - 001483

23-04 Request to reprogram \$54,930,000 of Capital funds
budget authority and allotment to capital projects for
D.C. Public Schools (DCPS) and the Department of
Parks and Recreation (DPR).....001482 - 001483

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

CHIKO Dupont - ANC 2B - New 001484

Punch Bowl Social - ANC 6D - New..... 001485

TBD (Pratt Group, LLC) - ANC 1B - New - CORRECTION..... 001486

TBD (Pratt Group, LLC) - ANC 1B - New - RESCIND 001487

The Eastern - ANC 6B - New - CORRECTION..... 001488

The Eastern - ANC 6B - New - RESCIND 001489

Wine with Friends - ANC 3F - New 001490

Insurance, Securities and Banking, Department of -

Notice of Public Hearing - Moxy Bank Charter
Application - February 19, 2019001491

Zoning Adjustment, Board of - March 27, 2019 - Public Hearings

19942 Alula Abera - ANC 1A..... 001492 - 001495

19945 Philippe and Rebecca Bardet - ANC 5E 001492 - 001495

19946 William Peterman - ANC 6E 001492 - 001495

19948 James Trainum - ANC 6B..... 001492 - 001495

19950 ANC 1C (Appeal)..... 001492 - 001495

19951 Under22, Inc. - ANC 7C 001492 - 001495

19954 Nation’s Mosque - ANC 5E..... 001492 - 001495

19956 James J. Hogan, Jr. - ANC 6C..... 001492 - 001495

FINAL RULEMAKING

Alcoholic Beverage Regulation Administration -

Amend 23 DCMR (Alcoholic Beverages),
Ch. 7 (General Operating Requirements),
Sec. 718 (Reimbursable Detail Subsidy Program),
to increase the percentage of distribution of subsidies
in the District of Columbia’s MPD Reimbursable Detail
Subsidy Program..... 001496 - 001497

Public Service Commission - RM13-2018-01

Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 13 (Rules Implementing the Public Utilities
Reimbursement Fee Act of 1980),
Sec. 1304 (Supplemental Reimbursements),
Sec. 1306 (Refunds or Credits), and
Sec. 1307 (Waiver of Rules), to amend the mechanism for
providing supplemental assessments, credits, or refunds.....001498 - 001499

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

- Attorney General, Office of the - Amend
 1 DCMR (Mayor and Executive Agencies), to add
 Ch. 51 (Rulemaking Petition to the Office of the Attorney General),
 Sec. 5100 (Rulemaking Petition Form and Content),
 Sec. 5101 (Review of Rulemaking Petition),
 to establish the form for a petition by an interested person
 requesting the Attorney General to promulgate, amend, or
 repeal a rule for the implementation of a statute or program
 that the Attorney General is authorized to administer001500 - 001501

- Health, Department of (DC Health) - Amend
 17 DCMR (Business, Occupations, and Professionals),
 Ch. 78 (Audiology), Sec. 7808 (Continuing Education Requirements),
 to update the public health education requirements for audiologists.....001502 - 001503

- Health, Department of (DC Health) - Amend
 17 DCMR (Business, Occupations, and Professionals),
 Ch. 103 (Prescription Drug Monitoring Program),
 Sec. 10302 (Covered Substances), to add Gabapentin
 to the list of covered substances as a drug of concern 001504

- Public Service Commission - RM16-2019-01
 Amend 15 DCMR (Public Utilities and Cable Television), to repeal
 and replace Ch.16 (Pole Attachment Provisions for Cable Television)
 to Ch. 16 (Use of Public Utility Facilities), Sections 1600 - 1603,
 and Sec. 1699 (Definitions), to establish rules governing
 disputes between public utilities over the use of their facilities.....001505 - 001507

EMERGENCY RULEMAKING

- Consumer and Regulatory Affairs, Department of -
 Amend 12 DCMR (Construction Codes Supplement of 2013)
 Subtitle A (Building Code Supplement of 2013)
 Ch. 1 (Administration and Enforcement),
 Sec. 101 (General),
 Sec. 102 (Applicability);
 Ch. 3 (Use and Occupancy Classification),
 Sec. 308 (Institutional Group I)001508 - 001513

- Subtitle B (Residential Code Supplement of 2013)
 Appendix M (Home Day Care),
 Sec. M101(General),
 Sec. M103 (Means of Egress).....001508 - 001513

- Subtitle F (Plumbing Code Supplement of 2013)
 Ch. 11 (Storm Drainage), Sec. 1115 (Rainwater
 Collection and Distribution Systems).....001508 - 001513

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY RULEMAKING CONT'D

Consumer and Regulatory Affairs, Department of - cont'd
 Amend 12 DCMR (Construction Codes Supplement of 2013)
 Subtitle H (Fire Code Supplement of 2013)
 Ch. 3 (General Requirements),
 Sec. 319 (Day Care Facilities in Dwelling Units);
 Appendix K (Home Day Care),
 Sec. K101 (General) and
 Sec. K103 (Means of Egress)001508 - 001513

to update the provisions for child development homes;
 Fourth Emergency Rulemaking to extend the Emergency
 Rulemaking published on October 5, 2018 at 65 DCR
 11058; Expires on April 5, 2019

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

2019-004 Delegation – Authority to the Director of the
 Department of General Services to Enter into
 Agreements with the National Park Service
 for the Renovation of Franklin Park 001514

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

Administrative Hearings, Office of -
 Commission on Selection and Tenure of Administrative Law Judges -
 Notice Seeking Comments Regarding Reappointment of
 Administrative Law Judges -
 Alexis Taylor 001515 - 001516
 Deborah Carroll 001517 - 001518

Alcoholic Beverage Regulation Administration -
 ABC Board's Calendar - February 6, 2019001519 - 001520
 ABC Board's Licensing Agenda - February 6, 2019..... 001521

Consumer and Regulatory Affairs, Department of - Meetings
 Business and Professional Licensing Administration -
 Boards and Commissions - February 2019 Meeting Schedule..... 001522

Occupational and Professional Licensing Division -
 DC Board of Accountancy - February 1, 2019..... 001523
 DC Board of Barber and Cosmetology - February 4, 2019..... 001524
 DC Board of Funeral Directors - February 7, 2019..... 001525
 DC Board of Industrial Trades - February 19, 2019 001526
 DC Board of Professional Engineers - February 28, 2019..... 001527
 DC Board of Real Estate Appraisers - February 20, 2019 001528

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Consumer and Regulatory Affairs, Department of - Meetings - cont'd

- Occupational and Professional Licensing Division -
 - DC Boxing and Wrestling Commission - February 21, 2019 001529
 - DC Real Estate Commission - February 12, 2019 001530

- Criminal Code Reform Commission, DC -
 - Advisory Group Meeting - January 23, 2019 (Cancelled) 001531
 - Advisory Group Meeting - February 6, 2019..... 001532

- Disability Services, Department on -
 - D.C. Statewide Independent Living Council (SILC) -
 - Updated 2019 Public Meeting Schedule 001533

- Elections, Board of -
 - 2019 Board Meeting Schedule 001534

- Energy and Environment, Department of -
 - Intent to Issue Facility-Wide Title V Air Quality Permits and General Permits -
 - #045-R1 Verizon Washington DC, Inc. -
 - 30 E Street SW001535 - 001536
 - #053 Architect of the Capitol, Library Buildings and
 - Grounds Jurisdiction - 101 Independence Ave SE.....001537 - 001540

- Notice of Funding Availability - Anacostia
 - Ambassador Program 001541

- Health Care Finance, Department of -
 - Notice of Public Meeting - Department of Health Care
 - Finance Pharmacy and Therapeutics Committee -
 - March 7, 2019 001542

- Health, Department of (DC Health) -
 - Board of Optometry 2019-2020 Meeting Schedule 001543

- Insurance, Securities and Banking, Department of -
 - Notice of Application Filing - Moxy Bank
 - Charter Application..... 001544

- Maya Angelou Public Charter School -
 - Notice of Intent to Enter Sole Source Contracts -
 - Architecture 001545
 - General Contractor 001545

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Planning and Economic Development, Office of the Deputy Mayor for -
 Notice of Public Meeting of the Walter Reed
 Army Medical Center Community Advisory
 Committee - February 11, 2019 001546

Retirement Board, DC -
 Notice of Public Interest - Certification of Winner of
 the Special Election to Serve as the Active Teacher
 Member of the Board 001547

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries
 Public - Effective March 1, 2019001548 - 001555

Thurgood Marshall Academy Public Charter High School -
 Request for Proposals - Painting, Pointing and Minor Repairs..... 001556

Transportation, District Department of -
 Second Meeting Notice - Public Space Committee -
 March 21, 2019 001557

Zoning Adjustment, Board of - Case -
 19762 AMT-Varnum LLC - ANC 4C - Order.....001558 - 001565

Zoning Commission - Cases -
 08-07C Four Points, LLC - Order No. 08-07C(1)001566 - 001568
 11-07E The American University - Order001569 - 001573
 15-27 KF Morse, LLC - Order No. 15-27(1)001574 - 001576
 19-03 Masjid Muhammad, Inc. - Notice of Filing001577
 97-16C Lowell School - Order No. 849D(1).....001578 - 001579

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To amend Chapter 60 of Title 29 of the District of Columbia Municipal Regulations to expand the scope of the pre-service training of foster parents to include the developmental requirements of foster children with special needs, cultural competency training designed to enhance foster parent awareness of the lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) community, and the provision of information regarding the prevalence and needs of foster children who are at a heightened risk of aging out of foster care without being adopted, to require foster parents to participate in specialized training if the foster child placed in their home is LGBTQ, is a victim of sex trafficking, has a disability, is a parent or pregnant, has a history of violent behavior, or is 16 years of age or older, unless the Child and Family Services Agency conducts an assessment of the foster parent’s strengths and needs that indicates that specialized training is not necessary, and to make conforming amendments.

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

Sec. 2. Chapter 60 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 6000 *et seq.*), is amended as follows:

(a) Section 6026 (29 DCMR § 6026) is amended as follows:

(1) Subsection 6026.3 is amended as follows:

(A) Paragraph (c) is amended by striking the phrase “foster care;” and inserting the phrase “foster care, including children with a disability;” in its place.

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

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

(D) New paragraphs (n) and (o) are added to read as follows:

ENROLLED ORIGINAL

“(n) Information regarding the prevalence in foster care and unique health and social service needs of foster children who are at greater risk of aging out of foster care without being adopted, such as:

- “(1) Foster children fourteen (14) years of age or older;
- “(2) Foster children in sibling groups;
- “(3) Foster children of racial or ethnic minorities;
- “(4) Foster children with a disability; and
- “(5) LGBTQ foster children.

“(o) Cultural competency training designed to enhance awareness of the LGBTQ community.”.

(2) Subsection 6026.6 is amended by striking the phrase “§ 6029.3” and inserting the phrase “§ 6030.3” in its place.

(3) Subsection 6026.7 is amended by striking the phrase “fifteen (15)” and inserting the phrase “thirty (30)” in its place.

(4) New subsections 6026.8, 6026.9, 6026.10, 6026.11, 6026.12, 6026.13, and 6026.14 are added to read as follows:

“6026.8(a) Except as provided in paragraph (b) of this subsection, a foster parent shall participate in specialized training if the foster child placed in the foster home:”

- “(1) Is LGBTQ;
- “(2) Is a victim of sex trafficking, as that term is defined in section 103(10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10);

- “(3) Is a child with a disability;
- “(4) Is pregnant or a parent;
- “(5) Has a history of violent behavior; or
- “(6) Is sixteen (16) years of age or older.

“(b) Specialized training shall be required unless the agency conducts an assessment of the foster parent’s strengths and needs that indicates that specialized training is not necessary. The strengths and needs assessment shall include an evaluation of the foster parent’s:

- “(1) Post-secondary education;
- “(2) Specialized certification or licensure;
- “(3) Employment experience; and
- “(4) Previous experience caring for the foster children described in paragraph (a) of this subsection.”.

“6026.9 Within forty-five (45) days of identifying the need for specialized training in accordance with § 6026.8, the agency shall:

- “(a) Notify the foster parent of the requirement to complete specialized training pursuant to § 6026.8;

ENROLLED ORIGINAL

“(b) Determine the course of specialized training that the foster parent shall complete; and

“(c) Provide or assist the foster parent in obtaining the specialized training required pursuant to § 6026.8 within the timeframe required pursuant to § 6026.10, while reasonably accommodating the foster parent’s schedule.

“6026.10 Within ninety (90) days of receiving notice from the agency pursuant to § 6026.9(a), a foster parent shall complete the specialized training identified pursuant to § 6026.9(b).

“6026.11 Only the following training may be counted towards the specialized training requirement of § 6026.8:

“(a) Specialized training completed by a foster parent within the timeframe required pursuant to § 6026.10;

“(b) Specialized training completed by a foster parent four (4) months prior to receiving notice from the agency pursuant to § 6026.9; or

“(c) Specialized training completed by a foster parent one (1) year prior to the expiration date of the foster parent’s current license.

“6026.12 A foster parent shall obtain and maintain documentation of any training in which the foster parent participates in accordance with § 6026.8 and submit such documentation during the re-evaluation conducted in accordance with § 6030.3.

“6026.13 A foster parent’s completion of specialized training in accordance with § 6026.8 may be used to satisfy the hours of in-service training required pursuant to § 6026.5.

“6026.14 For the purposes of this section, the term “child with a disability” shall have the same meaning as provided in section 602(3) of the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2652; 20 U.S.C. § 1401(3)).”.

(b) Section 6030.3(a) (29 DCMR § 6030.3(a)) is amended by striking the phrase “§ 6026.5” and inserting the phrase “§ 6026.5 and § 6026.12” in its place.

(c) Section 6099.1 (29 DCMR § 6099.1) is amended by inserting a definition between the definitions of “license” and “minor” to read as follows:

““LGBTQ” - A person who self-identifies as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression.”.

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to allow the Department of Consumer and Regulatory Affairs to include on the list of registered vacant buildings transmitted to the Office of Tax and Revenue and to subject to a registration fee certain vacant and blighted vacant buildings that have not been authorized as exempt from real estate taxes by the United States Department of State's Office of Foreign Missions, and to require the Department of Consumer and Regulatory Affairs to maintain and publish a list of vacant and blighted vacant buildings that have been authorized as exempt from real estate taxes by the United States Department of State's Office of Foreign Missions; to make conforming amendments to Chapter 10 of Title 47 of the District of Columbia Official Code; and to establish a Foreign-Government-Owned Real Property Task Force to address matters relating to real property owned by foreign governments or their instrumentalities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Foreign-Government-Owned Vacant and Blighted Building Amendment Act of 2018".

Sec. 2. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 6(b)(2) (D.C. Official Code § 42-3131.06(b)(2)) is amended to read as follows:

“(2) Authorized as exempt from real estate taxes by the United States Department of State's Office of Foreign Missions on the basis of its use for diplomatic or consular purposes or for the official business of an international organization.”

(b) Section 9(a) (D.C. Official Code § 42-3131.09(a)) is amended by striking the phrase “instrumentalities or by a foreign government or its instrumentalities.” and inserting the phrase “instrumentalities or has been authorized as exempt from real estate taxes by the United States

ENROLLED ORIGINAL

Department of State’s Office of Foreign Missions on the basis of its use for diplomatic or consular purposes or for the official business of an international organization.” in its place.

(c) A new section 18a is added to read as follows:

“Sec. 18a. Vacant and blighted vacant buildings belonging to foreign governments.

“(a) The Department of Consumer and Regulatory Affairs shall publish and deliver semiannually to the Mayor, the Council, and the United States Department of State’s Office of Foreign Missions (“OFM”) a list identifying each building that:

“(1) Is authorized as exempt from real estate taxes by OFM on the basis of its use for diplomatic or consular purposes or for the official business of an international organization; and

“(2) Has been determined to be a vacant building or blighted vacant building pursuant to this act.

“(b) Nothing in this act shall be construed to impose any obligation on any foreign government or other entity relating to any building that has been authorized as exempt from real estate taxes by OFM on the basis of its use for diplomatic or consular purposes or for the official business of an international organization.”.

Sec. 3. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1002(3) is amended to read as follows:

“(3) Property authorized as exempt from real estate taxes by the United States Department of State’s Office of Foreign Missions on the basis of its use for diplomatic or consular purposes or for the official business of an international organization;”.

(b) Section 47-1011 is amended by striking the phrase “owned by foreign governments for legation purposes” and inserting the phrase “authorized as exempt from real estate taxes by the United States Department of State’s Office of Foreign Missions on the basis of its use for diplomatic or consular purposes or for the official business of an international organization” in its place.

Sec. 4. Foreign-Government-Owned Real Property Task Force.

(a) There is established the Foreign-Government-Owned Real Property Task Force (“Task Force”) with the purpose of serving as a collaborative body to address matters relating to real property, including all buildings located on such real property, owned by foreign governments or their instrumentalities.

(b) The Task Force shall meet on a quarterly basis to review and identify issues with real property owned by foreign governments or their instrumentalities to include:

- (1) The tax status of such property;
- (2) The condition of such property; and

ENROLLED ORIGINAL

(3) Whether such property is in substantial compliance with District laws and regulations.

(c) The Task Force shall consist of the following members:

(1) Three Advisory Neighborhood Commissioners, each of whom shall be appointed by the Mayor from Advisory Neighborhood Commission (“ANC”) 2B, ANC 2D, ANC 3C, or ANC 3F; provided, that no more than one Advisory Neighborhood Commissioner may be appointed from a single ANC;

(2) The Director of the Department of Consumer and Regulatory Affairs, or the Director’s designee;

(3) The Deputy Chief Financial Officer for the Office of Tax and Revenue, or the Deputy Chief Financial Officer’s designee;

(4) The Director of the Department of Public Works, or the Director’s designee;

(5) The Secretary of the District of Columbia, or the Secretary’s designee;

(6) The Chairman of the Council, or the Chairman’s designee; and

(7) The Director of the United States Department of State’s Office of Foreign Missions (“OFM”), or the Director’s designee.

(d) The Mayor shall designate one member of the Task Force to serve as its chairperson.

(e) On or before October 1 of each year, the Task Force shall submit to the Mayor, the Council, and OFM a report of its findings and recommendations to address the issues outlined in subsection (b) of this section.

(f) The Task Force shall convene its first meeting no later than 90 days after the effective date of this act.

Sec. 5. Applicability.

(a) Sections 2 and 3 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of these sections.

Sec. 6. Fiscal impact statement.

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

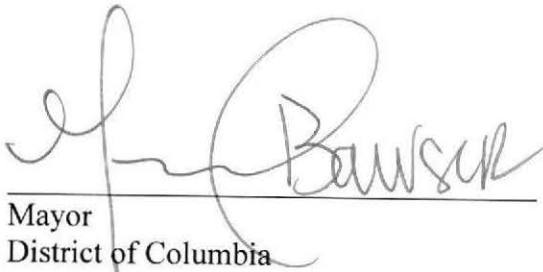
ENROLLED ORIGINAL

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To prohibit the Mayor from imposing certain restrictions on vendors participating in the District’s Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”), to require the Mayor, or a contractor selected by the Mayor, to submit a report to the Council that includes an assessment of WIC spending over the past 5 fiscal years and a plan to increase the number of small stores serving as vendors, to require the Department of Health to coordinate with the Department of Health Care Finance and the Department of Human Services to conduct targeted outreach to WIC-eligible families not enrolled in WIC, and to require the Department of Health to convene 4 community meetings annually to receive input regarding WIC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Women, Infants, and Children Program Expansion Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Department” means the Department of Health.
- (2) “Small store” means a food establishment, including a grocery store and a corner store, with a footprint of less than 10,000 square feet of store space.
- (3) “SNAP” means the District’s Supplemental Nutrition Assistance Program, as established pursuant to the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2011 *et seq.*).
- (4) “Vendor” means an entity authorized by the Mayor to provide services to an individual receiving benefits pursuant to his or her enrollment in WIC.
- (5) “WIC” means the District’s Special Supplemental Nutrition Program for Women, Infants and Children, as established pursuant to section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786).

Sec. 3. Expanding access to WIC.

(a) Beginning January 1, 2019, the Mayor, in authorizing vendors to participate in WIC, shall not:

ENROLLED ORIGINAL

(1) Require vendors to maintain a minimum square footage of store space beyond that required by the U.S. Department of Agriculture;

(2) Require vendors to maintain a minimum number of cashiers beyond that required by the U.S. Department of Agriculture; or

(3) Prohibit vendors from selling organic products that are permitted by the U.S. Department of Agriculture.

(b) Within one year after the applicability date of this act, the Mayor, or a contractor selected by the Mayor, shall submit a report to the Council that includes:

(1) An assessment of the use of WIC funds from Fiscal Year 2013 through Fiscal Year 2018, including a notation as to whether the District returned federal funds for WIC and whether the District applied for supplemental federal funds for WIC during that time; and

(2) A plan to increase the number of small stores serving as vendors, including an identification of small store technical assistance requirements, outreach strategies, and any legislative or regulatory barriers preventing small stores from becoming vendors.

(c) The Department, in coordination with the Department of Health Care Finance and the Department of Human Services, shall identify children between birth and 5 years of age who are enrolled in either Medicaid or SNAP, but not WIC, and provide guidance to the parents or caregivers of such children regarding the WIC application process.

(d) The Department of Health shall provide technical assistance to small stores to assist them in meeting the District's requirements for registration as vendors.

(e) Within one year after the applicability date of this act, and on an annual basis thereafter, the Department shall host 4 community meetings open to the public to receive input on strategies to increase participation in WIC and improve the experience of individuals enrolled in WIC. The Department shall notify the public about each meeting on its website at least one month before the meeting is held.

Sec. 4. Applicability.

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

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

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

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

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

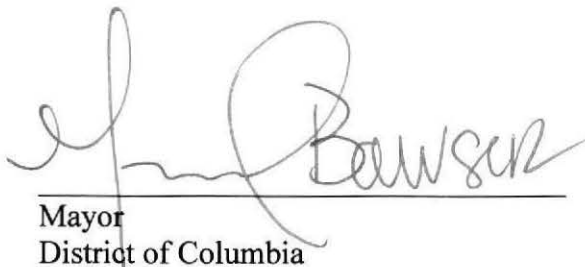
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To amend the Department of Behavioral Health Establishment Act of 2013 to require that any amendment to the terms medical necessity or medically necessary, as those terms are defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations, be issued by the Department of Behavioral Health by rulemaking, to require the Department of Behavioral Health to issue rules to establish criteria to determine whether mental health rehabilitation services are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations, and to require that the rules be submitted to the Council for approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Necessity Review Criteria Amendment Act of 2018”.

Sec. 2. Section 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.08), is amended as follows:

- (a) The section heading is amended to read as follows:
“Sec. 5119. Rules.”.
- (b) Designate the existing text as subsection (a).
- (c) A new subsection (b) is added to read as follows:

“(b)(1) Any amendment to the terms medical necessity or medically necessary, as those terms are defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3499.1), shall be issued by the Department by rulemaking.

“(2) The Department shall issue rules to establish criteria to determine whether mental health rehabilitation services, as that term is defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3499.1), are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3404.2).

“(3) The rules issued pursuant to this subsection shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-583IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 18, 2019

To amend the Renewable Energy Portfolio Standard Act of 2004 to increase the renewable energy portfolio standard to 100% by 2032, to establish a solar energy standard after 2032, and to clarify the factors that the Office of the People’s Counsel and the Public Service Commission must consider in making decisions; to amend the Clean and Affordable Energy Act of 2008 to remove restrictions on the types of energy efficiency measures that the Sustainable Energy Utility must offer, to increase the Sustainable Energy Trust Fund fee assessments, to add an assessment on fuel oil, and to expand the uses of the Sustainable Energy Trust Fund; to establish a building energy performance standard program at the Department of Energy and Environment; to amend the Green Building Act of 2006 to expand the Department of Energy and Environment’s benchmarking program to include buildings of 10,000 square feet or more by 2024; to establish an energy efficiency program; to amend the District of Columbia Traffic Act to require the Department of Motor Vehicles to issue regulations tying the vehicle excise tax to fuel efficiency; to establish a transportation electrification program, and to authorize the Mayor to commit the District to participation in regional programs with the purpose of limiting greenhouse gas emissions.

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

TITLE I. RENEWABLE. ENERGY.

Sec. 101. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3(10) (D.C. Official Code § 34-1431(10)) is amended to read as follows:

“(10) “Renewable energy credit” or “credit” means a credit representing one megawatt-hour of energy produced by:

“(A) A tier one or tier two renewable source located within the PJM Interconnection region; or

“(B) Until January 1, 2029, a tier one or tier two renewable source located within a state that is adjacent to the PJM Interconnection region that was certified by the Commission as of the applicability date of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904) (“CleanEnergy Act”).”

(b)(1) Section 4(c) (D.C. Official Code § 34-1432(c)) is amended as follows:

(A) Paragraphs (9), (10), (11), (12), (13), (14) (15), (16), (17), (18), (19), (20), (21), and (22) are amended to read as follows:

ENROLLED ORIGINAL

“(9) In 2019, not less than 17.5% from tier one renewable sources, 0.5% from tier two renewable sources, and not less than 1.85% from solar energy;

“(10) In 2020, not less than 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.175% from solar energy;

“(11) In 2021, not less than 26.25% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.5% from solar energy;

“(12) In 2022, not less than 32.5% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.6% from solar energy;

“(13) In 2023, not less than 38.75% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.85% from solar energy;

“(14) In 2024, not less than 45.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.15% from solar energy;

“(15) In 2025, not less than 52.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.45% from solar energy;

“(16) In 2026, not less than 59.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.75% from solar energy;

“(17) In 2027, not less than 66.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.1% from solar energy;

“(18) In 2028, not less than 73.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.5% from solar energy;

“(19) In 2029, not less than 80.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.75% from solar energy;

“(20) In 2030, not less than 87.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.0% from solar energy;

“(21) In 2031, not less than 94.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.25% from solar energy;

“(22) In 2032, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.5% from solar energy;”.

(B) New paragraphs (23) through (31) are added to read as follows:

“(23) In 2033, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 6.0% from solar energy;

“(24) In 2034, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 6.5% from solar energy;

“(25) In 2035, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 7.0% from solar energy;

“(26) In 2036, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 7.5% from solar energy;

“(27) In 2037, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 8.0% from solar energy;

“(28) In 2038, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 8.5% from solar energy;

“(29) In 2039, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 9.0% from solar energy;

ENROLLED ORIGINAL

“(30) In 2040, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 9.5% from solar energy; and

“(31) In 2041 and thereafter, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 10% from solar energy.”.

(2) For 3 years after January 1, 2019, this subsection shall not apply to any contract entered into before the effective date of the CleanEnergy Act; provided, that this subsection shall apply to an extension or renewal of such a contract.

(c) Section 6 (D.C. Official Code § 34-1434) is amended as follows:

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

“(1A) In calendar years 2019, 2020, 2021, and 2022 each report shall also include:

“(A) The number of contracts that are exempt from changes to the renewable energy portfolio standard pursuant to section 4 of the Renewable Portfolio Standard Expansion Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 34-1434, note), the length of each exempt contract, and the amount of electricity associated with each exempt contract; and

“(B) The number of contracts that are exempt from changes to the renewable energy portfolio standard pursuant to section 101(b)(2) of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904), the length of each exempt contract, and the amount of electricity associated with each exempt contract.”.

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

“(c-1) A compliance fee required pursuant to subsection (c) of this section shall be paid to DOEE for deposit into the Fund between October 1 and November 1 following the year the electricity supplier failed to comply with the renewable energy portfolio standard.”.

(3) Subsection (c)(3) is amended by striking the phrase “30 cents in 2029 through 2032, and 5 cents in 2033 and thereafter” and inserting the phrase “30 cents in 2029 through 2041, and 10 cents in 2042 and thereafter” in its place.

(d) Section 8 (D.C. Official Code § 34-1436) is amended as follows:

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

“(b)(1) The Fund established by this section shall be administered by DOEE. The DOEE may receive and review applications for loans, grants, rebates, and other financial incentives for eligible projects from the Fund. Except as provided in subsection (c)(1)(F) of this section, loans, grants, rebates, and other financial incentives for eligible projects from the Fund shall be distributed in the following order:

“(A) To qualifying applicants who are certified business enterprises as defined in section 2302(1D) of the Small and Certified Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)) (“Act”);

“(B) To qualifying applicants who are non-certified business enterprises as defined in the Act.

“(2) On or before May 1 of every year, the DOEE shall provide the Council with a report detailing the number of qualified certified business enterprises that received loans,

ENROLLED ORIGINAL

grants, rebates, and other financial incentives from the Fund. The report shall also include the eligible project or projects for which the certified business enterprise received funding.”.

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

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

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

(C) New subparagraphs (G), (H) (I), and (J) are added to read as follows:

“(G)(i) In fiscal year 2020, up to \$250,000 shall be used by DOEE to engage an independent third party to conduct a comprehensive study to help DOEE and building owners better understand the potential for cost impacts and benefits of the Building Energy Performance Standards Program, required pursuant to section 301 of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904) (“CleanEnergy Act”), to District residents and property owners, or owners of large buildings and affordable housing. The study shall include case studies for different property types of buildings.

“(ii) In creating the specifications for the study, DOEE shall seek the advice of the Building Energy Performance Standards Task Force, established pursuant to section 302 of the CleanEnergy Act.

“(H) Covering any costs to the District associated with implementing section 101(a) and (b) of the Clean Energy Act; and

“(I) In fiscal year 2020, up to \$250,000 shall be provided to the District Department of Transportation to prepare the comprehensive clean vehicle transition plan required by section 503 of the CleanEnergy Act.

“(J) In fiscal year 2020, up to \$250,000 shall be provided to the Department of General Services to be used to prepare the strategic energy management plan required by section 303 of the CleanEnergy Act.”.

(e) Section 10 (D.C. Official Code § 34-1438) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “3 years from the date created” and inserting the phrase “3 years from the date created; provided, that a renewable energy credit from a solar energy system meeting the requirements of section 4(e)(1) shall exist for 5 years from the date created” in its place.

(2) Subsection (d) is amended by striking the phrase “before the expiration of 3 years” and inserting the phrase “before the expiration of 3 or 5 years pursuant to subsection (c)” in its place.

(f) Section 11 (D.C. Official Code § 34-1439) is amended as follows:

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

“(b) On or before May 1 of each year, the Commission shall provide a report to the Council on the implementation of this act, including:

“(1) The availability of tier one renewable sources;

“(2) Certification of the number of renewable energy credits used by electricity suppliers to meet the requirements of section 4;

ENROLLED ORIGINAL

“(3) The amount of compliance fees paid pursuant to section 6(c) in the previous calendar year;

“(4) The amount of compliance fees estimated to be paid pursuant to section 6(c) in the current calendar year;

“(5) The total amount of the District’s electric supply that was exempt from changes to the renewable energy portfolio standard pursuant to section 4 of the Renewable Portfolio Standard Expansion Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 34-1434, note), for the previous year;

“(6) The total amount of the District’s electric supply that is estimated to be exempt from changes to the renewable energy portfolio standard pursuant to section 4 of the Renewable Portfolio Standard Expansion Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 34-1434, note), for the current calendar year and each subsequent year that the exemption applies;

“(7) The total amount of the District’s electric supply that was exempt from changes to the renewable energy portfolio standard pursuant to section 101(b)(2) of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904) (“CleanEnergy Act”) for the previous calendar year;

“(8) The total amount of the District’s electric supply that is estimated to be exempted from changes to the renewable energy portfolio standard pursuant to section 101(b)(2) of the CleanEnergy Act for the current calendar year and each subsequent year that the exemption applies; and

“(9) Any other such information the Commission considers necessary or appropriate.”

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

“(b-1) Beginning in July 2019, and every 6 months thereafter, the Commission shall publish on its website the total amount of solar energy from solar energy systems meeting the requirements of section 4(e)(1) for which interconnection requests have been submitted in the previous 6 months.”

Sec. 102. Section 1(e) of An Act To provide a People’s Counsel for the Public Service Commission in the District of Columbia, and for other purposes, approved January 2, 1975 (88 Stat. 1975; D.C. Official Code § 34-804(e)), is amended by striking the phrase, “and the preservation of environmental quality” and inserting the phrase “and the preservation of environmental quality, including effects on global climate change and the District’s public climate commitments” in its place.

Sec. 103. Section 8(96A) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 34-808.02), is amended by striking the phrase, “and the preservation of environmental quality” and inserting the phrase “and the preservation of environmental quality, including effects on global climate change and the District’s public climate commitments” in its place.

ENROLLED ORIGINAL

TITLE II. ENERGY EFFICIENCY.

Sec. 201. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 8-1774.02) is amended as follows:

- (1) Subsection (h) is repealed.
- (2) Subsection (i) is repealed.
- (3) Subsection (j) is repealed.

(b) Section 207 (D.C. Official Code § 8-1774.07) is amended by adding new subsections (g) and (h) to read as follows:

“(g)(1) Within 90 days of the applicability date of Title II of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904), the Commission shall establish a working group, comprising the electric company and gas company, the SEU, and interested public stakeholders, to recommend long-term and annual energy savings metrics, quantitative performance indicators, and cost-effective standards to be adopted by the Commission for electric company or gas company energy efficiency and demand response programs.

“(2) In addition to the recommendations required by paragraph (1) of this subsection, the working group shall consider recommendations regarding:

“(A) Measures the Commission can take to ensure that any energy efficiency and demand response programs offered by the electric company or gas company do not impede District business or nonprofits currently operating in the District that provide energy efficiency and demand response programs; and

“(B) Performance incentive mechanisms that are based on quantitative performance indicators.

“(3) The working group shall transmit its recommendations to the Commission within 90 days after its first scheduled meeting.

“(4) As of the applicability date of Title II of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904), the electric company or gas company, after consultation and coordination with the Department of Energy and the Environment and the District SEU and its advisory board, may apply to the Commission to offer energy efficiency and demand reduction programs in the District that the company can demonstrate are not substantially similar to programs offered or in development by the SEU, unless the SEU supports such programs.

“(5) An application submitted by the electric company or gas company pursuant to this subsection shall meet the long-term and annual energy savings metrics, which shall primarily benefit low- and moderate-income residential ratepayers to the extent possible, quantitative performance indicators, and cost-effective standards established by the Commission pursuant to paragraph (1) of this subsection.

“(6) Consistent with the provisions set forth in section 8(2) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977; D.C. Official Code § 34-1101), the Commission is authorized to approve an application by the electric company or gas company of energy efficiency and demand

ENROLLED ORIGINAL

reduction program for their respective customers, including a multi-year program and cost recovery mechanisms to provide full and current cost recovery, including mechanisms to provide for a return on investment on capital and related costs, performance incentives, and surcharge mechanisms to be adjusted on at least an annual basis as approved by the Commission; provided, that the Commission finds the proposed program and cost recovery mechanisms as set forth in the application to be in the public interest and consistent with the District's public climate change commitments as determined by the Mayor, unlikely to harm or diminish existing energy efficiency or demand response markets in which District businesses are operating, and consistent with the long-term and annual energy savings metrics, quantitative performance indicators, and cost-effective standards established by the Commission pursuant to paragraph (1) of this subsection.

“(7) Nothing in this subsection shall be construed to permit the electric company or the gas company to own an energy generation asset, or to otherwise alter the provisions prohibiting such ownership in the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*).

“(h) The electric company and gas company shall file an annual filing with the Commission, including independent third-party evaluation, measurement, and verification of their programs, to demonstrate compliance with:

- “(1) The energy efficiency and demand reduction program;
- “(2) Energy savings metrics, quantitative performance indicators, and cost-effective standards; and
- “(3) Cost recovery mechanisms of the program.”.

(c) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “natural gas and electric companies” and inserting the phrase “natural gas, electric companies, and a person who delivers heating oil or fuel oil to an end-user in the District” in its place.

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

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

(i) Subparagraph (D) is amended by striking the phrase “and each year thereafter.” and inserting the phrase “through fiscal year 2019;” in its place.

(ii) New subparagraphs (E), (F), and (G) are added to read as follows:

“(E) The amount of \$.04515 in fiscal year 2020 through fiscal year 2026;

“(F) The amount of \$.03762 in fiscal year 2027 through fiscal year 2031;

and

“(G) The amount of \$.0263 in fiscal year 2032 and each year thereafter.”.

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

(i) Subparagraph (D) is amended by striking the phrase “and each year thereafter.” and inserting the phrase “through fiscal year 2019;” in its place.

(ii) New subparagraphs (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), and (Q) are added to read as follows:

ENROLLED ORIGINAL

- “(E) The amount of \$.0029016 in fiscal year 2020;
- “(F) The amount of \$.00279279 in fiscal year 2021;
- “(G) The amount of \$.0027001 in fiscal year 2022;
- “(H) The amount of \$.00259935 in fiscal year 2023;
- “(I) The amount of \$.0024986 in fiscal year 2024;
- “(J) The amount of \$.00239785 in fiscal year 2025;
- “(K) The amount of \$.0022971 in fiscal year 2026;
- “(L) The amount of \$.00219635 in fiscal year 2027;
- “(M) The amount of \$.0020956 in fiscal year 2028;
- “(N) The amount of \$.00199485 in fiscal year 2029;
- “(O) The amount of \$.0018942 in fiscal year 2030;
- “(P) The amount of \$.00179335 in fiscal year 2031; and
- “(Q) The amount of \$.001612 in fiscal year 2032 and each year

thereafter.”.

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

“(2A) There shall be imposed upon a person who delivers heating oil or fuel oil to an end-user in the District, whether for industrial, commercial, or residential use, an assessment of \$.084 per gallon, calculated on sales.”.

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

(A) Paragraph (2) is amended by striking the phrase “development of” and inserting the phrase “development and implementation of” in its place.

(B) Paragraph (10) is repealed.

(C) Paragraph (11) is amended by striking the period and inserting a semicolon in its place.

(D) New paragraphs (12), (13), (14), (15), (16), and (17) are added to read as follows:

“(12)(A) Beginning in fiscal year 2020, in an amount equal to at least 30% of the funds generated by the increases to the assessments described in subsection (b) of this section contained in the Clean Energy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904) (“CleanEnergy Act”), activities of DOEE or the Sustainable Energy Utility to:

“(i) Benefit low-income residents, which may include energy bill assistance, energy efficiency, and weatherization, including programs making improvements to commercial and institutional buildings that serve primarily low-income residents;

“(ii) Establish workforce development initiatives for District residents in energy efficiency fields; and

“(iii) Establish the Sustainable Energy Infrastructure Capacity Building and Pipeline Program, required by section 401 of the CleanEnergy Act.

“(B) For purposes of this paragraph, “low-income” means persons with household incomes of 80% or less than the area median income;

“(13) Implementation of the Building Energy Performance Standard program required by section 301 of the CleanEnergy Act;

ENROLLED ORIGINAL

“(14) In fiscal year 2020, transferring \$15 million to the Green Finance Authority to support sustainable projects and programs; provided, that such transfer is included in an approved budget and financial plan;

“(15) In fiscal year 2021, transferring \$15 million to the Green Finance Authority to support sustainable projects and programs; provided, that such transfer is included in an approved budget and financial plan;

“(16) In fiscal years 2022, 2023, 2024, and 2025, transferring \$10 million to the Green Finance Authority to support sustainable projects and programs; provided, that such transfer is included in an approved budget and financial plan; and

“(17) Beginning in fiscal year 2022, at least \$3 million annually shall be used by DOEE or the Sustainable Energy Utility, selected pursuant to the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), to provide assistance to providers of affordable housing or rent-controlled buildings for energy efficiency upgrades of buildings subject to the Building Energy Performance Standard program required by section 301 of the CleanEnergy Act.

Sec. 202. Title I of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.01 *et seq.*), is amended as follows:

(a) The title heading is amended by striking the word “DEFINITIONS” and inserting the phrase “DECLARATION OF PUBLIC PURPOSE AND DEFINITIONS” in its place.

(b) Section 101 is redesignated as section 102.

(c) A new section 101 is added to read as follows:

“Sec. 101. Declaration of public purpose.

“The Council hereby declares that a public purpose will be served through investment by the District, as authorized in this act, in sustainable projects and programs that contribute to the health, education, safety, and welfare of District residents by reducing the causes of, and mitigating the adverse effects of, climate change, reducing air, water, and other pollution, protecting and conserving natural resources, reducing energy costs in the District, promoting energy efficiency, and otherwise achieving the objectives established in the Comprehensive Energy Plan, developed by the Department of Energy and Environment pursuant to section 5 of the District of Columbia Office of Energy Act of 1980, effective March 4, 1981 (D.C. Law 3-132; D.C. Official Code § 8-171.04). Such investment is in the public interest and for the benefit of the public, and the expenditure of monies pursuant to this act serves valid public purposes.”.

TITLE III. BUILDING ENERGY PERFORMANCE STANDARDS AND BENCHMARKING.

Sec. 301. Establishment of a Building Energy Performance Standard Program.

(a) This section shall apply to:

(1) Beginning January 1, 2021, all privately-owned buildings with at least 50,000 square feet of gross floor area and all District-owned or District instrumentality-owned buildings with at least 10,000 square feet of gross floor area;

(2) Beginning January 1, 2023, all privately-owned buildings with at least 25,000 square feet of gross floor area; and

ENROLLED ORIGINAL

(3) Beginning January 1, 2026, all privately-owned buildings with at least 10,000 square feet of gross floor area.

(b)(1)(A) No later than January 1, 2021, and every 5 years thereafter, DOEE shall establish property types and building energy performance standards for each property type, or an equivalent metric for buildings that do not receive an ENERGY STAR score.

(B) DOEE shall establish reporting and data verification requirements for each 5-year compliance cycle.

(C)(i) In developing energy performance standards, DOEE shall seek to help the District achieve its short- and long-term climate commitments, including reducing greenhouse gas emissions by 50% by 2032 and carbon neutrality by 2050.

(ii) For buildings that are eligible for an ENERGY STAR score, the building energy performance standard shall be no lower than the District median ENERGY STAR score for buildings of each property type.

(2) DOEE shall establish campus-wide energy performance standards for post-secondary educational institutions and hospitals with multiple buildings in a single location that are owned by a single entity; provided, that the development of any standard by DOEE shall be based upon an analysis of the existing building efficiency of each campus and the compliance pathways shall achieve savings comparable to those outlined in subsection (d)(1) of this section. In establishing specific performance standards, DOEE shall consider:

(A) The existence of any historic buildings and any restrictions related to the treatment of historic buildings or districts;

(B) The diversity of building uses and requirements for the campus and its operations; and

(C) The impact on any zoning regulation or campus plan requirement.

(c) All buildings with a verified ENERGY STAR score below the building energy performance standard for its property type shall have 5 years from the date of the performance standards established pursuant to paragraph (b)(1)(A) to meet the building energy performance requirements established by DOEE.

(d) DOEE shall establish multiple compliance pathways for buildings to meet the building energy performance requirements, including:

(1) A performance pathway, which shall require a building to demonstrate a greater than 20% decrease in normalized site energy use intensity averaged over the last 2 years of the 5-year compliance cycle, as compared to the normalized site energy use intensity averaged over the 2 years preceding the first year of the 5-year compliance cycle; and;

(2) A prescriptive pathway for buildings to achieve compliance by implementing cost-effective energy efficiency measures with savings comparable to the performance pathway; and

(3) Other compliance pathways established by DOEE.

(e)(1) DOEE shall establish exemption criteria for qualifying buildings to delay compliance with the building energy performance requirements for up to 3 years if the owner demonstrates, to the satisfaction of DOEE, financial distress, change of ownership, vacancy,

ENROLLED ORIGINAL

major renovation, pending demolition, or other acceptable circumstances determined by DOEE by regulation.

(2) DOEE may establish an exemption criterion for qualifying affordable housing buildings to delay compliance with the building energy performance requirements for more than 3 years; provided, that the owner demonstrates, to the satisfaction of DOEE, financial distress, change of ownership, vacancy, major renovation, pending demolition, or other acceptable circumstances as determined by DOEE by regulation.

(f) DOEE shall coordinate with the Sustainable Energy Utility, selected pursuant to the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), and the Green Finance Authority, established by section 201 of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.21), to establish an incentive and financial assistance program for qualifying building owners and affordable housing providers to meet building energy performance requirements.

(g) Buildings failing to comply with the building energy performance requirements at the end of the 5-year compliance period shall pay an alternative compliance penalty established by DOEE. Penalties collected pursuant to this provision shall be deposited into the Sustainable Energy Trust Fund.

(h) By January 1, 2023, DOEE shall publish a report assessing whether the building energy performance standard should be revised to a standard based on reducing contribution to greenhouse gas emissions, and if so, recommend a method and timeline for doing so, including any statutory changes needed.

(i) DOEE may impose civil infraction penalties, fines, and fees as sanctions for a violation of this section or a regulation issued pursuant to this section, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(j) The Attorney General for the District of Columbia may commence a civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction for damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this section or a regulation issued pursuant to this section.

(k) For the purposes of this section, the term “affordable housing” means buildings that are primarily residential, contain 5 or more dwelling units, and:

(1) In which use restrictions or other covenants require that at least 50% of all of the building’s dwelling units are occupied by households that have household incomes of less than or equal to 80% of the area median income; or

(2) The building owner can demonstrate that at least 50% of the dwelling units rent at levels that are affordable to households with incomes less than or equal to 80% of the area median income.

Sec. 302. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 4(c)(2) (D.C. Official Code § 6-1451.03(c)(2)) is amended as follows:

ENROLLED ORIGINAL

(1) Subparagraph (B) is amended as follows:

(A) Sub-subparagraph (iii) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Sub-subparagraph (iv) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(C) New sub-subparagraphs (v) and (vi) are added to read as follows:

“(v) January 1, 2021, for a building with 25,000 square feet of gross floor area, or more; and

“(vi) January 1, 2024, for a building with 10,000 square feet of gross floor area, or more.”

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

“(F) Every 3 years the owner, or the owner’s designee, shall perform a third-party verification of its benchmark and ENERGY STAR statements in accordance with requirements specified by DOEE.”

(b) Section 10 (D.C. Official Code § 6-1451.09) is amended by adding a new subsection (h) to read as follows:

“(h)(1) Within 90 days of the applicability date of this title, the Mayor shall establish the Building Energy Performance Standards Task Force, which shall:

“(A) Advise DOEE on creation of an implementation plan for the Building Energy Performance Program;

“(B) Recommend amendments to proposed regulations issued by DOEE; and

“(C) Recommend complementary programs or policies.

“(2) The task force shall be comprised of representatives, or their designees, from the following entities:

“(A) The Director of DOEE;

“(B) The Director of the Department of General Services;

“(C) The Director of DCRA;

“(D) The Department of Housing and Community Development;

“(E) The Department of Planning and Economic Development;

“(F) A representative from the Green Building Advisory Council;

“(G) A representative from the DC Sustainable Energy Utility;

“(H) A representative who is an affordable housing developer;

“(I) A representative from a rent-controlled apartment building;

“(J) A representative from a market-rate apartment building;

“(K) A representative from a commercial building;

“(L) A representative from the Apartment and Office Buildings

Association;

“(M) A representative from the Consortium of Universities in the Washington Metropolitan Area;

“(N) A representative who operates affordable housing;

“(O) A representative of a nonprofit or professional association advocating for energy efficient buildings or a low-carbon built environment;

ENROLLED ORIGINAL

“(P) A provider of energy efficiency or renewable energy services to large buildings or affordable housing in the District; and

“(Q) A representative from the Green Finance Authority”.

Sec. 303. Strategic energy management plan for District government buildings.

By January 1, 2020, the Department of General Services (“DGS”) shall develop a strategic energy management plan for reducing energy and water use across the DGS portfolio of buildings. The plan shall include timelines and cost estimates for implementing:

(1) An energy retrofit program across at least 9% of the DGS portfolio of District government-owned buildings by square footage between 2021 and 2024, prioritizing buildings that have core systems and equipment nearing the end of their useful lives, with a goal of achieving at least 30% reductions in energy and greenhouse gas emissions; and

(2) A net-zero energy retrofit program across at least 12.5% of the DGS portfolio of District government-owned buildings between 2026 and 2032.

Sec. 304. Rulemaking.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title, including rules that increase the minimum size of the solar zone for particular classes of residential buildings.

TITLE IV. SUSTAINABLE ENERGY INFRASTRUCTURE CAPACITY BUILDING AND PIPELINE PROGRAM.

Sec. 401. Sustainable Energy Infrastructure Capacity Building and Pipeline Program; establishment.

(a) There is established within the Department of Energy and Environment (“DOEE”) the Sustainable Energy Infrastructure Capacity Building and Pipeline Program (“Program”) with the purpose of increasing the participation and capacity of certified business enterprises, as defined in section 2302(1D) of the Small and Certified Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)), or eligible businesses in energy efficiency fields.

(b) The Program shall apply to all energy efficiency measures designed to increase the renewable energy portfolio standard, as defined in section 3(11) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(11)), to 100% by 2032, including contracts and procurements related to professional services, construction, inspection, maintenance, or installation of energy efficient technology or materials.

(c) DOEE and the Office of Contracting and Procurement shall develop and use procurement criteria that includes Certified Business Enterprise utilization as an evaluation factor when shortlisting and selecting businesses for professional services and when selecting contractors in best value procurements with a contract value of more than \$250,000.

ENROLLED ORIGINAL

Sec. 402. DOEE and DSLBD; memorandum of understanding.

The Department of Energy and Environment shall enter a memorandum of understanding with the Department of Small and Local Business Development to maintain a training and certification program, with a duration of not less than 5 years, for certified business enterprises (“CBE”) and CBE-eligible firms to increase their capacity to engage in renewable energy and efficiency design, construction, inspection, and maintenance.

Sec. 403. Reporting requirements.

The Department of Energy and Environment shall submit an annual report to the Mayor and the Council on the program required by section 402, which shall include detailed information on recruitment initiatives and the creation of contracting opportunities.

TITLE V. TRANSPORTATION EMISSION REDUCTION.

Sec. 501. Section 6(j) of The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

(a) A new paragraph (1A) is added to read as follows:

“(1A)(A) By January 1, 2020, the Department of Motor Vehicles, in consultation with the Department of Energy and Environment, shall issue rules revising the calculation of the vehicle excise tax such that the fee amount shall be applied as either an increase or decrease to the excise tax amount as described in this paragraph.

“(B) The increase or decrease to the excise tax amount shall be based on the difference between the fuel efficiency of the vehicle for which the title is being sought, using window label vehicle fuel efficiency figures, and a benchmark standard.

“(C) Vehicles seeking a title with a fuel efficiency below the benchmark standard shall pay an increased excise tax amount, with the amount of increased tax increasing based on how far below the benchmark standards is the vehicle.

“(D) Vehicles seeking a title with a fuel efficiency above the benchmark standard shall pay a decreased excise tax amount, or receive an excise tax rebate, with the amount of decreased tax decreasing based on how far above the benchmark standards is the vehicle.

“(E) Changes to the vehicle excise tax made pursuant to this paragraph shall be revenue neutral, whereby total expenditures on excise tax decreases to vehicles with fuel efficiencies above the benchmark standards shall equal the total revenue raised by excise tax increases to vehicles with fuel efficiencies below the benchmark standards.

“(F) The Department of Motor Vehicles shall publish and maintain publicly available information to help residents understand the vehicle excise tax described in this paragraph, and how it might affect the cost of obtaining a title in the District.

“(G)(i) The modification of the vehicle excise tax described in this paragraph shall not apply to:

“(I) Vehicles owned by individuals who demonstrate that they claimed and received the District Earned Income Tax Credit for the tax period closest in time (for which a return could be due) to the date the vehicle excise tax is levied; or

ENROLLED ORIGINAL

“(II) Trailers.

“(ii) The Office of Tax and Revenue shall confirm whether the District Earned Income Tax Credit claimed pursuant to this subparagraph was claimed and received based upon submission of a completed tax information authorization waiver form by the individual.”.

(b) Paragraph (3)(J) is amended to read as follows:

“(J) Electric vehicles.”.

Sec. 502. Transportation Electrification program.

(a) Within 180 days after the applicability date of this title, the Mayor shall establish a transportation electrification program (“program”) that shall require that all public buses, passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or more passengers or light-duty vehicles licensed to operate in the District of Columbia, commercial motor carriers, limousine-service vehicles, and taxis certified to operate by the District to be only zero-emission vehicles in the District by year 2045.

(b) The transition to zero emission vehicles will be phased in as follows:

(1) By 2030, 50% of public buses, passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or more passengers or light-duty vehicles licensed to operate by the District of Columbia, commercial motor carriers, limousine-service vehicles, and taxis certified to operate by the District of Columbia shall be low-or-zero-emission vehicles.

(2) By 2035, 75% of public buses, passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or more passengers or light-duty vehicles licensed to operate by the District of Columbia, commercial motor carriers, limousine-service vehicles, and taxis certified to operate by the District of Columbia shall be low-or-zero-emission vehicles.

(3) By 2040, 90% of public buses, passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or more passengers or light-duty vehicles licensed to operate by the District of Columbia, commercial motor carriers, limousine-service vehicles, and taxis certified to operate by the District of Columbia shall be low-or-zero-emission vehicles.

(4) By 2045, 100% of all public buses, passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or more passengers or light-duty vehicles licensed to operate by the District of Columbia, commercial motor carriers, limousine-service vehicles, and taxis certified to operate by the District of Columbia shall be zero emission vehicles.

(c)(1) The Public Service Commission may consider an application by the electric company to promote transportation electrification through utility infrastructure ownership and other programs and incentives, including if such application has been made before the applicability date of this title.

(2) The Public Service Commission may approve the application if it finds that it is in the public interest, consistent with the District’s public climate change commitments as determined by the Mayor, and consistent with section 8(2) of An Act Making appropriations to

ENROLLED ORIGINAL

provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977; D.C. Official Code § 34-1101).

(d)(1) The Mayor may authorize non-compliance fees to be assessed against an owner or operator for failure to meet the standards set forth in this section or rules issued pursuant to this section.

(2) Fees collected pursuant to this subsection may be used to construct and maintain electrification infrastructure.

(e)(1) By January 1, 2022, and every 2 years thereafter, each private vehicle-for-hire company shall develop a greenhouse gas emissions reduction plan. The plan shall include proposals on how to meet targets and goals for reducing emissions by:

(A) Increasing the proportion of participating drivers with zero-emission vehicles using private vehicle-for-hire companies; and

(B) Increasing the proportion of vehicle-miles completed by zero-emission vehicles relative to all vehicle-miles.

(2) By February 1, 2022, and every 2 years thereafter, each private vehicle-for-hire company shall submit the greenhouse gas emissions reduction plan required by paragraph (1) of this subsection to the Public Service Commission and to the chairperson of the Council committee with oversight of the Public Service Commission. Any confidential or trade secret information furnished pursuant to this paragraph shall be confidential.

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

Sec. 503. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 2o (D.C. Official Code § 50-921.23) is redesignated as section 9o.

(b) Subsection (b)(2) of the newly redesignated section 9o is repealed.

(c) A new section 9p is added to read as follows:

“Sec. 9p. Comprehensive clean vehicle transition plan.

“By July 1, 2021, DDOT shall prepare and submit to the Mayor, as well as publish on its website, a comprehensive clean vehicle transition plan outlining strategies that will encourage and promote the adoption of zero-emission vehicles by drivers in the District. In preparing the plan, DDOT shall consult with the Office of the State Superintendent of Education and other stakeholders. The plan shall include recommendations for policies, including cost estimates and timelines, estimated to achieve:

“(1) At least 25% zero-emission vehicle registrations by calendar year 2030;

“(2) 100% replacement of public buses, including school buses, with electric public buses upon the end of their useful life, by calendar year 2021; and

“(3) Implementation of the transportation electrification program established pursuant to section 502 of the CleanEnergy DC Omnibus Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-904).”

ENROLLED ORIGINAL

Sec. 504. Authorization to participate in regional programs limiting greenhouse gas emissions.

The Mayor is authorized to:

(1) Commit the District to participation or membership in any regional governmental initiative, agreement, or compact for the purpose of limiting greenhouse gas emissions from the transportation sector; and

(2) Impose a fee on motor fuel sales or distribution; provided, that Maryland or Virginia imposes a state-wide greenhouse gas emissions fee on motor fuel sales or distribution; provided further, that the District fee is no more than that imposed by Maryland or Virginia.

TITLE VI. GENERAL PROVISIONS.

Sec. 601. Applicability.

(a) Titles II, III, IV, and V of this act shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

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

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

Sec. 602. Fiscal impact statement.


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

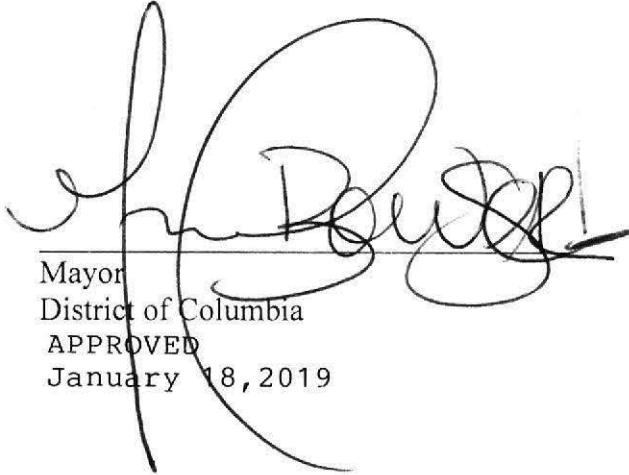
Sec. 603. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

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

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

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

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

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

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

“(D)(i) Notwithstanding subparagraph (C)(iii) of this paragraph, and except as provided in sub-subparagraph (ii) of this subparagraph, for the tax year beginning October 1, 2019, and each tax year thereafter, the recurring annual revenue collected pursuant to the Internet Sales Tax Amendment Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-914) (“IST revenue”), as certified by the Chief Financial Officer in the quarterly revenue estimate issued in February 2019, and each February thereafter, shall, to the extent the IST revenue is in excess of that required for the financial plan for the current fiscal year (“excess IST revenue”), reduce the property tax rate under subparagraph (C)(iii) of this paragraph, as determined at the time of the February quarterly revenue estimate, to the lowest tax rate rounded up to the nearest penny per \$100 of assessed value; provided, that the rate is no less than \$1.85 per \$100 of assessed value; provided further, that if the tax rate remains greater than \$1.85 per \$100 of assessed value, for the tax year beginning October 1, 2020, and each tax year thereafter, the excess IST revenue shall reduce the property tax rate to the lowest tax rate

ENROLLED ORIGINAL

rounded up to the nearest penny per \$100 of assessed value that is at least \$1.85 per \$100 of assessed value.

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

(b) Chapter 20 is amended as follows:

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

“(4) Every marketplace facilitator; and

“(5) Every marketplace seller.”.

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

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

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

(e) Chapter 39A is repealed.

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To declare that District-owned real property, known as Northwest One, located at 33 K Street, N.W., and 1010 North Capitol Street, N.W., known for taxation and assessment purposes as Lots 0246 and 0860 in Square 0621, is no longer required for public purposes, to authorize the disposition of the real property, and to require the transfer of Lot 0246 by a date certain.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Act” means An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*).

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

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

(4) “Corporation” means the Northwest One/Temple Courts Redevelopment Corporation, established by section 2 of the District of Columbia Housing Authority Northwest One / Temple Courts Subsidiary Establishment Approval Emergency Act of 2006, effective December 28, 2006 (D.C. Act 16-664; 54 DCR 1127).

(5) “Developer” means the NW One Development Partners, LLC, with a business address of 3050 K Street, N.W., Suite 125, Washington, D.C. 20007, and its successors, assignees, sublessees, or affiliates, comprised of MidAtlantic Realty Partners, LLC, with a business address of 3050 K Street, N.W., Suite 125, Washington, D.C. 20007, and its successors, assignees, or affiliates, and CSG Urban Partners, LLC, with a business address of 1105 5th Street, N.W., Washington, D.C. 20001, and its successors, assignees, or affiliates, as approved by the Mayor.

ENROLLED ORIGINAL

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

(7) “Project” means a mixed-use development including affordable housing, market-rate housing, and neighborhood-serving retail, and any ancillary uses allowed under applicable law, and as further described in the term sheet submitted with this legislation.

(8) “Property” means the real property and improvements located at 33 K Street, N.W. and 1010 North Capitol Street, N.W., and known for taxation and assessment purposes as Lots 0246 and 0860 in Square 0621.

Sec. 3. Findings.

(a) The District, upon transfer of Lot 0246 in Square 0621, shall be the owner of the Property, which Property consists of a vacant lot of approximately 155,000 square feet.

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

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

(d) The intended use of the Property is a mixed-use development as further described in section 2(7).

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

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

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

(h) Pursuant to section 1(b)(8)(C) of the Act, the proposed method of disposition is a ground lease of 20 years or greater, as further described in the documents submitted with this legislation.

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

Sec. 4. Transfer of Property.

By December 31, 2019, the Corporation shall convey in fee simple to the District of Columbia Lot 0246 in Square 0621, free and clear of all liens and encumbrances, except for use restrictions set forth in the Amended and Restated Regulatory Agreement for Insured Multi-

ENROLLED ORIGINAL

Family Housing Projects, dated June 21, 1971, by Temple Courts Associates in favor of the Department of Housing and Urban Development.

Sec. 5. Declaration of surplus and approval of disposition.

Notwithstanding the Act, and subject to the transfer of Lot 0246 in Square 0621 as described in section 4, the Council determines that the Property is no longer required for public purposes and approves the disposition of the Property and authorizes the Mayor to dispose of the Property within 8 years from the effective date of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To amend the Rental Housing Act of 1985 to prohibit smoking in a common area of, and outdoors within 25 feet of an entrance or window of, a multifamily rental accommodation, to authorize a housing provider to provide a designated smoking area in an indoor common area, to prohibit the eviction of a tenant who violates the smoking prohibition, to require housing providers to post no smoking signs, to authorize the Department of Health to enforce the smoking prohibition, and to establish penalties for violating the smoking prohibition.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rental Housing Smoke-Free Common Area Amendment Act of 2018”.

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended by adding a new section 509 to read as follows:

“Sec. 509. Restrictions on tobacco smoking.

“(a)(1) Smoking shall be prohibited in an indoor common area of a multifamily rental accommodation and outdoors within 25 feet of an entrance or a window of a multifamily rental accommodation.

“(2) A housing provider may designate a portion of an indoor common area as a designated smoking area. The designated smoking area shall:

“(A) Be as small as is practicable to accommodate the number of smokers expected to use the area;

“(B) Have a fan-based ventilation system that exhausts the smoke directly to the outside of the building; provided, that the venting duct shall not be within 25 feet of a window or entrance of a rental unit, or a building entrance; and

“(C) Be identified with conspicuous signs as a “designated smoking area”.

“(3) No tenant may be evicted from a rental unit for a violation of this section; provided, that nothing in this section shall be construed to prevent a housing provider from including a smoking prohibition in a lease or rental agreement.

“(b)(1) In a common area of a multifamily rental accommodation, a housing provider shall post or cause to be posted signs that read “No Smoking. Need to quit? Contact the D.C. Quitline” and which includes the current telephone number for the D.C. Quitline and the

ENROLLED ORIGINAL

internationally recognized “no smoking” symbol.

“(2) It shall be unlawful for any person to obscure, remove, deface, mutilate, or destroy any sign posted in accordance with the provisions of this section.

“(c)(1) The Department of Health may conduct inspections and assess penalties at all places where smoking is prohibited by this section to ensure that smoking in such places is not taking place and that all signage required under this section is posted.

“(2) The housing provider of a multifamily rental accommodation where smoking is prohibited pursuant to this section shall remind persons observed smoking in violation of this section to refrain from smoking.

“(d) Any person who violates this section by:

“(1) Smoking in a “no smoking” area shall be assessed a civil fine of no less than \$10 nor more than \$50 for the first violation and no less than \$50 nor more than \$100 for each second or subsequent violation;

“(2) Obscuring, removing, defacing, mutilating, or destroying a sign posted in accordance with the provisions of this section shall be assessed a civil fine of no more than \$100; and

“(3)(A) Failing to post or cause to be posted “no smoking” signs or failing to warn a smoker or user of tobacco products observed to be smoking or using tobacco products in violation of this section to stop doing so, as required by subsections (b)(1) and (c)(2) of this section, shall be assessed a civil fine of no more than \$100.

“(B) Each day that the violation of subsection (b)(1) of this section continues shall constitute a separate violation, and the civil penalties provided for in this section shall be applicable to each separate offense; provided, that such civil penalties shall not be levied against an employee or officer of a branch, agency, or instrumentality of the District government who is acting in an official capacity.”.

“(e) For the purposes of this section, the term:

“(1) “Common area” means those areas of a multifamily rental accommodation available for the use of all tenants of the housing accommodation, including a community room, community bathroom, lobby, hallway, laundry room, stairway, offices, elevator, recreational area, and other similar areas.

“(2) “Multifamily rental accommodation” means a housing accommodation of 2 rental units or more, except for single-family accommodations, as defined in section 103(14).

“(3) “Smoking” means the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

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

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To require health care facilities to provide patients receiving mammography exams with mammography reports detailing the results of mammography exams, including an identification of patients' breast tissue classification, and, under certain enumerated circumstances, to require health care facilities to append a notice to mammography reports explaining the potential ramifications of receiving a breast density classification that indicates the presence of dense breast tissue; to amend the District of Columbia Cancer Prevention Act of 1990 to require coverage of certain preventative breast cancer screening procedures; and to amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to provide coverage for certain health-care services without imposing any cost-sharing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Breast Density Screening and Notification Amendment Act of 2018".

TITLE I. HEALTH CARE FACILITY MAMMOGRAPHY REPORT

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Breast density classification" means the 4 levels of breast density identified in the Breast Imaging Reporting and Data System established by the American College of Radiology, which are:

- (A) Class A, indicating fatty breast tissue;
- (B) Class B, indicating scattered fibroglandular breast tissue;
- (C) Class C, indicating heterogeneously dense breast tissue with fibrous and glandular tissue that are evenly distributed throughout the breast; and
- (D) Class D, indicating extremely dense breast tissue.

(2) "Health care facility" means a hospital, maternity center, ambulatory surgical facility, or hospice, as defined in the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*).

ENROLLED ORIGINAL

Sec. 102. Health care facility mammography report.

(a) Beginning January 1, 2019, a health care facility shall provide a patient receiving a mammography exam with a mammography report detailing the results of the mammography exam, including an identification of the patient's breast tissue classification.

(b) If a patient receives a class C or class D breast density classification, the mammography report prepared pursuant to subsection (a) of this section shall include the following notice:

"Your mammogram indicates that you have dense breast tissue. Dense breast tissue is relatively common and is not abnormal. Dense breast tissue can, however, make it more difficult to detect cancers in the breast by mammography because it can hide small abnormalities and may be associated with an increased risk for breast cancer. Accordingly, you may benefit from supplementary screening tests, which may include a breast ultrasound screening, or a breast MRI examination, or both, depending on your individual risk factors.

"This information is given to you to raise your awareness. Use this information to talk to your health care provider about your own risks for breast cancer. At that time, ask your health care provider if additional screening and/or tests may be useful based on your own risk.

"A report of your results was sent to your health care provider. You should contact your health care provider if you have any questions or concerns about this report."

TITLE II. HEALTH INSURANCE BENEFITS COVERAGE

Sec. 201. Section 3 of the District of Columbia Cancer Prevention Act of 1990, effective March 7, 1991 (D.C. Law 8-225; D.C. Official Code § 31-2902), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "women; and" and inserting the phrase "women, including a 3-D mammogram;" in its place.

(2) Paragraph (2) is amended by striking the phrase "women." and inserting the phrase "women, including a 3-D mammogram; and" in its place.

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

"(3) Adjuvant breast cancer screening, including magnetic resonance imaging, ultrasound screening, or molecular breast imaging of the breast, if:

"(A) A mammogram demonstrates a Class C or Class D breast density classification; or

"(B) A woman is believed to be at an increased risk for cancer due to family history or prior personal history of breast cancer, positive genetic testing, or other indications of an increased risk for cancer as determined by a woman's physician or advanced practice registered nurse."

ENROLLED ORIGINAL

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

“(g) For the purposes of this section, the term “breast density classification” means the 4 levels of breast density identified in the Breast Imaging Reporting and Data System established by the American College of Radiology, which are:

“(1) Class A, indicating fatty breast tissue;

“(2) Class B, indicating scattered fibroglandular breast tissue;

“(3) Class C, indicating heterogeneously dense breast tissue with fibrous and glandular tissue that are evenly distributed throughout the breast; and

“(4) Class D, indicating extremely dense breast tissue.”.

Sec. 202. Section 5b of the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000, effective March 28, 2018 (D.C. Law 22-75; D.C. Official Code § 31-3834.02), is amended as follows:

(a) Subsection (a)(1) is amended by adding a new subparagraph (A-i) to read as follows:

“(A-i) Adjuvant breast cancer screening, including magnetic resonance imaging, ultrasound screening, or molecular breast imaging of the breast, if:

“(i) A mammogram demonstrates a Class C or Class D breast density classification; or

“(ii) A woman is believed to be at an increased risk for cancer due to family history or prior personal history of breast cancer, positive genetic testing, or other indications of an increased risk for cancer as determined by a woman’s physician or advanced practice registered nurse;”.

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

“(d) For the purposes of this section, the term “breast density classification” means the 4 levels of breast density identified in the Breast Imaging Reporting and Data System established by the American College of Radiology, which are:

“(A) Class A, indicating fatty breast tissue;

“(B) Class B, indicating scattered fibroglandular breast tissue;

“(C) Class C, indicating heterogeneously dense breast tissue with fibrous and glandular tissue that are evenly distributed throughout the breast; and

“(D) Class D, indicating extremely dense breast tissue.”.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

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

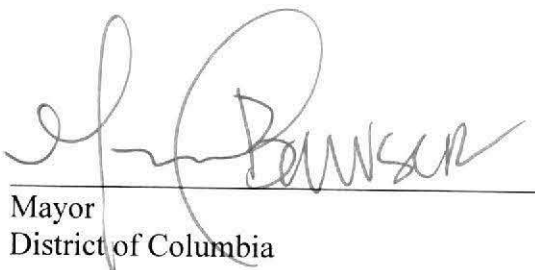
ENROLLED ORIGINAL

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

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

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

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (“Act”), and notwithstanding section 423 of the Act (D.C. Official Code § 9-204.23), the Council symbolically designates the 300 Block of E Street, S.W., in Ward 6, as “Hidden Figures Way”.

Sec. 3. Fiscal impact statement.

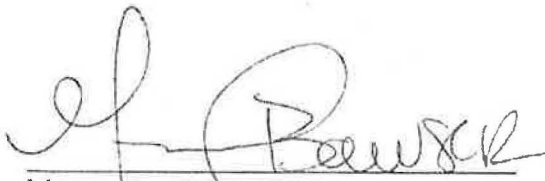
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

January 18, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To authorize the issuance of tax increment financing bonds to support certain infrastructure and site costs for a portion of the land located at the existing Brookland Manor apartment complex and the former Brentwood Village Shopping Center along Rhode Island Ave, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rhode Island Avenue (RIA) Tax Increment Financing Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Authorized Delegate” means the Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor’s functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) “Available Increment” shall have the same meaning as set forth in the Reserve Agreement.

(3) “Available Real Property Tax Revenues” means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, inclusive of any penalties and interest charges, exclusive of the special tax provided for in section 481 of the Home Rule Act pledged to payment of general obligation indebtedness of the District.

(4) “Available Sales Tax Revenues” means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08), and any amounts to be made available to the Washington Metropolitan Transit Authority pursuant to Title VII of the Fiscal Year 2018 Budget Support Act of 2017 (D.C. Law 22-33; 64 DCMR 7652)(the Revised Revenue Contingency List Act of 2017), and section 2(b)(2)(A) of the Stable and Reliable Source of Revenues for WMATA Act of 1982, effective April 30, 1982 (D.C. Law 4-103; D.C. Official Code § 9-1111.15(b)(2)(A)).

ENROLLED ORIGINAL

(5) “Available Tax Increment” means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Rhode Island Avenue (“RIA”) TIF Area in any fiscal year of the District minus the sum of the base amount of the Available Sales Tax Revenues and the base amount of the Available Real Property Tax Revenues generated in the RIA TIF Area in the base year.

(6) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(7) “Bonds” means the District of Columbia Class A Bonds, Class B Bonds, and any other revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(8) “Chairman” means the Chairman of the Council of the District of Columbia.

(9) “Chief Financial Officer” means the Chief Financial Officer established by section 424(a)(1) of the Home Rule Act.

(10) “Closing Documents” means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(11) “Council” means Council of the District of Columbia.

(12) “Debt Service” means principal, premium, if any, and interest on the bonds.

(13) “Development Costs” has the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)).

(14) “Development Sponsor” means Mid City Financial Corporation, a corporation qualified to do business in the District of Columbia, or any other entity or entities that undertakes the development of the project with the approval of the Mayor.

(15) “District” means the District of Columbia.

(16) “Financing Documents” means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.

(17) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(18) “Project” means the financing, refinancing, or reimbursing of Development Costs incurred for certain infrastructure and site development within the RIA TIF Area and adjoining parcels.

(19) “Reserve Agreement” means that certain Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.

(20) “TIF” means tax increment financing.

ENROLLED ORIGINAL

Sec. 3. Creation of the RIA TIF Fund.

(a) There is established as a nonlapsing fund the RIA TIF Fund. The Chief Financial Officer shall deposit into the RIA TIF Fund the Available Tax Increment and any other taxes or fees specifically designated by law for deposit in the RIA TIF Fund.

(b) The Mayor may pledge and create a security interest in the funds in the RIA TIF Fund, or any sub-account within the RIA TIF Fund, for the payment of debt service on the bonds without further action by the Council as permitted by section 490(f) of the Home Rule Act. The payment of debt service shall be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the RIA TIF Fund exceeds the amount of debt service (including prepayment of principal and interest), reserves on any bonds, and any approved bond-related administrative expenses during the upcoming fiscal year, 50% of shall be used to prepay the principal of the bonds and the remaining 50% of the excess shall be transferred to the unrestricted balance of the General Fund of the District of Columbia.

Sec. 4. Creation of the RIA TIF Area.

(a) There is created a TIF area designated as the RIA TIF Area. The RIA TIF Area is defined as the real property bounded by Brentwood Road, N.E. from Rhode Island Avenue, N.E. to the alley between and parallel to Bryant Street, N.E. and Saratoga Avenue, N.E.; Rhode Island Avenue, N.E. from Brentwood Road, N.E. to Montana Avenue, N.E.; Montana Avenue, N.E. from Rhode Island Avenue, N.E. to Downing Street, N.E.; Downing Street, N.E. from Montana Avenue, N.E. to 14th Street, N.E.; 14th Street, N.E. from Downing Street, N.E. to the line extending eastward from the alley between and parallel to Saratoga Avenue, N.E. and Bryant Street, N.E.; and a line extending from 14th Street, N.E. to the alley between and parallel to Saratoga Avenue, N.E. and Bryant Street, N.E. continuing through the alley’s intersection with Brentwood Road, N.E.

(b) As provided under section 3, the Available Tax Increment from the RIA TIF Area shall be deposited in the RIA TIF Fund and may be used for the purposes set forth in section 3.

(c)(1)(A) The base amount for determination of Available Sales Tax Revenues shall be \$0.

(2)(A) The base amount for determination of Available Real Property Tax Revenues shall be:

- (i) \$613,621 in base year 2018;
- (ii) \$618,864 in base year 2019;
- (iii) \$672,705 in base year 2020;
- (iv) \$731,230 in base year 2021; and
- (v) \$753,167 in base year 2022.

(B) For base years 2023 through 2051, the base amount for determination of Available Real Property Tax Revenues shall reflect an increase in the amount of 3.1% from each previous base year’s amount.

ENROLLED ORIGINAL

- (d) The RIA TIF Area shall terminate on the earlier of:
 - (1) Twenty-five years after the issuance of the last bonds issued pursuant to this act;
 - (2) The date on which the bonds are paid in full or are defeased and are no longer outstanding, or
 - (3) September 30, 2025 if no bonds are issued.

Sec. 5. Class A Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Class A Bonds in an aggregate principal amount not to exceed \$32 million to fund the project. The Class A Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 7(a).

(b) The proceeds of the Class A Bonds shall be used as follows:

(1) An amount not to exceed \$23 million shall be used to pay Development Costs of the project; and

(2) The balance of the proceeds may be used to pay the financing costs incurred by the District and to fund capitalized interest and required reserves.

(c) The Mayor may pay from the proceeds of the Class A Bonds the financing costs and expenses of issuing and delivering the Class A Bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, credit enhancement, marketing, sale, and printing costs and expenses.

Sec. 6. Class B Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Class B Bonds in an aggregate principal amount not to exceed \$24 million to reimburse Development Costs of the project and financing costs incurred by the District and to fund capitalized interest and required reserves. The Class B Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 7(b).

(b) The Mayor may pay from the proceeds of the Class B Bonds the financing costs and expenses of issuing and delivering the Class B Bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, credit enhancement, marketing, sale, and printing costs and expenses.

(c) The Class B Bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor and approved by the District.

ENROLLED ORIGINAL

Sec. 7. Payment and security.

(a) For the Class A Bonds.

(1) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the Class A Bonds, and the payment of ongoing administrative expenses related to the bond financing shall be payable solely from proceeds received from the sale of the Class A Bonds, income realized from the temporary investment of those proceeds, the Available Tax Increment and any other taxes or fees deposited in the RIA TIF Fund, income realized from the temporary investment of the monies in the RIA TIF Fund prior to payment to the Class A Bondholders, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the Class A Bonds from sources other than the District, all as provided for in the Financing Documents

(2) There is further allocated to the payment of debt service on the Class A Bonds the Available Increment, subordinate to the allocation of Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement and to the extent that the Reserve Agreement continues to apply to the Available Increment, to be used for the payment of debt service on the Class A Bonds to the extent that the revenues allocated in paragraph (1) of this subsection are inadequate to pay debt service on the Class A Bonds. The allocation of Available Increment authorized by this subsection shall be made in compliance with all existing contractual obligations of the District with respect to the Available Increment and shall terminate on the date on which all of the Class A Bonds are paid or provided for and are no longer outstanding pursuant to their terms.

(3) Payment of the Class A Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Class A Bondholders of certain of its rights under the Financing Documents and Closing Documents to the trustee for the Class A Bonds pursuant to the Financing Documents.

(4) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the Class A Bonds pursuant to the Financing Documents.

(b) For the Class B Bonds:

(1) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the Class B Bonds, and the payment of ongoing administrative expenses related to the Class B Bond financing shall be payable solely from proceeds received from the sale of the Class B Bonds and income realized from the temporary investment of those proceeds, the Available Tax Increment and any other taxes or fees deposited in the RIA TIF Fund, income realized from the temporary investment of the monies in the RIA TIF Fund prior to payment to the Class B Bondholders, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the Class B Bonds from sources other than the District, all as provided for in the Financing Documents.

(2) Payment of debt service on the Class B Bonds from monies deposited in the RIA TIF Fund or income realized from the temporary investment of those monies shall be subordinate to (i) the payment of debt service on the Class A Bonds from monies deposited in

ENROLLED ORIGINAL

the RIA TIF Fund or income realized from the temporary investment of those monies and (ii) any reasonable reserves required by the District.

(3) Payment of the Class B Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Class B Bondholders of certain of its rights under the Financing Documents and Closing Documents to the trustee for the Class B Bonds pursuant to the Financing Documents.

(4) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the Class B Bonds pursuant to the Financing Documents.

Sec. 8. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each class and series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of any credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment, the Available Increment, and any other taxes and fees deposited in the RIA TIF

ENROLLED ORIGINAL

Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds, the interest thereon, and the income therefrom, and all funds pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District pledges, covenants, and agrees with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify, in any way, the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding Article 9 of Chapter 28 of the District of Columbia Official Code:

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

ENROLLED ORIGINAL

Sec. 9. Issuance of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the bonds.

(c) The Mayor is authorized to deliver executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

(e) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 et seq.), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for the purposes of this act.

Sec. 10. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

ENROLLED ORIGINAL

Sec. 11. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment, the Available Increment, and any other taxes or fees deposited in the RIA TIF Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds

(c) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 12. District officials.

(a) Except as otherwise provided in section 11(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 13. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 14. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 15. Expiration of issuance authority.

(a) The authority to issue the Class A and Class B Bonds shall expire on September 30, 2025, if no Class A Bonds have been issued; provided, however, that the expiration of the

ENROLLED ORIGINAL

authority shall have no effect on any Class A or Class B Bonds issued prior to the expiration date.

(b) The authority to issue the Class B Bonds shall expire on September 30, 2029, if no Class B Bonds have been issued; provided, however, that the expiration of the authority shall have no effect on any Class B Bonds issued prior to the expiration date.

Sec. 16. Applicability.

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

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

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

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

Sec. 17. Fiscal impact statement.

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

Sec. 18. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

January 18, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2019

To establish the Data Sharing and Paperwork Reduction Advisory Council to serve as an advisory body to the Mayor, the Council, and District government agencies on matters pertaining to improving efficiencies in data collection, information sharing, and information resources management.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Paperwork Reduction and Data Collection Act of 2018”.

Sec. 2. Data Sharing and Paperwork Reduction Council.

(a) There is established the Data Sharing and Paperwork Reduction Advisory Council (“DSPRC”).

(b) The DSPRC shall be composed of the following 10 ex officio members or their designees:

- (1) The Chief Technology Officer;
- (2) The Chief Data Officer;
- (3) The Director of the Department of Small and Local Business Development;
- (4) The Director of the Department of Employment Services;
- (5) The Director of the Alcoholic Beverage Regulation Administration;
- (6) The Director of the Department of Consumer and Regulatory Affairs;
- (7) The Chief Financial Officer for the District of Columbia;
- (8) The Executive Director of the District of Columbia Board of Elections;
- (9) The Director of the Department of Motor Vehicles; and
- (10) The Director of the Department of Health.

(c)(1) In addition to the members serving pursuant to subsection (b) of this section, the Mayor shall appoint 5 community representatives who are small business owners in the District; provided, that 2 of the community representatives appointed shall own businesses holding an on-premises retailer’s license pursuant to D.C. Official Code § 25-113.

(2) The community representatives shall be appointed for a term of 2 years; provided, that of the 5 initial appointments, 3 shall be appointed by the Mayor for a term of 2

ENROLLED ORIGINAL

years and 2 shall be appointed by the Mayor for a term of one year. Community representatives may be reappointed.

(d) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant. Community representatives who are appointed to fill vacancies that occur before the expiration of a community representative's full term shall serve only the unexpired portion of the community representative's term.

(e)(1) The Chief Technology Officer or the Chief Technology Officer's designee shall serve as chairperson of the DSPRC.

(2) The chairperson shall designate a vice-chairperson from among the DSPRC's community representatives to assist the chairperson in the performance of the chairperson's official duties.

(f) The DSPRC shall meet on at least a quarterly basis, and may meet more often as needed, at times to be determined by the chairperson of the DSPRC.

(g) The DSPRC shall provide public notice of all meetings and shall conduct its meetings in compliance with the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

(h) The Office of the Chief Technology Officer shall provide the DSPRC with an annual operating budget, which shall include funds to maintain a website where the DSPRC shall provide a public listing of members, meeting notices, and meeting minutes and solicit community input.

Sec. 3. Duties of the DSPRC.

(a) The DSPRC shall evaluate:

(1) The process by which District agencies compile, maintain, and update data received from residents and organizations;

(2) The data collection and entry policies of District agencies for inefficiencies, duplicative practices, and redundant paperwork;

(3) The need for and ability of District agencies to access data through an interagency data sharing system; and

(4) The ease and ability of residents and organizations to update information provided to agencies.

(b) The DSPRC shall identify:

(1) The extent to which the same or similar data requested of different agencies may be reduced;

(2) The time and resources that the District could save by reducing the request of duplicative data and sharing data by agencies;

(3) The viability of sharing data with other agencies; and

(4) The extent to which requesting data by multiple agencies produces errors in information.

ENROLLED ORIGINAL

- (c) The DSPRC shall issue recommendations regarding:
- (1) Reducing redundant paperwork across District agencies;
 - (2) Improving the process for residents and organizations to update information across multiple agencies; and
 - (3) The resources necessary to compile, protect, and update data collected and shared by multiple District agencies.
- (d) For the purposes of this section, the term “interagency data sharing system” means a platform that gives users the ability to share the same data resource with other applications or users.

Sec. 4. Report.

Within one year of the applicability date of this act, and on the anniversary of the first report each year thereafter, the DSPRC shall submit a report to the Council that addresses each of the duties required by section 3.

Sec. 5. Applicability.

- (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.
- (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.
- (c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.
- (2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 18, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To amend the Condominium Act of 1976 to allow condominium contraction by the owner’s association by allowing an entire building to withdraw from the condominium, and to establish a procedure for the contraction.

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

Sec. 2. Section 220 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1902.20), is amended to read as follows:

“Sec. 220. Contraction of the Condominium. --

“(a) Except as provided in subsection (b) of this section, a condominium shall be allowed to contract at the time of the recordation of an amendment to the declaration, containing a legally sufficient description of the property withdrawn from the condominium; provided, that:

“(1) If portions of the withdrawable property were described pursuant to section 210(d)(5), then no such portion shall be withdrawn after the conveyance of any unit on such portion; or

“(2) If no such portions were described, then none of the withdrawable land shall be withdrawn after the first conveyance of any unit thereon.

“(b)(1) A condominium may contract when the unit owners’ association (“association”) votes to allow one or more separate buildings in the condominium to withdraw; provided, that:

“(A) Each unit owner must vote affirmatively to allow the withdrawal;

“(B) Each vote must be in writing;

“(C) No unit owner may be permitted to vote by proxy; and

“(D) The vote occurs after the time period for making a warranty claim under section 316 has expired, or after the release of the warranty bond, whichever is later.

“(2)(A) If at the time of contraction there are any encumbrances or liens against any of the units, the contraction will be effective only when all creditors holding such encumbrances or liens consent in writing to the amendment to the declaration and amended plat and plans or their encumbrances or liens are satisfied or expire by operation of law.

“(B) The contraction will be effective only when the provider of the master property insurance policy for the condominium consents in writing to the amendment to the declaration and amended plat and plans, or when the contracted condominium and any new

ENROLLED ORIGINAL

condominiums created as a result of the contraction each enter an agreement with a new provider to provide a master insurance policy.

“(3) To effectuate the contraction, the declarant or the association shall:

“(A) Record an amendment to the declaration with the Recorder of Deeds;

and

“(B) Submit an amended plat and plans to the Department of Consumer and Regulatory Affairs that depict:

“(i) The withdrawn building and condominium tax lots; and

“(ii) The remaining building and condominium tax lots.

“(4) The amendment to the declaration shall reallocate in proportion to the respective percentages of units remaining in the contracted condominium:

“(A) The percentages of common element ownership;

“(B) Voting power in the unit owners’ association; and

“(C) Liability for common expenses.

“(5)(A)(i) Upon contraction, the unit owners of the pre-existing condominium units on the withdrawn property shall own the property as a condominium or as tenants in common as provided in section 228(g).

“(ii) The amendments required to be recorded pursuant to paragraph (3) of this subsection shall make clear how the withdrawn property shall be owned.

“(iii) No new deeds shall be required to be recorded as a consequence of a contraction pursuant to this subsection.

“(B) If the withdrawn property is to be owned as one or more new condominiums:

“(i) A new declaration, bylaws, and plat and plans shall be recorded for each new condominium; and

“(ii) The owners of withdrawn property shall not be required to pay any taxes or fees under section 204 of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.04); provided, that the record owner remains the same.

“(c) For the purposes of this section, the term “building” includes an individual rowhouse attached to another rowhouse.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 17, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2019

To amend the Omnibus Public Safety and Justice Amendment Act of 2009 to provide that fare evasion does not constitute unlawful entry of a motor vehicle; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to provide that fare evasion does not constitute theft; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to clarify unlawful conduct on passenger vehicles, and to decriminalize and modify the penalties for fare evasion and other unlawful conduct on passenger vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fare Evasion Decriminalization Amendment Act of 2018".

Sec. 2. Section 102 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1341), is amended by adding a new subsection (c-1) to read as follows:

“(c-1) A violation of section 3 of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective February 22, 1978 (D.C. Law 2-40; D.C. Official Code § 35-252), shall not constitute a violation of this section.”.

Sec. 3. Section 111 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3211), is amended by adding a new subsection (d) to read as follows:

“(d) A violation of section 3 of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective February 22, 1978 (D.C. Law 2-40; D.C. Official Code § 35-252), shall not constitute a violation of this section.”.

Sec. 4. The Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-251 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 35-251) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Authority;” and inserting the phrase “Authority (“WMATA”);” in its place.

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

ENROLLED ORIGINAL

“(b) It is unlawful for any person, either while aboard a public passenger vehicle for hire with a capacity for seating 12 or more passengers, including vehicles owned or operated by WMATA, or while aboard a rail transit car owned or operated by WMATA, or while within a rail transit station owned or operated by WMATA, to:

“(1) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

“(2) Consume food or beverages;

“(3) Spit;

“(4) Discard litter;

“(5) Play any radio, musical instrument, or similar device, unless it is connected to an earphone that limits the sound to the individual user;

“(6) Carry any flammable or combustible liquids, explosives, acids, or similar items inherently dangerous or offensive to others;

“(7) Carry any animals, except for guide dogs properly harnessed and small animals properly contained;

“(8) Stand in front of the line marked on the forward end of the floor of any bus or otherwise conduct themselves in such a manner as to obstruct the vision of the operator;

“(9) Operate or chain to any fence, tree, railing, or other structure not specifically designated for such use, skateboards, rollerblades, roller skates, non-motorized scooters, bicycles, tricycles, or unicycles; or

“(10) Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, mopeds, motorbikes, or any similar vehicle.”.

(3) Subsection (c) is amended by striking the phrase “car which is transporting passengers within the District of Columbia,” and inserting the phrase “car,” in its place.

(b) Section 3 (D.C. Official Code § 35-252) is amended to read as follows:

“Sec. 3. Failure to pay fare or to present valid transfer; entry by rear door prohibited.

“Except in emergency circumstances, no person shall knowingly:

“(1) Take the following actions without paying the established fare or presenting a valid transfer:

“(A) Board a public or private passenger vehicle for hire, including vehicles owned or operated by the Washington Metropolitan Area Transit Authority (“WMATA”);

“(B) Board a rail transit car owned or operated by WMATA; or

“(C) Enter or leave the fare-paid area of a rail transit station owned or operated by WMATA; or

“(2) Board a public or private passenger vehicle for hire, including vehicles owned or operated by WMATA, through the rear exit door, unless so directed by an employee or agent of the carrier.”.

(c) Section 5 (D.C. Official Code § 35-254) is amended to read as follows:

“Sec. 5. Penalties.

ENROLLED ORIGINAL

“(a) Except as provided in subsection (b)(1) of this section, a violation of section 2(b) or section 3 shall be punishable by a civil fine of not more than \$50.

“(b)(1) A violation of section 2(b)(6), (c) or (d) shall be punishable by a fine of not more than \$300, imprisonment of not more than 90 days, not fewer than 30 hours of community service, or a combination of any 2 penalties, except that imprisonment and community service shall not be imposed together.

“(2) The fine set forth in this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 2-3571.01 *et seq.*).

“(3) All prosecutions under this subsection shall be brought by the Attorney General for the District of Columbia.”.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia

VETOED

Mayor
District of Columbia
January 16, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2019

To amend the Millicent Allewelt Amendment Act of 2004 to require that law enforcement agencies retain evidence related to certain crimes for 65 years from the date the crime is first reported to the law enforcement agency; to amend section 12-301 of the District of Columbia Official Code to extend the civil statute of limitations for the recovery of damages arising out of sexual abuse; to amend Title 23 of the District of Columbia Official Code to eliminate the criminal statute of limitations for first, second, third, and fourth degree sexual abuse, first and second degree child sexual abuse, first and second degree sexual abuse of a minor, first and second degree sexual abuse of a secondary education student, first and second degree sexual abuse of a ward, patient, or client, first and second degree sexual abuse of a patient or client, and incest, to extend the statute of limitations for violations of required reporting of abused or neglected children, and to eliminate the practice of fictitious name indictments; and to create a 2-year revival period for claims that would be time-barred under section 12-301 of the District of Columbia Official code before the effective date of this act, but that would not be time-barred under amendments to that section made by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sexual Abuse Statute of Limitations Amendment Act of 2018”.

Sec. 2. Section 102 of the Millicent Allewelt Amendment Act of 2004, effective July 15, 2004 (D.C. Law 15-174; D.C. Official Code § 5-113.32), is amended as follows:

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

“(a) In open investigations of the crimes listed in D.C. Official Code § 23-113(a)(1), law enforcement agencies shall retain case jackets, crime scene examination case files, and any evidence collected during the course of the investigation for 65 years from the date the crime is first reported to the law enforcement agency.”.

(b) Subsection (b)(7) is amended by striking the phrase “sex offenses” and inserting the phrase “sex offenses, except for the crimes listed in D.C. Official Code § 23-113(a)(1)(G) through (U)” in its place.

ENROLLED ORIGINAL

Sec. 3. Section 12-301 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (11) is amended to read as follows:

“(11) for the recovery of damages arising out of sexual abuse that occurred while the victim was less than 35 years of age— the date the victim attains the age of 40 years, or 5 years from when the victim knew, or reasonably should have known, of any act constituting sexual abuse, whichever is later;”.

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

“(12) for the recovery of damages arising out of sexual abuse that occurred while the victim was 35 years of age or older—5 years, or 5 years from when the victim knew, or reasonably should have known, of any act constituting sexual abuse, whichever is later.”.

Sec. 4. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-113 is amended as follows:

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

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

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

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

(iii) New subparagraphs (G) through (U) are added to read as follows:

“(G) first degree sexual abuse (§ 22-3002);

“(H) second degree sexual abuse (§ 22-3003);

“(I) third degree sexual abuse (§ 22-3004);

“(J) fourth degree sexual abuse (§ 22-3005);

“(K) first degree child sexual abuse (§ 22-3008);

“(L) second degree child sexual abuse (§ 22-3009);

“(M) first degree sexual abuse of a minor (§ 22-3009.01);

“(N) second degree sexual abuse of a minor (§ 22-3009.02);

“(O) first degree sexual abuse of a secondary education student (§ 22-3009.03);

“(P) second degree sexual abuse of a secondary education student (§ 22-3009.04);

“(Q) first degree sexual abuse of a ward, patient, client, or prisoner (§ 22-3013);

“(R) second degree sexual abuse of a ward, patient, client, or prisoner (§ 22-3014);

“(S) first degree sexual abuse of a patient or client (§ 22-3015);

“(T) second degree sexual abuse of a patient or client (§ 22-3016); and

“(U) incest (§ 22-1901).”.

ENROLLED ORIGINAL

(B) Paragraph (2) is repealed.

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

- (i) Subparagraph (A) is repealed.
- (ii) Subparagraph (B) is repealed.
- (iii) Subparagraph (D) is repealed.
- (iv) Subparagraph (E) is repealed.
- (v) Subparagraph (F) is repealed.
- (vi) Subparagraph (G) is repealed.
- (vii) Subparagraph (I) is repealed.
- (viii) Subparagraphs (K), (L), and (M) are amended to read as

follows:

“(K) abducting or enticing child from his or her home for purposes of prostitution, or harboring such child (§ 22-2704);

“(L) pandering, or inducing or compelling an individual to engage in prostitution (§ 22-2705);

“(M) compelling an individual to live life of prostitution against his or her will (§ 22-2706); and”.

(ix) A new subparagraph (N) is added to read:

“(N) causing spouse or domestic partner to live in prostitution (§ 22-2708).”.

(D) Paragraph (4) is amended by striking the phrase “paragraphs (1) through (3)” and inserting the phrase “paragraph (1) or paragraph (3)” in its place.

(E) Paragraph (5) is amended by striking the phrase “paragraph (6)” and inserting the phrase “paragraphs (6) and (7)” in its place.

(F) A new paragraph (7) is added to read as follows:

“(7) A prosecution for a violation of subchapter II of Chapter 13 of Title 4 is barred if not commenced within 6 years after it is committed.”.

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

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

- (i) Subparagraph (A) is repealed.
- (ii) Subparagraph (B) is repealed.
- (iii) Subparagraph (E) is repealed.
- (iv) Subparagraph (F) is repealed.

(B) Paragraph (3) is repealed.

(C) Paragraph (4) is repealed.

(b) Section 23-331 is repealed.

ENROLLED ORIGINAL

Sec. 5. Applicability.

(a)(1) Section 3 shall apply to an action that accrues before, on, or after the effective date of this act, unless the statute of limitations for the action expired before the effective date of this act.

(2) Notwithstanding any other provision of law, a claim for the recovery of damages that would be time-barred under D.C. Official Code § 12-301 before the effective date of this act, but that would not be time-barred under section 3, is revived and, in that case, a cause of action may be commenced within 2 years after the effective date of this act.

(b) Section 4(a) shall apply to an offense committed before, on, or, after the effective date of this act, unless the statute of limitations for the offense expired before the effective date of this act.

(c) Section 4(b) shall not affect prosecutions commenced before the effective date of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
January 23, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2019

To amend the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia to authorize sports wagering in the District of Columbia.

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

Sec. 2. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *passim*), is amended as follows:

(a) Section 3 (D.C. Official Code §§ 22-1716 through 22-1718) is designated as Title I. LOTTERIES AND GAMBLING GENERAL LEGALIZATION.”.

(b) Section 4 (D.C. Official Code §§ 3-1301 through 3-1337) is designated as Title II. LOTTERIES AND GAMBLING GENERALLY.”.

(c) The newly designated Title I is amended as follows:

(1) Section 3 (D.C. Official Code § 22-1716) is amended by striking the phrase “and Monte Carlo night parties,” and inserting the phrase “Monte Carlo night parties, and sports wagering,” in its place.

(2) Section 3 (D.C. Official Code § 22-1717) is amended as follows:

(A) Strike the phrase “Lottery and Charitable Games Control Board; bingo,” and insert the phrase “Office of Lottery and Gaming, including bingo,” in its place.

(B) Strike the phrase “regulated by the District of Columbia Lottery and Charitable Games Control Board” and insert the phrase “regulated by the Office of Lottery and Gaming, or sports wagering regulated, licensed, or operated by the Office of Lottery and Gaming.” in its place.

(3) Section 3(a) (D.C. Official Code § 22-1718(a)) is amended as follows:

(A) Strike the phrase “hereof, and the sale” and insert the phrase “the sale” in its place.

ENROLLED ORIGINAL

(B) Strike the phrase “hereof.” and insert the phrase “or the sale, lease, purchase, or possession of tickets, slips, certificates, or cards for sports wagering excepted and permissible pursuant to § 22-1717.” in its place.

(d) The newly designated Title II is amended as follows:

(1) Section 4 (D.C. Official Code § 3-1301) is amended as follows:

(A) Subsection (a) is amended by striking the phrase “and Charitable Games” and inserting the phrase “and Gaming ” in its place.

(B) Subsection (b) is amended by striking the phrase “and Charitable Games” and inserting the phrase “and Gaming ” in its place.

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

“(c) For the purposes of this act, the term:

“(1) “Board” means the District of Columbia Lottery and Gaming Control Board established by this section.

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

“(3) “CBE plan” means the plan required by applicants for sports wagering licenses pursuant to section 305(g).

“(4) “Certified business enterprise” or “CBE” shall have the same meaning as provided in section 2302(1D) of the CBE act.

“(5) “Commercially useful function” shall have the same meaning as provided in section 2302(1G) of the CBE act.

“(6) “CFO” means the Chief Financial Officer of the District of Columbia.

“(7) “Disadvantaged business enterprise” or “DBE” shall have the same meaning as provided in section 2302(5) of the CBE act.

“(8) “DSLBD” means the Department of Small and Local Business Development.

“(9) “Gross sports wagering revenue” means the total of cash or cash equivalents received from sports wagering minus the total of:

“(A) Cash or cash equivalents paid to players as a result of sports wagering;

“(B) Cash or cash equivalents paid to purchase annuities to fund prizes payable to players over a period of time as a result of sports wagering;

“(C) The actual cost paid by the license holder for any personal property distributed to a player as a result of sports wagering, excluding travel expenses, food, refreshments, lodging, and services.

“(10) “Joint venture” shall have the same meaning as provided in section 2302(11) of the CBE act.

“(11) “Majority interest” means:

ENROLLED ORIGINAL

“(A) More than 50% of the total combined voting power of all classes of stock of the joint venture business enterprise or more than 50% of the total value of the joint venture business enterprise;

“(B) A financial contribution to the enterprise of more than 50%; or

“(C) More than 50% of the total interest in the capital, profits, and loss, or beneficial interest in the joint venture business enterprise.

“(12) “Office” means the Office of Lottery and Gaming established by this section.

“(13) “Operator” means an individual, group of individuals, or entity that holds a sports wagering operator license issued by the District.

“(14) “Resident-owned business” or “ROB” shall have the same meaning as provided in section 2302(15) of the CBE act.

“(15) “Small Business Enterprise” or “SBE” shall have the same meaning as provided in section 2302(16) of the CBE act.

“(16) “Sports governing body” means the governing body for a sports league that is registered with the Office, including, if registered, Major League Baseball, Major League Soccer, National Basketball Association, National Football League, National Hockey League, and the Women’s National Basketball Association.

“(17) “Sports wagering” means accepting wagers on sporting events, or a portion of a sporting event, or on the individual performance statistics of an athlete in a sporting event or combination of sporting events, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, straight bets, or other means by a system or method of wagering, including in-person or over the internet through websites or on mobile devices. The term “sports wagering” does not include any fantasy or simulated game or contest such as fantasy sports in which:

“(A) Participants own, manage, or coach imaginary teams;

“(B) All prizes and awards offered to winning participants are established and made known to participants in advance of the game or contest;

“(C) The winning outcome of the game or contest reflects the relative skill of the participants and is determined by statistics generated by actual individuals, including athletes in the case of a sporting event; and

“(D) No winning outcome is based solely on the performance of an individual athlete or on the score, point spread, or any performance of any single real-world team or any combination of real-world teams.

“(18) “Sports wagering equipment” means a mechanical, electronic, or other device, mechanism, or other gaming equipment, and related supplies used or consumed in the operation of sports wagering at a licensed sports wagering facility, including a self-service terminal installed to accept sports wagers.

ENROLLED ORIGINAL

“(19) “Sports wagering facility” means a gaming premises approved under a sports wagering license on which an operator may offer sports wagering and which may be a building or set of buildings or a subsection or subdivision of a single building, room, or set of rooms within a building.

“(20) “Operator license” means a sports wagering operator license issued by the Office that authorizes the operation of sports wagering, including sports wagering conducted over the internet or through mobile applications or other digital platforms that is initiated and received, or otherwise made, exclusively within the physical confines of the single approved sports wagering facility.

“(21) “Wager” means the betting, staking, or risking by an individual, group of individuals, or entity of something of value upon an agreement or understanding that the individual, group of individuals, or entity or another individual, group of individuals, or entity will receive something of value in the event of a certain outcome. The term “wager” does not include:

“(A) An activity governed by the securities laws of the United States or the District of Columbia;

“(B) A contract of indemnity or guarantee;

“(C) A contract for insurance; or

“(D) Participation in a game or contest in which the participants do not stake or risk anything of value other than personal effort in playing the game or contest or obtaining access to the internet, points, or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor.”

(2) Section 4 (D.C. Official Code § 3-1303) is amended by adding a new subsection (c) to read as follows:

“(c) To obtain a sports wagering license, the Office may require fingerprinting of the individual, or group of individuals, seeking to obtain a sports wagering license.”

(3) Section 4 (D.C. Official Code § 3-1305) is amended striking the phrase “or Monte Carlo night party” wherever it appears and inserting the phrase “Monte Carlo night party, or sports wagering” in its place.

(4) Section 4(a) (D.C. Official Code § 3-1306(a)) is amended by striking the phrase “enterprises; for insuring” and inserting the phrase “enterprises; for auditing the books and records of sports wagering licensees; for insuring” in its place.

(5) Section 4 (D.C. Official Code § 3-1309) is amended by striking the phrase “and Monte Carlo Night parties,” and inserting the phrase “Monte Carlo Night parties, and authorized sports wagering,” in its place.

(6) Section 4 (D.C. Official Code § 3-1312) is amended as follows:

(A) The heading is amended read as follows:

“Section 2-2512. Lottery, Charitable Games, and Sports Wagering Fund.”

ENROLLED ORIGINAL

(B) Subsection (a) is amended by striking the phrase “Lottery and Charitable Games Fund” and inserting the phrase “Lottery, Charitable Games, and Sports Wagering Fund” in its place.

(C) Subsection (c) is amended by striking the phrase “District of Columbia.” and inserting the phrase “District of Columbia or as otherwise directed by this act.”

(7) Section 4(a) (D.C. Official Code § 3-1316(a)) is amended by striking the word “Board” both times it appears and inserting the word “Office” in its place.

(8) Section 4 (D.C. Official Code § 3-1319) is amended by striking the phrase “and daily numbers games.” and inserting the phrase “, daily numbers games, and sports wagering.” in its place.

(e) A new Title III is added to read as follows:

“TITLE III. SPORTS WAGERING.

“Sec. 301 . Authorization of sports wagering.

“The operation of sports wagering and related activities shall be lawful in the District of Columbia and conducted in accordance with this title, and rules and regulations issued pursuant to this title.

“Sec. 302. Rules and regulations governing conduct of sports wagering.

“(a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:

“(1) Acceptance of wagers on a sports event or a series of sports events;

“(2) Maximum wagers that may be accepted by an operator from any one individual or on a sports event;

“(3) Type of wagering tickets that may be used;

“(4) Method of issuing tickets;

“(5) Method of accounting to be used by an operator;

“(6) Requirements relating to how fees and taxes are to be remitted, including whether the fees and taxes shall be required to be remitted electronically;

“(7) Methods of age verification;

“(8) Posting of house rules;

“(9) Player exclusion requirements;

“(10) Facilities to be used by operators;

“(11) Types of records that shall be required to be maintained;

“(12) Use of credit and checks;

“(13) Type of system for sports wagering;

“(14) Protections for an individual placing a wager;

“(15) Requirements for training the employees of an operator concerning compulsive and problem gambling, and for displaying on an operator’s website and sports

ENROLLED ORIGINAL

wagering facility information about available programs to prevent, treat, or monitor compulsive or problem gambling;

“(16) Advertising guidelines, including specific language concerning minors; and

“(17) Reporting of the sources of data that operators use to resolve sports wagers.

“(b)(1) The Office shall establish internal control standards for the administration of sports wagering, sports wagering equipment and systems, or other items used to conduct sports wagering, as well as maintenance of financial records and other required records.

“(2) The Office shall solicit input from the Alcoholic Beverage Regulation Administration and the Alcoholic Beverage Control Board on suggestions for regulations to minimize underage drinking and sports wagering by visibly intoxicated patrons.

“(c) Sports wagering shall occur only in the specific locations within a designated sports wagering facility approved by the Office and may only be relocated or offered in an additional manner pursuant to regulation.

“Sec. 303. Public-private cooperation.

“(a) In recognition that governmental and private sector cooperation is essential to ensuring the integrity of sports wagering in the District and for resolving problems that may arise that have the potential to diminish the benefits of sports wagering to the District and its residents, the Office may by rule encourage operators and sports leagues to share information with the Office and each other pertaining to sports wagering, such as abnormal betting activity or patterns, the possible breach of a sports league’s internal rules or codes of conduct, conduct that corrupts the betting outcome of a sporting event, suspicious or illegal wagering, the use of funds derived from illegal activity, the use of agents to place wagers, or using false identification, and to cooperate with the Office, or other District entity, in an investigation relating to sports wagering that may be conducted by the District.

“(b)(1) The Office may enter into intelligence-sharing, reciprocal-use, or restricted-use agreements with the federal government, state, or local governments, law enforcement agencies, gaming enforcement agencies of other jurisdictions, and sports leagues that provide for and regulate the use of information provided and received pursuant to the agreement.

“(2) Records, documents, and information in the possession of the Office received pursuant to an intelligence-sharing, reciprocal-use, or restricted-use agreement shall be considered investigative records compiled for law-enforcement purposes under section 204(a)(3) Freedom of Information Act of 1976, effective March 13, 2004 (D.C. Law 15-105; D.C. Official Code § 2-534(a)(3)).

“Sec. 304. Unlawful acts; action by Attorney General.

“(a)(1) It shall be unlawful for an operator, or other individual, group of individuals, or entity, without authorization to access, use, modify, or disclose personal information of an individual who places a sports wager with the operator (“unlawful acts”), and for the operator to fail to maintain reasonable security procedures and practices against such unlawful acts.

“(2) A violation of paragraph (1) of this subsection shall be an unlawful trade practice within the meaning of Chapter 39 of Title 28 of the District of Columbia Official Code.

ENROLLED ORIGINAL

An individual, group of individuals, or entity found to have violated this provision shall be subject to the remedies set forth in D.C. Official Code § 28-3909.

“(b)(1) No operator, or director, office, owner, or employee of an operator, may intentionally make a false or misleading representation concerning the operator’s services or business, including relating to the probability of winning or the number of winners for a wager accepted by the operator.

“(2) An individual, group of individuals, or entity claiming to be aggrieved by a fraudulent act or a false or misleading statement by an operator shall have a cause of action in a court of competent jurisdiction for damages and any legal or equitable relief as may be appropriate.

“(c) The Attorney General for the District of Columbia, in the name of the District of Columbia, may bring an action in the Superior Court of the District of Columbia to enjoin an individual, group of individuals, or entity or to seek a civil penalty of up to \$50,000 for a violation of this title or regulations issued pursuant to this title.

“Sec. 305. Sports wagering license requirements; prohibition.

“(a)(1) Except as provided in subsection (f) of this section, no individual, group of individuals, or entity may engage in an activity connected with sports wagering in the District of Columbia unless all the licenses required by this title, or by regulations issued pursuant to this title, have been duly obtained.

“(2) An applicant convicted of a disqualifying offense shall not be licensed. The Office shall define disqualifying offenses by regulations issued pursuant to this title.

“(3) An applicant may apply for up to but no more than 2 sports wagering licenses unless that applicant agrees to subcontract with a joint venture or subcontract with a CBE for any additional licenses.”

“(b)(1) The Office shall issue the following sports wagering licenses:

“(A) Operator;

“(B) Management services provider;

“(C) Supplier; and

“(D) Occupational.

“(2)(A) The Office shall not grant any of the licenses listed in paragraph (1) of this subsection until it has determined that each individual, group of individuals, or entity that has control of the applicant has been approved for licensure in accordance with this title.

“(B) Each operator’s license shall be limited to a single sports wagering facility.

“(C) For the purposes of this paragraph, the following individuals, groups of individuals, and entities are considered to have control of an applicant:

“(i) An individual, group of individuals, or entity associated with a corporate applicant, including a corporate holding company, parent company, or subsidiary company of the applicant that has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, excluding any bank or other

ENROLLED ORIGINAL

licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business;

“(ii) Each individual, group of individuals, or entity associated with a non-corporate applicant that directly or indirectly holds a 5% or greater beneficial or proprietary interest in the applicant’s business operation, or that the Office otherwise determines has the ability to control the applicant; and

“(iii) Key personnel of an applicant, such as an executive, employee, or agent having the power to exercise significant influence over decisions concerning any part of the applicant’s business operation.

“(c)(1) An applicant for a license or renewal of a license issued pursuant to this title shall be subject to District, state, and national criminal history background checks and shall submit an application to the Office, in a form determined by the Office, for fingerprints for a national criminal records check by the Metropolitan Police Department and the Federal Bureau of Investigation of all individuals required to be named in the application and a signed authorization of each individual submitting fingerprints for the release of information by the Metropolitan Police Department and the Federal Bureau of Investigation.

“(2) In the case of an application for license renewal, the Office may require additional background checks.

“(d) Proprietary information, trade secrets, financial information, or personal information about an individual in an application submitted to the Office pursuant to this title shall not be a public record and shall not be made available under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et. seq.*), or any other law.

“(e)(1)(A) An operator, licensed supplier, or licensed management services provider shall display its District of Columbia license conspicuously in its sports wagering facility or conspicuously on its mobile application or online and have the license available for inspection by an employee of the Office or law enforcement agency.

“(B) When present in a sports wagering facility, an occupational licensee shall carry the license and have some indicia of licensure prominently displayed on his or her person.

“(2) An individual, group of individuals, or entity licensed pursuant to this title shall provide the Office written notice of a change to any information provided in the application for a license or renewal of a license within 10 days of the change.

“(f) No Office employee may be an applicant for or obtain a license issued pursuant to the title.

“(g) The Office shall only issue an operator license or management services provider license if the applicant:

“(1) In conjunction with its application for license, submits to the DSLBD for approval, a CBE plan that demonstrates that at least 35% of the applicant’s operating budget will be contracted with one or more CBEs. The CBE plan shall include:

“(A) The name and address of each contractor;

“(B) A current certification for the CBE;

ENROLLED ORIGINAL

“(C) The scope of work to be performed by each contractor that shall be for a commercially useful function related to sports wagering;

“(D) The price to be paid by the beneficiary to each contractor; and

“(E) The length of the contract;

“(2) Is a certified joint venture pursuant to the CBE act, where the joint venture has a CBE majority interest, and is also certified as either a SBE, DBE, or ROB; or

“(3) Submits a request for and obtains a waiver of these contracting requirements pursuant to section 2351 of the CBE act; provided, that if a waiver request is submitted, DSLBD approves or denies the request for waiver within 15 days from day the DSLBD removes the posted waiver request pursuant to section 2351(a-1)(2) of the CBE act; provided, further, that if DSLBD neither approves or denies the request, the waiver shall be approved.

“Sec. 306. Operator licensure.

“(a)(1) To offer sports wagering in the District, an individual, group of individuals, or entity shall obtain an operator license, the application for which shall be in a form determined by the Office and shall require:

“(A) The name of the applicant;

“(B) The mailing address and, if a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

“(C) A report of the applicant's financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, tax returns, or other documentation, satisfactory to the Office, that demonstrates that the applicant has sufficient business ability and experience to establish and maintain a successful sports wagering business;

“(D) A description of the proposed internal controls and security systems to be used in conducting sports wagering or processing sports wagering transactions;

“(E) The number of employees expected to be employed at the proposed sports wagering facility;

“(F) The estimated tax revenue to be generated by the sports wagering facility;

“(G) The location of the proposed sports wagering facility; and

“(H) Any other information the Office considers necessary and appropriate.

“(2) In determining whether to approve an application for an operator license, the Office shall consider whether the applicant:

“(A) Is proposing a sports wagering operation that will have a positive impact through increased revenues on the District and its residents;

“(B) Possesses adequate funds or has secured adequate financing to commence and maintain a sports wagering operation;

ENROLLED ORIGINAL

“(C) Has the financial stability, integrity, and responsibility to conduct sports wagering;

“(D) Has sufficient business ability and experience to create and maintain a successful sports wagering operation;

“(E) Has proposed adequate measures for internal and external security, including a surveillance system or protocol;

“(F) Has satisfied the sports wagering license requirements;

“(G) Has demonstrated that its proposed sports wagering operation will be conducted in accordance with this title and all other applicable District and federal law;

“(H) Has been convicted of a disqualifying offense, as established by regulation by the Office pursuant to this title;

“(I) Is an SBE; or

“(J)(i) Has entered into a labor peace agreement with each labor organization that is actively engaged in representing or attempting to represent employees in the gaming, hospitality, or food and beverage industries in the District; provided, that the labor peace agreement shall:

“(I) Be a written agreement between the applicant and the labor organization that contains, at a minimum, a provision protecting the District’s revenues by prohibiting the labor organization or its members from engaging in any picketing, work stoppage, boycott, or other economic interference with the applicant’s sports wagering operations during any effort by the labor organization to organize employees for purposes of collective bargaining representation; and

“(II) Apply to a sports wagering operation conducted at a Class A sports wagering facility approved by the Office, whether conducted directly by the applicant or by a management service provider under a management services agreement with the applicant.

(ii) A labor peace agreement shall be enforceable under section 301(a) of the Labor Management Relations Act, 1947, enacted June 23, 1947 (61 Stat. 136; 29 U.S.C. § 185(a)), or through other applicable law, after the best efforts of the parties at resolving a dispute have failed.

“(b)(1) The Office may issue a Class A operator license to an applicant whose sports wagering facility will be located within any of the following locations: Capital One Arena (601 F Street, N.W., and described as Lot 0047, Square 0455), Audi Field (100 Potomac Avenue, S.W., and described as Lot 0027, Square 0665), Nationals Park (1500 South Capitol Street, S.E., and described as Lot 0016, Square 0705), or St. Elizabeths East Entertainment and Sports Arena (St. Elizabeth’s Campus, 1100 Oak Drive, S.E., and described as Lots 0837 and 0838, Square 5868S) (“designated facilities”).

“(2) The Office shall not issue a Class B operator license to an applicant whose sports wagering facility will be located within a designated facility.

ENROLLED ORIGINAL

“(3)(A) Except as provided in section 316, a Class A operator license shall be issued for 5 years and require a non-refundable application fee of \$250,000, which shall be submitted with the application.

“(B) A Class A operator license may be renewed for 5-year periods; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of a renewal application a \$250,000 renewal fee.

“(c)(1) Subject to paragraph (2) of this subsection, the Office may issue a Class B operator license to an applicant whose facility will be located outside of any of the designated facilities.

“(2) The Office shall not issue a Class B operator license to any applicant whose sports wagering facility will be located within a 2-block radius of any of the designated facilities.

“(3) District operated sports wagering shall not be offered within a 2-block radius of any of the designated facilities.

“(4)(A) Except as provided in section 316, a Class B operator license shall be issued for 5 years and require a non-refundable application fee of \$50,000, which shall be submitted with the application.

“(B) A Class B operator license may be renewed for 5-year periods; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of a renewal application a \$50,000 renewal fee.

“(d) As a condition of licensure, an operator shall be bonded, in such amounts and in such manner as determined by the Office, and agree, in writing, to indemnify and to save harmless the District of Columbia against any and all actions, claims, and demands of whatever kind or nature that the District of Columbia may incur by reason of or in consequence of issuing an operator license to the licensee.

“Sec. 307. Duties of an operator.

“(a) Upon application for an operator license, and annually thereafter, an operator shall submit to the Office an audit of the financial transactions and condition of the licensee’s total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable District and federal law.

“(b)(1) An operator shall be prohibited from wagering through its own sports wagering facility and shall employ reasonable methods to prohibit:

“(A) A director, officer, owner, or employee of the operator, and any relative living in the same household as the aforementioned individuals from placing a wager with the operator;

“(B) An athlete, coach, referee, team owner, employee of a sports governing body or its member teams, and player and referee union personnel from wagering on a sporting event overseen by their sports governing body;

“(C) An individual, group of individuals, or entity with access to non-public confidential information held by the operator from placing wagers with the operator; or

ENROLLED ORIGINAL

“(D) An individual, group of individuals, or entity from placing a wager as an agent or proxy for others.

“(2) In determining which individual, group of individuals, or entity is to be excluded from placing a wager pursuant to paragraph (1) of this subsection, an operator shall use publicly available information and any lists of such individuals, group of individuals, or entities that the sports governing body may provide to the Office, and which the Office, or sports governing body, has provided to the operator.

“(c) An operator shall:

“(1) Employ a monitoring system utilizing software to identify irregularities in volume or odds and swings that could signal suspicious activities that should require further investigation, and immediately report to the Office;

“(2) Develop system requirements and specifications according to industry standards and implement the requirements and specifications as required by the Office as part of its minimum internal control standards;

“(3) Immediately report to the Office facts or circumstances related to the operation of a sports wagering licensee that may constitute a violation of District or federal law, including suspicious sports wagering over a threshold set by the operator as approved by the Office;

“(4) Provide a secure location for the placement, operation, and play of sports wagering equipment;

“(5) Prevent an individual, group of individuals, or entity from tampering with or interfering with the operation of sports wagering or sports wagering equipment;

“(6) Ensure that sports wagering occurs only in the specific locations within a designated sports wagering facility approved by the Office, using an Office-approved mobile application, other digital platform, or sports wagering device that utilizes communications technology to accept wagers originating within the District, and that sports wagering is conducted within the sight and control of designated employees of the licensee and under continuous observation by security equipment, as required by the Office.

“(7) Maintain a sufficient cash supply and other supplies within the boundaries of the District;

“(8) Maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the operator;

“(9) Timely file with the Office records or reports required by this title, or regulations issued pursuant to this title;

“(10)(A) Verify that an individual, or group of individuals, placing a wager is of the legal minimum age for placing the wager;

“(B) If the sports wagering is conducted using on-line or mobile devices, have in place technical and operational measures to prevent access by those who are underage;

ENROLLED ORIGINAL

“(C) Have an age verification process as a part of its registration, which may include requiring the use of a reputable independent third party that is commonly in the business of verifying an individual’s personal identity information; and

“(D) Include on its website a description of the possible repercussions for an underage player, such as immediate stoppage of play, account closure, and confiscation of winnings.

“(11)(A) Allow individuals to set limits with the operator, including limits on the time spent betting and the amounts to be wagered, and take reasonable steps to prevent those individuals from overriding their self-imposed limits, including, at the request of the individual, sharing the requested limitations with the Office for the sole purpose of disseminating the request to other operators;

“(B) Prohibit an individual from sports wagering over the limit the individual has set or from sports wagering if the individual is on a list provided by the Office of the individuals who have requested to be excluded from sports wagering; and

“(C) Implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal information of individuals who place a wager with the operator from unauthorized access, use, modification or disclosure;

“(12) Establish procedures to evaluate requests made by third parties to exclude an individual from sports wagering, including requests to exclude an individual from placing sports wagers when the requestor provides documentary evidence of sole or joint financial responsibility for the source of funds deposited with an operator by the individual or a court order requiring the individual to pay unmet child-support obligations;

“(13) Establish a system to allow individuals to self-identify as problem gamers to the Office and request to be excluded from any gaming regulated by the Office;

“(14) Establish a system to enable the Office to provide to the operator a daily list of players who have requested to be excluded from sports wagering;

“(15) Prohibit an operator, director, officer, owner, and employee of the operator from extending credit to an individual, group of individuals, or entity that places wagers with the operator or seeks to place wagers with the operator;

“(16) Prohibit an individual, group of individuals, or entity that places wagers with the operator from establishing more than one active account with the operator; and

“(17) Permit an individual, group of individuals, or entity that places wagers with the operator to terminate the account at any time and for any reason.

“(d) An operator’s unauthorized or improper disclosure of names included on the self-exclusion list, as allowed by subsection (c)(11) of this section, shall be punishable by penalties determined by the Office, including revocation of the operator’s license.

“(e)(1) Each operator shall submit a monthly report to the Office that includes:

“(A) The total amount of sports wagers received from authorized sports bettors;

“(B) The total amount of prizes awarded to sports bettors;

ENROLLED ORIGINAL

“(C) The total amount of gross sports wagering revenue received by the operator;

“(D) The total number of authorized sports bettors that requested to exclude themselves from sports wagering; and

“(E) Any additional information the Office considers necessary to carry out the provisions of this title.

“(2) The Office shall publish reports based on the information provided by operators pursuant to this subsection.

“(f) An operator may continue to use supplies acquired from a licensed sports wagering supplier whose supplier license has expired or has otherwise been cancelled, unless the Office prohibits such use.

“Sec. 308. Sports wagering management services providers.

“(a) An operator may enter into a management services contract that would permit an individual, group of individuals, or entity other than the operator to conduct sports wagering on the premises; provided, that the management services contract:

“(1) Is with an individual, group of individuals, or entity licensed under this title to provide management services;

“(2) Is in writing; and

“(3) Has been approved by the Office.

“(b) The duties and responsibilities of a management services provider (“MSP”) under a management services contract shall not be assigned, delegated, subcontracted, or transferred to a third party without the prior approval of the Office. To be considered for approval, a third party shall be licensed as an MSP in accordance with this title.

“(c)(1) In considering whether to approve an MSP license application, the Office may consider evidence the MSP has submitted to the Office of an existing license as a management services provider from another jurisdiction that the Office has determined has licensing requirements similar to those required by the District.

“(2) An applicant for an MSP license shall pay a non-refundable \$10,000 fee with the application and meet all requirements for licensure under this title.

“(3) An MSP license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of a renewal application a \$2,000 renewal fee.

“(d) An individual, group of individuals, or entity that shares in the revenue of a sports wagering business, including an affiliate operating under a revenue share agreement, shall be licensed under this section.

“Sec. 309. Sports wagering suppliers.

“(a)(1) An individual, group of individuals, or entity that seeks to sell or lease sports wagering equipment, systems, or other gaming items necessary to conduct sports wagering, or offer services related to such equipment or other gaming items to a sports wagering operator shall obtain a supplier license from the Office.

ENROLLED ORIGINAL

“(2) In considering whether to approve a supplier license application, the Office may consider evidence the supplier submitted to the Office of an existing license as a supplier from another jurisdiction that the Office has determined has licensing requirements similar to those required by the District.

“(b) An applicant for a supplier license shall demonstrate that the equipment, system, or services that the applicant plans to offer to the sports wagering licensee conform to standards established pursuant to this title, regulations issued pursuant to this title, and other applicable law.

“(c) An applicant for a supplier license shall pay a nonrefundable fee of \$10,000 with the application.

“(d) A supplier license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of a renewal application a \$2,000 renewal fee.

“(e) A licensed sports wagering supplier shall submit to the Office a list of all sports wagering equipment or services sold, delivered to, or offered to an operator. All of such equipment shall be tested and approved by an independent testing laboratory approved by the Office.

“Sec. 310. Sports wagering occupational licensee.

“(a) All persons employed to be engaged in activities related to sports wagering shall be required to be licensed by the Office and, when employed, shall maintain a valid occupational license and be employed in the capacity reported to the Office.

“(b)(1) An applicant for an occupational license under this section shall submit an application, as required by the Office, and pay a nonrefundable fee of \$100, which may be paid on behalf of the applicant by the prospective employer.

“(2) A holder of an occupational license issued pursuant to this section shall pay a renewal fee of \$100, which may be paid on behalf of the licensed employee by the employer, and submit a renewal application by September 30 of each year.

“Sec. 311. District-operated sports wagering; sports wagering retailers.

“(a)(1) The District of Columbia, through the Office, may conduct sports wagering authorized by this title through any method of wagering, including mobile and online transactions; provided, that any systems used for mobile or online transactions include age and location verification technology designed to prevent unauthorized access by individuals whose age and current location have not been verified. The Office may engage a contractor or contractors to provide the systems and related services for accepting sports wagers.

“(2) The Office may offer a mobile or on-line sports wagering product, either by taxing mobile and on-line licensed retailers at a rate of 20%, without limit to the number of licenses issued, or through contract with a limited number of partners operating an Office of Lottery and Gaming mobile and web-based sports wagering operation, whichever can be shown to return the most revenue to the District.

ENROLLED ORIGINAL

“(b)(1) The Office shall license sports wagering retailers. Businesses that apply to be licensed as sports wagering retailers shall also be licensed as lottery and daily numbers game agents (“lottery licensees”).

“(2) Active lottery licensees, as well as new applicants, shall be required to apply to the Office for a separate sports wagering retailer license.

“(3) In determining whether to approve an application for a sports wagering retailer (“retailer”) license, the Office shall consider the:

“(A) Financial responsibility of the business or operation;

“(B) Accessibility of the place of business or operation to the public;

“(C) Sufficiency of existing retailer licensees to serve the public; and

“(D) Volume of expected District-operated sports wagering sales.

“(c)(1) An applicant for a retailer license, which shall have a term of 2 years, shall meet all requirements for licensure and pay an application fee of \$5,000.

“(2) A retailer license may be renewed for 2-year periods; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of a renewal application a \$5,000 renewal fee.

“(d) The Office shall require a retailer licensee to be bonded, in such amounts and in such manner as determined by the Office, and agree, in writing, to indemnify and save harmless the District of Columbia against any and all actions, claims, and demands of whatever kind or nature that the District of Columbia may incur by reason of or in consequence of issuing the retailer license to the licensee.

“(e) Subject to fiscal limitations and requirements of law, the Office may authorize compensation for a retailer licensee in the manner and amounts the Office determines necessary and appropriate.

“(f)(1) No sports wager shall be accepted under this section by other than a retailer licensee or an employee of the retailer licensee.

“(2) An individual, group of individuals, or entity convicted of violating this subsection shall be subject to a fine not to exceed \$5,000 or imprisonment not to exceed 6 months, or revocation of the retailer license, or all of the foregoing.

“(3) Twenty-four months after the effective date of this title, the Office of the District of Columbia Auditor shall prepare a study evaluating the performance of the sports wagering instituted by this title to determine the level of District revenue generated by mobile and online gaming compared to other similarly situated jurisdictions and submit the completed study to the Mayor and Council.”

“Sec. 312. License prohibitions.

“(a)(1) The Office shall not grant any license pursuant to this title if evidence satisfactory to the Office exists that the applicant has:

“(A) Knowingly made a false statement of a material fact to the Office;

“(B) Been suspended from operating a gambling game or operation, sports wagering device, sports wagering operation, or other related suspension;

ENROLLED ORIGINAL

“(C) Had a license revoked by a governmental authority responsible for regulation of gaming and sports wagering;

“(D) Been convicted of a felony and has not received a pardon or been released from parole or probation for at least 5 years;

“(E) Been convicted of a gambling-related offense or a theft or fraud offense; or

“(F) Whether an individual, group of individuals, or entity, been directly employed by an illegal or offshore sports wagering operator that serviced the United States or otherwise accepted black market wagers from individuals located in the United States.

“(2) The Office may deny a license to an applicant or suspend or revoke a license if the applicant or licensee:

“(A) Has not demonstrated, to the satisfaction of the Office, financial responsibility sufficient to adequately meet the requirements of the proposed activity;

“(B) Is not the true owner of the business or the sole owner and has not disclosed the existence or identity of other individuals, groups of individuals, or entities that have an ownership interest in the business; or

“(C) Is a corporation that sells more than 5% of a licensee’s voting stock, more than 5% of the voting stock of a corporation that controls the licensee, sells a licensee’s assets, other than those bought and sold in the ordinary course of business, or an interest in the assets, to an individual, group of individuals, or entity not already determined by the Office to have met the qualifications of a licensee pursuant to this title, or is a non-corporate entity where an individual, group of individuals, or entity not already determined by the Office to have met the qualifications of a licensee pursuant to this title holds more than a 10% interest in the non-corporate entity.

“Sec. 313. Clean hands requirement.

The Office shall require proof of good standing pursuant to § 29-102.08 of an applicant for a license pursuant to this title and may, in addition, require certification that the Citywide Clean Hands Database indicates that the proposed licensee is current with its District taxes.

“Sec. 314. Penalties.

“(a) For a violation of this title or a regulation issued pursuant to this title, the Office shall have the authority to exercise one or more of the following:

“(1) Impose a fine of not more than \$50,000, which money shall be paid to the District of Columbia Treasurer and deposited into the General Fund of the District of Columbia as general purpose revenue funds;

“(2) Revoke a licensee’s sports wagering license; or

“(3) Suspend the licensee’s sports wagering license for up to 365 days.

“(b) An individual, group of individuals, or entity that has been fined or whose application has been denied, revoked, or suspended pursuant to this section shall have a right to a hearing before the Office and, in the event of its affirmation of the fine, denial, revocation, or

ENROLLED ORIGINAL

suspension, whichever applies, the right to appeal the decision of the Office to the Superior Court of the District of Columbia.

“Sec. 315. Taxation of Sports Wagering.

“(a) On or before the 20th day of each month, an operator shall:

“(1) File a return, on forms and in the manner prescribed by the CFO, with the CFO indicating the amount of its gross sports wagering revenue, including revenues remitted by registered sports governing bodies, for the preceding calendar month; and

“(2) Pay to the District of Columbia Treasurer 10% of the gross sports wagering revenue from the preceding calendar month.

“(b) All funds owed to the District under this act shall be held in trust within the boundaries of the District for the District by an operator until the funds are paid to the District of Columbia Treasurer. An operator shall establish a separate bank account into which gross sports wagering revenue shall be deposited and maintained until such time as the funds are paid to the District of Columbia Treasurer.

“(c) The increased revenue realized from the tax imposed under subsection (a) of this section shall be directed as follows:

“(1) The first \$200,000 of revenue shall be used to fund programs through the Department of Behavioral Health to prevent, treat, and research gambling addiction; and

“(2) Of the remaining balance, 50% shall be used to fund the Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-651.01 *et seq.*), and 50% shall be deposited into the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413).

“Sec. 316. Sports Wagering Small Business Development Program.

“(a) All contracts, including contracts entered into by the Office under the authority of this title shall be subject to the CBE requirements of the CBE act.

“(b)(1) A Class A operator license shall be issued for 5 years and require a non-refundable application fee of \$500,000, which shall be submitted with the application; provided, that when an applicant for a Class A sports operator license partners with a joint venture with a CBE majority interest, it shall submit a non-refundable application fee of \$125,000 at the time of the initial application; provided further, that subsequent renewal fees shall be paid pursuant to section 306(b)(3)(B) and in accordance with subsection (c) of this section.

“(2) A Class B operator license shall be issued for 5 years and require a non-refundable application fee of \$100,000, which shall be submitted with the application; provided, that when an applicant for a Class B sports operator license partners with a joint venture with a CBE majority interest, it shall submit a non-refundable application fee of \$25,000 at the time of the initial application; provided further, that subsequent renewal fees shall be paid pursuant to section 306(c)(4)(B) and in accordance with subsection (c) of this section.

ENROLLED ORIGINAL

“(c) The application for renewal shall include a report of CBE participation, including CBE joint ventures, which the Office shall assess and consider verified CBE participation in the decision to approve renewal.

“(d)(1) Within 180 days of the effective date of this title, DSLBD, in consultation with the Office, shall establish a program, with a duration of not less than 5 years, to train SBEs and SBE-eligible firms to develop the capacity to become sports wagering operators and management service providers.

“(2) The Office shall initiate recruitment activities to prepare SBEs to meet the qualifications needed to manage and operate sports wagering in the District, including:

(A) Developing strategies with DSLBD to facilitate increased SBE participation;

(B) Conducting bi-annual seminars for SBEs on how to do business with established sports wagering operators;

(C) Maintaining instructions on how to bid on upcoming and current contracting and procurement opportunities;

(D) Sending new procurement opportunity alerts to SBEs, electronically;

(E) Participating in small business forums, workshops, and trainings sponsored by DSLBD;

(F) Posting the relevant or applicable National Institute of Government Purchasing codes to the Office’s and DSLBD’s websites;

(G) Partnering with DSLBD to invite potential bidders to pre-bid conferences for sports wagering related contract or procurement; and

(H) Developing an annual plan regarding the utilization of qualified SBEs.

“(e) The Office shall submit an annual report to the Mayor and the Council on CBE participation in sports wagering, which shall include:

“(1) Detailed information on recruitment initiatives and the creation of contract or licensing opportunities;

“(2) The number of CBEs that apply for a sports wagering operator or management services provider license;

“(3) The number of CBE applicants to receive a sports wagering operator or management services provider license;

“(4) The reports, received pursuant to subsection (f)(2) of this section, from each Class A and Class B licensee on its CBE participation;

“(5) The number of minority or women that applied for a sports wagering operator or management services provider license; and

“(6) Analysis of the current state of individuals, group of individuals, or entities applying for an operator’s or management services provider licenses.

ENROLLED ORIGINAL

“(f)(1) Each sports wagering licensee shall provide quarterly reports to DSLBD pursuant to section 2346(i) of the CBE act.

“(2) Each Class A and Class B licensee shall provide to the Office a report to the Office on its CBE participation.

“Sec. 317. Conflict with federal law.

“Nothing in this title shall be construed to authorize noncompliance with any provision of any federal law or regulation. Notwithstanding any provision in this title, no sports wagering, or gambling in any form, or the operation of gambling devices shall be allowed on federal property, or portion of federal property, where such activity is prohibited by federal law or regulation or is contrary to section 602(a)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(3)).”.

Sec. 3. Related amendments.

(a) Section 47-1817.01(5)(B) is amended as follows:

(1) Sub-subparagraph (ii) is amended by striking the phrase “; or”.

(2) Sub-subparagraph (iii) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new sub-subparagraph (iv) is added to read as follows:

“(iv) A holder of a sports wagering license listed in section 305(b)(1) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *passim*).”.

(b) Section 2354(c) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.54(c)), is amended by adding a new paragraph (11) to read as follows:

“(11) On an annual basis, the Department shall submit to the Council a report on sports wagering licensee certified business enterprise compliance as it relates to the certified business enterprise requirements of Title III of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *passim*).”.

Sec. 4. Rules.

The Chief Financial Officer of the District of Columbia, pursuant to section 424(d) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24d), shall issue rules to implement the provisions of this act.

Sec. 5. Applicability.

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

ENROLLED ORIGINAL

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

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


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

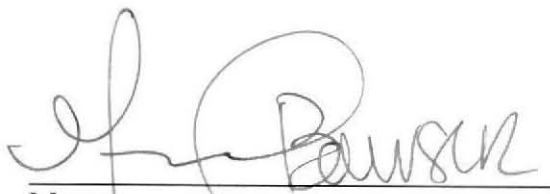
Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 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. 788; D.C. Official Code § 1-206.02(c)(2)) and its publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 23, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2019

To amend the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998 to revise definitions of the terms “bona fide association”, “employer”, and “group health plan”, to apply the requirements of the act to multiple employer welfare arrangements, to expand the rulemaking authority of the Commissioner of the Department of Insurance, Securities, and Banking, and to impose requirements on multiple employer welfare arrangements and short-term, limited-duration health insurance plans; to amend the Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010 to apply its requirements for small employers to certain multiple employer welfare arrangements; and to amend the Federal Health Reform Implementation and Omnibus Amendment Act of 2014 to specify that the requirements of the federal Patient Protection and Affordable Care Act and the federal Public Health Service Act are incorporated by reference as such requirements existed on December 15, 2017, and to apply the individual and small group requirements of those federal health care acts to multiple employer welfare arrangements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Health Insurance Marketplace Improvement Amendment Act of 2018”.

Sec. 2. The Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 31-3301.01) is amended as follows:

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

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

(B) New subparagraphs (E-i) and (E-ii) are added to read as follows:

“(E-i) Is domiciled and has its principal offices within the District;

“(E-ii) Does not expand its membership based on geography; and”.

(C) Subparagraph (F) is amended by striking the phrase “under the laws of the District of Columbia” and inserting the phrase “by the Commissioner by rule” in its place.

(2) Paragraph (12) is amended by striking the phrase “except that such term” and inserting the phrase “as such section and its implementing regulations were in effect on December 15, 2017, except that such term” in its place.

ENROLLED ORIGINAL

(3) Paragraph (19) is amended by striking the phrase “to the extent” and inserting the phrase “as such section and its implementing regulations were in effect on December 15, 2017, to the extent” in its place.

(b) A new section 206a is added to read as follows:

“Sec. 206a. Application to multiple employer welfare arrangements.

“The individual market requirements of this title shall apply to a health benefit plan offered by a multiple employer welfare arrangement, including an association or any other entity, if the plan covers an individual in the District who is not an employee or dependent of a participating employer.”.

(c) Section 207 (D.C. Official Code § 31-3302.07) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) The Commissioner may issue rules to establish and administer such standards relating to the provisions of this act as may be necessary to improve access and affordability of health insurance in the District and to maintain the requirements of the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 111; 42 U.S.C. § 18001, note).”.

(d) Section 301 (D.C. Official Code § 31-3303.01) is amended as follows:

(1) Designate the existing text as subsection (a).

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

“(b) Small group market requirements under this title shall apply to a health benefit plan offered by a multiple employer welfare arrangement, including an association or any other entity, if the plan covers an employee of a small employer, as that term is defined in section 101(42), in the District.”.

(e) New sections 313a, 313b, 313c, and 313d are added to read as follows:

“Sec. 313a. Treatment of certain multiple employer welfare arrangements.

“The Commissioner may issue rules to create a grandfathered status with respect to any of the requirements of this act for multiple employer welfare arrangements that existed and operated in the District as of December 15, 2017, and comply with federal law and regulations applicable to multiple employer welfare arrangements as of December 15, 2017.

“Sec. 313b. License requirement for non-District multiple employer welfare arrangements.

“No multiple employer welfare arrangement located outside of the District may conduct any business in the District, including marketing, offering, or issuing a health benefit plan to any individual or employer, unless licensed as an insurer, a hospital and medical services corporation, a fraternal benefit society, or a health maintenance organization.

“Sec. 313c. Licensing requirement for certain multiple employer welfare arrangements.

“(a) A multiple employer welfare arrangement that is not fully insured, as described in subsection (c) of this section, shall not operate in the District or market, offer, or issue a health benefit plan to any individual or employer in the District without first meeting the requirements for, and becoming licensed as, an insurer, a hospital and medical services corporation, a fraternal benefit society, or a health maintenance organization.

“(b) The existence of contracts of reinsurance shall not be considered in determining whether a multiple employer welfare arrangement is fully insured.

ENROLLED ORIGINAL

“(c) For the purposes of this section, a multiple employer welfare arrangement is not fully insured unless the covered benefits it provides are:

“(1) Insured on a direct basis by an insurance company licensed to transact the business of insurance in District; or

“(2) Arranged for or provided on a direct basis by

“(A) A hospital and medical services corporation;

“(B) A fraternal benefit society;

“(C) A health maintenance organization licensed in the District; or

“(D) Any combination of these entities.

“Sec. 313d. Short-term, limited-duration health insurance.

“(a) An insurer shall not provide short-term, limited-duration health insurance policies, certificates of coverage, or contracts unless the insurer obtains a certificate of authority from the Commissioner to offer health insurance.

“(b) An insurer offering for sale a short-term, limited-duration health insurance policy, certificate of coverage, or contract shall apply the same underwriting standards to all applicants for such coverage regardless of whether the applicant has previously been covered by a short-term, limited-duration health insurance policy, certificate of coverage, or contract.

“(c) A short-term, limited-duration health insurance policy, certificate of coverage, or contract shall not exclude from coverage as a pre-existing condition any medical or behavioral health condition for which an applicant sought treatment in the prior 12 months or for which an applicant is currently in an active course of treatment. An insurer shall not use underwriting related to such a condition to deny enrollment in short-term, limited-duration coverage to an applicant.

“(d) A short-term, limited-duration insurance policy, certificate of coverage, or contract shall terminate not more than 3 months after its effective date.

“(e) A short-term, limited-duration health insurance policy, certificate of coverage, or contract shall not be extended or renewed. The insurer shall not issue, directly or indirectly through an affiliate, a new short-term, limited-duration health insurance policy, certificate of coverage, or contract to an individual who had such a policy, certificate of coverage, or contract from the insurer within the preceding 9 months.

“(f) An insurer shall ensure that each policy, certificate of coverage, or contract for short-term, limited-duration health insurance and all application materials for enrollment in that coverage displays prominently, in at least 14-point type, a statement that the coverage does not constitute minimum essential coverage for the purposes of satisfying the individual responsibility requirement of D.C. Official Code § 47–5102, and any other disclosures the Commissioner may require through rulemaking, including the types of benefits and consumer protections that are and are not included in the coverage.

“(g) A company offering for sale a short-term, limited-duration health insurance policy, certificate of coverage, or contract shall provide to the Commissioner any information the Commissioner requires by rulemaking.”

ENROLLED ORIGINAL

Sec. 3. The Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-360; D.C. Official Code § 31-3311.01 *et seq.*), is amended as follows:

(a) Section 111 (D.C. Official Code §31-3311.10) is amended as follows:

(1) Designate the existing text as subsection (a).

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

“(b) Small group market requirements under this title shall apply to a health benefit plan offered by a multiple employer welfare arrangement, including an association or any other entity, if the plan covers an employee of a small employer, as that term is defined in section 101(42) of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01(42)), in the District.

“(c) Individual market requirements under this title shall apply to a health benefit plan offered by a multiple employer welfare arrangement, including an association or any other entity, if the plan covers an individual in the District who is not an employee or dependent of a participating employer.”

(b) Section 112 (D.C. Official Code § 31-3311.11) is amended by striking the phrase “§ 18001, note)” and inserting the phrase “§ 18001, note), as the law and its implementing regulations were in effect on December 15, 2017” in its place.

Sec. 4. The Federal Health Reform Implementation and Omnibus Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-265; 62 DCR 1529), is amended as follows:

(a) Section 101(a) (D.C. Official Code § 31-3461(a)) is amended to read as follows:

“(a) Sections 1251, 1252, and 1304 of the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 119; 42 U.S.C. §§ 18011, 18021, and 18024), and sections 2701 through 2709, 2711 through 2719A, and 2794 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682; 42 U.S.C. §§ 300gg, 300gg-1, 300gg-2, 300gg-3, 300gg-4, 300gg-5, 300gg-6, 300gg-7, 300gg-8, 300gg-9, 300gg-11, 300gg-12, 300gg-13, 300gg-14, 300gg-15, 300gg-15A, 300gg-16, 300gg-17, 300gg-18, 300gg-19, 300gg-19A, and 300gg-94), (collectively “federal health acts”) and any rules issued pursuant to the federal health acts, as the sections and implementing regulations were in effect on December 15, 2017, are incorporated by reference and shall apply to all insurers, hospital and medical services corporations, health maintenance organizations, and multiple employer welfare arrangements, including associations or any other entities providing a health benefit plan to a small employer, as that term is defined in section 101(42) of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01(42)), or an individual, that deliver or issue for delivery individual or group health insurance policies, contracts, or certificates of coverage in the District.”

(b) A new section 101a is added to read as follows:

“Sec. 101a. Applicability of federal health acts to multiple employer welfare arrangements.

“(a) Requirements in the federal health acts incorporated by reference in section 101(a) that apply to the small group market shall apply to health benefit plans offered by multiple

ENROLLED ORIGINAL

employer welfare arrangements including associations or any other entity, if the plan covers an employee of a small employer, as that term is defined in section 101(42) of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01(42)), in the District.

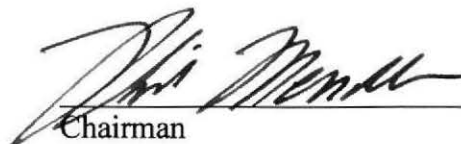
“(b) Requirements in the federal health acts incorporated by reference in section 101(a) that apply to insurers in the individual market shall apply to health benefit plans offered by multiple employer welfare arrangements, including associations or any other entities, if the plan covers an individual in the District who is not an employee or dependent of a participating employer.”.

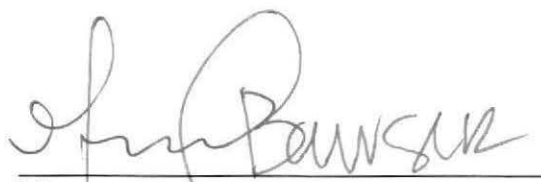
Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 23, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend the District of Columbia Act on the Aging to require the Office on Aging to develop a comprehensive strategic plan that shall serve as a long-term blueprint for the District services for the aged.

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

Sec. 2. The District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-501.01 *et seq.*), is amended by adding a new section 307 to read as follows:

“Sec. 307. Senior Strategic Plan.

“(a) The Department on Aging (“Department”) shall develop and publish a 10-year Senior Strategic Plan (“Plan”) that shall serve as a long-term blueprint for District services for the aged.

“(b) The Plan shall include an assessment of:

“(1) The data currently available with respect to the District’s aged population, including:

“(A) Identification of Census tracts with large aged populations;

“(B) The particular needs of those populations; and

“(C) Demographic changes within the aged population, including an analysis of any significant changes in the proportion of aged residents who:

“(i) Have low-incomes;

“(ii) Are minorities; or

“(iii) Speak English as a second language or are non-English speakers;

“(2) Current services provided by the Department, and the data about the aged residents who use the services;

“(3) Current housing options and housing issues facing the District’s aged population, including an assessment of the homeless aged population and their particular needs, in coordination with the Department of Housing and Community Development and the Office of the Tenant Advocate;

“(4) Current transportation methods used by aged residents, including an analysis

ENROLLED ORIGINAL

of quality and efficiency of service;

“(5) Current employment opportunities for aged residents who are interested in participating in the workforce, and how to expand those opportunities, in coordination with the Department of Employment Services;

“(6) Fraud and elder abuse in the District of Columbia and a recommendation of affirmative steps the District may take to ensure resident safety, in coordination with the Office of the Attorney General;

“(7) The Department’s strategy for communicating with the aged and with the general public; and

“(8) The decentralized contractual services provided by the Department and the resources required to continue those services and to extend the reach of those services to all aged residents.

“(c) The Plan shall include a review of national best practices and analysis with respect to the items listed in subsection (b) of this section and provide recommendations for implementing such practices.

“(d) The Office shall consult with local private and nonprofit service agencies, businesses, advocacy organizations, institutions of higher education, providers, and stakeholders in order to gather data, information, and analyses to inform the Plan.

“(e)(1) The Plan shall be published on the Department’s web page and transmitted to the Mayor and Council no later than December 31, 2019.

“(2)(A) On a biennial basis, except in years when a new Plan is due pursuant to paragraph (3) of this subsection, the Department may amend the Plan with any updates it deems necessary.

“(B) Any changes made to the Plan on a biennial basis shall be published on the Department’s web page and transmitted to the Mayor and Council, accompanied by an explanation for the change.

“(C) Biennial updates shall be due by December 31 of each odd-numbered year, except in years when a new Plan is due.

“(3) A new Plan shall be transmitted to the Mayor and Council by December 31 every 10 years after December 31, 2019.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To establish the District of Columbia Education Research Practice Partnership to support evidence-based ongoing improvement in District public schools, to require the Mayor to draft and issue a Notice of Invitation for an education partnership, to set forth certain requirements to be included in the Notice of Invitation, to establish the review process for responses received to the Notice of Invitation, to establish an Advisory Committee, and to require the District of Columbia Auditor to undertake an audit of District public-school data-management and data-collection policies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018”.

TITLE I. DISTRICT OF COLUMBIA EDUCATION RESEARCH PRACTICE PARTNERSHIP.

Sec. 101. Short title.

This title may be cited as the “District of Columbia Education Research Practice Partnership Establishment Act of 2018”.

Sec. 102. Definitions.

For the purposes of this title, the term:

- (1) “Advisory Committee” means the body established pursuant to section 105.
- (2) “DCPS” means the District of Columbia Public Schools.
- (3) “LEA” means the local education agency, which is DCPS or any individual public charter school or group of public charter schools operating under a single charter.
- (4) “OSSE” means the Office of the State Superintendent of Education.
- (5) “Partnership” means the District of Columbia Education Research Practice Partnership formed pursuant to this act and which is an independent, non-governmental entity.
- (6) “PCSB” means the Public Charter School Board.

ENROLLED ORIGINAL

Sec. 103. Establishment of District of Columbia Education Research Practice Partnership.

(a) The District of Columbia Education Research Practice Partnership shall consist of an independent, non-governmental entity selected through the competitive process as established in section 104 and subject to a master research services agreement entered into with the District pursuant to subsection (c) of this section.

(b) 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, and will also benefit the Council's legislative and oversight responsibilities.

(c)(1) Within 60 days of the independent, non-governmental entity being chosen pursuant to section 104, the District shall enter into a master research services agreement ("Agreement"), encompassing data collection, sharing, ownership, and confidentiality, with the chosen independent, non-governmental entity for the purpose of enabling the Partnership to carry out its purposes.

(2) The Agreement also shall set forth in broad terms the general scope of services and the process for developing research projects. The Agreement shall not direct the research agenda or any specific research projects.

(3) The Agreement shall be updated at least once every 5 years or as needed.

Sec. 104. Notice of Invitation for an education research practice partnership.

(a)(1) No later than 90 days after the effective date of this act, the Mayor shall draft a Notice of Invitation ("Notice") for an education research practice partnership for the purpose of receiving proposals from an independent, non-governmental entity that shall be responsible for conducting education research.

(2) The independent, non-governmental entity may be a university, college, nonprofit organization, or a combination of organizations joined for this purpose.

(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review. If the Council does not approve the proposed Notice, in whole or in part, within this 45-day review period, the proposed resolution shall be deemed disapproved.

(2) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

(3) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council.

(c) The Notice, at a minimum, shall require:

(1) A commitment to the Partnership that shall be for no less than 10 years;

(2) An estimate of the initial start-up cost to establish the Partnership and the annual costs needed to operate the Partnership;

ENROLLED ORIGINAL

(3) Identification of potential sources of funding, including funds contributed by the applicant entity, funds anticipated from named private sources, and funds, if any, needed from the District for the initial start-up costs and annual operations of the Partnership;

(4) A description of the entity's current staffing level and a staffing plan for how the entity will fulfill the responsibilities of the Partnership, including how the entity plans to increase staffing capacity, whether the researchers conducting research for the Partnership will be full-time dedicated staff, and whether they shall be required to log a certain number of billable hours or be required to be faculty at the entity;

(5) Demonstration that the entity has the capacity and expertise to collect, maintain, store, clean, de-identify, use, interpret, translate and publish any data provided to it in a safe, secure, accountable, and confidential manner, consistent with relevant federal and local laws and regulations, including section 438 of the Family Educational Rights & Privacy Act of 1974, approved August 21, 1974(88 Stat. 571; 20 U.S.C. § 1232g *et seq.*) and its implementing regulations, 34 C.F.R Part 99;

(6) An explanation of internal review processes to ensure the validity of research methods and outcomes;

(7) Examples of other educational research done in collaboration with either the District government or another government entity, including whether and how the entity and government partner jointly arrived at the research questions, provided interim deliverables, communicated in a meaningful way throughout the life of the project, adjusted the course of the project as needed in response to stakeholder feedback, provided results in multiple formats aligned with stakeholder need, and ensured that the work was useful and productive for the government partner, and, if not useful, what measures were taken to rectify the usefulness of the products either in the short or long term, and evidence of how this work intentionally built capacity for both researchers and government partners;

(8) An explanation of what processes are in place or would be in place to ensure accountability and transparency of Partnership work and independence with regard to funders, the public, and government entities; and

(9) An explanation of what processes are in place or would be in place to collaborate effectively with a large and diverse advisory committee designed to be a partner in all research work.

(c) The Notice shall state a deadline for responses, which shall be no greater than 60 days from the date of issuance of the Notice.

(d)(1) All proposals received through the Notice process shall be reviewed by a 6-person review panel, which shall be comprised of 3 representatives chosen by the Mayor and 3 representatives chosen by the Chairman of the Council.

(2) No later than 30 business days after the proposal deadline, the review panel shall meet to initiate review of all the proposals received in a timely manner.

(3) At least 2 of the representatives chosen by the Mayor and at least 2 of

ENROLLED ORIGINAL

the representatives chosen by the Chairman of the Council shall select and approve the independent, non-governmental entity.

Sec. 105. Advisory Committee establishment.

(a)(1) The Advisory Committee shall be established to provide intellectual guidance from diverse perspectives to the research projects of the Partnership. Additionally, the Advisory Committee shall help formulate Partnership policy.

(2) The initial Advisory Committee shall be comprised of 21 members consisting of the institutional members appointed pursuant to subsection (b)(1) of this section and the non-institutional members appointed pursuant to subsection (b)(2) of this section. Subsequently, the Advisory Committee shall be comprised of the institutional members appointed pursuant to subsection (b)(1) of this section and the non-institutional members appointed pursuant to subsection (c)(1) of this section.

(3) To be eligible for appointment, members of the Advisory Committee (both institutional and non-institutional) shall have the ability to contribute substantive expertise to the research process related to student learning, educational improvement, and urban education policy. Members shall be actively involved in practice, policy, or research on education improvement.

(4) Except as provided in subsection (b)(3) of this section, the term of non-institutional members shall be 3 years.

(5) A person who works for the Partnership or is a direct employee of a non-government organization that provides funding to the Partnership shall not be eligible for membership on the Advisory Committee.

(6) The Advisory Committee shall meet no later than 45 days following the appointment of the first 6 non-institutional members made pursuant to subsection (b)(2) of this section.

(b)(1) The Advisory Committee shall include the following institutional members:

- (A) A representative of the Council appointed by the Chairman of the Council;
- (B) A representative of the Deputy Mayor of Education appointed by the Deputy Mayor of Education;
- (C) A representative of OSSE appointed by the State Superintendent of Education;
- (D) A representative of DCPS appointed by the Chancellor of DCPS;
- (E) A representative of the PCSB, appointed by its Executive Director;
- (F) A head of a school, principal, or educational leader from a public charter school LEA elected by other public charter LEAs through a process organized by the PCSB;
- (G) A representative of the Washington Teachers' Union;

ENROLLED ORIGINAL

(H) A representative of the Council of School Officers; and

(I) A representative of the State Board of Education appointed by the Board's President.

(2) The remaining 12 non-institutional members on the initially appointed Advisory Committee shall be comprised of parents, representatives from education-related nonprofit organizations, current teachers and current principals from both education sectors, and other education stakeholders, of whom 6 shall be appointed by the Mayor and 6 shall be appointed by the Chairman of the Council.

(3) The initial term for the non-institutional Advisory Committee members shall be as follows:

(A) Two of the initial members appointed by the Mayor and 2 of the initial members appointed by the Chairman of the Council shall serve a one-year term.

(B) Two of the initial members appointed by the Mayor and 2 of the initial members appointed by the Chairman of the Council shall serve a 2-year term.

(C) The remaining initial members appointed by the Mayor and Council Chairman shall each serve a 3-year term.

(c) The Advisory Committee shall adopt by-laws, which shall at a minimum:

(1) Establish a process for appointing or reappointing members of the Advisory Committee following the initial appointments and for filling vacancies;

(2) Address the extent to which Advisory Committee meetings are open to the public;

(3)(A) Establish the process by which the Advisory Committee elects its chairperson or co-chairpersons and their term;

(B) Require that, if the Advisory Committee elects co-chairpersons, at least one of the co-chairpersons shall be one of the individual, non-institutionalized members.

(4) Establish attendance requirements and whether there are term limits.

(d) The Advisory Committee shall meet formally at least 6 times a year.

Sec. 106. Responsibilities of the Partnership.

(a) Upon creation of the Partnership, and every 5 years thereafter, the Advisory Committee, in consultation with the Partnership, shall establish a 5-year research agenda.

(b)(1) Upon the initiation of a research project, the Partnership shall inform the Advisory Committee and seek feedback.

(2) Following receipt of Advisory Committee feedback, the Partnership and the appropriate agency or LEA (or agencies or LEAs) shall enter into or update a Memorandum of Understanding ("MOU") for the research project, which shall address data collection, sharing, ownership, access, security, and confidentiality, consistent with the master research services agreement required in section 103.

ENROLLED ORIGINAL

(3) The Mayor and LEAs, as applicable, shall give the Partnership access to all available data needed for the research project.

(c)(1) During the early stages of analysis, the Partnership shall present its research project at an Advisory Committee meeting to obtain feedback. At each meeting of the Advisory Committee, the Partnership shall update the Advisory Committee on its current research projects and shall present any findings that the Partnership has found as a result of its research, including interim and final research findings.

(2) Prior to the release of final research findings by the Partnership, the Partnership shall obtain feedback from the Advisory Committee on final research results in order to inform the public release of the findings to ensure that they are in a digestible and user-friendly format and to ensure relevance to educators, decision-makers, and the public.

(d)(1) The Partnership shall notify the Mayor, the Council, and the public if:

(A) An MOU on a research proposal cannot be agreed to within 4 months of receiving Advisory Committee feedback;

(B) The MOU materially affects the research proposal initially sought by the Partnership; or

(C) The Mayor, LEA, or other appropriate agency has not complied with an MOU.

(2)(A) The notice required under this subsection shall take the form of publication on the Partnership's website and letters to the Mayor and Council.

(B) When the MOU proposal is materially different from the research proposal initially sought by the Partnership, the notice shall include an explanation of those changes.

(e) The Partnership shall transmit a copy of each of its research reports to the Mayor and to the Council.

(f) The Partnership shall publish an annual report and submit a copy of the report to the Council. The report shall explain each research proposal for which an MOU could not be obtained or for which material changes were made by the MOU, and describe each instance in which the Mayor, LEA, or other appropriate agency did not comply with an MOU.

(g) The 5-year research agenda and final research reports of the Partnership are public documents and shall be posted on the Partnership's website.

TITLE II. EDUCATION DATA AUDIT.

Sec. 201. This title may be cited as the "Education Data Audit Act of 2018".

Sec. 202. (a) No later than 180 days after the effective date of this act, the District of Columbia Auditor shall initiate an audit of data-management and data-collection practices of public local education agencies, including the Office of the State Superintendent of Education, the Office of the Deputy Mayor for Education, and the Public Charter School Board.

ENROLLED ORIGINAL

(b) The Auditor shall issue a report to the Mayor and Council on data-management and data-collection practices and policies of the entities described in subsection (a) of this section.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

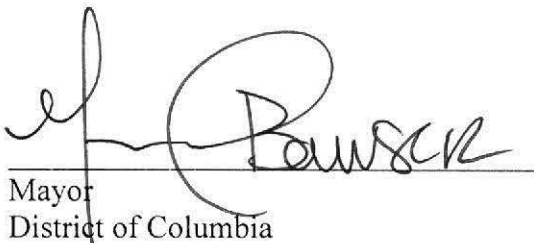
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To require an insurer to maintain a risk management framework and internal risk and solvency assessment, to submit a summary report relating to the risk and solvency assessment to the Commissioner of the Department of Insurance, Securities and Banking, and to authorize the Commissioner to share the information contained in the summary report with the National Association of Insurance Commissioners or other designated third party and to receive related information from regulatory agencies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Risk Management and Own Risk and Solvency Assessment Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Commissioner” means the Commissioner of the Department of Insurance, Securities and Banking.

(2) “Department” means the Department of Insurance, Securities and Banking.

(3) “Holding Company System Act” means the Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 *et seq.*).

(4) “Insurance group” means those insurers and affiliates included within an insurance holding company system as defined in section 2(4) of the Holding Company System Act.

(5) “Insurer” means the same as provided in section 2(3) of the Annual Audited Financial Reports Act of 1993, effective October 21, 1993 (D.C. Law 10-48; D.C. Official Code § 31-301(3)); except, that it shall not include, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(6) “Own Risk and Solvency Assessment” or “ORSA” means a confidential internal assessment appropriate to the nature, scale, and complexity of an insurer or insurance group, conducted by that insurer or insurance group, of the material and relevant risks associated with the insurer or insurance group’s current business plan and the sufficiency of capital resources to support those risks.

(7) “ORSA Guidance Manual” means the current version of the Own Risk and Solvency Assessment Guidance Manual developed and adopted by NAIC.

ENROLLED ORIGINAL

(8) “ORSA Summary Report” means a confidential high-level summary of an insurer’s or insurance group’s ORSA.

(9) “NAIC” means the National Association of Insurance Commissioners.

Sec. 3. Risk management framework.

(a)(1) An insurer shall maintain a risk management framework, as described in the ORSA Guidance Manual, to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks.

(2) A change in the ORSA Guidance Manual shall be effective on the January 1 following the calendar year in which the changes are adopted by NAIC.

(b) The requirement set forth in subsection (a) of this section may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

Sec. 4. ORSA requirement.

Except as provided in section 6, an insurer, or the insurance group of which the insurer is a member, shall conduct an ORSA using a process comparable to the applicable process contained in the ORSA Guidance Manual annually and any time there is significant change to the risk profile of the insurer or the insurance group of which the insurer is a member.

Sec. 5. ORSA Summary Report.

(a) Upon the Commissioner’s request, and no more than once each year, an insurer shall submit to the Commissioner an ORSA Summary Report or any combination of reports applicable to the insurer or the insurance group of which it is a member that together contain the information described in the ORSA Guidance Manual (“reports”). If the insurer is a member of an insurance group, the insurer shall annually submit the reports required by this subsection to the lead state commissioner of the insurance group as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC regardless of whether the Commissioner has made a request.

(b) The reports shall be signed by the insurer or insurance group’s chief risk officer or other executive having responsibility for the oversight of the insurer’s enterprise risk management process. The executive shall attest that to the best of the executive’s belief and knowledge the insurer has applied the enterprise risk management process described in the ORSA Summary Report and that a copy of the report has been provided to the insurer’s board of directors or the appropriate committee of the board.

(c) An insurer may comply with subsection (a) of this section by providing the most recent and substantially similar report provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction; provided, that the report provides information that is comparable to the information described in the ORSA Guidance Manual; provided further, that a report in a language other than English shall be accompanied by an English translation of the report.

ENROLLED ORIGINAL

Sec. 6. Exemptions.

(a) An insurer shall be exempt from the requirements of this act if:

(1) The insurer has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$500 million; and

(2) The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1 billion.

(b) If an insurer qualifies for exemption pursuant to subsection (a)(1) of this section, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to subsection (a)(2) of this section, then the ORSA Summary Report that may be required pursuant to section 5 shall include every insurer within the insurance group; which requirement may be satisfied by the submission of more than one ORSA Summary Report for any combination of insurers; provided, that the combination of reports includes every insurer within the insurance group.

(c) If an insurer does not qualify for exemption pursuant to subsection (a)(1) of this section, but the insurance group of which it is a member qualifies for exemption pursuant to subsection (a)(2) of this section, then the only ORSA Summary Report that may be required pursuant to section 5 shall be the report applicable to that insurer.

(d)(1) An insurer that does not qualify for exemption pursuant to subsection (a) of this section may apply to the Commissioner for a waiver from the requirements of this act based upon unique circumstances.

(2)(A) In deciding whether to grant an insurer's request for waiver, the Commissioner may consider:

(i) The type and volume of business written;
(ii) The ownership;
(iii) The organizational structure; and
(iv) Any other factor the Commissioner considers relevant to the insurer or insurance group of which the insurer is a member.

(B) If the insurer is part of an insurance group with insurers domiciled in more than one state, the Commissioner shall coordinate with the lead state commissioner and with other domiciliary commissioners of the other states in considering whether to grant the insurer's request for a waiver.

(e) Notwithstanding the exemptions stated in this section, the Commissioner may require an insurer to:

(1) Maintain a risk management framework, conduct an ORSA, and file an ORSA Summary Report based on unique circumstances, including the type and volume of business written, ownership, and organizational structure, and federal agency and international supervisor requests; or

(2) Maintain a risk management framework, conduct an ORSA, and file an ORSA Summary Report if:

ENROLLED ORIGINAL

(A) The insurer has risk-based capital for a Company Action Level Event, as defined in section 4 of the Risk-Based Capital Act of 1996, effective April 9, 1997 (D.C. Law 11-233; D.C. Official Code § 31-2003);

(B) Meets one or more of the standards of an insurer deemed to be in hazardous financial condition, as defined in section 2 of the Standards to Identify Insurance Companies Deemed to Be in Hazardous Financial Condition Act of 1993, effective October 21, 1993 (D.C. Law 10-43; D.C. Official Code § 31-2101); or

(C) As determined by the Commissioner, exhibits other qualities of a troubled insurer.

(f) If an insurer that qualifies for an exemption pursuant to subsection (a) of this section no longer qualifies for that exemption due to changes in premiums as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one year following the loss of exemption qualification to comply with the requirements of this act.

Sec. 7. Contents of ORSA Summary Report.

(a) The ORSA Summary Report, and any additional requests for information, shall be prepared:

(1) In consistence with the ORSA Guidance Manual; and

(2) Using procedures consistent with section 8 of the Holding Company System Act and the Law on Examinations Act of 1993, effective October 21, 1993 (D.C. Law 10-49; D.C. Official Code § 31-1401 *et seq.*).

(b) Documentation and supporting information shall be maintained for a period to be determined by the Commissioner and made available upon request of the Commissioner.

Sec. 8. Confidentiality.

(a) Documents, materials, or other information, including the ORSA Summary Report, ("ORSA-related information") in the possession or control of the Department that are obtained by, created by, or disclosed to the Commissioner or other person acting under the authority of the Commissioner shall be deemed by the District as proprietary, to contain trade secrets, confidential, and privileged, not subject to the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), not subject to subpoena, and not subject to discovery or admissible in evidence in any private civil action.

(b) Notwithstanding subsection (a) of this section, the Commissioner may use the ORSA-related information in the furtherance of any regulatory or legal action brought as part of the Commissioner's official duties; provided, that the Commissioner shall not otherwise make the ORSA-related information public without the prior written consent of the insurer.

(c) Neither the Commissioner nor any other person acting under the authority of the Commissioner who has received ORSA-related information, through examination or otherwise, shall be permitted or required to testify in any private civil action concerning any ORSA-related information.

(d)(1) To assist in the performance of the Commissioner's regulatory duties, the Commissioner may:

ENROLLED ORIGINAL

(A) Upon request, share ORSA-related information with other District, state, federal, or international financial regulatory agencies, including members of any supervisory college in accordance with the Holding Company System Act, with NAIC, or a third-party consultant designated by the Commissioner; provided, that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related information and verifies in writing that it has the legal authority to maintain the confidentiality and privileged status of the ORSA-related information under all applicable laws and regulations; and

(B) Receive ORSA-related information, including otherwise confidential and privileged documents, materials or information, from state, federal, or international financial regulatory agencies, including members of any supervisory college in accordance with the Holding Company System Act and from NAIC, and shall maintain as confidential or privileged any documents, materials, or information received with notice that it is confidential or privileged under the laws of the jurisdiction that is the source of the ORSA-related information.

(2) The Commissioner shall enter into a written agreement with NAIC or a third-party consultant (“recipient”) governing the sharing and use of this information provided pursuant to this act, which shall:

(A) Specify procedures and protocols to be used to protect the confidentiality and security of information, and, in the case of an agreement with NAIC, including procedures and protocols for sharing the information with other state regulators from states in which an insurance group has domiciled insurers;

(B) Require the recipient to maintain the confidentiality and privileged status of the ORSA-related information or other information and to verify that the recipient has the legal authority to maintain confidentiality and privileged status of the ORSA-related information or other information under all applicable laws and regulations;

(C) Specify that the Commissioner retains ownership of the information and that the use of the information is subject to the direction of the Commissioner;

(D) Prohibit the recipient from storing the information in a permanent database after the underlying analysis is completed;

(E) Require the Department to give prompt notice to an insurer whose confidential information is in the possession of the recipient and is subject to a request or subpoena for disclosure or production in a judicial or administrative action;

(F) Require the recipient to consent to intervention by an insurer in a judicial or administrative action in which the recipient may be required to disclose confidential information about the insurer shared with the recipient; and

(G) In the case of an agreement with a third-party consultant, provide for the insurer’s written consent.

(e) The Commissioner is solely responsible for the administration and execution of this act and sharing ORSA-related information by the Commissioner with another regulatory authority shall not constitute a delegation of regulatory authority.

(f) No waiver of any applicable privilege or claim of confidentiality in the ORSA-related information shall occur as a result of disclosure of the ORSA-related information to the Commissioner under this section or as a result of sharing the ORSA-related information, as authorized in this act. The ORSA-related information shall retain the confidential status

ENROLLED ORIGINAL

specified in subsection (a) of this section notwithstanding its lawful disclosure to the Commissioner, NAIC, or a third-party consultant.

Sec. 9. Sanctions.

An insurer failing without just cause, as defined by the Commissioner by rule, to timely file an ORSA Summary Report required by this act shall, after notice and a hearing conducted according to the rules for contested cases set forth in Chapter 38 of Title 26 of the District of Columbia Municipal Regulations, be subject to a penalty in an amount not to exceed \$1,000 per day. The maximum penalty assessed under this section shall be \$25,000. The Commissioner shall recover this penalty.

Sec. 10. Rulemaking.

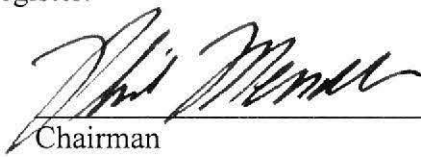
The Commissioner, pursuant to Title I of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

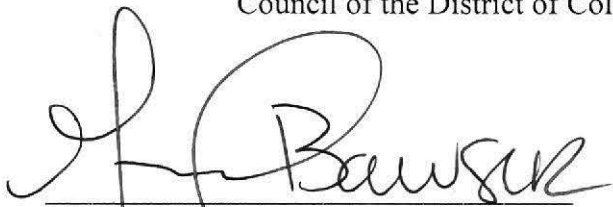
Sec. 11. Fiscal impact statement.

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

Sec. 12. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend section 2414 of title 18 of the District of Columbia Municipal Regulation to limit the number of days per calendar year for which temporary visitor parking permits may be issued to an address on a residential permit parking block.

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

Sec. 2. Section 2414.5 of title 18 of the District of Columbia Municipal Regulations is amended by striking the phrase “a residential permit parking block.” and inserting the phrase “a residential permit parking block; provided, that the Chief of Police may not issue temporary visitor parking permits to an address on a residential permit parking block that, in the aggregate, are valid for a period of time in excess of 90 days per calendar year.” in its place.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend the District of Columbia Public Records Management Act of 1985 to establish the District Historical Records Advisory Board, and to require the development of a Public Records and Archives Action Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Historical Records Advisory Board Amendment Act of 2018".

Sec. 2. The District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1701) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Action plan” means the Public Records and Archives Action Plan.”.

(3) Paragraph (6A) is redesignated as paragraph (6B).

(4) A new paragraph (6A) is added to read as follows:

“(6A) “DHRAB” means the District Historical Records Advisory Board established in section 16a.”.

(b) New sections 16a, 16b, and 16c are added to read as follows:

“Sec. 16a. Establishment of the District Historical Records Advisory Board.

“(a) The District Historical Records Advisory Board is established to make recommendations to the Mayor on collecting, maintaining, preserving, and conserving public records and archival records of historical value to the District.

“(b) The DHRAB shall assume the functions ascribed to the Historical Records Advisory Board established pursuant to Mayor’s Order 2002-150.

“Sec. 16b. Duties of the DHRAB; Public Records and Archives Action Plan.

“(a) The DHRAB shall:

“(1) Advise the Mayor on policy and program issues with developing and implementing a comprehensive records management program to store public records and archival records of the District.

“(2) Support and promote interest among private and public institutions, community organizations, and neighborhood groups to collect, maintain, preserve, and conserve their public records and archival records of historical value.

ENROLLED ORIGINAL

“(3) Coordinate and monitor all projects funded by the National Historical Publication Records Commission.

“(4) Review and make recommendations on all requests submitted to the National Historical Publication Records Commission for funding or assistance.

“(5) Assist in securing funding from the National Historical Publication Records Commission and other sources for the following purposes:

“(A) Supporting the mission of the Office of Public Records within the Office of the Secretary in developing a comprehensive archives and records management program for the District;

“(B) Sponsoring and conducting information management research projects that assist the Administrator in publishing finding aids, indexes, lists, inventories, cross references, and other guides to the records holdings in the District of Columbia Archives, the Records Center, and the Library of Governmental Information;

“(C) Sponsoring and conducting records surveying, scheduling, and documentation projects that will assist agencies of the District with organizing and developing comprehensive agency records management programs, and, with publishing agency histories;

“(D) Sponsoring documentation projects of public records of historical value to the District;

“(E) Assisting nonprofit organizations and institutions in the District of Columbia with collecting, maintaining, preserving, and conserving the organizations’ and institutions’ public records and archival records of historical value, and documenting the organizations’ and institutions’ histories; and

“(F) Sponsoring a computerized network information management project that computerizes public records and archival records of historical value of the District.

“(6) Sponsor, organize, develop, and host information management seminars, workshops, symposia, meetings, and other forums about managing public records and archival records of historical value to the District.

“(7) Organize, develop, and host seminars, workshops, symposiums, meetings, and other forums to advise and assist community organizations and institutions with preserving, conserving, and documenting community organizations’ and institutions’ histories.

“(8) Advise and assist community organizations and institutions in developing plans and procedures to preserve and conserve community organizations’ and institutions’ public records and archival records of historical value.

“(b) By January 1, 2022, the DHRAB shall prepare and submit to the Mayor and Council a Public Records and Archives Action Plan to provide recommendations for the management, custody, and preservation of public records and archival records of historical value to the District of Columbia. In developing the action plan, the DHRAB shall survey all of the District’s archival records and may consult with any District employees it deems necessary for the action plan’s development. The DHRAB may use any additional research necessary, including consultations with subject matter experts, to inform the action plan’s recommendations.

“Sec. 16c. DHRAB membership; organization; administration.

ENROLLED ORIGINAL

“(a) The DHRAB shall consist of 13 members who meet the following requirements:

“(1) The Administrator shall serve as an ex officio member and as chairperson;
and

“(2) 12 members shall be appointed by the Mayor and confirmed by the Council pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)). Members appointed pursuant to this paragraph shall be representative of public and private archival, cultural heritage, and historical institutions, organizations, or programs throughout the District of Columbia.

“(b) All members of the DHRAB shall be voting members.

“(c) The chairperson of the DHRAB may establish subcommittees of the DHRAB as the chairperson deems necessary.

“(d) The DHRAB shall further define its organizational structure and promulgate its rules of procedures.

“(e) The DHRAB shall meet at such times as it deems necessary, except that it shall meet at least once annually.

“(f) Of the members of the DHRAB appointed pursuant to subsection (a)(2) of this section, 6 of the initial members shall be designated to serve terms of 3 years from the date of appointment, and 6 of the initial members shall be designated to serve terms of 2 years from the date of appointment.

“(g)(1) At the expiration of a term, each member shall continue to serve until a successor is qualified and appointed.

“(2) Whenever a vacancy occurs on the DHRAB, an individual may be appointed as a member to fill the unexpired term.

“(h) Members shall serve without compensation; provided, that expenses of the DHRAB, when authorized in advance by the Secretary, shall become obligations against funds designated for those purposes.

“(i) The Office of Public Records within the Office of the Secretary shall provide administrative and staff support to the DHRAB.”.

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

(a) Paragraph (64) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (65) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (66) is added to read as follows:

“(66) The District Historical Records Advisory Board, established by section 17 of the District of Columbia Public Records Management Act of 1985, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-842).”.

ENROLLED ORIGINAL

Sec. 4. Applicability.

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

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

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


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

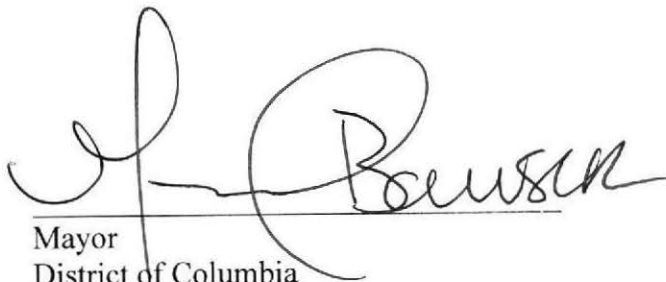
Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To prohibit buses from operating or parking on certain streets near Southwest Waterfront Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Southwest Waterfront Park Bus Prohibition Act of 2018”.

Sec. 2. (a) No person shall operate or park a bus, as that term is defined in 24 DCMR § 3599.1, on:

(1) The streets within or adjacent to Record Lots 88, 89, or 90, in Square 473, including Water Street, S.W., and M Place, S.W., except the portions of Maine Avenue, S.W., and M Street, S.W., within or adjacent to Record Lots 88, 89, or 90 in Square 473; or

(2) The portion of Sixth Street, S.W., that is south of M Street, S.W.

(b)(1) Any entity listed in 18 DCMR § 3002.1 or 3003.1 may issue a notice of infraction for a violation of subsection (a) of this section.

(2) A person who violates subsection (a) of this section shall be fined \$150.

(3) A notice of infraction issued pursuant to this section shall be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).

Sec. 3. Fiscal impact statement.


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

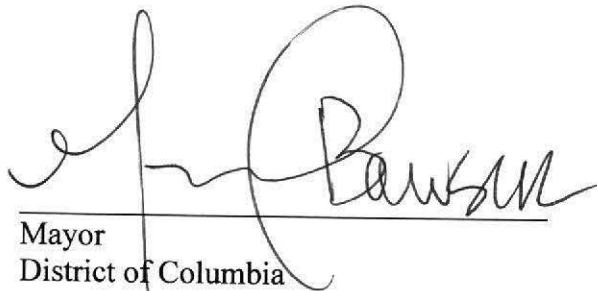
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2019

To amend, on an emergency basis, the Sports Wagering Lottery Amendment Act of 2018 and the Sports Wagering Lottery Emergency Amendment Act of 2018 to clarify a waiver procedure and the amount of a Class A and Class B license application fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sports Wagering Lottery Clarification Emergency Amendment Act of 2019”.

Sec. 2. Section 2(e) of the Sports Wagering Lottery Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-944), is amended as follows:

(a) Amendatory section 305(g)(3) is amended to read as follows:

“(3) Obtains a waiver from DSLBD of the contracting or joint venture requirements of the CBE act; provided, that if DSLBD neither approves nor denies the request for waiver within 30 days of the submission of the request, the waiver shall be deemed approved as a matter of law.”.

(b) Amendatory section 306 is amended as follows:

(1) Subsection (b)(3)(A) is amended by striking the figure “\$250,000” and inserting the figure “\$500,000” in its place.

(2) Subsection (c)(4)(A) is amended by striking the figure “\$50,000” and inserting the figure “\$100,000” in its place.

Sec. 3 Section 2(e) of the Sports Wagering Lottery Emergency Amendment Act of 2018, passed on emergency basis on December 18, 2018 (Enrolled version of Bill 22-1071), is amended as follows:

(a) Amendatory section 305(g)(3) is amended to read as follows:

“(3) Obtains a waiver from DSLBD of the contracting or joint venture requirements of the CBE act; provided, that if DSLBD neither approves nor denies the request for waiver within 30 days of the submission of the request, the waiver shall be deemed approved as a matter of law.”.

(b) Amendatory section 306 is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (b)(3)(A) is amended by striking the figure “\$250,000” and inserting the figure “\$500,000” in its place.

(2) Subsection (c)(4)(A) is amended by striking the figure “\$50,000” and inserting the figure “\$100,000” in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 23, 2019

ENROLLED ORIGINAL

A RESOLUTION

23-11

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 22, 2019

To declare the existence of an emergency with respect to the need to protect 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; and to enable the District of Columbia to be able to address the needs of any possible local homeless federal workers and employees of contractors in an orderly manner.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Federal Worker Housing Relief Emergency Declaration Resolution of 2019”.

Sec. 2. (a). The country is now in the 31st day of the longest government shutdown in the history of our nation. Federal workers and employees of contractors are experiencing severe financial hardship from the shutdown because of missed paychecks, with no end of the shutdown in sight.

(b) Around 420,000 “essential” federal workers are working without pay, while another 380,000 have been ordered to stay home. As much as 10 % of the 800,000 federal workers affected by the shutdown live in the District of Columbia. About 78 % of American workers live paycheck-to-paycheck.

(c) These federal workers and employees of contractors will soon be facing eviction, foreclosure, and possible homelessness. The sudden onslaught of homeless District residents will create a severe hardship for the unpaid federal workers and will also greatly tax the District’s homeless services system.

(d) This emergency legislation will help alleviate the hardship of federal workers and employees of contractors who are not receiving paychecks from eviction, late fees, and foreclosure during a federal government shutdown. The bill would:

(1) Apply to unpaid federal workers and employees of contractors as of their first missed paycheck;

(2) Allow a federal worker, an employee of a contractor, or an eligible household member to move for a stay of eviction or foreclosure proceedings until 30 days after the enactment of an appropriations bill that funds a federal worker’s government agency, for a period of up to a maximum of 90 days; and

ENROLLED ORIGINAL

(3) Protect a federal worker or an employee of a contractor from rental housing late fees that accrue during a federal government shutdown.

(e) It is important that this bill be enacted to protect federal workers and employees of contractors from the financial hardships thrust upon them as a result of the federal government shutdown. Further, it is important that the District of Columbia be able to address needs of any possible future homeless federal workers and employees of contractors in an orderly 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 Federal Worker Housing Relief Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

- | | |
|--------|--|
| B23-94 | Organ, Eye, and Tissue Donation Education Amendment Act of 2019

Intro. 1-22-19 by Councilmembers Grosso and Bonds and referred sequentially to the Committee on Education and the Committee of the Whole |
| <hr/> | |
| B23-95 | Protecting Children Through Mandatory Reporting Amendment Act of 2019

Intro. 1-23-19 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary and Public Safety |
| <hr/> | |
| B23-97 | Access to Public Benefits Amendment Act of 2019

Intro. 1-24-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services |
| <hr/> | |
| B23-98 | Funeral Services Consumer Protection Amendment Act of 2019

Intro. 1-24-19 by Chairman Mendelson at the request of the Attorney General and referred sequentially to the Committee on Business and Economic Development and the Committee of the Whole |
| <hr/> | |

PROPOSED RESOLUTIONS

PR23-82 Medical Marijuana Clone Rulemaking Approval Resolution of 2019
Intro. 1-23-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

PR23-84 Master Facilities Plan Approval Resolution of 2019
Intro. 1-24-19 by Chairman Mendelson at the request of the Mayor and referred
sequentially to the Committee on Education and the Committee of the Whole
with comments from the Committee on Facilities and Procurement

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2018-2019**

1/29/2019

SUMMARY

February 4, 2019	Committee of the Whole Public Briefing on the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room 500
February 6, 2019 to March 1, 2019	Agency Performance Oversight Hearings on Fiscal Year 2018-2019

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2018 and FY 2019. The hearings will begin Wednesday, February 6, 2019 and conclude on Friday, March 1, 2019 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the committee of interest.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/7/2019	2/21/2019	Office of Partnerships & Grants (Government Operations; Room 500; 11:00 a.m.)
2/21/2019	2/14/2019	Serve DC (Government Operations; Room 123; 11:00 a.m.)
2/26/2019	2/26/2019	District of Columbia Public Schools (Education & COW; Room 500; Time change from 10:00 a.m. to 12:00 p.m.)

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
MONDAY, FEBRUARY 4, 2019; COUNCIL CHAMBER (Room 500)		
Time	Subject	
1:30 p.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR)	

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
WEDNESDAY, FEBRUARY 6, 2019; COUNCIL CHAMBER (Room 500)		
Time	Agency	
9:30 a.m. - 4:00 p.m.	Office of Victim Services and Justice Grants	
	Office of the Chief Medical Examiner	
	Office of Unified Communications	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH		Chairperson Vincent Gray
WEDNESDAY, FEBRUARY 6, 2019; Room 412		
Time	Agency	
10:00 a.m. - End	Deputy Mayor for Health and Human Services	
	Department of Health Care Finance	
	United Medical Center	
	United Medical Center Board	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON GOVERNMENT OPERATIONS		Chairperson Brandon Todd
THURSDAY, FEBRUARY 7, 2019; COUNCIL CHAMBER (Room 500)		
Time	Agency	
11:00 a.m. - End	Executive Office of the Mayor	
	Mayor's Office of Legal Counsel	
	Office of the City Administrator	
	Office of the Senior Advisor	
	Secretary of the District of Columbia	
	Office of Partnerships and Grants	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
THURSDAY, FEBRUARY 7, 2019; Room 412		
Time	Agency	
9:30 a.m. - 4:00 p.m.	Criminal Justice Coordinating Council	
	Office of Police Complaints	
	Metropolitan Police Department	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION		Chairperson Anita Bonds
THURSDAY, FEBRUARY 7, 2019; Room 123		
Time	Agency	
10:00 a.m. - End	Real Estate Commission	
	Board of Real Estate Appraisers	
	Rental Housing Commission	
	Housing Finance Agency	
	Office of the Tenant Advocate	
	Condominium Association Advisory Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
FRIDAY, FEBRUARY 8, 2019; COUNCIL CHAMBER (Room 500)		
Time	Agency	
11:00 a.m. - 5:00 p.m.	District of Columbia Sentencing Commission	
	Criminal Code Reform Commission	
	Deputy Mayor for Public Safety and Justice	
	Office of Neighborhood Safety and Engagement	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

FRIDAY, FEBRUARY 8, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

MONDAY, FEBRUARY 11, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Greater Economic Opportunity Commission on Fathers, Men, and Boys

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

MONDAY, FEBRUARY 11, 2019; Room 412	
Time	Agency
12:00 p.m. - End	Fire and Emergency Medical Services Department Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

TUESDAY, FEBRUARY 12, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

TUESDAY, FEBRUARY 12, 2019; Room 412	
Time	Agency
11:00 a.m. - End	State Board of Education Office of the Ombudsman Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

TUESDAY, FEBRUARY 12, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

WEDNESDAY, FEBRUARY 13, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

WEDNESDAY, FEBRUARY 13, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Office on Women's Policy and Initiatives Office of Veterans' Affairs Office of Lesbian, Gay, Bisexual, Transgender & Questioning Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, FEBRUARY 13, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development Department of Insurance, Securities and Banking Department of For-Hire Vehicles For-Hire Vehicle Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION		Chairperson Anita Bonds
THURSDAY, FEBRUARY 14, 2019; COUNCIL CHAMBER (Room 500)		
Time	Agency	
9:30 a.m. - End	District of Columbia Office on Aging	
	Commission on Aging	
	Age Friendly DC Task Force	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT		Chairperson Mary Cheh
THURSDAY, FEBRUARY 14, 2019; Room 412		
Time	Agency	
11:00 a.m. - End	Commission on Climate Change and Resiliency	
	Department of Energy and the Environment	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT		Chairperson Elissa Silverman
THURSDAY, FEBRUARY 14, 2019; Room 123		
Time	Agency	
10:00 a.m. - End	Office of Employee Appeals	
	Public Employees Relations Board	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON GOVERNMENT OPERATIONS		Chairperson Brandon Todd
THURSDAY, FEBRUARY 14, 2019; Room 120		
Time	Agency	
10:00 a.m. - End	Office on African Affairs	
	Office of African American Affairs	
	Office of Asian and Pacific Islander Affairs	
	Office of Latino Affairs	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT		Chairperson Mary Cheh
FRIDAY, FEBRUARY 15, 2019; Room 412		
Time	Agency	
11:00 a.m. - End	Food Policy Council	
	Department of Public Works	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
FRIDAY, FEBRUARY 15, 2019; Room 123		
Time	Agency	
9:30 a.m. - End	Judicial Nomination Commission	
	Commission on Judicial Disabilities and Tenure	
	District of Columbia National Guard	
	Homeland Security and Emergency Management Agency	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE		Chairperson David Grosso Chairman Phil Mendelson
FRIDAY, FEBRUARY 15, 2019; Room 120		
Time	Agency	
10:00 a.m. - End	Deputy Mayor for Education	
	District of Columbia Public Charter School Board	

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

TUESDAY, FEBRUARY 19, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Department of Youth Rehabilitation Services
	Juvenile Abscondence

Persons wishing to testify about the performance of any of the foregoing agencies may email: [nfl Fleming](mailto:nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

TUESDAY, FEBRUARY 19, 2019; Room 123	
Time	Agency
1:30 p.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [Malcolm Cameron](mailto:mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

TUESDAY, FEBRUARY 19, 2019; Room 120	
Time	Agency
1:00 p.m. - End	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON FACILITIES AND PROCUREMENT **Chairperson Robert C. White, Jr.**

WEDNESDAY, FEBRUARY 20, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

WEDNESDAY, FEBRUARY 20, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Office of Human Resources
	Office of Labor Relations and Collective Bargaining

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [Charmisa Royster](mailto:croyster@dccouncil.us) or by calling 202-724-8835.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, FEBRUARY 20, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Public Service Commission
	Office of the People's Counsel
	Office of Cable Television, Film, Music and Entertainment
	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [Chanell Autrey](mailto:cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

THURSDAY, FEBRUARY 21, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

THURSDAY, FEBRUARY 21, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, FEBRUARY 21, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Office of Nightlife and Culture
	Office of Public-Private Partnerships
	Serve DC

Persons wishing to testify about the performance of any of the foregoing agencies may email: governments@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON FACILITIES AND PROCUREMENT **Chairperson Robert C. White, Jr.**

THURSDAY, FEBRUARY 21, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

FRIDAY, FEBRUARY 22, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
3:00 p.m. - End	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

FRIDAY, FEBRUARY 22, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, FEBRUARY 25, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Bicycle Advisory Council
	Pedestrian Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

MONDAY, FEBRUARY 25, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Real Property Tax Appeals Commission
	DC Lottery
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, FEBRUARY 25, 2019; Room 123	
Time	Agency
10:30 a.m. - End	Metropolitan Washington Council of Governments
	New Columbia Statehood Commission
	Metropolitan Washington Airports Authority
	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON EDUCATION

Chairperson David Grosso

MONDAY, FEBRUARY 25, 2019; Room 120	
Time	Agency
11:30 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE

Chairperson David Grosso
Chairman Phil Mendelson

TUESDAY, FEBRUARY 26, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
12:00 p.m. - End	District of Columbia Public Schools

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

TUESDAY, FEBRUARY 26, 2019; Room 412	
Time	Agency
11:00 a.m. - End	Department of Housing and Community Development (Public Witnesses Only)
	Housing Production Trust Fund (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

TUESDAY, FEBRUARY 26, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

TUESDAY, FEBRUARY 26, 2019; Room 120	
Time	Agency
11:00 a.m. - End	DC Water
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 27, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 27, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, FEBRUARY 27, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Public Witnesses Only)
	Workforce Investment Council (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON FACILITIES AND PROCUREMENT **Chairperson Robert C. White, Jr.**

WEDNESDAY, FEBRUARY 27, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Contracting and Procurement Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, FEBRUARY 28, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	University of the District of Columbia Office of Zoning Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON FACILITIES AND PROCUREMENT **Chairperson Robert C. White, Jr.**

THURSDAY, FEBRUARY 28, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, FEBRUARY 28, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, FEBRUARY 28, 2019; Room 120	
Time	Agency
10:00 a.m.	Office of Administrative Hearings Office of the Inspector General
2:00 p.m.	Office of the Chief Technology Officer Office of Human Rights Office of Risk Management

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

FRIDAY, MARCH 1, 2019; COUNCIL CHAMBER; Room 500	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Government Witnesses Only) Workforce Investment Council (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charmisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

**JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES AND
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION** **Chairperson Brianne Nadeau
Chairperson Anita Bonds**

FRIDAY, MARCH 1, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Human Services Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

FRIDAY, MARCH 1, 2019; Room 123	
Time	Agency
9:30 a.m. - 12:00 p.m.	Events DC Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

FRIDAY, MARCH 1, 2019; Room 123	
Time	Agency
1:00 p.m. - End	Department of Forensic Sciences
	Department of Corrections
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

FRIDAY, MARCH 1, 2019; Room 120	
Time	Agency
12:00 p.m. - End	Department of Housing and Community Development (Government Witnesses Only)
	Housing Production Trust Fund (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2020 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2020 BUDGET SUPPORT ACT OF 2019,
 FISCAL YEAR 2020 LOCAL BUDGET ACT OF 2019
 FISCAL YEAR 2020 FEDERAL BUDGET ACT OF 2019, AND
 COMMITTEE MARK-UP SCHEDULE**

1/23/2019

SUMMARY

March 20, 2019	Mayor Transmits the Fiscal Year 2020 Proposed Budget and Financial Plan
March 22, 2019	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2020 Proposed Budget and Financial Plan
March 25, 2019 to April 25, 2019	Committee Public Hearings on the "Fiscal Year 2020 Local Budget Act of 2019." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2020 Budget Support Act that affect the agencies under each Committee's purview)
April 26, 2019	Committee of the Whole Public Hearing on the "Fiscal Year 2020 Local Budget Act of 2019", "Fiscal Year 2020 Federal Budget Act of 2019" and "Fiscal Year 2020 Budget Support Act of 2019."
April 30 - May 1-2, 2019	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2020
May 8, 2019	Budget Work Session 10:00 a.m.
May 14, 2019	Committee of the Whole and Council consideration of the "Fiscal Year 2020 Local Budget Act of 2019", "Fiscal Year 2020 Federal Portion Budget Request Act of 2019" and the "Fiscal Year 2020 Budget Support Act of 2019"
May 28, 2019	Council consideration of the "Fiscal Year 2020 Local Budget Act of 2019" and the "Fiscal Year 2020 Federal Portion Budget Request Act of 2019"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2020 Proposed Budget and Financial Plan, the "Fiscal Year 2020 Local Budget Act of 2019", "Fiscal Year 2020 Federal Portion Budget Request Act of 2019" and the "Fiscal Year 2020 Budget Support Act of 2019". The hearings will begin Monday, March 25, 2019 and conclude on Thursday, April 25, 2019 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Tuesday, April 30, 2019 and conclude on Thursday, May 2, 2019 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the corresponding committee office. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearings and mark-up schedule please contact the committee of interest.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

New Date

Original Date Hearing

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MARCH 22, 2019; COUNCIL CHAMBER (Room 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2020 Proposed Budget and Financial Plan

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

MONDAY, MARCH 25, 2019; Room 412	
Time	Agency
10:30 a.m. - End	Council of the District of Columbia
	Metropolitan Washington Council of Governments
	New Columbia Statehood Commission
	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, MARCH 26, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	University of the District of Columbia
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

TUESDAY, MARCH 26, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	United Medical Center
	United Medical Center Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mccameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

WEDNESDAY, MARCH 27, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	Deputy Mayor for Public Safety and Justice
	Office of Police Complaints
	Metropolitan Police Department

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, MARCH 27, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, MARCH 27, 2019; Room 123	
Time	Agency
11:00 a.m. - End	State Board of Education
	Office of the Ombudsman
	Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON FACILITIES AND PROCUREMENT Chairperson Robert C. White, Jr.

WEDNESDAY, MARCH 27, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

WEDNESDAY, MARCH 28, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE OF GOVERNMENT OPERATIONS Chairperson Brandon Todd

WEDNESDAY, MARCH 28, 2019; Room 412	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON FACILITIES AND PROCUREMENT Chairperson Robert C. White, Jr.

THURSDAY, MARCH 28, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION Chairperson Anita Bonds

THURSDAY, MARCH 28, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Rental Housing Commission
	Housing Finance Agency
	Office of the Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON HEALTH Chairperson Vincent Gray

WEDNESDAY, MARCH 29, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE Chairperson David Grosso
Chairman Phil Mendelson

FRIDAY, MARCH 29, 2019; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS Chairperson Trayon White, Jr.

MONDAY, APRIL 1, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Department of Youth Rehabilitation Services
	Juvenile Abscondence

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON EDUCATION

Chairperson David Grosso

MONDAY, APRIL 1, 2019; Room 412	
Time	Agency
11:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 1, 2019; Room 120	
Time	Agency
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, APRIL 3, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 3, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

WEDNESDAY, APRIL 3, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Office of Contracting and Procurement
	Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

WEDNESDAY, APRIL 3, 2019; Room 120	
Time	Agency
9:30 a.m. - End	District of Columbia Sentencing Commission
	Criminal Justice Coordinating Council
	Criminal Code Reform Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

THURSDAY, APRIL 4, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, APRIL 4, 2019; Room 412	
Time	Agency
9:30 a.m. - End	Office of Victim Services and Justice Grants
	Office of the Chief Medical Examiner
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

THURSDAY, APRIL 4, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

THURSDAY, APRIL 4, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education
	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

FRIDAY, APRIL 5, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Real Property Tax Appeals Commission
	DC Lottery
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

FRIDAY, APRIL 5, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

FRIDAY, APRIL 5, 2019; Room 123	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

FRIDAY, APRIL 5, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Employee Appeals
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charmisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

THURSDAY, APRIL 8, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, APRIL 8, 2019; Room 412	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

MONDAY, APRIL 8, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Public Service Commission
	Office of the People's Counsel

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

TUESDAY, APRIL 9, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

TUESDAY, APRIL 9, 2019; Room 412	
Time	Agency
10:30 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

TUESDAY, APRIL 9, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

TUESDAY, APRIL 9, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Greater Economic Opportunity
	Commission on Fathers, Men, and Boys

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, APRIL 10, 2019; COUNCIL CHAMER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, APRIL 10, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment
	Alcoholic Beverage Regulation Administration
	Office of the Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

WEDNESDAY, APRIL 10, 2019; Room 123	
Time	Agency
10:30 a.m. - 12:00 p.m.	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

WEDNESDAY, APRIL 10, 2019; Room 123	
Time	Agency
1:00 p.m. - End	Office of Labor Relations and Collective Bargaining
	Office of Human Resources

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-8835.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

WEDNESDAY, APRIL 10, 2019; Room 120	
Time	Agency
9:30 a.m. - End	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

WEDNESDAY, APRIL 11, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

THURSDAY, APRIL 11, 2019; Room 412	
Time	Agency
3:00 p.m. - End	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, APRIL 11, 2019; Room 123	
Time	Agency
9:30 a.m. - End	Office of Neighborhood Safety and Engagement
	Department of Forensic Sciences
	Department of Corrections
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, APRIL 11, 2019; Room 120	
Time	Agency
11:00 a.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

MONDAY, APRIL 22, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Public Witnesses Only)
	Workforce Investment Council (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION Chairperson Anita Bonds

MONDAY, APRIL 22, 2019; Room 412	
Time	Agency
2:00 p.m. - End	Department of Housing and Community Development Housing Production Trust Fund

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON HEALTH Chairperson Vincent Gray

TUESDAY, APRIL 23, 2019; Room 412	
Time	Agency
1:30 p.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mccameron@dccouncil.us) or by calling 202-654-6179.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE Chairperson David Grosso
Chairman Phil Mendelson

WEDNESDAY, APRIL 24, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Gov't Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT Chairperson Elissa Silverman

WEDNESDAY, APRIL 24, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Government Witnesses Only) Workforce Investment Council (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chamisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY Chairperson Charles Allen

WEDNESDAY, APRIL 24, 2019; Room 120	
Time	Agency
9:30 a.m. - End	Office of the Attorney General Homeland Security and Emergency Management Agency Fire and Emergency Medical Services Department

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION Chairperson Anita Bonds

THURSDAY, APRIL 25, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	District of Columbia Office on Aging

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

FRIDAY, APRIL 26, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Committee of the Whole Hearing on the "Fiscal Year 2020 Local Budget Act of 2019," "Fiscal Year 2020 Federal Portion Budget Request Act of 2019" and the "Fiscal Year 2020 Budget Support Act of 2019"

COMMITTEE MARK-UP SCHEDULE

TUESDAY, APRIL 30, 2019; COUNCIL CHAMBER (Room 500)

Time	Committee
1:00 p.m. - 2:00 p.m.	Committee on Health
2:00 p.m. - 3:00 p.m.	Committee on Recreation and Youth Affairs
3:00 p.m. - 4:00 p.m.	Committee on Facilities and Procurement
4:00 p.m. - 5:00 p.m.	Committee on Government Operations

WEDNESDAY, MAY 2, 2019; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 11:30 a.m.	Committee on Business and Economic Development
11:30 a.m. - 1:00 p.m.	Committee on Human Services
1:00 p.m. - 2:30 p.m.	Committee on Finance and Revenue
2:30 p.m. - 4:00 p.m.	Committee on Housing and Neighborhood Revitalization
4:00 p.m. - 5:30 p.m.	Committee on Labor and Workforce Development

THURSDAY, May 3, 2019; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Transportation and the Environment
12:00 p.m. - 2:00 p.m.	Committee on the Judiciary
2:00 p.m. - 4:00 p.m.	Committee on the Education
4:00 p.m. - 6:00 p.m.	Committee of the Whole

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

RECONVENED

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

Destruction of Historic Elements in the Franklin School Renovation

on

**Wednesday, February 6, 2019 at 10:30 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public oversight roundtable before the Committee of the Whole on Destruction of Historic Elements in the Franklin School Renovation. **This hearing was recessed on January 15, 2019 and will reconvene at 10:30 a.m. on Wednesday, February 6, 2019 in Room 123 of the John A. Wilson Building to ask questions of the Department of Consumer and Regulatory Affairs.**

The Franklin School was one of the District's first co-ed high schools, built in 1869. It later served as the headquarters for the District's school system, an adult education center, and most recently as a homeless shelter until 2008. On January 5, 2018, the Council approved the disposition of the historic Franklin School to Franklin School Development, LLC. The building is currently being renovated and will become Planet Word, a museum dedicated to language arts and literacy. In 1996, the building was designated as a National Historic Landmark by the National Parks Service and later received historic designation by the Historic Preservation Review Board. The designation includes interior elements of the building.

In the summer of 2018, it was learned that much of the historic interior elements were removed as part of the renovation in violation of the applicable building permits. An investigation by the D.C. State Historic Preservation Officer found that most of what was removed, including all original plaster wall finishes, brick structural walls, wainscoting, and pressed tin ceilings, had been destroyed and sent to landfills and disposal sites. The District subsequently issued a stop work order on the property. The purpose of this roundtable is to learn how such a violation could have occurred, how it will be prevented from occurring elsewhere, and what is being done to restore the historic Franklin School.

Testimony at this hearing will be limited to government witnesses. However, citizens and organizations may submit written statements. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, February 20, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

PR23-60, the Food Policy Director Ona Balkus Confirmation Resolution of 2018

Friday, February 15, 2019, at 11:00 a.m.
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Friday, February 15, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR23-60, the Food Policy Director Ona Balkus Confirmation Resolution of 2018. This legislation would confirm Ona Balkus as the Food Policy Director for the District of Columbia. The roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., and will be held concurrently with the Committee's Performance Oversight Hearing for the Food Policy Council.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on March 1, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE AND
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
&
COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION**

ANNOUNCE A JOINT PUBLIC ROUNDTABLE

PR23-0069, the “State Superintendent of Education Hanseul Kang Confirmation Resolution of 2019”

on

**Wednesday, March 6, 2019
10:00 A.M., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a public roundtable of the Committee of the Whole and the Committee on Education on PR23-0069 - State Superintendent of Education Hanseul Kang Confirmation Resolution of 2019.” The roundtable will be held on Wednesday, March 6, 2019, at 10:00 a.m., room 123 of the John A. Wilson Building.

The stated purpose of PR23-0069 is to confirm the Mayoral appointment of Hanseul Kang as the State Superintendent of Education of the District of Columbia, in accordance with section 2 of the Confirmation Act 28 of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §1-523.01) and section 29 2601 (b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §38-2601 (b)).

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm on Monday, March 4, 2019. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at this public roundtable, there will be two additional public roundtables. Also, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by mail to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, March 20, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC ROUNDTABLE**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER BRANDON T. TODD
COMMITTEE ON GOVERNMENT OPERATIONS**

NOTICE OF PUBLIC ROUNDTABLE ON:

PR23-0071, the “Chief Technology Officer Lindsey Parker Confirmation Resolution of 2019”

**Friday, February 8, 2019
12:00 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

On Friday, February 8, 2019, Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, will hold a public roundtable on PR23-0071, the “Chief Technology Officer Lindsey Parker Confirmation Resolution of 2019”. This legislation would confirm Lindsey Parker as Chief Technology Officer of the Office of the Chief Technology Officer. The roundtable will begin at 12:00 p.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Washington, D.C. 20004.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Manny Geraldo, Senior Legislative Counsel at (202) 724-6663 or mgeraldo@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 1:00 p.m. on Thursday, February 7, 2019. Witnesses should bring 15 copies of their written testimony to the roundtable. 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 GovernmentOperations@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 117, Washington D.C. 20004. The record will close at the end of the business day on February 15, 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. 23-01: Request to reprogram \$873,493 of Fiscal Year 2019 Dedicated Taxes funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on January 25, 2019. This reprogramming is needed to support a realignment of programs and assignments within the Healthy Schools program.

RECEIVED: 14-day review begins January 28, 2019

Reprog. 23-02: Request to reprogram \$1,330,673 of Fiscal Year 2019 Special Purpose Revenue funds budget authority within the Department of Energy and Environment (DOEE) was filed in the Office of the Secretary on January 25, 2019. This reprogramming is needed to ensure that DOEE can continue to work on Sustainable DC 2.0, Climate Ready DC, Clean Energy DC, projects with sister agencies, and allows alignment of funding with projected expenditures.

RECEIVED: 14-day review begins January 28, 2019

Reprog. 23-03: Request to reprogram \$7,108,092 of Capital funds budget authority and allotment within the Fire and Emergency Medical Services Department (FEMS) was filed in the Office of the Secretary on January 25, 2019. This reprogramming is needed to align and reprioritize the project spending to the type of vehicles needed by FEMS in FY 2019.

RECEIVED: 14-day review begins January 28, 2019

Reprog. 23-04: Request to reprogram \$54,930,000 of Capital funds budget authority and allotment to capital projects for D.C. Public Schools (DCPS) and the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on January 25, 2019. This reprogramming is necessary to fund a number of critical maintenance issues across DCPS and DPR facilities.

RECEIVED: 14-day review begins January 28, 2019

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

Placard Posting Date: February 1, 2019
Protest Petition Deadline: March 18, 2019
Roll Call Hearing Date: April 1, 2019
Protest Hearing Date: May 22, 2019

License No.: ABRA-112647
Licensee: CHIKO Dupont Circle, LLC
Trade Name: CHIKO Dupont
License Class: Retailer's Class "C" Restaurant
Address: 2029 P Street, N.W.
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 2

ANC 2B

SMD 2B02

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 April 1, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 22, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant specializing in Korean and Chinese cuisine. Total Occupancy Load of 35 with seating for 30 patrons.

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

Sunday through Thursday 11am – 1am

Friday and Saturday 11am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 1, 2019
Protest Petition Deadline: March 18, 2019
Roll Call Hearing Date: April 1, 2019
Protest Hearing Date: May 22, 2019

License No.: ABRA-112576
Licensee: Punch Bowl DC Ballpark, LLC
Trade Name: Punch Bowl Social
License Class: Retailer’s Class “C” Restaurant
Address: 1250 Half Street, S.E.
Contact: Stephen O’Brien: (202) 625-7700

WARD 6 ANC 6D SMD 6D02

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 April 1, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 22, 2019 at 1:30 p.m.

NATURE OF OPERATION

A restaurant that will serve food made from scratch for breakfast, lunch, dinner and brunch with social activities. The licensee is requesting 2 Sidewalk Cafés with seating for 40 patrons. The licensee is also requesting a Summer Garden with seating for 20 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors only. Interior seating for 250, with a Total Occupancy Load of 1050.

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

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

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFÉS AND SUMMER GARDEN

Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	December 21, 2018
Protest Petition Deadline:	February 4, 2019
Roll Call Hearing Date:	February 19, 2019
Protest Hearing Date:	April 10, 2019
License No.:	ABRA-112258
Licensee:	Pratt Group, LLC
Trade Name:	TBD
License Class:	Retailer’s Class “C” Tavern
Address:	2121 14 th Street, N.W.
Contact:	Sidon Yohannes: (202) 686-7600

WARD 1 ANC 1B SMD 1B04

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 19, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date** is scheduled on **April 10, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A Tavern that will serve classic American food. The licensee is requesting a Summer Garden with seating for 40 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors only with Dancing and Cover Charge. Interior seating for 300, with a Total Occupancy Load of 350.

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY

Sunday through Thursday 6pm – 2am, Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019
Protest Hearing Date: April 10, 2019

License No.: ABRA-112258
Licensee: Pratt Group, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 2121 14th Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 1

ANC 1B

SMD 1B04

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 4, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date is scheduled on April 10, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A Tavern that will serve classic American food. The licensee is requesting a Summer Garden with seating for 40 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors only with Dancing and Cover Charge. Interior seating for 300, with a Total Occupancy Load of 350.

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY

Sunday through Thursday 6pm – 2am, Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: January 11, 2019
Protest Petition Deadline: February 25, 2019
Roll Call Hearing Date: March 11, 2019
Protest Hearing Date: May 8, 2019

License No.: ABRA-112356
Licensee: 700 Wine, LLC
Trade Name: The Eastern
License Class: Retailer's Class "C" Tavern
Address: **360 7th Street, S.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6B

SMD 6B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 11, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 8, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Tavern operating as a wine bar and serving a limited food menu. Sidewalk Café with 30 seats. Total Occupancy Load is 75 with seating for 55.

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

Sunday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: January 11, 2019
 Protest Petition Deadline: February 25, 2019
 Roll Call Hearing Date: March 11, 2019
 Protest Hearing Date: May 8, 2019

License No.: ABRA-112356
 Licensee: 700 Wine, LLC
 Trade Name: The Eastern
 License Class: Retailer’s Class “C” Tavern
 Address: **700 Pennsylvania Avenue, S.E.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6B

SMD 6B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 11, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 8, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Tavern operating as a wine bar and serving a limited food menu. Sidewalk Café with 30 seats. Total Occupancy Load is 75 with seating for 55.

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

Sunday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 1, 2019
 Protest Petition Deadline: March 18, 2019
 Roll Call Hearing Date: April 1, 2019
 Protest Hearing Date: May 22, 2019

License No.: ABRA-112538
 Licensee: Wine with Friends, LLC
 Trade Name: Wine with Friends
 License Class: Retailer’s Class “A” Internet
 Address: 4221 Connecticut Avenue, N.W., Rear Access
 Contact: Andrea Stover: (808) 384-5186

WARD 3 ANC 3F SMD 3F02

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 April 1, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date** is scheduled on **May 22, 2019 at 4:30 p.m.**

NATURE OF OPERATION

New Class AI retailer selling beer, wine, and spirits online for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

NOTICE OF PUBLIC HEARING

MOXY BANK CHARTER APPLICATION

February 19, 2019

11:00 a.m.

Department of Insurance, Securities and Banking

1050 First Street, N.E., Suite 801

Washington, D.C. 20002

The organizers for the proposed Moxy Bank filed a complete application with the Department of Insurance, Securities and Banking (“Department”) to establish a de novo community bank in the District of Columbia.

Pursuant to section 5(b)(1)(B) of the District of Columbia Regional Interstate Banking Act of 1985 (D.C. Law 6-63; D.C. Official Code § 26-704(b)(1)(B)), the Commissioner of the Department (“Commissioner”) hereby gives notice that a public hearing on the Moxy Bank charter application will be held on February 19, 2019 at 11:00 a.m. at the Department’s offices located at 1050 First Street, N.E., Suite 801, Washington, D.C. 20002.

The public file for this application is available for inspection at the Department’s offices located at 1050 First Street, N.E., Suite 801, Washington, D.C. 20002 during regular business hours from 8:15 a.m. to 4:45 p.m. The Department will accept public comments on the application through the date of the hearing. Please send written comments to:

Brian P. Williams, Associate Commissioner for Banking
Department of Insurance, Securities and Banking
1050 First Street, NE
Suite 801
Washington, D.C. 20002
BrianP.Williams@dc.gov

Persons interested in testifying at the public hearing should contact Brian P. Williams, Associate Commissioner for Banking at (202) 727-8000 or at BrianP.Williams@dc.gov. Requests to testify should be submitted no later than 12:00 p.m. on February 13, 2019. Witness testimony is limited to five minutes in duration. For more information, visit DISB’s website: disb.dc.gov

If a party or witness is deaf, has a hearing impediment, or otherwise cannot readily understand or communicate in English, the party may apply to the Department for the appointment of a qualified interpreter. In addition, if any hearing attendee requires any other special accommodations, please contact the Department at (202) 727-8000 by 5:00 p.m. on February 14, 2019.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 27, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD ONE

19942
ANC 1A

Application of Alula Abera, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle G § 1200 from the lot occupancy requirements of Subtitle G § 404.1, to construct a third story and convert the existing semi-detached principal dwelling unit to a four-unit apartment house in the MU-4 Zone at premises 3321 11th Street N.W. (Square 2841, Lot 48).

WARD FIVE

19945
ANC 5E

Application of Philippe and Rebecca Bardet, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the rear yard requirements of Subtitle E § 306.1, to construct a second story, rear addition to an existing, semi-detached principal dwelling unit in the RF-1 Zone at premises 136 Adams Street N.W. (Square 3121, Lot 32).

WARD SIX

19946
ANC 6E

Application of William Peterman, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a partial third floor addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 432 Q Street N.W. (Square 510, Lot 161).

BZA PUBLIC HEARING NOTICE
MARCH 27, 2019
PAGE NO. 2

WARD SIX

19948
ANC 6B

Application of James Trainum, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the rear yard requirements of Subtitle E § 306.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 1639 Potomac Avenue S.E. (Square 1091S, Lot 66).

WARD SEVEN

19951
ANC 7C

Application of Under22, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the inclusionary zoning regulations of Subtitle C § 1001.2(e)(3), and from the lot dimension minimum requirements of Subtitle C § 1002.2, and pursuant to Subtitle X, Chapter 10, for an area variance from side yard requirements of Subtitle D § 307.1, to construct two new, semi-detached principal dwelling units in the R-2 Zone at premises 832 48th Street N.E. (Square 5150, Lot 812).

WARD FIVE

19954
ANC 5E

Application of Nation's Mosque, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle C § 1504 from penthouse enclosure requirements of Subtitle C § 1500.6 and the penthouse setback requirements of Subtitle C §§ 1502.1(b) and 1502.1(c)(2)(A), to construct an addition to the existing place of worship in the RF-1 Zone at premises 1519 4th Street N.W. (Square 521, Lot 829).

WARD SIX

19956
ANC 6C

Application of James J. Hogan, Jr., pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201.1(a), to permit a second floor addition to an existing accessory structure in the RA-7 Zone at premises 224 C Street N.E. (Square 756, Lot 804).

BZA PUBLIC HEARING NOTICE
MARCH 27, 2019
PAGE NO. 3

WARD ONE

19950
ANC 1C

Appeal of ANC 1C, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on October 26, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1809516, to construct a rear addition to an existing principal dwelling unit and convert it to a flat in the RF-1 Zone at premises 2920 18th Street N.W. (Square 2587, Lot 490).

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

Amharic

ለመከተሉ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም መከተር ጎጃ)

ካስፈለገዎት እባክዎን ከሱብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡበት በነጻ ነው።

BZA PUBLIC HEARING NOTICE
MARCH 27, 2019
PAGE NO. 4

Chinese

您需要有人帮助参加活动吗？

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2018 Supp.)), and delegated in Mayor’s Order 2001-96, dated June 28, 2001, hereby gives notice of its adoption of amendments to Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends 23 DCMR § 718.2 and § 718.3 by increasing the percentage of distribution of subsidies paid by the Alcoholic Beverage Regulation Administration (ABRA) to the Metropolitan Police Department (MPD) from sixty percent (60%) to sixty-five percent (65%) when covering the costs incurred by Alcoholic Beverage Control (ABC) licensees participating in the District of Columbia’s MPD Reimbursable Detail Subsidy Program (“RDO Program” or “Program”).

The Board approved the MPD RDO Subsidy Program Notice of Emergency and Proposed Rulemaking (emergency and proposed rulemaking) on July 1, 2018, six (6) to zero (0). The emergency rules took effect at that time and would have expired on October 4, 2018, but for the Board again taking emergency action. On September 26, 2018, the Board voted to keep the subsidy in place pending the Council of the District of Columbia’s (Council) review of the proposed rulemaking.

The emergency and proposed rulemaking was published in the *D.C. Register* on August 31, 2018, at 65 DCR 9070. The thirty (30)-day comment period ended on September 30, 2018. The Board did not receive any comments during this time.

On October 17, 2018, the Board voted to send the emergency and proposed rulemaking to the Council for mandatory ninety (90)-day review. The rulemaking was transmitted to the Council on November 7, 2018. On December 18, 2018, the Council unanimously approved the rulemaking. *See* Reimbursable Detail Subsidy Program Resolution of 2018 (PR22-1126), at <http://lims.dccouncil.us/Legislation/PR22-1126?FromSearchResults=true>. In light of the Council’s approval of the emergency and proposed rulemaking, the Board is now authorized to adopt the rules as final.

By way of background, the MPD RDO Subsidy Program assists licensed establishments by defraying the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment or an outdoor special event or pub crawl event for purposes of ensuring the peace, order, and quiet of the community, including the remediation of traffic congestion and promoting public safety. For the last few years, the Board has revised the reimbursable detail coverage percentages on an as-needed basis. Most recently, the Board reduced the reimbursable percentage from seventy percent (70%) to sixty percent (60%) based on assessment of ABRA’s

Fiscal Year (FY) 2017 budget and the potential increase in demand by pub crawl event promoters who are now able to request RDO officers for their events.

Upon review of ABRA's remaining FY 2018 budget and its proposed FY 2019 budget, the Board determined that there were sufficient funds available for the agency to support an increase in the reimbursable percentage. Although this is a minor increase, the benefits of it will be substantial. When the Board reduced the reimbursable percentage, the industry objected. Specifically, they argued decreasing the reimbursable percentage would encourage them to hire fewer MPD RDO officers because they would have to bear more of the cost. Although ABRA did experience any marked difference in the number of licensed establishments that retained MPD RDO officers after the reimbursable percentage was reduced, the Board appreciates and understands the industry's concerns. It believes that since there are adequate funds to increase the percentage, it is an opportune time to do so. Furthermore, making it possible for licensed establishments to retain additional MPD RDO officers will have a positive impact on the peace, order, and safety of the communities where these establishments are located.

On January 9, 2019, the Board voted five (5) to zero (0) to adopt the MPD RDO Subsidy Program Notice of Final Rulemaking. No changes have been made to the rulemaking since it was published in the *D.C. Register*. In accordance with D.C. Official Code § 25-211(d), these final rules will take effect five (5) days after they are published in the *D.C. Register* and will supersede any previously adopted emergency rulemaking.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, is amended by replacing Subsections 718.2 and 718.3 to read as follows, and renumbering the following subsections:

718.2 ABRA will reimburse MPD sixty-five percent (65%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD sixty-five percent (65%) of the total costs of invoices submitted by MPD to cover the costs incurred for pub crawl events and for outdoor special events where the Licensee has been approved for a One Day Substantial Change License or a Temporary License. The hours eligible for an outdoor special event operating under a One Day Substantial Change License or a Temporary License or a pub crawl event operating under a pub crawl license shall be twenty-four (24) hours a day.

718.3 MPD shall submit to ABRA on a monthly basis invoices documenting the sixty-five percent (65%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGRM13-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802, 2-505, and 34-912(b) of the District of Columbia Code¹ of approval of amendments to Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. The proposed amendments to Chapter 13 provide a mechanism to provide for supplemental assessments, credits, or refunds when the Commission's recalculation of assessment amounts after the issuance of assessment orders would create either an under- or over-reimbursement of the Office of the People's Counsel's and the Commission's appropriated budgets. The proposed amendments also make some technical amendments to Subsection 1307.1.

3. The Notice of Proposed Rulemaking was published on November 23, 2018.² No comments were filed. The Commission approved the amendments as proposed in a vote at the January 23, 2019 open meeting, with the rule becoming effective upon publication in the *D.C. Register*.

Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 1304, SUPPLEMENTAL REIMBURSEMENTS, is amended as follows:

1304.1 Pursuant to the formula in § 1301, each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall be required to reimburse:

- (a) A fraction of any supplemental appropriation received by the Office of the People's Counsel or the Commission during the fiscal year; or
- (b) A fraction of any supplemental assessment caused by a recalculation of assessments that would result in an under-collection of funds to reimburse

¹ D.C. Official Code § 34-802 (2012 Repl.); D.C. Official Code § 2-505 (2016 Repl.) and D.C. Official Code § 34-912(b) (2012 Repl.).

² 65 DCR 13063 (November 23, 2018).

the appropriated budgets of the Office of the People’s Counsel or the Commission in a given fiscal year.

Section 1306, REFUNDS OR CREDITS, is amended as follows:

...

1306.2 If a recalculation of assessments would result in an over-collection of funds to reimburse the appropriated budgets of the Office of the People’s Counsel or the Commission in a given fiscal year, this over-collection shall be refunded or credited against the next year’s assessments to the public utilities, competitive electric suppliers, competitive natural gas suppliers, and CLECs according to the formula under § 1301. The decision to refund or credit the difference shall be at the Commission’s discretion.

Section 1307, WAIVER OF RULES, is amended as follows:

1307.1 The Commission may grant exceptions to this chapter, in a manner consistent with D.C. Official Code § 34-912, for good cause shown to promote justice or to prevent hardship.

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED RULEMAKING

The Attorney General for the District of Columbia, pursuant to the authority set forth pursuant to Section 6(b) of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat 1206; D.C. Official Code § 2-505(b) (2016 Repl.)), hereby gives notice of his intent to add a new Chapter 51 (Rulemaking Petition to the Office of the Attorney General) to Title 1 (Mayor and Executive Agencies), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the rule is to establish the form for a petition by an interested person requesting the Attorney General promulgate, amend, or repeal a rule for the implementation of a statute or program that the Attorney General is authorized to administer.

A new Chapter 51, RULEMAKING PETITION TO THE OFFICE OF THE ATTORNEY GENERAL, of Title 1, MAYOR AND EXECUTIVE AGENCIES, is added to read as follows:

**CHAPTER 51 RULEMAKING PETITION TO THE OFFICE OF THE
 ATTORNEY GENERAL**

**5100 RULEMAKING PETITION FORM AND CONTENT
5101 REVIEW OF RULEMAKING PETITION**

5100 RULEMAKING PETITION FORM AND CONTENT

5100.1 All petitions to the Office of the Attorney General for the District of Columbia (OAG) to promulgate, amend, or repeal a rule for the implementation of a statute or program that the Attorney General is authorized to administer shall be in writing addressed to the Attorney General and shall:

- (a) Identify the statute or program the OAG is authorized to administer and the source of rulemaking authority OAG possesses to issues rules for the statute or program;
- (b) Identify any existing rules to be amended or repealed;
- (c) Provide the text of any new rule or amendment to be considered by OAG;
- (d) Provide a narrative description of the policy or procedure that the petition seeks to address;
- (e) Provide a listing of the name of any OAG personnel the petitioner has contacted concerning the substance of the rulemaking petition; and

- (f) Provide the name, daytime telephone number, email address and/or mailing address for the petitioner.

5101 REVIEW OF RULEMAKING PETITION

5101.1 Not later than sixty (60) days after receipt of a rulemaking petition, OAG shall:

- (a) Deny the petition in a writing, state its reasons for the denial, and notify the petitioner of the denial at the mailing address provided in the petition; or
- (b) Initiate rulemaking to promulgate, amend, or repeal a rule consistent with the petition.

Persons desiring to comment on these proposed rules should submit comments in writing to James Pittman, Director of Legislative and Intergovernmental Affairs, Office of the Attorney General, 441, 4th Street, N.W., Suite 1100S, Washington, D.C. 20001, via email to James.pittman@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Questions and requests for copies of these proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above or 202.724.6517.

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to amend Chapter 78 (Audiology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend the continuing education requirements for audiologists to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 78, AUDIOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7808, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7808.2 is amended to read as follows:

7808.2 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, twenty (20) hours of approved continuing education, which shall include the following:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education; and
- (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7808.3 is amended to read as follows:

7808.3 Notwithstanding the requirement of §§ 7808.2 and 7906.2 of Chapter 79 (Speech-Language Pathology) of this title, an applicant for dual licensure renewal may qualify for the renewal of both licenses by completing thirty (30) hours of approved continuing education during the two (2) year-period preceding the date the licenses expire, which shall include:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education;
- (c) Five (5) hours of each of the audiology and speech-language pathology disciplines; and
- (d) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2018 Supp.)) (Act), hereby gives notice of her intent to adopt the following amendment to Chapter 103 (Prescription Drug Monitoring Program) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this proposed rulemaking is to add Gabapentin to the list of covered substances as a drug of concern.

Chapter 103, PRESCRIPTION DRUG MONITORING PROGRAM, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 10302, COVERED SUBSTANCES, is amended to read as follows:

10302 COVERED SUBSTANCES

10302.1 Covered substances are controlled substances, as defined in this rulemaking, and the following drugs of concern:

- (a) All drug products containing Cyclobenzaprine;
- (b) All drug products containing Butalbital; and
- (c) All drug products containing Gabapentin.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. the address listed above, or by contacting Angli Black, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

RM16-2019-01, IN THE MATTER OF THE COMMISSION’S INVESTIGATION INTO THE RULES GOVERNING POLE ATTACHMENTS IN THE DISTRICT

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 (2012 Repl.), 2-505 (2016 Repl.), and 34-1102 (2012 Repl.) of the District of Columbia Official Code, of its intent to repeal and replace Chapter 16 (Pole Attachment Provisions for Cable Television) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

2. The Commission proposes to repeal Chapter 16, governing pole attachment disputes between public utilities and cable television providers, because the original statutory authority for this chapter has been repealed. The Commission proposes to replace Chapter 16 and establishes rules governing disputes between public utilities over the use of their facilities. The statutory authority for these proposed replacement rules is D.C. Official Code § 34-1102.

Chapter 16, POLE ATTACHMENT PROVISIONS FOR CABLE TELEVISION, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Existing Chapter 16 is deleted in its entirety. A new Chapter 16 is proposed as follows:

CHAPTER 16 USE OF PUBLIC UTILITY FACILITIES

- 1600 PURPOSE**
- 1601 [RESERVED]**
- 1602 APPLICATIONS**
- 1603 WAIVER OF RULES**
- 1699 DEFINITIONS**

1600 PURPOSE

1600.1 This chapter shall implement the Commission’s regulatory authority over access to one public utility’s Facilities by another public utility. This chapter also provides procedures for the processing of Applications regarding the use of such Facilities.

1601 [RESERVED]

1602 APPLICATIONS

1602.1 In case of failure to agree upon the use of one public utility’s Facilities by another public utility, or the conditions or compensation for such use, any public utility or

any person, firm, copartnership, association, or corporation may file an Application with the Commission.

1602.2 Applications filed under this chapter shall be filed in accordance with and shall be governed by the procedures set forth in Chapter 1 of this title, except as otherwise provided by this chapter.

1602.3 The Application shall specify the cause of the dispute. The Application shall be accompanied by a copy of the agreement for the use of the Facilities, if any, between the Applicant and the public utility.

1602.4 The Applicant shall have the burden of proof.

1602.5 The Commission shall investigate the Application. If the Commission determines that public convenience and necessity require such use of the Facilities and that it would not result in irreparable injury to the owners or other user of the Facilities nor in any substantial detriment to the service to be rendered by the owners or other users of the Facilities, the Commission shall direct that use of the Facilities be permitted and prescribe the conditions and compensation for such joint use.

1602.6 With respect to any Application, the Commission shall take final action within three hundred and sixty (360) days after the filing of the Application.

1603 WAIVER OF RULES

1603.1 The Commission may grant exception to this chapter, in a manner for good cause shown to promote justice or to prevent hardship.

1699 DEFINITIONS

1699.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Applicant – a public utility or any person, firm, copartnership, association, or corporation who files an Application.

Application – a filing by either a public utility or any person, firm, copartnership, association, or corporation interested in the use of one public utility’s Facilities by another public utility.

Commission – the Public Service Commission of the District of Columbia.

Facilities – tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment.

3. Any person interested in commenting on the subject matter of this proposed rule-making action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or electronically on the Commission's website at:

https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF FOURTH EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl.)) and Mayor’s Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Title 12 (D.C. Construction Codes Supplement of 2013), Subtitles A (Building Code Supplement of 2013), Subtitle B (Residential Code Supplement of 2013), Subtitle F (Plumbing Code Supplement of 2013), and Subtitle H (Fire Code Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This fourth emergency rulemaking is necessitated by the immediate need to: (1) revise provisions in the 2013 District of Columbia Building Code, the 2013 District of Columbia Residential Code and the 2013 District of Columbia Fire Code to ensure that the fire and life safety regulations for child development homes and expanded child development homes in the District of Columbia apply to those facilities that are operated in dwelling units located within buildings containing one or two dwelling units which are not within the scope of the 2013 District of Columbia Residential Code; (2) revise a provision in the 2013 District of Columbia Plumbing Code to comply with the terms of a District of Columbia commitment to the federal Environmental Protection Agency, in connection with a long-term control plan consent decree, to identify and repeal regulations and guidelines that might impede the development of green infrastructure in the District of Columbia; and (3) to revise provisions in the 2013 District of Columbia Building Code to clarify that applications vested under a prior edition of the Construction Codes (pursuant to Section 123, 12-A DCMR) have the same rights as issued permits. Identical language was adopted in a Notice of Third Emergency Rulemaking, a Notice of Second Emergency Rulemaking and a Notice of Emergency and Proposed Rulemaking. The internal process for the final rulemaking is ongoing.

The Notice of Emergency and Proposed rulemaking was adopted on October 18, 2017 and published January 5, 2018 at 65 DCR 61. A Notice of Second Emergency rulemaking was adopted on April 11, 2018 and published on July 27, 2018 at 65 DCR 7870. A Notice of Third Emergency Rulemaking was adopted on August 8, 2018 and published on October 5, 2018 at 65 DCR 11058. This Notice of Fourth Emergency Rulemaking was adopted on December 6th and shall remain in effect for up to one hundred and twenty (120) days, expiring April 5, 2019, unless earlier superseded by publication of Notice of Final Rulemaking in the *D.C. Register*.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striktthrough~~ text.

Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, is amended as follows:

Section 101, GENERAL, is amended as follows:

Insert a new Section 101.2.5 in the 2013 District of Columbia Building Code to read as follows:

101.2.5 Home Day Care in Group R-3 Buildings. Day care homes in Group R-3 dwellings shall comply with Appendix M of the *Residential Code* or meet the corresponding provisions of the *Building Code*.

Amend Section 101.3.3.1 in the 2013 District of Columbia Building Code to read as follows:

101.3.3.1 Home Day Care. Appendix M of the *Residential Code* shall apply to home day care in detached one- and two-family dwellings or townhouses within the scope of the *Residential Code* or in R-3 dwellings, including Child Development Homes where oversight is provided by the Office of the State Superintendent of Education or a successor agency, where

- ~~1. The home day care is provided in *dwelling units* within (1) detached one and two family *dwellings* or townhouses within the scope of the *Residential Code*;~~
- ~~2. The home day care is legally operated as a home occupation under the *Zoning Regulations*.~~

Section 102, APPLICABILITY, is amended as follows:

Revise Section 102.6 of the 2013 District of Columbia Building Code to read as follows:

102.6 Continuation of Legal Use and Occupancy. The legal use and occupancy of any *structure* existing on the effective date of the *Construction Codes*, ~~or~~ for which a permit has already been approved, or, pursuant to Section 123, an application vested under a prior edition of the *Construction Codes*, shall be permitted to continue without change.

Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, or the *Fire Code* that are specifically required to be applied retroactively.
2. Provisions of the *Construction Codes* deemed necessary by the *code official*, as defined in Section 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

Chapter 3, USE AND OCCUPANCY CLASSIFICATION, is amended as follows:

Section 308, INSTITUTIONAL GROUP I, is amended as follows:

Amend Section 308.6.3 in the 2013 District of Columbia Building Code to read as follows:

308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* in a facility other than a *dwelling unit* within the scope of Section 308.6.4 shall be classified as part of the primary occupancy.

Strike Section 308.6.4 in the 2013 District of Columbia Building Code in its entirety and insert new Section 308.6.4 in its place to read as follows:

308.6.4 Persons receiving custodial care in a dwelling unit. A facility providing custodial care in a *dwelling unit* within either (1) a detached one- or two-family *dwelling* or townhouse within the scope of the *Residential Code* or (2) an R-3 *dwelling*, shall comply with Appendix M of the *Residential Code*.

Title 12-B DCMR, RESIDENTIAL CODE SUPPLEMENT OF 2013, is amended as follows:

Appendix M, HOME DAY CARE, is amended as follows:

Section M101, GENERAL, is amended as follows:

Amend Section M101.1, Appendix M, of the 2013 District of Columbia Residential Code, to read as follows:

M101.1 General.

This appendix shall apply to ~~a home~~ day care facilities (a) operated within ~~existing~~ detached one- and two-family *dwelling*s and townhouses within the scope of the *Residential Code* and in *dwelling units* within R-3 *dwelling*s, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption (iii) in a place other than the home of the person cared for. Appendix M does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients is incapable of self-preservation, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an exit door directly to the exterior.

3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Strike Section M103.1.6, Appendix M of the 2013 District of Columbia Residential Code, in its entirety, and insert new Section M103.1.6 in its place to read as follows:

M103.1.6 Dwellings with Three or More Stories. Home day care shall not be provided above the second story in *dwellings* with three or more stories.

Exception: The third story is allowed to be used for home day care where the *dwelling* is equipped throughout with an automatic sprinkler system in accordance with Section R313 and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310.

Title 12-H DCMR, FIRE CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 3, GENERAL REQUIREMENTS, is amended as follows:

Section 319, DAY CARE FACILITIES IN DWELLING UNITS, is amended as follows:

Amend Section 319.2 in the 2013 District of Columbia Fire Code to read as follows:

319.2 Day care homes in 1- or 2-family homes or townhouses. Day care facilities that are operated in *dwelling units* within existing detached one- and two-family *dwellings* and townhouses within the scope of the *Residential Code*, or within R-3 *dwellings*, shall comply with the fire safety provisions in Appendix K. Appendix K does not apply to the following:

- ~~1. Day care facilities in a *dwelling unit* which is not the primary residence of the person operating the facility;~~
1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients are *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.

Appendix K, HOME DAY CARE, is amended as follows:

Section K101, GENERAL, is amended as follows:

Amend Section K101.1 of Appendix K in the 2013 District of Columbia Fire Code to read as follows:

K101.1 General.

This appendix shall apply to ~~home~~ day care facilities (a) operated in dwelling units within existing detached one- and two-family *dwelling*s and townhouses within the scope of the *Residential Code* or within R-3 *dwelling*s, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and (iii) in a place other than the home of the person cared for. Appendix K does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients is *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.
3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Section K103, MEANS OF EGRESS, is amended as follows:

Strike Section K103.1.6, Appendix K of the 2013 District of Columbia Fire Code in its entirety and insert new Section K103.1.6 in its place to read as follows:

K103.1.6 Dwellings with three or more stories. Day care shall not be provided above the second story in *dwelling*s with three or more stories.

Exception: The third story is allowed to be used for day care where the *dwelling* is equipped throughout with an automatic sprinkler system in accordance with Section R313 of the *Residential Code* or Section 903.2.8 of the *Fire Code*, as applicable, and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310 of the *Residential Code*.

Title 12-F DCMR, PLUMBING CODE SUPPLEMENT, is amended as follows:**Chapter 11, STORM DRAINAGE, is amended as follows:****Section 1115, RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS, is amended as follows:**

Amend Section 1115.11.1 of the 2013 District of Columbia Plumbing Code to read as follows:

1115.11.1 Collection surface. Rainwater shall be collected only from above-

ground impervious roofing surfaces constructed from *approved* materials. Collection of water from vehicular parking, pedestrian, or other surfaces shall be prohibited except where the water is used exclusively for landscape irrigation or where water quality treatment measures that are adequate for any non-potable water the end use have been approved. ~~Overflow and bleed-off pipes from roof-mounted appliances including but not limited to evaporative coolers, water heaters and solar water heaters shall not discharge onto rainwater collection surfaces.~~

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2019-004
January 24, 2019

SUBJECT: Delegation - Authority to the Director of the Department of General Services to Enter into Agreements with the National Park Service for the Renovation of Franklin Park


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790; D.C. Official Code § 1-204.22 (6) and (11), Part A-Summary of Expenses of the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017, D.C. Law 22-16, 64 DCR 6581, Title IV of Division E of the Consolidated Appropriations Act, 2018, approved March 23, 2018, Pub. L. 115-141, 132 Stat. 348, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, approved September 28, 2018, Pub. L. 115-245, and any substantially similar temporary, annual, or permanent authority, it is hereby **ORDERED** that:

1. The Director of the Department of General Services (“DGS”) is delegated the Mayor’s authority to negotiate the terms of and execute agreements (“Agreements”)with the National Park Service for the improvement, maintenance, operation, and management of Franklin Park, and to enter into such other agreements and execute such other documents as may be necessary to effectuate the Agreements.
2. The authority delegated to the Director of DGS by this Order may be further delegated by the Director of DGS to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Alexis Taylor. This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Taylor’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Taylor has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her two-year term on June 12, 2019.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Taylor’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before February 25, 2019. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Deborah Carroll. This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Carroll’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Carroll has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her two-year term on June 12, 2019.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Carroll’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before February 25, 2019. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 6, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah

Show Cause Hearing (Status) **9:30 AM**
Case # 18-251-00138; The Public Group, LLC, t/a Public Bar, 1214 18th Street
NW, License #81238, Retailer CT, ANC 2B
Failed to Follow Security Plan

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00211; District Taco, LLC, t/a District Taco, 656 Pennsylvania
Ave SE, License #92791, Retailer DR, ANC 6B
No ABC Manager on Duty

Show Cause Hearing* **10:00 AM**
Case # 18-251-00122; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT
ANC 1C
Failed to Comply with Board Order No. 2017-439

Fact Finding Hearing* **11:00 AM**
Ayda, Inc., t/a Brown Street Market, 3320 Brown Street NW, License #110967
Retailer A, ANC 1D
Concerns with the Location of the Licensed Establishment

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Fact Finding Hearing* **1:30 PM**
Case # 18-251-00233; Mad Hatter CT Ave, LLC, t/a Mad Hatter, 1321
Connecticut Ave NW, License #82646, Retailer CT, ANC 2B
Simple Assault

Board's Calendar
February 6, 2019

- Fact Finding Hearing*** **2:00 PM**
Case # 18-251-00203; Eleana, LLC t/a Secret Lounge, 1928 9th Street NW
License #107123, Retailer CT, ANC 1B
Simple Assault
- Fact Finding Hearing*** **2:30 PM**
Case # 19-251-00003; Café DuPont, LLC, t/a Café Citron, 1343 Connecticut
Ave NW, License #60138, Retailer CR, ANC 2B
Assault with Significant Bodily Injury
- Protest Hearing*** **2:30 PM**
Case # 18-PRO-00066; Omar, LLC, t/a Costello Restaurant and Lounge, 5201
Georgia Ave NW, License #100259, Retailer CT, ANC 4D
**Substantial Change (Request to Change Hours of Operation, Sales and
Consumption and Live Entertainment inside of the Establishment)**
- Fact Finding Hearing*** **3:00 PM**
Case # 19-251-00004; Jojo Development, Inc., t/a Jo Jo Restaurant and Bar
1518 U Street NW, License #60737, Retailer CR, ANC 2B
**Assault with a Dangerous Weapon, Interfered with an Investigation,
Operating After Board Approved Hours**

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, FEBRUARY 6, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Bullfrog Bagels*, 317 7th Street SE, Retailer CR, License No. 100249.

2. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Courtyard by Marriott Embassy Row*, 1600 Rhode Island Avenue NW, Retailer CH, License No. 071165.

3. Review Application for Entertainment Endorsement to provide live entertainment indoors only with Dancing and Cover Charge. *Proposed Hours of Live Entertainment*: Sunday-Saturday 8pm to 2am. ANC 4C. SMD 4C05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Barrilito Bar and Restaurant*, 3911 14th Street NW, Retailer CR, License No. 106193.

4. Review Letter Regarding Request for Tasting Permit for Retailer Class A Internet license. ANC 3F. SMD 3F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Wine With Friends*, 4221 Connecticut Avenue NW, Retailer AI, License No. 112538.

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

February 2019

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	1	9:00 am-12:00pm
Stacey Williams	Board of Appraisers	20	9:00 am-4:00 pm
Avis Pearson	Board Architects and Interior Designers	RECESS	9:00 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	4	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	21	7:00-pm-8:30 pm
Andrew Jackson	Board of Funeral Directors	7	1:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	28	10:00 am-1:30 pm
Brittani Strozier-Daise	Real Estate Commission	12	9:00 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	19	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, February 1, 2019
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 1, 2019

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Barber and Cosmetology
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Monday, February 4, 2019
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – March 4, 2019

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Funeral Directors
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Thursday, February 7, 2019
1:00 p.m.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – March 7, 2019

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

AGENDA - Draft

February 19, 2019

1. Call to Order/Attendance – 1:00 p.m.
2. Minutes – Draft, January 15, 2019
3. Comments from the Public
4. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
5. Recommendations
6. Old Business
7. New Business
8. Adjourn

Next Regularly Scheduled Board Meeting, March 19, 2019
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**February 28, 2019 ~ Room 300
9:30 A.M. (Application Review by Board Members)**

10:00 A.M.

- 1) Call to Order – 10:00 A.M.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
 - Applications for Licensure
 - Legal Committee Report
- 7) Old Business
- 8) New Business
- 9) Adjourn

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Real Estate Appraisers
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Wednesday, February 20, 2019
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – March 20, 2019

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**D.C. Boxing and Wrestling Commission
1100 4th Street SW, Room E200
Washington, DC 20024**

MEETING AGENDA

**February 21, 2019
7:00 PM.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order – 7:00 p.m.
3. Members Present
4. Staff Present
5. Comments from the Public
6. Review of Correspondence
7. Approval of Minutes
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 21, 2019 at 7:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**District of Columbia Real Estate Commission
1100 4th Street SW, Room E300 A-B
Washington, DC 20024**

MONTHLY PUBLIC MEETING AGENDA

**Tuesday, February 12, 2019
10:00 AM**

1. Call to Order – 10:00 a.m. (Public Session)
2. Attendance (Public Session)
3. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b) (4) (A); D.C. Official Code § 2-575(b) (9) (13) (14) to deliberate upon a decision in an adjudication action or proceedings.
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
4. (Public Session)- 10:00 am
5. Comments from the Public
6. Minutes- Draft, January 8, 2019
7. Recommendations
 - A. Review- Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. Correspondence
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Commission Meeting –March 12, 2019
1100 4th Street, SW, Meeting Rom 300 A-B
Washington, DC 20024

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING CANCELLATION**

**WEDNESDAY, JANUARY 23, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The previously scheduled meeting for Wednesday, January 23, 2019, at 10 am for the D.C. Criminal Code Reform Commission and its Criminal Code Revision Advisory Group has been cancelled.

Notice of future meetings will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

WEDNESDAY, FEBRUARY 6, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 6, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Members' Written Comments on Draft Reports:
 - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
 - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
 - (C) First Draft of Report #28, *Stalking*
 - (D) First Draft of Report #29, *Failure to Arrest*
 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
- III. Discussion of Draft Reports Under Advisory Group Review:
 - (A) First Draft of Report #31, *Escape from Institution or Officer*
 - (B) First Draft of Report #32, *Tampering with a Detection Device*
 - (C) First Draft of Report #33, *Correctional Facility Contraband*
 - (D) First Draft of Report #34, *De Minimus Defense*
 - (E) Second Draft of Report #9, *Recommendations for Theft and Damage to Property Offense*
- IV. Adjournment.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC MEETINGS**D.C. Statewide Independent Living Council (SILC) Updated 2019 Meeting Schedule**

**Department on Disability Services
Rehabilitation Services Administration
One Independence Square
250 E Street, SW
Washington, DC 20024**

The D.C. Statewide Independent Living Council (SILC) will hold public meetings regarding the operation of the D.C. independent living program, as mandated by Title VII of the Rehabilitation Act of 1973, as amended. The following meetings are to be conducted from 12 noon to 2:00 pm on the following dates:

Date	Location
Thursday, January 24, 2019	2600 12 th Street, NE
Thursday, March 28, 2019*	250 E Street, SW
Thursday, April 25, 2019	2600 12 th Street, NE
Thursday, July 25, 2019	2600 12 th Street, NE
Thursday, October 24, 2019	2600 12 th Street, NE

SILC general meetings are open to the public. **These public meetings will be held at the D.C. Center for Independent Living, which has relocated to 2600 12th Street, NE, Washington, DC 20018.** Please note that on March 28, 2019 (marked *), SILC will hold a special meeting at the Department on Disability Services, which is located at 250 E Street, SW, Washington, DC 20024, in the First Floor Conference Room. The public is invited to these meetings but their participation shall be limited as special meetings are for member discussion and report completion.

Persons who wish to attend a meeting and need additional information or special accommodations should contact Ms. Dahlia Johnson at least seven (7) calendar days prior to the scheduled meeting date at 202-442-8748, or by email at dahlia.johnson@dc.gov.

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS
MONTHLY MEETINGS******Scheduled for the months of January 2019 through December 2019****(All meetings are held at 1015 Half Street, SE, Suite 750)**

DATE	TIME	LOCATION
Wednesday, January 9, 2019	10:30 AM	Suite 750
Wednesday, February 6, 2019	10:30 AM	Suite 750
Wednesday, March 6, 2019	10:30 AM	Suite 750
Wednesday, April 3, 2019	10:30 AM	Suite 750
Wednesday, May 1, 2019	10:30 AM	Suite 750
Wednesday, June 5, 2019	10:30 AM	Suite 750
Wednesday July 3, 2019	10:30 AM	Suite 750
Wednesday, August 7, 2019	10:30 AM	Suite 750
Wednesday, September 4, 2019	10:30 AM	Suite 750
Wednesday, October 2, 2019	10:30 AM	Suite 750
Wednesday, November 6, 2019	10:30 AM	Suite 750
Wednesday, December 4, 2019	10:30 AM	Suite 750

****These dates are subject to change.**

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR
VERIZON WASHINGTON DC, INC**

Notice is hereby given that Verizon Washington DC, Inc. – Southwest Central Office has applied for a renewal of its Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to continue operation of the following emission units and miscellaneous sources of air emissions at the facility located at 30 E Street SW, Washington DC 20016:

- Four (4) 1,500 kW emergency generators (EG1, EG2, EG3, and EG4);
- One (1) 225 kW generator (LSEG1);
- Three 20,000-gallon underground storage tanks;
- Two 150-gallon day tanks; and
- Two chillers

The contact person for the facility is Mr. David Leland, Regional Environmental Manager, at (469) 886-4483 or david.leland@verizon.com.

The following is an estimate of the overall potential emissions from the facility:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	Potential Emissions
Sulfur Dioxide (SO ₂)	0.024
Oxides of Nitrogen (NO _x)	24.48
Total Particulate Matter (PM Total)	0.49
Volatile Organic Compounds (VOCs)	1.92
Carbon Monoxide (CO)	2.92

With the emission limitations included in the draft permit, the Verizon Washington DC, Inc. – Southwest Central Office facility has the potential to emit approximately 24.48 tons per year of oxides of nitrogen (NO_x), just under the District's major source threshold of 25 tons per year of NO_x. Under normal maximum operating conditions for determination of the potential emissions of the facility (i.e., 500 hours per year per emergency generator), the combined emissions of the equipment would possibly have exceeded the major source threshold for NO_x and thus trigger a Non-Attainment New Source Review (NNSR). In order to avoid this possibility, the facility opted for operating hour restrictions to keep their potential to emit NO_x under the major source threshold. The Chapter 3 permitting process is being used in this case to make these limits federally enforceable and enforceable as a practical matter.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 045-R1 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notice-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after March 4, 2019 will be accepted.

For more information, please contact Olivia Achuko at (202) 535-2997 or olivia.achuko@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR THE ARCHITECT OF THE CAPITOL, LIBRARY BUILDINGS AND GROUNDS JURISDICTION**

Notice is hereby given that the Architect of the Capitol, Library Buildings and Grounds Jurisdiction has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at the Library of Congress, located at 101 Independence Ave SE, Washington DC 20540:

Emission Units			
Emission Unit ID	Stack ID	Emission Unit Identification	Description
Emergency Generator #2	ADAMS	MTU Model No. 12V4000G43 generator set located at John Adams Building	1,500 kWe generator set powered by a 2,328 hp diesel engine, installation date: 2013 (NSPS)
Emergency Generator #1	CHLD	Perkins Model No. 1006-6T generator set located at St. Cecilia Special Services Facilities Center	100 kWe generator set powered by a 166 hp diesel engine, installation date: 1999 (non-NSPS)
Emergency Generator #1	JEFF	Caterpillar Model No. 3408B generator set located at Thomas Jefferson Building	350 kWe generator set powered by a 536 hp diesel engine, installation date: 1989 (non-NSPS)
Emergency Generator A	MADA	Detroit Model No. 81637305 generator set located at James Madison Memorial Building	450 kWe generator set powered by a 960 hp diesel engine, installation date: 1979 (non-NSPS)
Emergency Generator B	MADB	Detroit Model No. 91637005 generator set located at James Madison Memorial Building	565 kWe generator set powered by a 1,025 hp diesel engine, installation date: 1979 (non-NSPS)
Emergency Generator C	MADC	Detroit Model No. 91637305 generator set located at James Madison Memorial Building	1,130 kWe generator set powered by a 1,425 hp diesel engine, installation date: 1999 (non-NSPS)
Emergency Generator D	MADD	Detroit Model No. 81637305 generator set located at James Madison Memorial Building	450 kWe generator set powered by a 960 hp diesel engine, installation date: 1979 (non-NSPS)

Emission Units			
Emission Unit ID	Stack ID	Emission Unit Identification	Description
Parts Washer 1		Dyna Clean Model No. 915201 located in the metal shop in the Thomas Jefferson Building	
Parts Washer 2		Dyna Clean Model No. 915201 located in the machine shop in the Thomas Jefferson Building	
Parts Washer 3		Dyna Clean Model No. 915201 located on the 7th Floor of the James Madison Memorial Building	

Miscellaneous Activities:

1. One (1) Underground Storage Tank (UST) for diesel;
2. Nine (9) Aboveground Storage Tanks (ASTs) for diesel;
3. Thirty-four (34) Wet-Type Transformer Vaults for mineral oil;
4. Four (4) Reservoirs for hydraulic oil; and
5. Two (2) carpentry shop dust collectors.

The contact person for the facility is Mr. Jonathan Shriner, Assistant Superintendent, at (202) 707-2823 or jshriner@oc.gov.

The following is an estimate of overall potential emissions from the facility:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	Potential Emissions
Sulfur Dioxide (SO ₂)	0.38
Oxides of Nitrogen (NO _x)	38.03
Total Particulate Matter (PM Total)	1.43
Volatile Organic Compounds (VOCs)	2.33
Carbon Monoxide (CO)	6.90
Total Hazardous Air Pollutants (HAPs)	0.02

This facility has the potential to emit 38.03 tons per year of oxides of nitrogen (NO_x). The value for this criteria pollutant exceeds the major source thresholds in the District of Columbia of 25

TPY of NO_x. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

Description and Emission Information for Units being Permitted for the First Time:

Emission Unit ID	Emission Unit Identification
Parts Washer 1	Dyna Clean Model No. 915201 located in the metal shop in the Thomas Jefferson Building
Parts Washer 2	Dyna Clean Model No. 915201 located in the machine shop in the Thomas Jefferson Building
Parts Washer 3	Dyna Clean Model No. 915201 located on the 7th Floor of the James Madison Memorial Building

The proposed emission limits for the parts washers (cold cleaning machines) are as follows:

- a. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- b. No solvents shall be used in the units that contain halogenated hazardous air pollutant (HAP) solvents in excess of five percent (5%) by weight as follows [20 DCMR 201]:
 - i. Methylene chloride;
 - ii. Perchloroethylene;
 - iii. Trichloroethylene;
 - iv. 1,1,1-trichloroethane; or
 - v. Chloroform.

Estimated Emissions from Parts Washers

The estimated maximum potential emissions from the cold cleaning machines are 0.99 tons per year of VOCs.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 053 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and

Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notices-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after March 4, 2019 will be accepted.

For more information, please contact Thomas Olmstead at (202) 535- 2273 or thomas.olmstead@dc.gov.

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

Anacostia Ambassador Program

The Department of Energy and Environment (the Department) seeks eligible entities to propose how they will select an Ambassador and administer the Anacostia Ambassador Program. Through the Urban Waters Federal Partnerships, this program aims to strengthen the coordination of present and future efforts of the District's local stakeholders that implement water quality improvements in the Anacostia Watershed. There is one award available for this project, with a project period of one (1) year. Depending on the performance of the grantee and the availability of funds, the grant may be extended for up to two (2) additional years for a total of three (3) years. The amount available for the project is approximately \$90,000.

Beginning 2/1/2019, 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 2019AnacostiaAmbassadorRFA.grants@dc.gov with "Request copy of RFA 2019-1908-WPD" 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 Savannah Acosta at (202) 299-3340 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Savannah Acosta RE: 2019-1908-WPD" on the outside of the envelope.

The deadline for application submissions is 3/4/2019, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2019AnacostiaAmbassadorRFA.grants@dc.gov.

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

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

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

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor’s Order 2007-46, dated January 23, 2007 hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, March 7, 2019, at 2:30 PM at 441 Fourth Street NW, Washington, DC 20001, on the 10th Floor in the Main Street Conference Room 1028.** Please note that government issued ID is needed to access the building. Use the North Lobby elevators to access the 10th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Androgenic Agents	Hypoglycemics, Incretin Mimetics/Enhancers
Antibiotics, Vaginal	Hypoglycemics, Insulins
Antiemetics/Antivertigo Agents	Hypoglycemics, Meglitinides
Antihyperuricemics	Hypoglycemics, Metformins
Bladder Relaxants	Hypoglycemics, SGLT2 Inhibitors
Bone Resorption and Suppression Agents	Hypoglycemics, Thiazolidinediones
BPH Agents	Pancreatic Enzymes
Colony Stimulating Factors	Phosphate Binders
Erythropoiesis Stimulating Agents	Progestins For Cachexia
GI Motility, Chronic, Irritable Bowel Syndrome	Proton Pump Inhibitors
Growth Hormone	Ulcerative Colitis Agents
H. Pylori Agents	Vaginal Estrogen Preparations
Histamine-2-Receptor Antagonists	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45PM on Thursday, February 28, 2019.** The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov). An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45PM on February 28, 2019. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of “bulleted” points (or one page front and back).** The ready-to-disseminate, written information can also be mailed **to arrive no later than February 28, 2019** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

DEPARTMENT OF HEALTH (DC HEALTH)**PUBLIC NOTICE**

The District of Columbia Board of Optometry (“Board”) hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings shall now be conducted on the third Thursday of each quarter starting on January 17, 2019. The meetings will be held from 9:30 AM to 11:30 AM and will be open to the public from 9:30 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), the meetings will be closed from 10:30 AM until 11:30 AM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The schedule of the Board’s meetings during the next twelve-month period will be as follows:

January 17, 2019
April 18, 2019
July 18, 2019
October 17, 2019
January 16, 2020

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

NOTICE OF APPLICATION FILING

MOXY BANK CHARTER APPLICATION

Pursuant to section 5(b)(1)(A) of the District of Columbia Regional Interstate Banking Act of 1985 (D.C. Law 6-63; D.C. Official Code § 26-704(b)(1)(A)), the Commissioner of the Department of Insurance, Securities and Banking (“Department”) hereby gives notice that the Department has received the following complete application to organize a de novo community bank in the District of Columbia:

Applicant: **Moxy Bank**

Any person that would like to comment on this application may do so by submitting written comments starting on the date of publication until the date of the hearing, which is scheduled for February 19, 2019 at 11:00 a.m. Please submit written comments to:

Brian P. Williams, Associate Commissioner for Banking
Department of Insurance, Securities and Banking
1050 First Street, NE
Suite 801
Washington, D.C. 20002
BrianP.Williams@dc.gov

The public file for this application is available for inspection at the Department during regular business hours from 8:15 a.m. to 4:45 p.m. at the address listed above.

MAYA ANGELOU PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Architecture**

Maya Angelou Public Charter School (MAPCS) intends to enter into a sole source contract with Cox Graae and Spack (CGS). The cost of this contract is ~\$20,000-60,000.

The decision to sole source is a result of ongoing phased renovations. To maintain consistency in the architectural design and CGS is the original architecture firm, MAPCS intends to enter into a sole source contract.

General Contractor

Maya Angelou Public Charter School (MAPCS) intends to enter into a sole source contract with Forrester Construction. The cost of this contract is ~\$150,000 – 3,000,000.

The decision to sole source is a result of ongoing phased renovations, which began in 2014. To maintain consistency in the renovations and Forrester is the original RFP winner, MAPCS intends to enter into a sole source contract.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING OF THE
WALTER REED ARMY MEDICAL CENTER
COMMUNITY ADVISORY COMMITTEE**

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

Date: Monday, February 11th
Time: 6:30 PM – 8:00 PM
Location: DC International School, 1400 Main Drive NW
Contact: Randall Clarke, DMPED

The draft agenda is as follows:

Walter Reed Council Advisory Committee Meeting Agenda

1. LRA Opening Remarks
 - Welcome & Intro
 - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
 - CBE First Source Project Update/Upcoming Opportunities
 - Construction Updates
 - Project Events
 - Other Project Updates
3. Adjourn - 8pm

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTEREST**CERTIFICATION OF WINNER OF THE SPECIAL ELECTION TO SERVE AS
THE ACTIVE TEACHER MEMBER OF THE BOARD**

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its active member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager Election-America, conducted a special election for a representative of District of Columbia Active Teachers to serve on the Board.

The ballots were counted on Wednesday, January 16, 2019, at 1775 Eye Street NW, Suite 1150, Washington, D.C., in the presence of Board representatives, and under the supervision of Election-America.

Election-America submitted the Certification of Results to the Board on January 17, 2019. Pursuant to the Election Rules at 7 DCMR § 1522, the Board hereby certifies the results of the election and declares the winner to be **Denise Daniels**, an active District of Columbia teacher.

Pursuant to the Election Rules at 7 DCMR § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board’s executive office located at 900 7th Street, N.W., 2nd Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

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 March 1, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 1, 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 Public**

Effective: March 1, 2019

Page 2

Abdul-Majid	Sibonisiwe	Creation Steel Fabricators 6400 Georgia Avenue, NW	20012
Addis	Deborah	TCA TrustCorp America 301 Wisconsin Avenue, NW, Suite 450	20015
Allal	Amy Lynne	GetUpside 777 6th Street, NW, 9th Floor	20001
Ames	Kenneth Scott	United States House of Representatives Longworth Building B-227	20515
Baker	Brooke L.	Bonstra Haresign Architects 1728 14th Street, NW	20009
Barksdale	Angela Quinette	Self 1204 Penn Street, NE, #5	20002
Battle	Nicole L.	Self 4849 Connecticut Avenue, NW, #529	20008
Berry	Arnita	PricewaterhouseCoopers 600 13th Street, NW, Suite 1000	20005
Brioso	Miriam	Alston & Bird, LLP 950 F Street, NW	20004
Brown	Benita	JPMorgan Chase Bank 2200 Martin Luther King Jr. Avenue, SE	20020
Brown	Jessica I.	Ruddy Gregory, PLLC 1225 15th Street, NW	20005
Carroll	Ashley	Congressional Federal Credit Union 441 2nd Street, SW	20002
Cashin	Cheyenne K.	Cleary Gottlieb Steen & Hamilton, LLP 2112 Pennsylvania Avenue, NW	20037
Caspari	Nathaniel	The Campaign Legal Center, Inc. 1411 K Street, NW, Suite 1400	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 1, 2019
Page 3**

Crawford	Elijah A.	DC Homeland Security and Emergency Management Agency 2720 Martin Luther King Jr. Avenue, SE	20032
Curry	Marquita	PNC Bank 1913 Massachusetts Avenue, NW	20036
Davis	Marcus	JP Morgan Chase 130 M Street, SE	20003
Daye	Dawne	The Office of the Attorney General 441 4th Street, NW, Suite 630 South	20001
Deubert	Christopher R.	D.C. United 100 Potomac Avenue, SW	20024
Dibble	Susannah	Freshfields Brauckhaus Deringer, LLP 700 13th Street, NW	20005
Dorsey Briggs	Lisa Elaine	Food and Friends 219 Riggs Road, NE	20011
Egas	Fanny P.	Organization of American States 1889 F Street, NW	20006
Etzkorn	Lars	Self 1848 Kalorama Road, NW	20009
Fiorentine	John Michael	Metropolitan Police Department 300 Indiana Avenue, NW	20001
Ford	Felicia J.	Department of Defense 200 Macdill Boulevard, SE	20340
Foster	Asantewa K.	The George Washington University 1922 F Street, NW, Suite 404	20052
Gamble	Gabriela	Bank of America 1801 K Street, NW	20006
Gamiz	Janice M.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: March 1, 2019

Page 4

Garcia	George	Klein Hornig, LLP 1325 G Street, NW, Suite 770	20005
Garcia	Nelson	Beach-Oswald Immigration Law Associates, PC 888 17th Street, NW, Suite 310	20006
Glaser	Loren	BB& T Bank 1909 K Street, NW, Suite 850	20006
Green	Angela Maria	Clyde & Co, LLP 1775 Pennsylvania Avenue, NW, Suite 1000	20006
Hailu	Efrem A.	Efrem Hailu Taxicab Accessories 3001 Earl Place, NE, Suite C	20018
Hall	Elva Scott	Reed Smith, LLP 1301 K Street, NW, Suite 1000	20005
Jakupciak	Robert M.	Epiq Court Reporting 1875 I Street, NW, Suite 302	20006
Kebede	Seble D.	Congressional Federal Credit Union 50 Independence Avenue, SW	20024
Koochekzadeh	Mina	Self 1301 20th Street, NW, Unit 805	20036
Krantzman	Sharon A.	Lerman Senter, PLLC 2001 L Street, NW, Suite 400	20036
Lee	Moses	Self 4100 Massachusetts Avenue, NW, #1001	20016
Leitner	Richard Jacob	B'nai B'rith International 1120 20th Street, NW, Suite 300 North	20036
Lewis	Christine H.	HKS, PC 1250 Eye Street, NW	22302
Linebaugh	Joanne	Steptoe & Johnson, LLP 1330 Connecticut Avenue, NW	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 1, 2019****Page 5**

Lockman-Treasure	Mary F.	Transit Employees Federal Credit Union 2440 Market Street, NE	20018
Lorenzetti	Marissa	The Madison Group, LLC 1030 15th Street, NW, Suite 1080	20005
Lyles	Ruby Annalise	Law Office of Fredrick J. Bynn PC 922 Pennsylvania Avenue, SE	20003
Lyons	Dion R.	NOVO Properties 519 11th Street, SE	20003
Mack	K.	Same Day Process 1413 K Street, NW, 7th Floor	20005
Marquez	Sonia M.	Mac Arthur Liquors Inc. 4877 Mac Arthur Boulevard, NW	20007
Mertens	Traci	US House of Representatives 1718 Longworth House Office Building	20510
Metzger	Priscilla E.	Ballard Spahr, LLP 1909 K Street, NW, Suite 1200	20006
Mongoven	John O.	Neal R. Gross & Company 1323 Rhode Island Avenue, NW	20005
Mungin	Darlene D.	District of Columbia Department of Public Works 1833 West Virginia Avenue, NE	20002
Murphy	Larrisa L.	United States House of Representatives Longworth Building B-227	20515
Nicaisse	Fabienne C.	International Monetary Fund 700 19th Street, NW	20431
Nichols	Archie	Archie M. Nichols, ESQ 718 7th Street, NW, Suite 300	20001
Olagbaju	Oluwatamilore M.	Maglio, Christopher & Toale 1775 Pennsylvania Avenue, NW, Suite 205	20006

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: March 1, 2019

Page 6

Patton	Carl H.	Cathedral West Condominium 4100 Cathedral Avenue, NW	20016
Phuong	Tiena	Freshfields Bruckhaus Deringer US, LLP 700 13th Street, NW, 10th Floor	20005
Pimentel	Tanya	T & T Multiservices, LLC 1818 New York Avenue, NE, Suite 208A	20002
Pope	Jennifer S.	Jane Moretz Edmisten and Associates, PC 4530 Wisconsin Avenue, NW, Suite 425	20016
Precia	Theresa	Self 1503 Fort Davis Place, SE	20020
Pritschau	Mary	United States House of Representatives Longworth Building B-227	20515
Randolph	Jacqueline	Stephoe & Johnson, LLP 1330 Connecticut Avenue, NW	20036
Rawlins	Eleese Stephanie	Cadeaux, Taglieri & Notarius, PC 1100 Connecticut Avenue, NW, Suite 700	20036
Rivas Rodas	Rene Rafael	Self 5241 Nebraska Avenue, NW, #1	20015
Rosenbaum	Stuart	B'nai B'rith International 1120 20th Street, NW, Suite 300 North	20036
Samuels	Dana T.	AARP Services 650 F Street, NW	20004
Sapp	Norma M.	Public Justice Foundation 1620 L Street, NW, Suite 630	20036
Scippio	Candis D.	Legal Aid Society of the District of Columbia 1331 H Street, NW, Suite 350	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: March 1, 2019

Page 7

Smith	Rosa Williams	Holland & Hart, LLP 975 F Street, NW, Suite 900	20004
Stewart	Kellie	Associated Builders and Contractors Insurance Trust 440 First Street, NW, Suite 200	20001
Supnet	Carina Eunice	Palantir Technologies, Inc 1025 Thomas Jefferson Street, NW, Suite 600	20007
Sutton	Marie A.	Capital Area Immigrants' Rights Coalition 1612 K Street, NW, Suite 204	20006
Szemiel	Edyta	B'nai B'rith International 1120 20th Street, NW, Suite 300 North	20036
Taylor	Anita D.	Step toe & Johnson, LLP 1330 Connecticut Avenue, NW	20036
Thomas	Tracey	Department of Health and Human Services 200 Independence Avenue, SW	20201
Thomas	Vanessa	VF Tax Pros 1782 Columbia Road, NW	20009
Thompson	Autumn S.	Legal Counsel for the Elderly 601 E Street, NW	20049
Thorpe-Mitchell	Judy	Wilmer Cutler Pickering Hale and Dorr, LLP 1875 Pennsylvania Avenue, NW	20006
Todd	Leslie Anne	Alderson Court Reporting 2020 K Street, NW, Suite 700	20006
Tran	Tuyet T.	Calvin Cafritz Enterprises 1828 L Street, NW, Suite 703	20036
Villa	Dauris	Wells Fargo 2000 L Street, NW	20036
Waters	Anita Hazzard	African Methodist Episcopal Church 1134 11th Street, NW	20001

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 1, 2019****Page 8**

Whitaker	Taylor Wilson	Klein Hornig, LLP 1325 G Street, NW, Suite 770	20005
White	Abigail M.	Nichols Liu, LLP 700 6th Street, NW, Suite 430	20001
White	Brandi	Self (Dual) 1831 Central Place, NE, #B	20002
Wilson	Tia Janea	Advantage Financial Federal Credit Union 810 Vermont Avenue, NW	20420
Wilson	Gwendolyn Janette	Metropolitan Police Department 2000 14th Street, NW	20009
Wyche	Marilyn	Hughes Memorial Methodist Church 25 Ames Street, NE	20019
Zazzara	Semmes Evans	KVS Title 230 6th Street, NE	20002
Zeledon	Lizeth D.	Haynes Novick Immigration 2001 S Street, NW	20009

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Painting, Pointing & Minor Repairs**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—located at 2427 Martin Luther King, Jr., Ave., SE, Washington, DC 20020—seeks a contractor to perform any or all of the following work-at-height projects in the Spring of 2019:

- paint exterior portions of the building’s roofline
- minor pointing
- minor repairs

Full RFP:

Interested parties can find the full Request For Proposals at the following link:

<https://thurgoodmarshallacademy.org/about/employment-opportunities/>

They can also obtain the full RFP by emailing dschlossman@tmapchs.org

Questions & Information:

- Please address questions concerning the RFP to **David Schlossman**, dschlossman@tmapchs.org, 202-276-4722
- To ensure a response, submit queries for or about the full RFP no later than 5:00 pm Washington, DC, time on Monday, February 11, 2019.
- Amendments/changes (if any) to the RFP will be posted at the website link above.
- Further information about Thurgood Marshall Academy—including the school’s nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission:

- Submissions must respond to the full RFP.
- All submissions shall be sent by email to dschlossman@tmapchs.org with a **10-page limit and a 5 MB file-size limit** (including exhibits) by **Tuesday, February 12, 2019**. Earlier submissions are encouraged.

DISTRICT DEPARTMENT OF TRANSPORTATION**SECOND MEETING NOTICE****PUBLIC SPACE COMMITTEE**

Please be advised that the Public Space Committee will hold a second meeting to consider guidelines for the deployment of telecommunications equipment (“Small Cell”) in public space.

The meeting will be held on Thursday, March 21, 2019, at 1 p.m. at 1100 4th Street SW, Room 200, 2nd Floor Hearing Room.

For questions or additional information regarding this notice, please feel free to contact the Public Space Committee at PublicSpace.Committee@dc.gov or the Public Space Regulation Division at (202) 442-4670.

Information on the Small Cell program, including a copy of the draft guidelines to be considered at the March 21st meeting, can be found at <https://ddot.dc.gov/smallcell> and <https://octo.dc.gov/page/small-cells..>

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

Application No. 19762 of AMT-Varnum LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a three-story rear addition and convert the existing principal dwelling unit to a three-unit apartment house in the RF-1 Zone at premises 1521 Varnum Street, N.W. (Square 2698, Lot 47).

HEARING DATE: June 6, 2018
DECISION DATES: June 20, 2018; July 25, 2018

DECISION AND ORDER

This self-certified application (the “Application”) was submitted on April 11, 2018 by AMT-Varnum LLC, (the “Applicant”) the owner of the property located at 1521 Varnum Street, N.W., (the “Subject Property”) that is the subject of the Application. The Applicant requests special exception approval pursuant to 11-U DCMR § 320.2 of the Zoning Regulations to convert a one-family dwelling into a three-unit residential building. Following a public hearing, the Board voted to approve the Application. In granting the certified relief, the Board of Zoning Adjustment (“Board” or “BZA”) made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated April 20, 2018, the Office of Zoning sent notice of the Application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 4; Advisory Neighborhood Commission (“ANC”) 4C, the ANC for the area within which the Subject Property is located; and the single-member district ANC 4C-03. Pursuant to 11-Y DCMR § 402.1, on April 20, 2018, the Office of Zoning mailed notice of the hearings to the Applicant, ANC 4C, and the owners of all property within 200 feet of the Subject Property. Notice was published in the *D.C. Register* on April 27, 2018. (65 DCR 17.)

Party Status. The Applicant and ANC 4C were automatically parties in this proceeding. There were no additional requests for party status.

OP Report. The Office of Planning (“OP”) issued two reports. In its first report dated May 24, 2018, OP stated that it could not make a recommendation at the time and requested additional materials, including more detailed plans and renderings. (Exhibit 33.) After the Applicant submitted the updated materials (Exhibits 38, 38A-38C), OP submitted a supplemental report recommending approval of the special exception for a conversion pursuant to 11-U DCMR § 320.2. (Exhibit 40.)

DDOT Report. By memoranda dated May 16, 2018, DDOT indicated it had no objection to the approval of the Application, noting that the proposal will have no adverse impacts on travel conditions of the District’s transportation network. (Exhibit 33.)

ANC Report. At a regular public meeting on May 9, 2018, with a quorum present, the ANC voted 10-0-0 to oppose the Application. The ANC indicated that its opposition was based on concerns regarding: (1) outreach to adjacent neighbors and (2) concerns over development compliance with another nearby property owned by the Applicant. (Exhibit 36.)

Persons in Opposition. Ten letters and a petition in opposition were submitted to the record.

Persons in Support. No letters in support were submitted to the record.

FINDINGS OF FACT

1. The Subject Property is located at 1521 Varnum Street, N.W. (Square 2698, Lot 47).
2. The Subject Property is improved with a principal dwelling unit that was constructed circa 1923.
3. The Subject Property has a lot area of 2,966 square feet and a lot width of 23 feet.
4. Abutting the Subject Property to the west is 1523 Varnum Street, N.W., which is currently unimproved.
5. Abutting the Subject Property to the east is 1519 Varnum Street, N.W., which is improved with a row dwelling.
6. Abutting the Subject Property to the north and south are a public alley and Varnum Street, N.W., respectively.
7. The Subject Property is located in the RF-1 Zone District.
8. The Applicant is proposing to convert the existing residential building (the “Building”) to a three-unit residential building.

9. Accordingly, the Applicant requested special exception relief pursuant to 11-U DCMR § 320.2.
10. The Applicant is proposing to construct a third-story addition to the Building and a three-story addition at the rear of the Building. The third-story addition will be set back 13 feet from the front façade and will not alter any architectural elements original to the Building. The addition will be 35 feet in height, which is permitted as a matter of right in the RF-1 Zone.
11. The Applicant is not required to set aside units for Inclusionary Zoning, as the Applicant will increase the number of units from one unit to three units. Inclusionary Zoning applies to residential conversions proposing four or more units. (11-U DCMR § 320.2(b).)
12. There is an existing residential building on the Property at the time of filing an application for a building permit.
13. At 2,966 square feet, the lot area of the Subject Property exceeds the minimum lot area requirement of 2,700 square feet (i.e. 900 square feet per dwelling unit) as required pursuant to 11-U DCMR § 320.2(d).
14. No adjacent property has a solar system installed on its roof.
15. The addition will not block or impede any chimneys.
16. The proposed addition extends exactly ten feet past the only adjacent property to the east at 1519 Varnum Street, N.W.
17. The light and air available to neighboring properties will not be unduly affected by the addition, as any shadows from the addition would fall primarily on the roof of the only adjacent building.
18. The proposed addition will not unduly compromise the privacy and use of enjoyment of neighboring properties. After the hearing, the Applicant updated the plans to include screening on the sides of the balconies facing the adjacent property at 1519 Varnum Street, N.W. (Exhibit 55B), as well as a six-foot tall privacy fence.
19. The conversion and associated addition, as viewed from the street, alley and other public ways, will not substantially visually intrude upon the character, scale, and pattern of houses along the Varnum Street or the alley. The proposed changes to the front façade are repairs. The third-floor addition will be set back 13 feet from the front façade and will not be visible from the street. As the Applicant is proposing an 89-foot rear yard, the Building will be significantly set back from the alley.

20. The Applicant provided plans, photographs, sections and elevations, as well as rendered views of the proposed conversion to sufficiently represent the relationship of the conversion to the buildings and views from Varnum Street and the adjacent alley.
21. The Applicant did not request any waivers from the special exception criteria in Subtitle U § 320.2.

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief pursuant to 11-U DCMR § 320.2 of the Zoning Regulations in order to construct a third-story addition and a rear addition to the existing building, and to convert the building from one housing a principal dwelling unit to a three-unit apartment house. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations. Subtitle X § 901.2 authorizes the grant of a special exception when, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions.

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether an applicant has complied with the specific and general special exception requirements, which in this case are found in 11-U DCMR § 320.2 and 11-X DCMR § 901.2 of the Zoning Regulations. If an applicant meets its burden, the Board ordinarily must grant the application. *See, e.g. Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18-19 (D.C. 1980); *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Gladden v. District of Columbia Bd. of Zoning Adjustment*, 659 A.2d 249, 255 (D.C. 1995).

Pursuant to 11-U DCMR § 320.2, a conversion of an existing residential building, existing on the lot prior to May 12, 1958, to an apartment house may be permitted as a special exception, subject to the enumerated conditions. These conditions include: (a) The maximum height of the residential building and any additions thereto shall not exceed 35 feet; (b) The fourth dwelling unit and every additional even numbered dwelling unit thereafter shall be subject to the inclusionary zoning set-aside requirements; (c) There must be an existing residential building on the property at the time of filing an application for a building permit; (d) There shall be a minimum of 900 square feet of land area per dwelling unit; (e) An addition shall not extend further than ten feet past the furthest rear wall of any principal residential building on the adjacent property; (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of an operative chimney or other external vent on an adjacent property required by any municipal code; (g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing or permitted solar energy system (of

BZA APPLICATION NO. 19762

PAGE NO. 4

at least 2kW) on an adjacent property; (h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size.; and (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular: (1) The light and air available to neighboring properties shall not be unduly affected; (2) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (3) the conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley. In demonstrating compliance with 11-U DCMR § 320.2(i) the Applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways. (11-U DCMR § 320.2(j).) The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block (11-U DCMR § 320.2(k).) Finally, the Board may modify or waive not more than three of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with 11-U DCMR § 320.2(i). (11-U DCMR § 320.2(l).)

Based on the findings of fact, the Board concludes that the request for special exception relief, as represented by the submitted plans, testimony, and evidence, satisfies the requirements of 11-U DCMR § 320.2. The Board credits the testimony of the Applicant and the Office of Planning and finds that the proposed addition and conversion meet the enumerated conditions. As evidenced by the plans and testimony, the proposed addition will not exceed 35 feet in height. (Finding of Fact No. 10.) The Inclusionary Zoning set-aside requirements do not apply, as the Applicant is not proposing more than three units. (Finding of Fact No. 11.) There is an existing residential Building on the Subject Property and it has over 2,700 square feet of land area. (Findings of Fact No. 12-13.) The addition will not extend more than ten feet past the only adjacent property to the east and will not alter any architectural elements original to the Building. (Findings of Fact No. 10, 16). The addition will not interfere with any adjacent chimney, adjacent vents, or solar panels. (Findings of Fact No. 14-15.) The Applicant has not requested any waivers, as it meets the requirements of Subtitle U §§ 320.2(e) through § 320.2(h).

The light and air available to neighboring properties will not be unduly affected. The Applicant provided shadow studies demonstrating that the light and air available to the only adjacent property to the east, 1519 Varnum Street, N.W., will not be unduly affected by the proposed addition. (Exhibit 55A, Finding of Fact No. 17.)

The proposed addition will not compromise the privacy or enjoyment of the adjacent property. The Applicant updated its plans to include privacy screens on the proposed balconies and a privacy fence to preserve the privacy and use of enjoyment of the adjacent property to the east (Exhibit 55B, Finding of Fact No. 18.) The adjacent property to the west is currently

unimproved, therefore the Board finds that there would be no undue impacts on privacy or enjoyment for that property. (Finding of Fact No. 4.)

The Board finds also that the proposed addition, along with the original structure, will not visually intrude on the character, scale, or pattern of houses along the street frontage. The third-floor addition will be set back 13 feet from the front façade and will not be visible from the street. As the Applicant is proposing an 89-foot rear yard, the Building will be significantly set back from the alley. (Finding of Fact No. 19.)

For these same reasons, the Board finds that the proposed addition will not adversely affect the use of neighboring properties as required by 11-X DCMR § 901.2. Further, the Board finds that the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board concurs with OP’s recommendation that the Application should be approved.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).

In this case, ANC 4C voted 10-0-0 to recommend denial of the Application, asserting concerns regarding: (1) outreach to adjacent neighbors and (2) concerns over development compliance with another nearby property, also owned by the Applicant. Neither issue is legally relevant to the Board’s decision whether to grant this special exception. While community outreach is encouraged, it is not an element that must be proven to obtain special exception relief. The Board’s rules do require public notice, and the Board finds that proper notice was given to all owners within 200 feet of the Subject Property. In any event, the Applicant testified that it met with the adjacent neighbor, Mr. Stokes, and with ANC Commissioner Ulysses Campbell in person prior to filing the BZA Application. Similarly, the Zoning Regulation include no “clean hands” provision, and therefore any concerns over noncompliance on other properties should be shared with the Department of Consumer and Regulatory Affairs, which is tasked with the administrative enforcement of the Construction Codes and the Zoning Regulations.

The persons in opposition raised concerns regarding: (1) foot traffic; (2) deliveries; (3) alley trash dumping; (4) security and safety; (5) sewage; (6) diminished property value; (7) disruption of character, scale, and pattern; (8) noise and smoking; and (9) privacy. Issues regarding light and air, privacy, and character, scale, and pattern of houses have been addressed above. The majority of letters requested that the Board consider the impact of the matter-of-right project at

the adjacent property at 1523 Varnum Street, N.W. Construction on an adjacent property is not a legally relevant issue or concern.

While the majority of these concerns are not legally relevant, the Board requested the Applicant take measures to mitigate any concerns regarding safety, security, and privacy. The Applicant revised the plans to include privacy screening on the east-facing side of the proposed rear balconies. (Exhibit 55B.) The Applicant is also proposing a roll-up garage door at the rear of the property and a six-foot-tall security fence around the perimeter. (Exhibits 55A-55B.). The Board also delayed its decision date until July 25, 2018 at the request of the ANC so that the ANC could respond to the updated renderings and materials.

Based on the case record, the testimony at the hearing, and the findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under 11-U DCMR § 320.2, to allow for an addition to and conversion of the Subject Property from a principal dwelling unit to a three-unit residential building. Accordingly, it is **ORDERED** that the Application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10 - ARCHITECTURAL PLANS AND ELEVATIONS - AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the privacy measures identified in Exhibit 55B, including the privacy screening, a privacy fence, and adequate landscaping.
2. The Applicant shall implement the security measures identified in Exhibit 55A including roll-up security doors at the rear of the Subject Property.

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Robert E. Miller, Lesylleé M. White, and Lorna L. John to APPROVE).

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

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

FINAL DATE OF ORDER: January 23, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

BZA APPLICATION NO. 19762

PAGE NO. 7

STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-07C(1)
Z.C. Case No. 08-07C
Four Points, LLC
(Second-Stage PUD @ Square 5784)
ORDER DENYING WAIVER TO PERMIT THE FILING BY A NON-PARTY OF A
MOTION TO RECONSIDER Z.C. ORDER NO. 08-07C
December 17, 2018

Pursuant to Z.C. Order No. 08-07C, effective as of November 9, 2018, the Zoning Commission for the District of Columbia (“Commission”) granted an application submitted by Four Points, LLC (“Applicant”) for a second-stage planned unit development (“PUD”) to develop Square 5784, Lots 899, 900, and 1101 (“Property”) with a new office building and ground-floor retail (“Building 4”).

The parties to Z.C. Case No. 08-07C were the Applicant and Advisory Neighborhood Commission (“ANC”) 8A.

Subtitle Z § 700.3 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”) provides the following:

A motion for reconsideration, rehearing, or re-argument of a final order in a contested case under Subtitle Z § 201.2 may be filed by a party within ten (10) days of the order having become final. The motion shall be served upon all other parties.

(Emphasis added.) Pursuant to 11-Z DCMR § 101.9, the Commission may, for good cause shown, waive any of the provisions of 11-Z DCMR if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Pursuant to 11-Z DCMR § 101.9, on November 13, 2018, the Current Area Residents East of the River (“CARE”) filed a request for waiver of the party status requirement (“Waiver Request”). (Exhibit [“Ex.”] 50.) The waiver request was embedded within a document entitled Motion to Reconsider (“Motion”).

On November 20, 2018, the Applicant filed a letter requesting that the Commission deny the Waiver Request, or in the alternative deny the Motion, and strike from the record the materials included as attachments to the Motion. (Ex. 51.)

CARE was not a party to Z.C. Case No. 08-07C. Although the Waiver Request was embedded within what was entitled a Motion to Reconsider, no such motion could be deemed filed by a non-party unless the waiver was granted. Therefore, at its public meeting held on December 17, 2018, the Commission first considered the Waiver Request and, for the reasons stated below, voted to deny the request, such that the Motion to Reconsider is not considered as having been

filed. Although the materials are therefore deemed to never have been filed, the Commission also granted the Applicant's motion to strike from the record the materials included as attachments to CARE's motion.

As set forth below, CARE did not demonstrate any good cause for waiving the party status requirement.

CARE's Motion argued that the good cause to waive the party status requirement was based on Z.C. Case No. 08-07, which granted the first-stage PUD for the Property and which was decided over 10 years ago when there was no ANC for the single member district ("SMD") for the Property. Thus, CARE alleged that community members believed that the project had been approved and nothing could be done to contest it. (Ex. 50, pp. 1-2.) However, the Commission finds that CARE's arguments regarding the lack of adequate ANC representation and the perceived inability of community members to participate in Z.C. Case No. 08-07C is not supported by the record. The ANC and other community organizations and individuals actively participated in the public hearing process for Building 4, as evidenced by the following: testimony presented by SMD Commissioner Greta Fuller (ANC 8A06) at the July 26, 2018 public hearing; testimony presented by the Executive Director of the Anacostia Coordinating Council ("ACC") at the July 26, 2018 public hearing; ANC resolution in unanimous support of the application, dated September 14, 2018 (Ex. 46); signed ANC community benefits agreement ("CBA"), dated September 14, 2018 (Ex. 46A); ACC letter in support of the application, dated August 4, 2018 (Ex. 45B); and letters of support from the Anacostia Economic Development Corporation, Anacostia Playhouse, ARCH Development Corporation, Check It Enterprises, Community College Prep Academy, Historic Anacostia Block Association, Menkiti Group, and Stockbridge Consulting. (Ex. 29-36.)

In addition, given that there is no evidence in the record to the contrary, the Commission credits the Applicant's indication that it described the application at ANC 8A's public meetings on September 4 and September 14, 2018; at an ANC Executive Committee meeting on August 20, 2018; and to the ACC on July 24 and August 2, 2018, with approximately 200 community members in attendance between the two meetings. (Ex. 45B.) Moreover, the Office of Zoning published notice of the application's filing in the *D.C. Register* on March 30, 2018; published notice of the public hearing regarding the application in the *D.C. Register* on June 8, 2018; and the Office of Zoning mailed notice of the public hearing to owners of property within 200 feet of the Property on May 31, 2018. In addition, the Property was posted with signs describing the application and advertising the public hearing date on June 12, 2018, which signs were maintained up until the public hearing. (Ex. 8, 14, 17, 18, 26.) All notice given for the application was done in accordance with the Zoning Regulations, and each notice clearly indicates how to participate in the public hearing process.

Thus, the Commission finds that CARE’s argument that the party status requirement should be waived now because of alleged inadequate ANC representation 10 years ago is unfounded as it applies to this Commission’s review and approval of the second-stage PUD for Building 4.

CARE also argued that the party status requirement should be waived because “after closing of the record on October 4, 2018 news released that the Reunion Square development would be receiving 60 million dollars in Tax Increment Financing (“TIF”). (Ex. A). Since this is new information made available only after the hearing this motion for reconsideration should be granted.” (Ex. 50, p. 2.) However, this claim goes to the merits of the motion for reconsideration, and not the Waiver Request.

Since the Commission has concluded that CARE failed to demonstrate good cause for waiving the part status requirement, it need to not address the question of whether granting the waiver would prejudice the Applicant.

In numerous orders, the Commission has repeatedly stated the importance of the party status requirement. (See, e.g., Z.C. Order No. 11-24, p. 3 (denying a waiver request to by a non-party and reiterating that “only the existence of ‘extraordinary circumstances’ would justify the waiver of the requirement that only a party may file a motion for reconsideration, such as when no notice of a hearing is given”); Z.C. Order No. 16-07(1), p. 2.) CARE has failed to meet this standard. Therefore, for the reasons stated above, the Waiver Request is hereby **DENIED**.

On December 17, 2018, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **DENIED** the Waiver Request at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to deny, Peter A. Shapiro not present, not voting).

On December 17, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **MOVED TO STRIKE** the materials included with the Motion from the case record by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to deny; Peter A. Shapiro not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 1, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-07E
Z.C. Case No. 11-07E
The American University
(Minor Modification of an Approved Campus Plan Further Processing)
October 19, 2015

Application of The American University (“AU” or “Applicant”), pursuant to § 3129.7 of the Zoning Regulations, requesting approval of a minor modification to a condition of an approved further processing application for the development of the AU East Campus. In accordance with § 3035.5 of the Zoning Regulations, this case was decided by the Zoning Commission for the District of Columbia (“Commission”) using the rules of the D.C. Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.*¹ For the reasons stated below, the Commission hereby approves the modification application.

FINDINGS OF FACT

1. On April 13, 2015, the Commission approved in Z.C. Case No. 11-07D, a modification to Condition No. 41(c) of Z.C. Order No. 11-07 and 11-07C regarding the construction of the East Campus. The new Condition No. 41(c) was amended to read as follows:

41. (c) The University shall be permitted construction hours of Monday-Friday 7:00 a.m. to 7:00 p.m. From September 1, 2015 to the completion of outdoor construction work (expected to occur on or around February 29, 2016), AU will be able to work on Saturdays from 8:00 a.m. to 4:00 p.m. only in the event that the University experiences a lost day of construction activity due to weather. The University will inform Westover Place Home Owners Corporation, for distribution to their resident home owners, and the ANC of a lost day of construction activity by 9:00 a.m. on the day of lost construction activity. Interior work not creating an impact on adjacent properties may take place outside of these hours.
(Exhibit [“Ex.”] 1.)
2. On September 30, 2015, AU filed a minor modification application with the Commission in order to amend Condition No. 41(c) of Z.C. Order No. 11-07D to allow construction activities to occur on the East Campus on Saturdays from 8:00 a.m. to 4:00 p.m. (Ex. 1.)
3. AU noted that it made a presentation to the Community Liaison Committee regarding the status of construction activity on the East Campus on September 24, 2015. At that meeting, AU representatives stated that 33 work days were impacted due to rain during

¹ This application was decided under the Zoning Regulations of 1958, which were repealed as of September 6, 2016 and was replaced by new text. Among the changes made in the Zoning Regulations of 2016 was to expand the types of modifications that could be decided without a hearing. (*See* 11-Z DCMR § 703.) Therefore, the Commission’s decision in this case had no relevance to modification requests filed under the current Zoning Regulations.

the period of April-August 2015, and that due to the restrictions on Saturday work prior to September 1, 2015, these days were not able to be made up. AU noted that the District of Columbia Building Code allows construction to occur in residential zones from 7:00 a.m. to 7:00 p.m. Monday through Saturday and that the proposed hours are still less than what is permitted in residential zones under the D.C. Building Code. AU stated that its general contractor now believes that their ability to maintain schedule and complete construction of the East Campus prior to the start of the fall 2016 semester will be impacted unless they are able to work each and every Saturday until the project is completed. (Ex. 1.)

4. In regard to § 3129.7, AU requested that the Commission waive the requirement to have a hearing on this application. AU argued that the facts of the proposed request are straight-forward, the period of construction activity is temporary, and the proposed minor modification application does not impact the ultimate use and operation of the buildings on the East Campus. AU argued that holding a public hearing on this limited and specific issue of the permitted hours of construction activity will not provide the Commission with any additional information that cannot be obtained from the written responses of all interested Parties. (Ex. 1.)
5. ANC 3D and 3E were automatically parties in this proceeding. ANC 3D submitted letters in opposition to this application. ANC 3E did not participate in this application.
6. In a letter dated October 12, 2015, ANC 3D noted that at a regularly scheduled public meeting on October 7, 2015, with a quorum present at all times, the ANC voted to oppose the minor modification application by a vote of 5-1 “on the basis that the University had not met its burden of proof in this case and ANC 3D called for a hearing by the ZC in this case.” ANC 3D’s submission noted that it opposed the minor modification for the following reasons:
 - a. The request for a minor modification is not timely based on § 3129 of the Zoning Code;
 - b. A bench decision as opposed to a hearing denies the neighbors the opportunity to participate fully in a case that has direct impact on their property – and given divisions in the neighborhood over the issue, a hearing is appropriate in this case;
 - c. AU has not fully used its existing hours and the extended hours approved by the Commission last April in another modification;
 - d. Given that this project is consistently behind schedule, there is no reason to think that an additional 13 days of external work on weekends – that would prove disruptive and objectionable to neighbors – will enable the project to be completed on time; and
 - e. The minor modification will not provide AU with the zoning relief that it needs to complete the project in a timely way and, therefore, ANC 3D encourages AU to

consider an alternative modification to delay the effective date of the requirement that the university house 100% of freshman and sophomores and 67% of all undergraduates on campus until January 2017, and that every effort be made to house these students on campus in the Fall 2016. (Ex. 4.)

7. On October 13, 2015, homeowners and residents of Westover Place Homes Corporation filed a letter and signed petitions with the Commission in opposition to the minor modification application. The letter noted that “Our chief reason for so opposing AU’s request is that it will prove disruptive and objectionable to the enjoyment of our homes on weekends.” The letter also noted that AU has not used the existing and extended construction hours granted by the Commission and that there is little reason to believe that using the Saturdays will enable the project to be completed on time. The letter supported the “provision of an alternative modification to delay the effective date of the requirement that the university house 100 percent of freshman and sophomores and 67 percent of all undergraduates on campus until January 2017.” The letter also “strongly urged that any Commission consideration of American University’s request be via a public hearing so that neighbors may have an opportunity to voice their concerns.” (Ex. 5.)
8. On October 14, 2015, AU submitted a letter in response to the ANC 3D resolution. AU stated that this application “is a very simple request by the University, in order to maintain its construction schedule on the East Campus and provide the required number of on-campus residential beds by the fall 2016 semester, it is necessary to work on Saturdays.” AU noted that this conclusion was based on the expertise of AU’s internal project management team and their general contractor. The letter also noted the September 30, 2015 submission, where AU stated that it “will continue the process of open dialogue with the community that has worked to date to address day-to-day construction related impacts on adjacent properties.” AU also noted that while ANC 3D has requested that a public hearing be held on this application, AU believes that a public hearing is not necessary for the Commission to determine whether it should grant the requested minor modification. Moreover, if a public hearing is scheduled for this minor modification application, the time that will have elapsed prior to the public hearing will make this request moot. In order to be of value to the ultimate construction schedule for the East Campus, the ability to undertake outdoor work on Saturdays must begin as soon as possible. (Ex. 6.)
9. On October 16, 2015, ANC 3D submitted a response to AU’s October 14, 2015 letter. The ANC 3D response noted the importance of the Commission obtaining input from affected residents and stressed that holding a “hearing is necessary to allow the Zoning Commission to balance the needs of the University with those of the community.” (Ex. 7.)
10. On October 19, 2015, the Commission received an e-mail from the Board of Directors of Westover Place Homes Corporation which noted that “Westover Place Homes Corporation represents the owners of the 149 properties in our townhouse community who are also its shareholders. The Board of Directors has not changed its position from

that expressed in earlier hearings. The overwhelming sentiment in our community is that the Commission takes no action that would jeopardize the expeditious completion of the construction in East Campus. By Z.C. Order No. 11-07 that construction is to be completed by Fall, 2016.” (Ex. 8.)

CONCLUSIONS OF LAW

1. The Applicant requested that the Commission approve an application to modify an approved condition of the Commission’s approval of the American University East Campus, pursuant to 11 DCMR § 3129.7. Based upon the record in this case, the Commission concludes that the University has satisfied the applicable filing and notice requirements of 11 DCMR §§ 3129 *et seq.* The parties to the original application were served a copy of the modification application.
2. The Commission finds that the Applicant is seeking a modification of a condition of Z.C. Order No. 11-07D and not plans that were approved by the Commission. Therefore, the time limit for the filing of minor modifications enumerated in § 3129.3 is not applicable to this application, as § 3129.3 only applies to applications that seek to modify approved plans.
3. The Commission recognizes that § 3129.7 states that “a request to modify other aspects of a Board order may be made at any time, but shall require a hearing.” The Commission (and the Board of Zoning Adjustment), pursuant to §3100.5², has the following authority: “Except for §§3100 through 3105, 3121.5, and 3125.4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.” The Commission agrees with the Applicant that holding a public hearing on this limited and specific issue of the permitted hours of construction activity would not provide the Commission with any additional information that could not be obtained from the written responses of all interested Parties.
4. While the Commission gives great credence to the information provided by ANC 3D and some residents and homeowners of Westover Place regarding the impact of construction activity on the East Campus, the Commission recognizes that the Applicant will be seeking construction hours on Saturdays that are otherwise permitted by the D.C. Construction Code. The Commission finds that the proposed construction activity on Saturdays during the fall and winter months will likely have less adverse impact on adjacent property owners due to colder weather than at other times in the year. The Commission also credits the information provided into the record from the Board of Directors of the Westover Place Homes Corporation and specifically notes their statement that “the overwhelming sentiment in our community is that the Commission takes no action that would jeopardize the expeditious completion of the construction in East Campus.” The Commission finds that the interests of all parties are best served by

² In accordance with §3035.5, the Commission followed the rules of the D.C. Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.*

allowing for the most expeditious completion of the construction of the East Campus, which is accomplished by approving the proposed construction hours on Saturday. For these reasons, the Commission determined that it was not necessary to hold a public hearing on this application and that approving this application without a public hearing is appropriate and does not prejudice the rights of any party.

5. The Commission accorded the issues and concerns raised by ANC 3D in their letter dated October 12, 2015 the “great weight” to which they are entitled pursuant to D.C. Official Code § 1-309.10(d) (2001). As noted above, the Commission finds that § 3129.3 is not applicable to this case so there is no timeliness issue. The Commission’s decision as to the appropriateness of deciding this application without a public hearing is addressed in Paragraphs 3 and 4 of the Conclusions of Law provided above. The Commission does not believe that the ANC’s arguments as to whether AU has fully utilized the previously expanded construction hours or AU’s past arguments about its ability to maintain its construction schedule are relevant to the Commission’s decision on this application. Finally, the Commission is tasked with addressing the request of AU that is the subject of this application, construction hours on Saturdays. If AU ultimately follows the ANC’s recommendation that it seek an alternative modification to the housing requirement established in Z.C. Order No. 11-07, the Commission will review that request when, or if, it is filed.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3129.7 and it is therefore **ORDERED** that The American University’s proposed modification to the approved conditions for the East Campus be **GRANTED**. The Conditions in Z.C. Order Nos. 11-07, 11-07C, and 11-07D remain unchanged except as follows: Condition No. 41(c) of Z.C. Order No. 11-07D is amended to read as:

- 41.(c) The University shall be permitted construction hours of Monday-Friday 7:00 a.m. to 7:00 p.m., and Saturdays from 8:00 a.m. to 4:00 p.m.

On October 19, 2015, upon the motion of Commissioner May, as seconded by Vice Chair Cohen, the Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie E. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve)

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 1, 2019.

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-27(1)
Z.C. Case No. 15-27
KF Morse, LLC
(Consolidated PUD, First-Stage PUD, and Related Map Amendment
@ Square 3587, Lots 805, 814, and 817)
November 27, 2017
ORDER DENYING REQUEST TO FILE UNTIMELY MOTION FOR
RECONSIDERATION BY A NON-PARTY

By Z.C. Order No. 15-27, the Zoning Commission for the District of Columbia (“Commission”) granted the application of KF Morse, LLC (“Applicant”) for approval of a consolidated planned unit development (“PUD”), a first-stage PUD, and a related Zoning Map amendment from the C-M-1 Zone District to the C-3-C Zone District for property located at 300, 325, and 350 Morse Street, N.E. (Square 3587, Lots 805, 814, and 817) (“PUD Site”).¹

The parties to Z.C. Case No. 15-27 were the Applicant, Advisory Neighborhood Commission (“ANC”) 5D, and 1250 4TH ST EDENS, LLC and UNION MARKET APARTMENTS, LLC, which were granted a consolidated party status in support of the application.

Z.C. Order No. 15-27 was published in the *D.C. Register* on July 21, 2017, and became final and effective upon publication. (11-Z DCMR § 604.9.) The Office of Zoning served the parties with copies of Z.C. Order No. 15-27 on July 27, 2017.

Motion for Reconsideration

11-Z DCMR § 700.3 provides:

A motion for reconsideration, rehearing, or re-argument of a final order in a contested case under Subtitle Z § 201.2 may be filed **by a party within ten (10) days of the order having become final.** The motion shall be served upon all other parties.

(Emphasis added).

Therefore, any motion to reconsider Z.C. Order No. 15-27 had to have been filed by a party no later than July 31, 2017.

On October 13, 2017, Union Market Neighbors (“UMN”), which was neither a party nor a participant in Z.C. Case No. 15-27, filed Form 153 requesting that the Commission reopen the record and reconsider the issuance of Z.C. Order No. 15-27 (“Original Motion”). (Exhibit [“Ex.”] 80.) On November 7, 2017, UMN filed an amended Form 153, with attachments and the required Certificate of Service, further requesting that the Commission reopen the record and

¹ Z.C. Case No. 15-27 was set down for a public hearing prior to September 6, 2016, and therefore the Commission’s approval of Z.C. Case No. 15-27 was based upon the standards set forth in the 1958 Zoning Regulations.

reconsider Z.C. Order No. 15-27 (“Amended Motion”). (Ex. 80A.) The Commission interpreted the motions as also seeking a waiver from the requirements of 11-Z DCMR § 700.3, that any motion for reconsideration be filed by a party within 10 days of the Order having become final. The Original Motion and the Amended Motion hereinafter are referred to collectively as the “Motion.”

By letters dated October 16, 2017 and November 13, 2017, the Applicant requested that the Commission deny the Motion (“Request for Denial”). The Applicant contended that denial was appropriate because UMN failed to establish good cause for the two waivers sought. (Ex. 80, 82.) The Commission agrees.

Regarding the request to waive the party status requirement, the Commission has repeatedly stated the importance of 11-Z DCMR § 700.3 (and its predecessor 11 DCMR § 3029.5 of the 1958 Zoning Regulations). (*See, e.g.* Z.C. Order No. 11-24, p. 3, denying a motion for reconsideration filed by a non-party and reiterating that “only the existence of ‘extraordinary circumstances’ would justify the waiver of the requirement that only a party may file a motion for reconsideration, such as when no notice of a hearing is given.”) In this case, UMN makes no effort to explain why it, as a non-party, should be able to file a motion for reconsideration. Instead UMN submitted concerns over impacts of the application that it could have presented during the hearing had it chosen to participate.

Regarding the request to waive the requirement that a motion for reconsideration be filed on or before July 31, 2017, UMN offers no explanation as to why the July 31, 2017 deadline could not have been met. Therefore, the Commission denies the request to waive the party status and timeliness requirements. The motions for reconsideration is thus deemed not have been filed.

Motion to Reopen the Record

11-Z DCMR § 602.6 provides:

Any supplemental material received by the Commission after the close of the record that bears upon the substance of the application or petition shall be returned by the Director and not accepted into the files of the Commission. However, if the materials are accompanied by a separate request to re-open the record, the request shall be accepted and presented to the Commission for consideration. **The request must demonstrate good cause and the lack of prejudice to any party.** Such requests may be granted by the presiding officer and, if granted, the supplemental materials shall be entered into the record.

(Emphasis added).

Any motion to reopen the record must demonstrate good cause and the lack of prejudice to any party. The Applicant’s Request for Denial asserted that UMN did not submit any evidence demonstrating “good cause” to justify reopening the record. Rather, UMN provided new information to supplement the record after the record was closed. The Commission finds that reopening the record would prejudice the Applicant by allowing a non-party to file additional

materials in the record after the application was thoroughly reviewed and approved through the public hearing process. Moreover, the Commission finds that it cannot grant a motion to reopen the case record after the final Order has been issued.

The motion to reopen the record is therefore denied.

Motion to Strike

The Applicant's Request for Denial included a request for the Commission to strike the materials included as attachments to the Motion ("Motion to Strike"). Since the Commission has denied the request to file the motion for reconsideration, none of the accompanying materials are deemed in the record.

Further, as noted above, the Commission finds that UMN did not demonstrate any good cause to justify reopening the record, and that reopening the record to accept the materials included as attachments to the Motion would prejudice the Applicant. Therefore, the Commission grants the Motion to Strike and removes from the record of this case the materials included as attachments to the Motion.

On November 27, 2017, upon the motion of Vice Chairman Miller, as seconded by Commissioner May, the Commission **DENIED** the request to accept an untimely motion for reconsideration filed by a non-party, and, to the extent it was needed, **DENIED** the Motion to Reopen the Record at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Peter A. Shapiro to deny; Michael G. Turnbull not present, not voting).

On November 27, 2017, upon the motion of Chairman Hood, as seconded by Commissioner May, the Commission **APPROVED** the Motion to Strike at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Peter A. Shapiro to deny; Michael G. Turnbull not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on February 1, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 19-03
(Masjid Muhammad, Inc. – Map Amendment @
Square 5790, Lots 32-35, 39, 40, 818, and 819)
January 17, 2019

THIS CASE IS OF INTEREST TO ANC 8A

On January 16, 2019, the Office of Zoning received a petition from Masjid Muhammad, Inc. LLC (the “Petitioner”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this petition consists of Lots 32-35, 39, 40, 818, and 819 in Square 5790 in southeast Washington, D.C. (Ward 8), on properties located on a site bounded by Martin Luther King, Jr. Ave, S.E. (south), Chicago Street, S.E. (east), Talbert Street, S.E. (west), and an approximately 20-foot public alley (north). The property is currently zoned MU-4. The Petitioner is proposing a map amendment to rezone the property to MU-5A.

The MU-4 zone is intended to: permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The MU-4 zone allows a maximum height of 50 feet; maximum lot occupancy of 60% (70% for Inclusionary Zoning [IZ]); and a maximum density of 2.5 floor area ratio [“FAR”] (3.0 FAR for IZ and 1.5 FAR for non-residential¹).

The MU-5 zones are intended to: permit medium-density, compact mixed-use development with an emphasis on residential use; provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and be located on arterial streets, in uptown and regional centers, and at rapid transit stops. The MU-5A zone allows a maximum height of 65 feet (70 feet for Inclusionary Zoning); maximum lot occupancy of 80%; 3.5 FAR (4.2 FAR for IZ and 1.5 FAR for non-residential).

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

¹ In the MU-4 and MU-5 zones, an existing building on a lot with an area 10,000 sq. ft. or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 849D(1)
Z.C. Case No. 97-16C
Lowell School
(PUD Modification @ Square 2745F)
September 26, 2016

ORDER GRANTING REQUEST FOR RECONSIDERATION

At its public meeting held on September 26, 2016, the Zoning Commission for the District of Columbia (“Commission”) considered a correspondence item from Advisory Neighborhood Commission (“ANC”) 4A requesting reconsideration of Z.C. Order No. 849(D) (“Request”). Z.C. Order No. 849(D) (“Order”) approved an application from the Lowell School (“Applicant”) for a minor modification to an approved planned unit development (“PUD”) for property located at premises 1640 Kalmia Road N.W., Lots 815 and 817, Square 2745F pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations (“DCMR”), Title 11, Zoning, which were in effect at the time.¹ For the reasons stated below, the Commission approved the Request for Reconsideration, and vacated the Order.

FINDINGS OF FACT

1. The Order approved an application from the Lowell School for a minor modification to an approved PUD.
2. The Order became effective on August 26, 2016.
3. The Commission’s rules, both under the 1958 and 2016 Regulations, require that a motion to reconsider an order be filed not later than ten days after the order becomes effective.
4. The ANC’s Request was filed within that timeframe.
5. The ANC requested: that the Commission reconsider and vacate the Order, deny the minor modification, order Lowell to revise its PUD and remove any construction or any other action involving an indefinite postponement, and any construction or any other action that cannot be accomplished within the timeframe established by Z.C. Order No. 849-B; and that a public hearing on the modification.
6. The Applicant submitted a response to the Request on September 13, 2016 stating that it did “not oppose the ANC’s motion to reconsider.” Nevertheless, the Applicant expressed its view that the modification was minor and that a hearing was not necessary.

CONCLUSIONS OF LAW

¹ Those and all other provisions of Title 11 DCMR were repealed as of September 6, 2016 and replaced with new text.

Given the absence of opposition by the Applicant, the Request is granted, and the Order is vacated. The Applicant must file an application for a modification of significance pursuant to 11-Z DCMR § 703 for the requested modification to be considered. As to the ANC's remaining requests, the vacating of the Order does not deny the modification, but simply requires a hearing. The Commission cannot schedule a hearing, because no application for a modification of significance is before it. As to the removal of construction, the Commission has made no finding as to whether such construction is unlawful, and only the Zoning Administrator can order construction to cease or be removed.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **GRANTS** the Request and **VACATES** the Order.

At the public meeting on September 26, 2016, upon motion by Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **GRANTED** the Request to **VACATE** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to grant and vacate; one mayoral appointee seat vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register* on February 1, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

District of Columbia REGISTER – February 1, 2019 – Vol. 66 - No. 5 001331 – 001579