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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-608, Public Restroom Facilities Installation and Promotion Act of 2018
- D.C. Council enacts Act 22-613, Safe Disposal of Controlled Substances Act of 2018
- D.C. Council enacts Act 22-617, Opioid Overdose Treatment and Prevention Omnibus Act of 2018
- D.C. Council enacts Act 22-623, Safe Fields and Playgrounds Act of 2018
- Office on Aging announces funding availability for the Fiscal Year 2020 DC Office on Aging Day Care Competitive Grant
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2019 LiftOff Grant
- Board of Elections schedules a public hearing on the proposed "District of Columbia Term Limits Campaign (DC TLC)" ballot initiative
- Office of the State Superintendent of Education requests public comment on the waiver request submitted to the U.S. Department of Education to extend school improvement funds
- Department of Health adjusts loan repayment rates for the District of Columbia Health Professional Recruitment Program

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-197

"Youth Rehabilitation Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-451 on first and second readings June 5, 2018, and July 10, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-451 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9554). Act 22-451 was transmitted to Congress on September 17, 2018 for a 60-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 22-451 is now D.C. Law 22-197, effective December 13, 2018.

Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend the Health Services Planning Program Re-establishment Act of 1996 to exempt certain projects from the certificate of need process required of all persons proposing to offer or develop in the District a new institutional health service, subject to the execution of a contract between the District and District Hospital Partners, L.P., with certain enumerated contractual requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East End Health Equity Amendment Act of 2018".

Sec. 2. Section 8 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407), is amended as follows:

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

(1) Paragraph (11) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (13) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (14) is amended by striking the period and inserting the phrase "; and" in its place.

(4) New paragraphs (15), (16), and (17) are added to read as follows:

"(15) The acquisition of equipment for, and the construction of, a hospital by the District on the St. Elizabeths Hospital Campus ("East End Hospital") with 200 licensed beds, which shall be operated by George Washington University Hospital ("GWU Hospital") or Universal Health Services;

"(16)(A) The acquisition of equipment for, and the development and operation by, GWU Hospital of an additional licensed bed capacity of 200 beds; provided, that 50 of the 200 beds shall be situated at the existing GWU Hospital building; provided further, that the remaining 150 beds shall be situated on the Foggy Bottom Campus of George Washington University, unless otherwise approved by act of the Council;

"(B) 120 days prior to initiating development of any portion of the 150 additional beds authorized pursuant to subparagraph (A) of this paragraph, GWU Hospital shall make publicly available and submit to the SHPDA and the Council a comprehensive list of all

new institutional health services to be provided in accordance with such licensed bed capacity; and

"(C) The authority to expand the GWU Hospital by an additional licensed bed capacity of 200 beds pursuant to subparagraph (A) of this paragraph shall expire as of June 30, 2019, if the contract referred to in subsection (h)(1) of this section has not been submitted by the Mayor to the Council; and

"(17) The acquisition of equipment for, and the construction and operation of, health care facilities, including urgent care and ambulatory care facilities, in Wards 7 and 8 by GWU Hospital or Universal Health Services to support the East End Hospital.".

(b) New subsections (h), (i), and (j) are added to read as follows:

"(h) The provisions of subsection (b)(15) through (17) of this section shall apply upon satisfying the following conditions:

"(1) The execution of a mutually agreed upon contract between District Hospital Partners, L.P., and the District that includes, without limitation, requirements to:

"(A) Increase the minimum number of licensed beds for the East End Hospital from between 106 and 125 licensed beds to 200 licensed beds;

"(B) Integrate the East End Hospital into the GWU Hospital system;

"(C) Design and construct the East End Hospital with sufficient shell space to preserve the ability to increase the size of the facility by an additional 50 licensed beds while the facility continues to operate;

"(D) Construct the East End Hospital through a Project Labor Agreement;

"(E) Maintain District ownership of the land upon which the East End Hospital is constructed;

"(F) Maintain District ownership of the East End Hospital; provided, that the parties may authorize District Hospital Partners, L.P., to purchase the East End Hospital;

"(G) Provide a detailed workforce development plan between the District and District Hospital Partners, L.P., that includes strategies to:

"(i) Prepare qualified District residents for employment at the East End Hospital;

"(ii) Train District residents for employment at the East End Hospital; and

"(iii)(I) Provide preference in hiring for employment at the East End Hospital, first to:

"(aa) Qualified employees of United Medical Center who meet the minimum standards for employment established by GWU Hospital; provided that there exist just cause for the employer to deny employment based on qualifications to any such employee; and

"(bb) Qualified employees of Howard University Hospital, who are not members of the medical faculty, who meet the minimum standards for employment established by GWU Hospital; and

"(II) Provide preference in hiring for employment at the East End Hospital, second to District residents, with a particular emphasis on the residents of Wards 7 and 8;

"(H) Hire a majority of the current non-supervisory employees of United Medical Center; and

"(I) Work with the unions representing current employees of United Medical Center to develop a neutrality agreement to which all parties agree; and

"(2)(A) The filing, by the Mayor, with the Office of the Secretary to the Council of one or more academic affiliation agreements, (including physician services agreements, between Howard University and one or more health care facilities to ensure that Howard University College of Medicine meets its applicable accreditation requirements to continue its academic mission; provided that, for the purposes of this subparagraph the term "health care facilities" shall not be limited to health care facilities in the District or existing health care facilities, and may include the East End Hospital; and

"(B) The submission of an academic affiliation agreement submitted in accordance with sub-subparagraph (i) of this subparagraph that specifies accommodations for Howard University College of Medicine's medical faculty, medical students, and medical residents; provided, that such an agreement may summarize or redact any confidential information negotiated between the contracting parties.

"(i)(1) The Secretary to the Council shall cause the notice of the reciept of an academic affiliation agreement submitted in accordance with subsection (h)(2)(A) of this section to be published in the District of Columbia Register.

"(2) The date of publication of the notice of the receipt of an academic affiliation agreement submitted in accordance with paragraph (1) of this subsection shall not affect the applicability of subsection (b)(15) through (17) of this section.

"(j) The activities described in subsection (b)(15) through (17) of this section may be pursued simultaneously by District Hospital Partners, L.P.; provided, that the development of the 150 additional beds in a new health care facility authorized pursuant to subsection (b)(16) of this section shall not proceed prior to the development of the East End Hospital with 150 licensed beds and shell space for an additional 50 licensed beds.".

Sec. 3. Applicability.

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

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

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

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

ENROLLED ORIGINAL

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.

The 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 22-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To authorize, on a temporary basis, the Mayor to exercise eminent domain to acquire certain property located on or near W Street, N.E., Lots 36 and 41 in Square 3942 and Parcel 0143/107, for the purposes of warehousing and storage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Warehousing and Storage Eminent Domain Authority Temporary Act of 2018".

Sec. 2. Findings.

The Council finds that:

(1) The District government has a significant need for warehousing and storage space for equipment, records, property, and supplies maintained by District agencies.

(2) The District government has a need to properly store and maintain government records, equipment of agencies such as the Department of Parks and Recreation and the Department of Public Works, surplus property held by the Office of Contracting and Procurement, and emergency medical supplies for the Department of Health.

(3) The District's need for warehousing and storage is near to exceeding the District's current capacity at its owned facilities, and there is a reduction in the supply of, and limited vacancy within, warehouse space available for lease in the District.

(4) The District has identified a site located on W Street, N.E., east of Brentwood Road, N.E. ("W Street Site") as a strong site for these purposes because the site allows for by-right use as a warehouse and storage facility and the site is large enough to accommodate the warehouse and storage needs of numerous District agencies.

(5) The W Street Site is currently occupied by a private trash transfer station.

(6) Acquisition of the W Street Site will allow the District to construct and operate a facility or multiple facilities to warehouse and store the equipment, records, property, and supplies of numerous District agencies in a District-owned facility.

ENROLLED ORIGINAL

Sec. 3. Exercise of eminent domain.

The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36 and 41 in Square 3942 and Parcel 0143/107 for warehousing and storage purposes.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To approve, on an emergency basis, Contract No. CW59871 with Public Performance Management LLC to provide information technology equipment and software, including Modification No. 3 to that contract, and to authorize payment in the total not-to-exceed amount of $10,000,000.00 for the goods and services received and to be received under the contract as modified by Modification No. 3.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW59871 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW59871 with Public Performance Management LLC to provide information technology equipment and software, including Modification No. 3 to that contract, and authorizes payment in the total not-to-exceed amount of $10,000,000.00 for the goods and services received and to be received under the contract as modified by Modification No. 3.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend, on an emergency basis, the Procurement Practices Reform Act of 2010 and the Public-Private Partnership Act of 2014 to allow the Office of Public-Private Partnerships to delegate its contracting authority for public-private partnership agreements to the Office of Contracting and Procurement as of January 1, 2017, and to require any employee of the Office of Contracting and Procurement exercising such delegated authority to comply with provisions of the Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Amendment Act of 2018".

Sec. 2. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), is amended by striking the phrase "requirements of this act" and inserting the phrase "requirements of this act, except, effective January 1, 2017, as provided in section 102(e) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01(e))" in its place.

Sec. 3. Section 102 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01), is amended by adding a new subsection (e) to read as follows:

"(e)(1) Effective January 1, 2017, the Office may delegate to the Office of Contracting and Procurement ("OCP"), at the discretion of OCP, the authority to serve as the contracting officer for the Office for public-private partnership agreements entered into pursuant to this act and to carry out other contracting functions related to public-private partnerships on behalf of the Office.

"(2) Any OCP employee exercising authority delegated pursuant to this subsection shall comply with the provisions of this act and any rules and regulations promulgated to effectuate this act.".

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Sec. 4. Repealer.

(a) The Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018, effective October 25, 2018 (D.C. Act 22-490; 65 DCR 12062), is repealed.

(b) The Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018, effective November 27, 2018 (D.C. Law 22-187; 65 DCR 11410), is repealed.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Office of Public-Private Partnerships Delegation of Authority Amendment Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-911), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect 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 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend, on an emergency basis, the Electric Company Infrastructure Improvement Financing Act of 2014 to clarify the requirements related to the utilization of certified business enterprises and procurements for certain architectural and engineering services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Power Line Undergrounding Program Certified Business Enterprise Utilization Emergency Act of 2018".

Sec. 2. Title I of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), is amended as follows:

(a) The title heading is amended to read as follows:

"TITLE I. DEFINITIONS AND FINDINGS; PROCUREMENT".

(b) Section 102(7) (D.C. Official Code § 34-1311.02(7)) is amended by striking the phrase "100% of the construction contracts are awarded to District businesses" and inserting the phrase "100% of the construction contracts are awarded to certified business enterprises or certified joint ventures" in its place.

(c) A new section 103 is added to read as follows:

"Sec. 103. Procurements.

"Section 604 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-356.04) ("PPRA"), shall apply to procurements for architectural and engineering services, as that term is defined in section 104(3) of the PPRA (D.C. Official Code § 2-351.04(3)), to carry out the purposes of this act; provided, that the District may:

"(a) Set aside contracts for such services for certified business enterprises and certified joint ventures, as such terms are defined in section 2302(1D) and (1E) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D) and (1E)); or

"(b) Award preferences to certified business enterprises as provided in section 2343 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of

ENROLLED ORIGINAL

2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.43), as part of the evaluation of statements of qualifications submitted in response to a request for qualifications.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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 24,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 901 Fifth Street, N.W. and I Street, N.W., and known for tax and assessment purposes as Lot 0059 in Square 0516.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of Fifth Street, N.W., and I Street, N.W., Emergency Amendment Act of 2018".

Sec. 2. Section 1 of 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), is amended by adding a new subsection (d-8) to read as follows:

"(d-8) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 901 Fifth Street, N.W., and I Street, N.W., and known for tax and assessment purposes as Lot 0059 in Square 0516, pursuant to the Fifth Street, N.W., and I Street, N.W., Disposition Approval Emergency Act of 2014, effective December 23, 2014 (D.C. Act 20-543; 62 DCR 240), the Fifth Street, N.W., and I Street, N.W., Disposition Extension Approval Resolution of 2016, effective December 6, 2016, (Res. 21-669; 64 DCR 11438), and the Fifth Street N.W. and I Street N.W. Term Sheet Amendment Approval Resolution of 2017, deemed approved January 23, 2018 (PR 22-611), is extended to April 1, 2019.

Sec. 3. The Council approves an amendment to the Outside Closing Date as identified in the Schedule of Performance pursuant to Fifth Street N.W. and I Street N.W. Term Sheet Amendment Approval Resolution of 2017, deemed approved January 23, 2018 (PR22-611), to reflect the extension of time set forth in section 2 of this act.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This 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 24, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2019

To establish a working group consisting of the District of Columbia Water and Sewer Authority, the District Department of Transportation, the Department of General Services, the Department of Human Services, the Department of Parks and Recreation, the Office of the Deputy Mayor for Planning and Economic Development, the Metropolitan Police Department, the Department of Health, and the Department of Public Works to review the feasibility of installing public restroom facilities in underserved areas of the District; to direct the Mayor to establish a public restroom facilities pilot program and install two public restroom facilities in high-need locations in the District; and to establish the Community Restroom Incentive Pilot Program to provide financial incentives to places of public accommodations in a selected Business Improvement District that open their restrooms to the public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Restroom Facilities Installation and Promotion Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "BID" shall have the same meaning as provided in section 3(7) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(7)).

(2) "Participant" means a place of public accommodation located within the BID selected by the Mayor under section 4(b) that is participating in the Community Restroom Incentive Pilot Program.

(3) "Place of public accommodation" shall have the same meaning as provided in section 102(24) of the Human Rights Act of 1997, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)).

(4) "Public restroom facility" means a restroom maintained by the District and accessible to the public free of charge.

Sec. 3. Establishment of working group and public restroom facility pilot.

(a) Within 45 days after the applicability date of this act, the Mayor shall solicit recommendations from BID corporations, as that term is defined in section 3(4) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official

Code § 2-1215.02(4)), Clean Team grantees, as that term is used in section 2a of An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (D.C. Law 21-265; D.C. Official Code § 9-602.01), and Advisory Neighborhood Commissions ("ANCs") on locations in the District that are in need of a public restroom facility.

(b) Within 180 days after the applicability date of this act, the Mayor shall transmit to the Council, the District of Columbia Water and Sewer Authority ("DC Water"), the District Department of Transportation ("DDOT"), the Department of General Services ("DGS"), the Department of Human Services ("DHS"), the Office of the Deputy Mayor for Planning and Economic Development ("DMPED"), the Metropolitan Police Department ("MPD"), the Department of Public Works ("DPW"), the Department of Health ("DOH"), and the Department of Parks and Recreation ("DPR") a report that includes:

(1) A list of sites in the District where, during the preceding fiscal year, the Mayor received 10 or more reports of human urine or feces, resulting in the dispatch of staff to the area; and

(2) A summary of the recommendations provided under subsection (a) of this section.

(c)(1) Within 30 days after the transmittal of the report required by subsection (b) of this section, the Mayor shall establish a working group to assess the need for public restroom facilities.

(2) The working group shall be composed of the following individuals:

(A) The Director of each of the following District agencies, or the Director's designee:

(i) DC Water;
(ii) DDOT;
(iii) DGS;
(iv) DHS;
(v) DMPED;
(vi) DPR;
(vii) MPD;
(viii) DOH; and
(ix) DPW; and

(B) Five members, appointed by the Mayor, as follows:

(i) Two representatives from nonprofits incorporated in the District with a focus on issues affecting individuals experiencing homelessness;

(ii) One representative from a nonprofit incorporated in the District with a focus on issues affecting seniors;

(iii) One representative from a nonprofit incorporated in the District with a focus on public health; and

(iv) One individual with expertise in urban planning.

(3) Within 30 days after the establishment of the working group, the working group shall hold its first meeting. Thereafter, the working group shall meet monthly until the date

that the working group transmits its recommendations to the Council and the Mayor under paragraph (4) of this subsection.

(4) Within 150 days after the working group's first meeting, the working group shall transmit recommendations to the Council and the Mayor, which shall include:

(A) The number and type of public restroom facilities that would best serve the District's needs; and

(B) Two sites in the District that the working group recommends as pilot locations for the installation of public restroom facilities.

(5) The working group shall consider the following criteria when recommending the 2 sites under paragraph (4)(B) of this subsection:

(A) Whether the site was identified in the report compiled pursuant to subsection (b) of this section;

(B) Pedestrian traffic in the site's surrounding area;

(C) The cost of installing, maintaining, policing, and repairing the public restroom facility;

(D) The effect that the installation of a public restroom facility at the site would have on nearby residential and commercial spaces;

(E) Proximity of the site to services for the homeless;

(F) Increased availability of restrooms available to the public as a result of the Community Restroom Incentive Pilot Program established under section 4;

(G) The availability of existing restrooms available to the public near the site;

(H) Input from ANCs, BIDs, or other similar community organizations;

(I) The ability of individuals experiencing homelessness to access the site;

(J) Proximity of the site to MPD facilities or personnel; and

(K) The potential use of the site for criminal or nuisance activities.

(6) Within 30 days after receipt of the working group's recommendations, the Mayor shall:

(A) Publish online the working group's recommendations and information on how members of the public may submit comments regarding the installation of a public restroom facility at the sites recommended by the working group;

(B) Transmit the working group's recommendations to the ANCs in which the sites recommended under subsection (c)(4)(B) of this section are located and solicit a resolution from those ANCs in favor of, or in opposition to, installing a public restroom facility at the sites; and

(C) Post conspicuous signs nearby the sites recommended for a public restroom facility under subsection (c)(4)(B) of this section, which shall include:

(i) Notice of the working group's recommendation to install a public restroom facility at the site;

(ii) Directions on how to access a digital copy of the working group's recommendations; and

(iii) Information on how members of the public may submit comments regarding the installation of a public restroom facility at the site.

(d) Within 180 days after the working group transmits its recommendations under subsection (c)(4) of this section, the Mayor shall install a public restroom facility at the sites identified by the working group.

(e) Within one year after the installation of the public restroom facilities pursuant to subsection (d) of this section, and on an annual basis thereafter, MPD shall transmit a report to the Council that includes the following:

(1) The number and type of police reports filed with MPD regarding activities at or within 250 feet of the public restroom facilities installed pursuant to subsection (d) of this section during the preceding year; and

(2) A report on the number of police reports filed with MPD, including the nature of the alleged crime, that resulted in an arrest at or within 250 feet of the public restroom facilities following the installation of the public restroom facilities.

(f) Within one year after the installation of the public restroom facilities pursuant to subsection (d) of this section, and on an annual basis thereafter, the Mayor shall report to the Council the actual annual costs of installing, maintaining, policing, and repairing the public restroom facilities installed pursuant to subsection (d) of this section, and any other public restroom facilities that the Mayor installs.

(g) Within one year after the opening of the public restroom facilities under subsection (e) of this section, the Mayor shall transmit recommendations to the Council regarding whether the District should install additional public restroom facilities.

Sec. 4. Community Restroom Incentive Pilot Program.

(a) There is established the Community Restroom Incentive Pilot Program ("Pilot Program"), to be administered and enforced by the Mayor, to provide funding, pursuant to rules issued by the Mayor, to participants that make their restrooms available free of charge to any person, regardless of whether the person patronizes the place of public accommodation.

(b) Within one year after the applicability date of this act, the Mayor shall select one BID as the location to administer the Pilot Program. To participate in the Pilot Program, a place of public accommodation within the BID selected pursuant to this subsection may apply pursuant to rules issued by the Mayor. A BID shall be ineligible to participate in the Pilot Program if one of the sites recommended under section 3(c)(4)(B) falls within its geographic boundary.

(c)(1) The Mayor shall create and distribute a sign to each participant that indicates that any person may use the place of public accommodation's restroom facilities free of charge, regardless of whether the person patronizes the place of public accommodation.

(2) Within 30 days after receiving a sign pursuant to paragraph (1) of this subsection, each participant shall display the sign in a prominent location that is visible from the street or sidewalk.

(3) The Mayor shall provide a warning to a participant that fails to comply with paragraph (2) of this subsection.

(4) A participant that fails to comply with paragraph (2) of this subsection within 30 days after receiving a warning under paragraph (3) of this subsection shall be deemed ineligible to participate in the Pilot Program during the following fiscal year and shall return a portion of the funds received under the Pilot Program, as determined by rules issued by the Mayor.

(d) Except as provided in subsection (e) of this section, where it is determined, after investigation by the Mayor, that a participant has denied a person access to the participant's restroom facility, the participant shall:

(1) Return any funds received under the Pilot Program during that fiscal year; and

(2) Be ineligible to participate in the Pilot Program during the following fiscal year.

(e) Nothing in this section shall be construed to:

(1) Require a participant to change its hours of operation or permit individuals to use its restroom facilities outside of its stated hours of operation; or

(2) Preclude a participant from denying entry to an individual who is violating District law, posing a health risk, or posing a threat of harm to themselves or others.

(f) The Mayor shall maintain a list of participants in the Pilot Program on the District website.

(g) Beginning 2 years after the applicability date of this act, and on an annual basis thereafter, the Metropolitan Police Department ("MPD") shall provide a report to the Council that includes the following:

(1) The number of police reports filed with MPD, including the nature of the alleged crime, during the preceding year that resulted in an arrest in the BID selected pursuant to subsection (b) of this section; and

(2) An analysis of whether there was an increase in the number of police reports filed with MPD during the preceding year that resulted in an arrest in the BID selected pursuant to subsection (b) of this section.

(h) Within 2 years after the applicability date of this act, and on an annual basis thereafter, the Mayor shall report to the Council the actual annual costs of the Pilot Program and the number of participants.

(i) Within 180 days after the applicability date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

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.

ENROLLED ORIGINAL

(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 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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Human Rights Act of 1977 to protect victims and family members of victims of domestic violence, sexual offenses, and stalking against discrimination by employers, employment agencies, and labor organizations; and to amend the Office of Human Rights Establishment Act of 1999 to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase "and place of residence or business" and inserting the phrase "place of residence or business, and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking" in its place.

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

(1) A new paragraph (7C) is added to read as follows:

"(7C) "Domestic violence" shall have the same meaning as provided in section 3032(1) of the Domestic Violence Hotline Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 4-551(1)).".

(2) Paragraph (11B) is amended to read as follows:

"(11B) "Family member" means:

"(A) With respect to an individual and genetic information, the spouse or domestic partner of the individual, dependent child (whether born to or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, domestic partner, or child; and

"(B) With respect to an individual's status as a family member of a victim of domestic violence, sexual abuse, or stalking:

"(i) A spouse, including the person identified by an individual as his or her domestic partner, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

"(ii) The parents of a spouse;
"(iii) Children (including foster children and grandchildren);
"(iv) The spouses of children;
"(v) Parents;
"(vi) Brothers and sisters;
"(vii) The spouses of brothers and sisters;
"(viii) A child who lives with an individual and for whom the individual permanently assumes and discharges parental responsibility; and
"(ix) A person with whom the individual shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the individual maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(1)).".

(3) A new paragraph (27A) is added to read as follows:
"(27A) "Sexual offense" shall have the same meaning as provided in section 101(15) of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.01(15)).".

(4) A new paragraph (29A) is added to read as follows:
"(29A) "Stalking" means an act prohibited by section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133).".

(c) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:
(1) Subsection (a) is amended as follows:
(A) The lead in language is amended by striking the phrase "or credit information" and inserting the phrase "status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information" in its place.
(B) Paragraph (1) is amended by striking the word "his" wherever it appears and inserting the phrase "his or her" in its place.
(C) Paragraph (3) is amended by striking the word "his" and inserting the phrase "his or her" in its place.
(D) Paragraph (4)(B) is amended by striking the phrase "or credit information" and inserting the phrase "status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information" in its place.
(2) Subsection (b) is amended by striking the phrase "or credit information" and inserting the phrase "status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information" in its place.
(3) A new subsection (c-1) is added to read as follows:
"(c-1) Victims and family members of victims of domestic violence, a sexual offense, or stalking. –

"(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or (b) of this section based wholly or partially on the fact that:

"(A) An employee attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal, civil, or administrative proceeding relating to domestic violence, a sexual offense, or stalking of which the employee or employee's family member was a victim, including meetings with an attorney or law enforcement officials;

"(B) An employee sought physical or mental health treatment or counseling relating to domestic violence, a sexual offense, or stalking of which the employee or employee's family member was a victim; or

"(C) An individual caused a disruption at the employee's workplace or made a threat to an employee's employment, relating to domestic violence, a sexual offense, or stalking of which the employee or employee's family member was a victim.

"(2) It shall be an unlawful discriminatory practice for an employer to refuse to make a reasonable accommodation for an employee who is a victim or a family member of a victim of domestic violence, a sexual offense, or stalking when an accommodation is necessary to ensure the person's security and safety, unless such an accommodation would cause the employer undue hardship.

"(3)(A) It shall be an unlawful discriminatory practice for an employer to disclose any information related to an employee's status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking provided to the employer by the employee, including a statement or any other documentation, record, or corroborating evidence.

"(B) It shall not be a violation of subparagraph (A) of this paragraph to make a disclosure that is:

"(i) Requested or voluntarily authorized in writing by the employee;

"(ii) Ordered by a court or administrative agency or otherwise required by law;

"(iii) Provided to a law enforcement agency;

"(iv) Necessary to protect other employees from imminent harm; or

"(v) To the extent necessary, to provide a reasonable accommodation to the victim.

"(C) In the event of a disclosure, the employer shall notify the employee of the disclosure.

"(4) For the purposes of this subsection, the term:

"(A) "Reasonable accommodation" includes a transfer, reassignment, modified schedule, leave, changed work station, changed work telephone or email address, installed lock, assistance in documenting domestic violence, a sexual offense, or stalking that occurs in the workplace, or the implementation of another safety procedure in response to actual or threatened domestic violence, a sexual offense, or stalking.

"(B) "Undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the employer, its financial resources, and the nature and structure of its operation.".

(d) Section 224 (D.C. Official Code § 2-1402.24) is amended as follows:

(1) Subsection (a) is amended by striking the word "his" and inserting the phrase "his or her" in its place.

(2) Subsection (c)(1) is amended by striking the word "his" and inserting the phrase "his or her" in its place.

(e) Section 273 (D.C. Official Code § 2-1402.73) is amended by striking the phrase "or place of residence or business" and inserting the phrase "place of residence or business, or status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking" in its place.

Sec. 3. Section 203 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.02), is amended by striking the phrase "and place of residence or business" and inserting the phrase "place of residence or business, and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking" in its place.

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

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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Language Access Act of 2004 to add various entities to the list of covered entities with major public contact, to require each public school and public charter school to provide translations of essential information to students, parents, and guardians and to require a public school or public charter school that notifies English proficient parents or guardians of a health or safety issue to provide a translated copy of that notice to each limited or no-English proficient parent or guardian regardless of the percentage of limited or no-English proficient parents or guardians being served by the public school or public charter school, to establish language access requirements for the Council of the District of Columbia, to require the Office of Human Rights to develop a training video or webcast for covered entities with major public contact and for all public schools and public charter schools, to create, in consultation with other District agencies, a repository of translated documents and to make those documents available to a public school or public charter school upon request, and to publish certain findings, final orders, and corrective action plans in the District of Columbia Register no later than 45 days after issuance, to require each public school and public charter school to designate a language access liaison and each local education agency to designate a language access coordinator if the percentage of students who are of limited or no-English proficiency is more than 3 percent, or 500 individuals, whichever is fewer, of the population being served by the public school or public charter school, to clarify the Office of Human Rights' complaint filing and appeals procedures, and to provide for the imposition of a fine of $2,500 on certain covered entities for a violation of the Language Access Act of 2004, which shall be awarded to a complainant; to amend the Office of Administrative Hearings Establishment Act of 2001 to extend the jurisdiction of the Office of Administrative Hearings to appeals of final decisions and orders of the Office of Human Rights with respect to violations of the Language Access Act of 2004; and to amend the District of Columbia School Reform Act of 1995 to permit the Public Charter School Board to enter into contracts with public charter schools to provide language-access services.

ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Language Access for Education Amendment Act of 2018".

Sec. 2. The Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1931) is amended as follows:

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

(A) Sub-subparagraph (iii) is amended by striking the phrase "Mental Health;" and inserting the phrase "Behavioral Health;" in its place.

(B) Sub-subparagraph (vi) is amended by striking the semicolon and inserting the phrase "Department;" in its place.

(C) Sub-subparagraph (xxii) is amended by striking the phrase "Office of Personnel;" and inserting the phrase "Department of Human Resources;" in its place.

(D) Sub-subparagraph (xxv) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(E) Sub-subparagraph (xxvi) is amended by striking the period and inserting a semicolon in its place.

(F) New sub-subparagraphs (xxvii), (xxviii), (xxix), (xxx), (xxxi), (xxxii), (xxxiii), (xxxiv), (xxxv), (xxxvi), (xxxvii), (xxxviii), (xxxix), and (xxxx) are added to read as follows:

"(xxvii) Department of General Services;
"(xxviii) Department of Health Care Finance;
"(xxix) Department of Small and Local Business Development;
"(xxx) Department of Energy and the Environment;
"(xxxi) District Department of Transportation;
"(xxxii) Department of Youth Rehabilitation Services;
"(xxxiii) Department on Disability Services;
"(xxxiv) District of Columbia Lottery and Charitable Games Control Board;
"(xxxv) Office of Administrative Hearings;
"(xxxvi) Child Support Services Division within the Office of the Attorney General;
"(xxxvii) Office of the State Superintendent of Education;
"(xxxviii) Office of the Tenant Advocate;
"(xxxix) Office of Unified Communications; and
"(xxxx) Office of Zoning.".

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

"(3A) "Essential information" means substantively important data and materials related to a student's well-being and educational progress, including data and materials related to the following:

"(A) Grievance procedures;

"(B) Language-assistance programs;

"(C) Notices of nondiscrimination;

"(D) Parent-teacher conferences;

"(E) Parent handbooks;

"(F) Registration and enrollment;

"(G) Report cards;

"(H) Requests for parent permission for student participation in a school activity;

"(I) Special-education issues arising under the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*), or section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 356; 29 U.S.C. § 794), including information needed by a parent or guardian to participate before and during his or her child's Individual Education Plan meeting and a copy of the student's finalized Individual Education Plan;

"(J) Student discipline policies and procedures and behavioral intervention plans;

"(K) Notice of unexcused absences and associated consequences as required by sections 6(c)(2) and 7(c)(2) of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code §§ 38-207(c)(2) and 38-208(c)(2));

"(L) Notice of disciplinary action; and

"(M) Warning that a student is receiving a D or F grade, or the academic equivalent thereof, issued before the end of the grading period.".

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

"(5A) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.".

(b) Section 4 (D.C. Official Code § 2-1933) is amended as follows:

(1) The heading is amended to read as follows:

"Sec. 4. Written language services provided.".

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

"(a-1) Each public school and public charter school shall provide translations of essential information for students and parents or guardians into any non-English language spoken by a limited or no-English proficient population that constitutes 3%, or 500 individuals, whichever is less, of the population being served by the public school or public charter school.

"(a-2) If a public school or public charter school notifies English proficient parents or guardians of a health or safety issue at the public school or public charter school, the public school or public charter school shall provide a translation of the health or safety notification to all limited or no-English proficient parents or guardians regardless of the percentage of limited or no-English proficient population being served by the public school or public charter school.".

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

"(b)(1) If the provisions of this act are contractually imposed on a non-covered entity providing services for a covered entity, the requirements of subsection (a) of this section shall apply to that non-covered entity.

"(2) If the provisions of this act are contractually imposed on a non-covered entity providing services for a public school or public charter school, the requirements of subsections (a-1) and (a-2) of this section shall apply to that non-covered entity.".

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

"(c) With regard to the District of Columbia Public Schools and public charter schools, the Office of the State Superintendent of Education shall be responsible for determining whether a public school or public charter school serves a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population being served by the school.".

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

"Sec. 5a. Council of the District of Columbia language access requirements.

"(a)(1) The Council of the District of Columbia shall provide oral interpretation in the 5 most commonly spoken languages in the District for any person who seeks to participate in the process to enact legislation.

"(2) The Council shall consult annually with the Office of Human Rights to determine the 5 most commonly spoken languages in the District.

"(b) The Council's website, excluding any document attachments and any webpages to which the Council's website links and for which Google translation services (or similar services) are not available, shall be able to be translated using Google translation (or similar services). Official hearing notices shall be in html format so that they are translatable.".

(d) Section 6(b) (D.C. Official Code § 2-1935(b)) is amended as follows:

(1) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) Develop and make available to all covered entities with major public contact and to all public and public charter schools a training video or webcast that explains the requirements enumerated in this act and that provides suggestions or technical guidance on how agencies, public schools, or public charter schools can enhance their support and services for limited or no-English proficient constituents.

"(1B) In consultation with the Office of the State Superintendent of Education, local education agencies, the Public Charter School Board, the Department of Health, the Department of Human Services, and the Department of General Services, create and maintain a

repository of documents that have been, by or on behalf of these agencies, translated into at a minimum, the 5 most commonly spoken languages in the District of Columbia, and upon request, make these documents available to any public school or public charter school.".

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

"(2)(A) Track, monitor, and investigate public complaints regarding language access violations at covered entities and all public charter schools, and when necessary, issue written findings of noncompliance and a corrective action plan to a covered entity or public charter school regarding a failure to provide language access; provided, that this responsibility shall not supersede or preclude the existing individual complaint process and mechanism under the jurisdiction of the Office of Human Rights.

"(B) A copy of each finding of noncompliance, final determination order, final order on a request for reconsideration by the Office of Human Rights, or corrective action plan issued by the Office of Human Rights shall be published in the District of Columbia Register within 45 days after the issuance of the finding, final order, or corrective action plan.

"(C) Each copy to be published in the District of Columbia Register pursuant to subparagraph (B) of this paragraph shall include:

"(i) The name of the entity responsible for the violation or violations;

"(ii) The location or locations where the violation or violations took place;

"(iii) The date of the violation or violations;

"(iv) The date on which each complaint of a violation was filed;

"(v) Specific findings of non-compliance with this act;

"(vi) The remedy or corrective actions ordered for compliance, and the date or dates by which compliance with those actions shall be achieved.".

(e) New sections 6a, 6b, and 6c are added to read as follows:

"Sec. 6a. Language access for students.

"(a) If the percentage of students who are of limited or no-English proficiency is more than 3%, or 500 individuals, whichever is less, of the population being served by a public school or public charter school:

"(1) The public school or public charter school shall designate a language access liaison, who shall be responsible for:

"(A) Ensuring that each parent or guardian who is limited or no-English proficient has access to oral and written translation services upon request;

"(B) Ensuring that students who are of limited or no-English proficiency have meaningful access to all curricular and extracurricular programs offered at the student's school;

"(C) Working with the public school or public charter school's

administration, as well as the local education agency within which the public school or public charter school is located, to ensure that the school, to the extent practicable, implements programs and initiatives that account for the various cultural backgrounds of the students and families who attend the public school or public charter school;

"(D) Receiving and processing complaints with regard to the public school or public charter school's language access program, or lack thereof;

"(E) Serving as the public school or public charter school's point of contact for the Office of Human Rights and the local education agency within which the public school or public charter school is located for all matters pertaining to language access; and

"(F) Overseeing implementation of a public school or public charter school's corrective action plan issued by the Office of Human Rights and any steps a public school or public charter school takes to improve its language-access services.

"(2)(A) The local education agency within which the public school or public charter school is located shall designate a school language access coordinator who shall oversee and monitor each public school or public charter school within the local education agency to ensure compliance with Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; 42 U.S.C. § 2000d *et seq.*), Title III of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 39; 20 U.S.C. § 6801 *et seq.*), and this act.

"(B) The Office of Human Rights shall assist any language access liaison or language access coordinator acting pursuant to this section with providing training for front office staff and support staff, teachers, and counselors on how to use the public school or public charter school's language access line, how to work with interpreters, and on the best practices for interacting with and integrating English language learner students and their families.

"(b) If a public charter school is also a local education agency, its language access coordinator may be a single individual carrying out the responsibilities of both the language access coordinator and the language access liaison.

"(c) If an individual public school or public charter school receives a complaint that the public school or public charter school has violated this act, the public school or public charter school shall take steps to rectify the violation within 10 business days of receiving the complaint.

"Sec. 6b. Filing a complaint with the Office of Human Rights; appeals.

"(a) Any person or organization may file with the Office of Human Rights a complaint, which shall be public, alleging a violation of this act in accordance with the procedures set forth in section 1216 of Title 4 of the District of Columbia Municipal Regulations (4 DCMR § 1216).

"(b) The public complaint may be filed on behalf of a complainant by a person or organization with an interest in the welfare of the complainant.

"(c)(1) No later than 5 business days after receiving the language-access public complaint, the Office of Human Rights shall notify a covered entity, the public school, or a public charter school of the complaint.

"(2) If a public complaint is filed against a public school or public charter school, the Office of Human Rights shall notify, no later than 5 business days after receiving the complaint, the local education agency in which the public school or public charter school is located and the Public Charter School Board if the complaint is made against a public charter school.

"(d)(1) A covered entity, a public school, or public charter school shall respond to the Office of Human Rights no later than 10 business days after being notified of the language access complaint and shall admit or deny whether the covered entity, public school, or public charter school violated this act.

"(2) If a covered entity, public school, or public charter school admits non-compliance with this act, the Office of Human Rights shall issue a finding of non-compliance and shall, with input from the covered entity, public school, or public charter school, issue a corrective action plan no later than 30 days after being notified by the covered entity, public school, or public charter school that it was noncompliant with this act.

"(3) If a covered entity, public school, or public charter school denies that it violated this act, the Language Access Director shall attempt to resolve, no later than 30 days after submission of the initial response required in paragraph (1) of this subsection, the complaint with the covered entity, public school, or public charter school against which the complaint was filed before assigning the complaint for investigation. The Language Access Director shall do so by working with the covered entity, public school, or public charter school to ensure the complainant, within a reasonable period of time, receives the information and language-access services sought from the covered entity, public school, or public charter school or, alternatively, working to develop a solution that is acceptable to the complainant, the covered entity, public school, or public charter school, and the Language Access Director.

"(4) If a covered entity, public school, or public charter school denies that it violated this act and the complaint cannot be resolved pursuant to paragraph (3) of this subsection, then the Office of Human Rights shall conduct an investigation in accordance with the procedures set forth in Chapter 12 of Title 4 of the District of Columbia Municipal Regulations (4 DCMR § 1200 *et seq.*).

"(e) An appeal from a final decision and order, or a final decision and order on reconsideration, may be filed with the Office of Administrative Hearings no later than 30 calendar days after the date the Office of Human Rights issues the final decision and order, or final decision and order on reconsideration.

"(f) The Office of Human Rights shall inform the complainant of any corrective action ordered as a result of a finding of noncompliance at the same time that the Office of Human Rights provides the corrective action to the covered entity, public school, or public charter school found to be noncompliant.

"Sec. 6c. Remedies.

"(a)(1) If the Office of Human Rights or Office of Administrative Hearings finds that a violation of this act has occurred, it shall impose a fine of $2,500 on a covered entity; provided, that no fines shall be imposed on the Council of the District of Columbia, District of Columbia Public Schools, the Public Charter School Board, or any public charter school for any violation of this act.

"(2) The fine or fines imposed pursuant to paragraph (1) of this subsection shall be awarded to the complainant.

"(b) The administrative remedies in this section are exclusive. A person alleging a violation of this act shall have no private cause of action in any court under this act.".

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-25) to read as follow:

"(b-25) This act shall apply to all appeals pursuant to section 6b of the Language Access Act of 2004, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-75).".

Sec. 4. Section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321, D.C. Official Code § 38-1802.14), is amended by adding a new subsection (h-1) to read as follows:

"(h-1)(1) The Board may enter into a contract with any public charter school to provide language-access services.

"(2) All compensation to the Board for the cost of providing of language-access services to a public charter school shall be subject to negotiation and mutual agreement between the Board and the public charter school.".

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.

ENROLLED ORIGINAL

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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-611

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend section 47-850 of the District of Columbia Official Code to provide that a veteran who is classified as having a total and permanent disability or is paid at the 100% disability rating level as a result of unemployability shall be exempt from a portion of the property taxes assessed on the veteran's primary residence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disabled Veterans Homestead Exemption Amendment Act of 2018".

Sec. 2. Section 47-850 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase "For purposes" and inserting the phrase "Except as provided in subsection (a-1) of this section, for purposes" in its place.

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

"(a-1)(1) For purposes of levying the real property tax during a tax year, the Mayor shall deduct from the assessed value of real property that qualifies for the homestead deduction and is owned by a veteran the amount of $500,000; provided, that the:

"(A) Veteran has been classified by the United States Department of Veterans Affairs as having a total and permanent disability as a result of a service-incurred condition or service-aggravated condition, or is paid at the 100% disability rating level as a result of unemployability; and

"(B) Veteran's household is an eligible household as defined in § 47-863(a)(1A)(A); provided, that § 47-863(a)(1A)(A)(iii)(I)(aa) and (II) shall not apply.

"(2)(A) To qualify for and receive the deduction provided pursuant to this subsection, the veteran, or the veteran's legal guardian, attorney-in-fact, or other legal representative, shall complete and file with the District of Columbia Office of Veterans Affairs an application, in a form prescribed by the Mayor, that includes a statement that the veteran meets the requirement set forth in paragraph (1)(A) of this subsection, and comply with other requirements as set forth in this section.

"(B) The District of Columbia Office of Veterans Affairs shall timely and routinely certify to the Office of Tax and Revenue the veterans meeting the disability requirements for the deduction provided pursuant to this subsection.".

(c) New subsections (f) and (g) are added to read as follows:

"(f)(1) Except for subsection (a) of this section, for the purposes of this section and §§ 47-850.02, 47-850.03, and 47-850.04, the deduction provided pursuant to subsection (a-1) of this section shall be deemed a homestead deduction.

"(2)(A) A real property receiving the deduction provided pursuant to subsection (a-1) of this section shall not receive the credit under § 47-864 or the reduced tax liability under § 47-863.

"(B) Only the deduction under subsection (a) of this section shall be subject to the same taxable assessment percentage threshold in § 47-864(e). The deduction under subsection (a-1) of this section shall not be subject to such threshold.

"(g) 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 subsection (a-1) of this section.".

Sec. 3. Applicability

(a) This act shall apply as of October 1, 2019, or upon the date of inclusion of its fiscal effect in an approved budget and financial plan, whichever is later.

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To establish an East End Grocery Construction Incentive Program within the Deputy Mayor for Planning and Economic Development to incentivize the establishment of new grocery stores in Wards 7 and 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East End Grocery Incentive Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Grocery store" means a retail establishment that:

(A) Has a primary business of selling food, including fresh food; and

(B) Is a "retail food store," as that term is defined in section 3(o) of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2012(o)).

(2) "SNAP" means the Supplemental Nutrition Assistance Program, established pursuant to section 4 of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2013).

(3) "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children, 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. East end grocery construction incentive program.

(a) There is established within the Office of the Deputy Mayor for Planning and Economic Development the East End Grocery Construction Incentive Program ("Program") to:

(1) Attract affordable grocery shopping opportunities to underserved areas; and

(2) Pay the construction costs of new grocery stores that provide affordable food and food-related grocery items to the residents of Wards 7 and 8.

(b) For a grocery store retailer to be eligible to participate in the Program, the retailer shall accept SNAP and WIC benefits and offer fresh food items including vegetables, fruits, meat, dairy, and eggs.

(c) The Program shall be financially supported by a new capital project budgeted under the Office of the Deputy Mayor for Planning and Economic Development, which shall be funded pursuant to D.C. Official Code § 47-392.02(j-2)(4)(B).

(d)(1) The Program shall oversee the development and construction of buildings to house grocery stores to be occupied by grocery store retailers participating in the Program.

(2) The Program shall develop each grocery store site in consultation with the grocery store retailer that will occupy it.

(3) The Program shall lease the buildings it constructs to grocery store retailers for the operation of grocery stores and any associated retail stores.

(e) Subject to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Mayor is authorized to enter into contracts to pay for site acquisition, preparation, and infrastructure development, design, and construction for new grocery stores to be occupied by grocery store retailers participating in the Program on the following sites:

(1) Skyland Town Center;
(2) Capitol Gateway;
(3) East River Park;
(4) The Shops at Penn Hill;
(5) Parkside Planned Unit Development;
(6) St. Elizabeths East Campus;
(7) United Medical Center;
(8) Columbian Quarter; and
(9) Deanwood Town Center.

(f) The Deputy Mayor for Planning and Economic Development may extend participation in the Program to a retail store that co-anchors a development with a grocery store retailer that meets the requirements of this act.

(g)(1) A grocery store retailer that is participating in the Program but that ceases to operate the grocery store prior to the expiration of 15 years from the date of first occupancy shall owe the District for a portion of the cost of construction of the building that houses the grocery store.

(2) A grocery store retailer's liability pursuant to this subsection shall be forgiven, in whole or in part, if it has operated for at least 5 years. The amount to be forgiven shall be calculated by dividing the total cost of constructing the building evenly by 15, multiplying the quotient by the number of full years that the store was in operation, and subtracting the product from the total cost of constructing the building.

Sec. 4. Sunset.

This act shall expire on December 31, 2029; provided, that this expiration shall not be construed to terminate any development undertaken pursuant to section 3.

Sec. 5. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 6. Effective date.

The 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To allow the Metropolitan Police Department, hospitals with institutional pharmacies, and retail pharmacies ("authorized collectors") to collect controlled substances from ultimate users and certain other individuals at collection receptacles, to require authorized collectors to distribute educational materials to patients regarding the safe disposal of controlled substances, to require the Department of Health, in coordination with the Deputy Mayor for Public Safety and Justice, to install collection receptacles, maintain a list of the locations of collection receptacles, and coordinate with the Metropolitan Police Department and authorized collectors regarding the destruction of the contents of collection receptacles, to authorize a long-term care facility to dispose of controlled substances on behalf of an ultimate user who resides, or has resided, at the long-term care facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Disposal of Controlled Substances Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized collector" means a hospital with an institutional pharmacy, or a retail pharmacy, authorized by the Drug Enforcement Administration pursuant to 21 C.F.R. § 1301.51 to collect controlled substances.

(2) "Controlled substance" means a drug, substance, or precursor, as set forth in Schedules II through V of the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1243; 21 U.S.C. § 801 *et seq.*).

(3) "Department" means the Department of Health.

(4) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may in addition provide outpatient services, particularly emergency care.

(5) "Institutional pharmacy" means that physical portion of a hospital where drugs, devices, and other materials used in the diagnosis or treatment of injury, illness, and disease are dispensed, compounded, or distributed, and pharmaceutical care is provided.

(6) "Long-term care facility" shall have the same meaning as provided in section 2(11) of the Death with Dignity Act of 2016, effective February 18, 2017 (D.C. Law 21-182; D.C. Official Code § 7-661.01(11)).

(7) "Retail pharmacy" means a pharmacy that provides services to the public on an outpatient basis.

(8) "Ultimate user" means an individual who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or by a member of his household.

Sec. 3. Safe disposal of controlled substances.

(a) The following entities are authorized to collect controlled substances from ultimate users and other non-registrants for destruction in compliance with the requirements of this act and 21 C.F.R. Part 1317:

(1) The Metropolitan Police Department when in the course of official duties; and

(2) An authorized collector.

(b) The following persons in lawful possession of a controlled substance may transfer that substance to an entity authorized to collect controlled substances pursuant to subsection (a) of this section:

(1) An ultimate user in lawful possession of a controlled substance;

(2) Any person lawfully entitled to dispose of a decedent's property if that decedent was an ultimate user who died while in lawful possession of a controlled substance; and

(3) A long-term care facility on behalf of an ultimate user who resides or resided at such long-term care facility and is or was in lawful possession of a controlled substance.

Sec. 4. Collection by law enforcement.

(a) The Metropolitan Police Department shall collect controlled substances from ultimate users and persons lawfully entitled to dispose of an ultimate user decedent's property using collection receptacles located inside the agency's physical facilities and shall maintain records of the removal, storage, or destruction of any controlled substances that are collected in a manner that is consistent with the agency's recordkeeping requirements for illicit controlled substances evidence. The Metropolitan Police Department shall not be required to verify that an individual seeking to deposit a controlled substance in a collection receptacle is an ultimate user or is lawfully entitled to dispose of an ultimate user decedent's property.

(b) Any controlled substances collected by the Metropolitan Police Department through a collection receptacle shall be:

(1) Stored in a manner that prevents the diversion of controlled substances and is consistent with the agency's standard procedures for storing illicit controlled substances; and

(2) Transferred to a destruction location in a manner that prevents the diversion of controlled substances and is consistent with the agency's standard procedures for transferring illicit controlled substances.

Sec. 5. Registrants authorized to collect; authorized collection activities.

(a)(1) Hospitals with an institutional pharmacy shall register as authorized collectors in accordance with 21 C.F.R. § 1301.51.

(2) Retail pharmacies that desire to be authorized collectors may modify their registration to obtain authorization to serve as authorized collectors in accordance with 21 C.F.R § 1301.51.

(3) Authorization to serve as an authorized collector is subject to renewal. If a hospital with an institutional pharmacy or a retail pharmacy that is authorized to collect ceases activities as an authorized collector, such registrant shall notify the Drug Enforcement Administration in accordance with 21 C.F.R. § 1301.52(f).

(b) Collection of controlled substances by authorized collectors shall occur only at the following locations:

(1) The registered locations of authorized collectors; and

(2) Long-term care facilities at which authorized collectors are authorized to maintain collection receptacles.

(c) Authorized collectors shall manage and maintain collection receptacles located at their authorized collection locations in accordance with section 6 and 21 C.F.R. § 1317.75, and promptly dispose of sealed inner liners and their contents as provided for in 21 C.F.R. § 1317.05(c)(2).

(d) Authorized collectors shall distribute educational materials to patients regarding the safe consumer disposal of controlled substances.

Sec. 6. Collection receptacles.

(a)(1) The Department, in coordination with the Deputy Mayor for Public Safety and Justice, shall be responsible for installing collection receptacles:

(A) Inside physical facilities of the Metropolitan Police Department; and

(B) Inside an authorized collector's registered location or a long-term care facility, at the request of the authorized collector.

(2) The Department shall maintain a list of the locations of collection receptacles for controlled substances on its website and provide information on safe consumer disposal of controlled substances at such collection receptacles.

(3) The Department shall coordinate with the Metropolitan Police Department and authorized collectors regarding the destruction of the contents of collection receptacles.

(b)(1) Only those controlled substances that are lawfully possessed by an ultimate user or a person entitled to dispose of an ultimate user decedent's property may be collected at a collection receptacle.

(2) Controlled and non-controlled substances may be collected together at a collection receptacle and comingled, although comingling is not required.

(c)(1) Authorized collectors shall only allow ultimate users and other authorized non-registrant persons in lawful possession of a controlled substance to deposit such controlled substances in a collection receptacle at a registered location.

(2) Authorized collectors shall not permit an ultimate user to transfer such controlled substance to any person for any reason. Once a controlled substance has been deposited into a collection receptacle, the controlled substance shall not be counted, sorted, inventoried, or otherwise individually handled.

(d) Collection receptacles shall be securely placed and maintained:

(1) Inside an authorized collector's registered location, inside physical facilities of the Metropolitan Police Department or at an authorized long-term care facility; and

(2) At an authorized collector's registered location, in the immediate proximity of a designated area where controlled substances are stored and at which an employee is present; provided, that:

(A) A collection receptacle located at a hospital with an institutional pharmacy shall be located in an area regularly monitored by employees, and shall not be located in the proximity of any area where emergency or urgent care is provided; and

(B) At a long-term care facility, a collection receptacle shall be located in a secured area regularly monitored by long-term care facility employees.

(e) A controlled substance collection receptacle shall meet the following design specifications:

(1) Be securely fastened to a permanent structure so that it cannot be removed;

(2) Be a securely locked, substantially constructed container with a permanent outer container and a removable inner liner as specified in 21 C.FR. § 1317.60;

(3) The outer container shall include a small opening that allows contents to be added to the inner liner, but does not allow the removal of the inner liner's contents; and

(4) The outer container shall prominently display a sign indicating that only controlled substances, and non-controlled substances, if an authorized collector or the Metropolitan Police Department chooses to comingle substances, are acceptable substances; provided, that Schedule I controlled substances, controlled substances that are not lawfully possessed by the ultimate user, and other illicit or dangerous substances are not permitted.

(f) The small opening in the outer container of the collection receptacle shall be locked or made otherwise inaccessible to the public when an employee is not present, or when the collection receptacle is not being regularly monitored by long-term care facility employees.

(g) The installation and removal of the inner liner of the collection receptacle shall be performed by or under the supervision of at least 2 employees of the authorized collector.

Sec. 7. Collection receptacles at long-term care facilities.

(a)(1) A long-term care facility may dispose of controlled substances on behalf of an ultimate user who resides, or has resided, at such long-term care facility by transferring those controlled substances into an authorized collection receptacle located at that long-term care facility.

(2) When disposing of such controlled substances by transferring those substances into a collection receptacle, such disposal shall occur immediately, but no longer than 3 business days after the discontinuation of use by the ultimate user. Discontinuation of use includes a

permanent discontinuation of use as directed by the prescriber, as a result of the resident's transfer from the long-term care facility, or as a result of death.

(b) Authorized collectors may manage and maintain collection receptacles at long-term care facilities and remove, seal, transfer, and store, or supervise the removal, sealing, transfer, and storage of, sealed inner liners at long-term care facilities in accordance with the requirements of this act and 21 C.F.R. Part 1317.

(c) The installation, removal, transfer, and storage of inner liners shall be performed either:

(1) By or under the supervision of one employee of the authorized collector and one supervisor-level employee of the long-term care facility, such as a charge nurse or supervisor, designated by the authorized collector; or

(2) By or under the supervision of 2 employees of the authorized collector.

(d) Upon removal, sealed inner liners may only be stored at the long-term care facility for up to 3 business days in a securely locked, substantially constructed cabinet or a securely locked room with controlled access until transfer in accordance with 21 C.F.R. § 1317.05(c)(2)(iv).

(e) An authorized collector shall not operate a collection receptacle at a long-term care facility until its registration has been modified in accordance with 21 C.F.R. § 1301.51.

Sec. 8. 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. 9. 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. 10. 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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to authorize the Attorney General to issue grants, not to exceed the total amount of $360,000, for the purposes of crime reduction and violence interruption and to use the Litigation Support Fund to pay any personnel and non-personnel costs related to administering such a grant; to amend the Confirmation Act of 1978 to make nominations to the Board of Ethics and Government Accountability, Corrections Information Council, and District of Columbia Sentencing Commission subject to a 90-day period of Council review, after which the nominations would be deemed disapproved; to amend the Open Meetings Amendment Act of 2010 to require the retention of recordings and minutes of meetings of a public body for a minimum of 5 years; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to make conforming changes; to amend the Address Confidentiality Act of 2018 to clarify that a designee of the Director of the Office of Victim Services and Justice Grants may be selected as an agent for the purpose of service of process, to require program participants to provide the Office of Tax and Revenue with their actual addresses, and to clarify how the Office of Tax and Revenue should display program participants' actual addresses; to amend the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking of persons, a commercial sex act, or sex trafficking of children; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to make a conforming amendment; to amend the Access to Justice Initiative Establishment Act of 2010 to make minor changes to loan repayment assistance program applicants' and participants' eligibility; to amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to make technical changes; to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election ward; to amend section 13-338 of the District of Columbia Official Code to make a conforming change; to amend section 16-1053 of the District of Columbia Official Code to make technical changes; to amend section 16-2322 of the District of Columbia Code to clarify that existing Family Court orders currently in force with respect to a child who is adjudicated in need of supervision, but not delinquent, shall terminate immediately for any child who is 18 years of age or older and, for any other child, when that child reaches 18 years of age; to amend

the National Capital Revitalization and Self-Government Improvement Act of 1997 to make conforming and technical changes; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, to allow individuals to earn good time credits for any offense in accordance with federal law and to clarify provisions allowing for sentence review for individuals who have served a certain number of years in prison for crimes committed as juveniles; and to amend the District of Columbia Traffic Act, 1925 to clarify the definition of all-terrain vehicle or ATV.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Amendment Act of 2018".

Sec. 2. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b (D.C. Official Code § 1-301.86b) is amended by adding a new subsection (c-1) to read as follows:

"(c-1) The Fund may be used to pay personnel and non-personnel costs related to administering any grant issued pursuant to the authority provided in section 108c(a).".

(b) A new section 108c is added to read as follows:

"Sec. 108c. Authority to issue grants for crime reduction and violence interruption.

"(a) The Attorney General may issue grants not to exceed the total amount of $360,000 for the purposes of crime reduction and violence interruption.

"(b) Personnel and non-personnel costs related to administering any grants issued pursuant to the authority provided in subsection (a) of this section may be paid from funds deposited into the Litigation Support Fund established in section 106b.".

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

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

(1) Paragraph (31) is amended by striking the phrase "; provided, that a nomination to the Board of Ethics and Government Accountability shall be submitted to the Council for a 45-day period of review, pursuant to section 203(b)(1) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03(b)(1));" and inserting a semicolon in its place.

(2) Paragraph (35) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (36) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (37) and (38) are added to read as follows:

"(37) The Corrections Information Council, established by section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01); and

"(38) The District of Columbia Sentencing Commission, established by section 2(a) of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101(a)).".

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

(1) Paragraph (52) is amended by striking the phrase "Boys established" and inserting the phrase "Boys, established" in its place.

(2) Paragraph (53) is amended by striking the phrase "Health Equity." and inserting the phrase "Health Equity, established by section 5043 of the Commission on Health Equity Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 7-756.01);" in its place.

(3) Paragraph (54) is amended by striking the phrase "Youth apprenticeship" and inserting the phrase "Youth Apprenticeship" in its place.

(4) Paragraph (55) is amended by striking the phrase "Commission established" and inserting the phrase "Commission, established" in its place.

(5) Paragraph (56) is amended by striking the phrase "Outcomes established" and inserting the phrase "Outcomes, established" in its place.

(6) Paragraph (57) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(7) Paragraph (58) is amended as follows:

(A) Strike the phrase "Commission established" and inserting the phrase "Commission, established" in its place.

(B) Strike the period and insert a semicolon in its place.

(8) Paragraph (59) is amended by striking the period and inserting a semicolon in its place.

Sec. 4. Section 408(a) of the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-578(a)), is amended to read as follows:

"(a) All meetings of public bodies, whether open or closed, shall be recorded by electronic means, and the recording shall be preserved for a minimum of 5 years; provided, that if a recording is not feasible, detailed minutes of the meeting shall be taken and preserved for a minimum of 5 years.".

Sec. 5. Section 3 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-102), is amended by adding a new subsection (b-1) to read as follows:

"(b-1) The Mayor shall submit a nomination for membership pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).".

Sec. 6. The Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.01 *et seq.*), is amended as follows:

(a) Section 103(d) (D.C. Official Code § 4-555.03(d)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "by OVJSG" and inserting the phrase "by OVSJG" in its place.

(2) Paragraph (6) is amended by striking the phrase "of OVSJG" and inserting the phrase "of OVSJG, or the Director's designee," in its place.

(b) Section 105 (D.C. Official Code § 4-555.05) is amended as follows:

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

"(d)(1) Only a participant's actual address shall be used on any document filed with the Office of Tax and Revenue.

"(2) The Office of Tax and Revenue shall not index by a participant's name in any online database of the agency relating to:

"(A) Assessment and tax information; and

"(B) All recorded documents; provided, that a court order, a judgment, a lien, or any document related to debt collection that is not a security interest instrument, may be indexed by the participant's name.

"(3) The participant's name may be included in any notice or index published by the Office of Tax and Revenue for the collection of debt, including taxes.

"(4) This subsection shall not require the Office of Tax and Revenue to redact or otherwise erase a participant's name or address in any document or electronic record in its online database.

"(5) Except as provided in this subsection, the Office of Tax and Revenue shall not disclose a participant's actual address, unless OVSJG permits disclosure pursuant to the rules issued under section 112.".

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

"(3) This subsection shall not apply to the Office of Tax and Revenue.".

(c) Section 108(a) (D.C. Official Code § 4-555.08(a)) is amended to read as follows:

"(a) Except as provided by this title, no person shall intentionally obtain from a District agency, other than the Office of Tax and Revenue, or disclose a participant's actual address knowing that the participant is participating in the Program, unless required by existing law or by OVSJG pursuant to the rules issued under section 112.".

Sec. 7. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

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

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

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

"(ii) Sexual abuse, which shall include:

"(I) Sex trafficking or severe forms of trafficking in persons, as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims

Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

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

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

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

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

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

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

"(15A) "Neglected child" means a child who is a:

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

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

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

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

Sec. 8. Section 2(a) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase "neglected child, as defined in D.C. Code, sec. 16-2301(9), shall" and inserting the phrase "neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(15A)), shall" in its place.

Sec. 9. The Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 101(2) (D.C. Official Code § 4-1701.01(2)) is repealed.

(b) Section 403(a)(4) (D.C. Official Code § 4-1704.03) is amended to read as follows:

"(4) Have a current salary (including bonuses and other wages) of less than $90,000;".

(c) Section 404(b)(4) (D.C. Official Code § 4-1704.04(b)(4)) is amended by striking the phrase "debt to adjusted gross income" and inserting the phrase "debt to income" in its place.

(d) Section 405 (D.C. Official Code § 4-1704.05) is amended as follows:

(1) Subsection (a)(3) is amended by striking the phrase "employment and annual adjusted gross income" and inserting the phrase "employment, current salary (including bonuses and other wages), and other sources of income," in its place.

(2) Subsection (d) is amended by striking the phrase "who provides adequate notice to the Administrator of voluntary withdrawal from eligible employment shall be forgiven for the loan through the date of the voluntary withdrawal from eligible employment" and inserting the phrase "who becomes ineligible to participate in the LRAP shall be forgiven for the loan through the date of the ineligibility" in its place.

Sec. 10. Subtitle D of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 *et seq.*), is amended as follows:

(a) Section 652(b) (D.C. Official Code § 5-652(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)" and inserting the phrase "the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)" in its place.

(2) Paragraph (2) is amended by striking the phrase "the EMS employee's disability, as defined by section 2(8) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))" and inserting the phrase "the EMS employee's injury, as defined by section 2301(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))" in its place.

(b) Section 653(b) (D.C. Official Code § 653(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)" and inserting the phrase "the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)" in its place.

(2) Paragraph (3) is amended by striking the phrase "the EMS employee's disability, as defined by section 2(8) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))" and inserting the phrase "the EMS employee's injury, as defined by section 2301(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))" in its place.

(c) Section 654(b) is amended as follows

(1) The lead-in language is amended by striking the phrase "the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)" and inserting the phrase "the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)" in its place.

(2) Paragraph (3) is amended by striking the phrase "the EMS employee's disability, as defined by section 2(8) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))" and inserting the phrase "the EMS employee's injury, as defined by section 2301(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))" in its place.

Sec. 11. Section 7(d)(3) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)(3)), is amended by adding a new subparagraph (C) to read as follows:

"(C) Any applicant that submitted an application on July 19, 2015, for a registration to operate a cultivation center shall be allowed to modify the location of the cultivation center on its application without negatively affecting the current status of the application.".

Sec. 12. Section 13-338 of the District of Columbia Official Code is amended to read as follows:

§ 13-338. Prerequisites for order of publication.

"An order for the substitution of publication for personal service may not be made until:

"(1) A summons for the defendant has been issued and returned "not to be found"; and

"(2) The plaintiff proves by affidavit to the satisfaction of the court:

"(A) The nonresidence of the defendant or his or her absence for at least 6 months; or

"(B) Diligent efforts to find the defendant or that the defendant seeks to avoid service of process by concealment.".

Sec. 13. Section 16-1053 of the District of Columbia Official Code is amended as follows:

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

(1) Paragraph (3) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(2) Paragraph (6) is amended to read as follows:

"(6) Department of Behavioral Health;".

(b) Subsection (b)(2) is amended by striking the phrase "Unites States" and inserting the phrase "United States" in its place.

(c) Subsection (f) is amended by striking the phrase "a Chairman" and inserting the phrase "a Chairperson" in its place.

Sec. 14. Section 16-2322 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(2) is amended by striking the phrase "his parent" and inserting the phrase "his or her parent" in place.

(b) Subsection (c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(c) Subsection (e) is amended by striking the word "his" both times it appears and inserting the phrase "his or her" in their place.

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

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

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

"(2) Orders in force as of the effective date of the Omnibus Public Safety and Justice Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-255), with respect to a child who is adjudicated in need of supervision, but not delinquent, shall terminate immediately for any child who is 18 years of age or older and, for any other child, when that child reaches 18 years of age.".

Sec. 15. Section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01), is amended as follows:

(a) The section heading is amended by striking the phrase "District of Columbia Corrections" and inserting the word "Corrections" in its place.

(b) Subsection (a) is amended by striking the phrase "a District of Columbia" and inserting the word "a" in its place.

(c) Subsection (b)(2)(A) is amended by striking the phrase "with the advice and consent of the Council" and inserting the phrase "pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e))" in its place.

Sec. 16. An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) Section 3a(d) (D.C. Official Code § 24-403.01(d)) is amended to read as follows:

"(d) Notwithstanding any other law, a person sentenced to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section for any offense may receive good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).".

(b) Section 3c (D.C. Official Code § 24-403.03) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "court may" and inserting the phrase "court shall" in its place.

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

"(1) The defendant was sentenced pursuant to section 3 or section 3a, or was committed pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 15 years in prison; and".

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

(A) Paragraph (2) is amended by striking the phrase "written materials" and inserting the phrase "testimony, examinations, or written materials" in its place.

(B) Paragraph (4) is amended by striking the phrase "section." and inserting the phrase "section, but the court may proceed to sentencing immediately after granting the application." in its place.

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

(A) Paragraph (2) is amended by striking the phrase "The nature of the offense and the history" and inserting the phrase "The history" in its place.

(B) Paragraph (10) is amended by striking the phrase "a lifetime in prison" and inserting the phrase "lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime" in its place.

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

"(d) If the court denies or grants only in part the defendant's 1st application under this section, a court shall entertain a 2nd application under this section no sooner than 3 years after the date that the order on the initial application becomes final. If the court denies or grants only in part the defendant's 2nd application under this section, a court shall entertain a 3rd and final application under this section no sooner than 3 years following the date that the order on the 2nd application becomes final. No court shall entertain a 4th or successive application under this section.".

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

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

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

"(2) Notwithstanding any other provision of law, when resentencing a defendant under this section, the court:

"(A) May issue a sentence less than the minimum term otherwise required by law; and

"(B) Shall not impose a sentence of life imprisonment without the possibility of parole or release.".

Sec. 17. Section 2(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(2)), is amended by striking the phrase "with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed" and inserting the phrase "with 3 or more tires that is designed" in its place.

ENROLLED ORIGINAL

Sec. 18. Fiscal impact statement.

The Council adopts the fiscal impact statement provided 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. 19. 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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Life Insurance Act of 1934 to require the Commissioner of the Department of Insurance, Securities and Banking to annually value the reserves for life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts based on the standard prescribed in the valuation manual, to provide the effective date of the valuation manual, to require the valuation manual to specify minimum valuation standards for, and definitions of, the policies and contracts, to determine which policies or contracts shall be subject to the requirements of the principle-based valuation and provide the requirements for those policies and contracts, to allow the Commissioner to engage a qualified actuary to examine and opine on the reserves of a company, to grant the Commissioner the authority to require a company to adjust their reserves, to require a company to establish reserves using a principle-based valuation that meets the requirements that are specified in the valuation manual, to provide that certain information of a company is privileged and confidential, to allow the Commissioner to share and receive confidential information for enforcement purposes, to provide definitions for new terms, to provide that the policies issued on or after the operative date of the valuation manual shall use the nonforfeiture interest rate that is provided by the valuation manual; and to amend the Life Insurance Actuarial Opinion Reserves Act of 1993 to require a company, in accordance with requirements established by the valuation manual, to submit an opinion by an actuary that the company's reserves and related actuarial items for policies and contracts are computed appropriately.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Principle-Based Reserves Amendment Act of 2018".

Sec. 2. The Life Insurance Act of 1934, approved June 19, 1934 (48 Stat. 1129; D.C. Official Code § 31-4701 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 31-4701) is amended as follows:

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

(A) Paragraph (1) is admended as follows.

(i) The existing language is designed as subparagraph (A).

(ii) The newly designated subparagraph (A) is amended as follows:

(I) Strike the phrase "the District, except" and insert the phrase "the District issued prior to the operative date of the valuation model, except" in its place.

(II) Strike the phrase "transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves." and insert the phrase "transactions in the United States." in its place.

(III) Strike the phrase "herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the Commission when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction." and insert the phrase "provided in this section." in its place.

(iii) New subparagraphs (B) and (C) are added to read as follows:

"(B) The provisions set forth in subsections (c), (d), (e), and (f) of this section and section 20 shall apply to all policies and contracts, as appropriate, subject to this section, issued on or after the operative date of section 5b and before the operative date of the valuation model. The provisions set forth in subsections (g) and (h) of this section shall not apply to any such policies and contracts.

"(C) The minimum standard for the valuation of policies and contracts issued before the operative date of section 5b shall be provided in subsection (b) of this section.".

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

"(1A)(A) The Commissioner shall annually value, or cause to be valued, the reserve liabilities ("reserves") for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual.

"(B) The provisions set forth in subsections (f), (g), and (h) of this section shall apply to all policies and contracts issued on or after the operative date of the valuation manual.".

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

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

(i) The lead in language is amended as follows:

(I) Strike the phrase "subsection (d) of this section" and insert the phrase "subsections (d) and (f) of this section" in its place.

(II) Strike the phrase "the Mayor's reserve" and insert the phrase "the Commissioner's reserve" in its place.

(ii) Subparagraph (A) is amended by striking the phrase "For all ordinary policies" and inserting the phrase "For ordinary policies" in its place.

(iii) Subparagraph (B) is amended by striking the phrase "For all industrial life insurance policies" and inserting the phrase "For industrial life insurance policies" in its place.

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

(i) The lead in language is amended as follows:

(I) Strike the phrase "standard for the valuation of all individual" and insert the phrase "standard of valuation for individual" in its place.

(II) Strike the phrase "and for all annuities and" and insert the phrase "and for annuities and" in its place.

(III) Strike the phrase "the Mayor's reserve" and insert the phrase "the Commissioner's reserve" in its place.

(ii) Sub-subparagraph (iii) is amended by striking the phrase "For all annuities and" and inserting the phrase "For annuities and" in its place.

(C) Paragraph (5)(B) is amended by striking the phrase "the Mayor's annuity" and inserting the phrase "the Commissioner's annuity" in its place.

(D) Paragraph (7) is amended by striking the phrase "be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein." and inserting the phrase "be greater than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided in the policies or contracts." in its place.

(3) Subsection (d)(1)(B) is amended by striking the phrase "All annuities and pure" and inserting the phrase "Annuities and pure" in its place.

(4) New subsections (f), (g), (h), (i), (j), (k), and (l) are added to read as follows:

"(f) For disability and accident and sickness health insurance policies and contracts as provided under section 12 and accident and long-time care health insurance policies and contracts as provided under the Long-Term Care Insurance Act of 1999, effective May 23, 2000 (D.C. Law 13-121; D.C. Official Code § 31-3601 *et seq.*), issued on or after the operative date of section 5b and before the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the Commissioner by regulation. For accident and health insurance policies and contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection (a)(1A) of this section.

"(g)(1) For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection (a)(1A) of this section, except as provided under paragraphs (5) or (7) of this subsection.

"(2) The operative date of the valuation manual is the date the Principle-Based Reserves Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-276), becomes effective.

"(3) The valuation manual shall specify the following:

"(A) The minimum valuation standards for and definitions of the policies or contracts subject to subsection (a)(1A) of this section. Such minimum valuation standards shall be:

"(i) The Commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subsection to (a)(1A) of this section;

"(ii) The Commissioner's annuity reserve valuation method for annuity contracts subject to subsection (a)(1A) of this section; and

"(iii) The Minimum reserves for all other policies or contracts subject to subsection (a)(1A) of this section;

"(B) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in subsection (h)(1) of this section and the minimum valuation standards consistent with those requirements;

"(C) For policies and contracts subject to a principle-based valuation under subsection (h) of this section:

"(i) The requirements for the format of reports to the Commissioner under subsection (h)(2)(C) of this section and which shall include information necessary to determine if the valuation is appropriate and in compliance with this section;

"(ii) The assumptions shall be prescribed for risks over which the company does not have significant control or influence; and

"(iii) The procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or medication of such procedures;

"(D) For policies not subject to a principle-based valuation under subsection (h) of this section, that the minimum valuation standard shall:

(i) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

"(ii) Require the development of reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risk at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring;

"(E) Other requirements, including, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules, and internal controls; and

"(F) The data and form of the data, required under subsection (i) of this section, to whom the data must be submitted, and may specify other requirements, including data analyses and reporting of analyses.

"(4) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the Commissioner, in compliance with this section, then the company shall, with respect to such requirements, comply with minimum valuation standards prescribed by the Commissioner by regulation.

"(5)(A) The Commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in this section or section 9. The Commissioner may rely upon the opinion, regarding provisions contained within this section or

section 9 of a qualified actuary engaged by the Commissioner of another state, district, or territory of the United States.

"(B) For the purposes of this paragraph, the term "engage" means to employ or contract.

"(6) The Commissioner may require a company to change any assumption or method that in the opinion of the Commissioner is necessary to comply with the requirements of the valuation manual or this section. The company shall adjust the reserves as required by the Commissioner.

"(h)(1) A company shall establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

"(A) Quantifies the benefits and guarantees, and the funding, associated with the policies and contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the policies and contracts, and for polices and contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk;

"(B) Incorporates assumptions, risk analysis methods, and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

"(C) Incorporates assumptions that are derived in one of the following manners:

"(i) The assumption is prescribed in the valuation manual; or

"(ii) For assumptions that are not prescribed, the assumptions shall:

"(I) Be established utilizing the company's available experience, to the extent it is relevant and statistically credible; or

"(II) To the extent that company data is not available, relevant, or statistically credible, be established utilizing other relevant, statistically credible experience; and

"(D) Provides margins for uncertainty, including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

"(2) A company using a principle-based valuation for one or more policies or contracts subject to this subsection as specified in the valuation manual shall:

"(A) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual;

"(B) Provide to the Commissioner and the Board of Directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation where the controls are designed to assure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made in accordance with the valuation manual, and which certification shall be based on the controls in place as of the end of the preceding calendar year; and

"(C) Develop, and file with the Commissioner upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

"(3) A principle-based valuation may include a prescribed formulaic reserve component.

"(i) A company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation model.

"(j)(1) For the purposes of this subsection, the term "confidential information" shall mean:

"(A) A memorandum in support of an opinion submitted pursuant to section 2 of the Life Insurance Actuarial Opinion of Reserves Act of 1993, effective October 21, 1993 (D.C. Law 10-50; D.C. Official Code § 31-4901) ("Opinion of Reserves Act"), and any other documents, materials, and other information, including all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such memorandum;

"(B) All documents, materials, and other information, including all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in the course of an examination made under subsection (g)(5) of this section; provided, that if an examination report or other material prepared in connection with an examination made pursuant to the Law on Examinations Act of 1993, effective October 21, 1993 (D.C. Law 10-49; D.C. Official Code 31-1401 *et seq.*)("Examinations Act") is not held as private and confidential information, the examination report or other materials prepared in connection with an examination made under subsection (g)(5) of this section shall not be confidential information to the same extent as such examination report that had been prepared pursuant to the Examinations Act.

"(C) Any reports, documents, materials, and other information developed by a company in support of, or in connection with, an annual certification by the company pursuant to subsection (h)(2)(B) of this section that evaluates the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials, and other information, including all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such reports, documents, materials, and other information;

"(D) Any principle-based valuation report developed under section (h)(2)(C) of this section and any other documents, materials, and other information, including all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such report; and

"(E) Any documents, materials, data, and other information submitted by a company under subsection (i) of this section and any other documents, materials, data, and other information, including all working papers, and copies thereof, created or produced in connection with such experience data, which in each case includes any potentially company-identifying or personally identifiable information, that is provided to, or obtained by, the Commissioner and any other documents, materials, data, and other information, including all working papers, and

copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such experience materials.

"(2) Confidential information specified in paragraphs (1)(A) and (D) of this subsection:

"(A) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted pursuant to section 2 of the Opinion of Reserves Act or principle-based valuation report developed under subsection (h)(2)(C) of this section by reason of an action required by this section or by regulations issued pursuant to this section;

"(B) May be released by the Commissioner with written consent of the company; and

"(C) Shall no longer be confidential once any portion of a memorandum of support of an opinion submitted pursuant to the Opinion of Reserves Act or a principle-based valuation report developed under subsection (h)(2)(C) of this section is cited by the company in its marketing or is publicly volunteered to or before a governmental agency, other than the insurance department of a state or jurisdiction, or is released by the company to the news media.

"(3)(A) Except as provided in this subsection, a company's confidential information is confidential by law and privileged and shall not be subject to the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The Commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as part of the Commissioner's official duties.

"(B) Neither the Commissioner nor any other person who received confidential information while acting under the authority of the Commissioner in performing the duties as required by this act shall be permitted or required to testify in any private civil action concerning any confidential information.

"(C)(i) To assist in the performance of the Commissioner's duties, the Commissioner may share and receive confidential information from:

"(I) Other state, federal, and international regulatory agencies; and

"(II) The National Association of Insurance Commissioners and its affiliates and subsidiaries.

"(ii) The Commissioner may share and receive confidential information specified in paragraphs (1)(A) and (D) of this subsection from the Actuarial Board for Counseling and Discipline or its successor upon a request stating that the confidential information is required for the purpose of professional disciplinary proceedings with state, federal, or international law enforcement officials.

"(iii) Any recipient of confidential information shall maintain the confidentiality and privileged status of such documents, materials, data, or other information in

the same manner and to the same extent as required for the Commissioner of the jurisdiction that is the source of the documents, materials, data, or other information.

"(D) The Commissioner may enter into agreements governing sharing and use of information pursuant to this paragraph.

"(E) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the Commissioner under this subsection.

"(F) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this paragraph shall be available and enforced in any proceeding in, and in any court of, the District of Columbia.

"(k)(1) The Commissioner may exempt specific product forms or product lines of a domestic company that is licensed and doing business only in the District of Columbia from the requirements provided under subsection (g) of this section if:

"(A) The Commissioner has issued an exemption in writing to the company and has not subsequently revoked the exemption in writing; and

"(B) The company computes reserves using assumptions and methods used before the operative date of the valuation manual in addition to any requirements established by the Commissioner and promulgated by regulation.

"(2) Subsections (c), (d), (e), and (f) of this section and section 20, and the Opinion of Reserves Act shall remain applicable to a company that is granted an exemption under this subsection. With respect to a company applying for an exemption under this subsection, any reference to subsection (g) found in subsections (c), (d), (e), and (f) of this section and section 20, and the Opinion of Reserves Act shall not be applicable.

"(l) For the purposes of this section, the term:

"(1) "Accident and health insurance" means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

"(2) "Appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required under section 2(c) and (d) of the Opinion of Reserves Act.

"(3) "Company" means an entity that:

"(A) Has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the District and has at least one such policy in force or on claim; or

"(B) Has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state or jurisdiction and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in the District.

"(4) "Deposit-type contract" means contracts that do not incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"(5) "Life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"(6) "Policyholder behavior" means any action a policyholder, contract holder, or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this section including lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

"(7) "Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with subsection (h) of this section as specified in the valuation manual.

"(8) "Qualified actuary" means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirement specified in the valuation manual.

"(9) "Tail risk" means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

"(10) "Valuation manual" means the manual of valuation instructions adopted by the National Association of Insurance Commissioner as specified in this section or as amended.".

(b) Section 5b (D.C. Official Code § 31-4705.02) is amended as follows:

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

(A) Paragraph (16)(G) and (H) is amended to read as follows:

"(G)(i) For policies issued before the operative date of the valuation manual, any Commissioners Standard Ordinary Mortality Tables adopted after 1980 by the National Association of Insurance Commissioners and by the Commissioner determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

"(ii) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners Standard Ordinary Mortality Table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard shall supersede the minimum nonforfeiture standard provided by the valuation manual.

"(H)(i) For policies issued before the operative date of the valuation manual, any Commissioners Standard Industrial Mortality Tables adopted after 1980 by the

National Association of Insurance Commissioners and approved by the Commissioner for determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table.

"(ii) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners Standard Mortality Table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners Standard Industrial Mortality Table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies or contracts issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard shall supersede the minimum nonforfeiture standard provided by the valuation manual.".

(B) Paragraph (17) is amended to read as follows:

"(17)(A) The nonforfeiture interest rate for policies issued before the operative date of the valuation manual in a particular calendar year shall be equal to 125% of the calendar year statutory valuation interest rate for the policy, as described in section 1, rounded to the nearest 1/4%; provided, that the nonforfeiture interest rate shall not be less than 4.00%.

"(B) For policies issued on or after the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.".

(2) A new subsection (k) is added to read as follows:

"(k) For the purposes of this section, the term "operative date of the valuation manual" means the valuation as described in section 1.".

(c) Section 20 (D.C. Official Code § 31-4720) is amended by striking the phrase "contract is less" and inserting the phrase "contract subject to section 1(a)(1) is less" in its place.

Sec. 3. Section 2 of the Life Insurance Actuarial Opinion of Reserves Act of 1993, effective October 21, 1993 (D.C. Law 10-50; D.C. Official Code § 31-4901), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "requirements and guidelines." and inserting the phrase "requirements and guidelines before operative date of the valuation manual." in its place.

(b) Subsection (b) is amended by striking the phrase "assets supporting reserves." and inserting the phrase "assets supporting reserves before the operative date of the valuation manual." in its place.

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

"(c) General requirements and guidelines.---

"(1)(A) Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the District of Columbia and subject to

regulation by the Mayor shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are:

"(i) Computed appropriately;

"(ii) Based on assumptions that satisfy contractual provisions;

"(iii) Consistent with prior reported amounts; and

"(iv) Comply with applicable laws of the District of Columbia.

"(B) The valuation manual will prescribe the specifics of this opinion, including any items deemed to be necessary to its scope.

"(2) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual.

"(3) The opinion shall apply to all policies and contracts subject to subsection (d) of this section, plus other actuarial liabilities as may be specified in the valuation manual.

"(4) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board, or its successor, and on such additional standards as may be prescribed in the valuation manual.

"(5) In the case of an opinion required to be submitted by a foreign or alien company, the Mayor may accept the opinion filed by that company with the insurance supervisory official of another state or jurisdiction if the Mayor determines that the opinion reasonably meets the requirements applicable to a company domiciled in the District of Columbia.

"(6) Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person (other than the insurance company and the Mayor) for any act, error, omission, decision, or conduct with respect to the appointed actuary's opinion.

"(7) A memorandum, in form and substance as specified in the valuation manual and acceptable to the Mayor, shall be prepared to support each actuarial opinion.

"(8) If the insurance company fails to provide a supporting memorandum at the request of the Mayor within a period specified in the valuation manual or the Mayor determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the Mayor, the Mayor may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Mayor.

"(d) Actuarial analysis of reserves and assets supporting reserves.---

"Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the District of Columbia and subject to regulation by the Mayor, except as exempted in the valuation manual, shall annually include in the opinion required by subsection (c)(1) of this section, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and

contracts, make adequate provision for the company's obligation under the policies and contracts, including the benefits under and expenses associated with the policies and contracts.

"(e) Definitions.---

"For the purposes of this section, the term:

"(1) "Accident and health insurance" means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

"(2) "Appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required under subsections (c) and (d) of this section.

"(3) "Company" means an entity that:

"(A) Has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in the District and has at least one such policy in force or on claim; or

"(B) Has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state or jurisdiction and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in the District.

"(4) "Deposit-type contract" means contracts that do not incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"(5) "Life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"(6) "Qualified actuary" means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirement specified in the valuation manual.

"(7) "Valuation manual" means the manual of valuation instructions adopted by the National Association of Insurance Commissioner as specified in section 1 of the Life Insurance Act of 1934, approved June 19, 1934 (48 Stat. 1129; D.C. Official Code § 31-4701).".

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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Office of Administrative Hearings Establishment Act of 2001 to establish a timeline for housing code violation hearings; to amend Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code to require that entity filings and biennial reports made on or after January 1, 2020 include the names and residence and business addresses of each person that has at least 10 percent ownership in the filing entity, or has less than 10 percent ownership in the entity but controls the financial or operational decisions or has the ability to direct the day-to-day operations of the entity; 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 dedicate certain fines to the fund established thereunder, to grant the Mayor discretion to reclassify a blighted vacant building as a vacant building for a period of no longer than 12 months if the building has met certain conditions and is undergoing renovations, to amend the notice requirements for vacant buildings to require a courtesy copy of a notice of a vacant building to be posted on the vacant building and mailed or electronically mailed to the affected Advisory Neighborhood Commission, and to require the Real Property Tax Appeals Commission to mail or electronically mail a notice of a hearing to the affected Advisory Neighborhood Commission; to amend the Rental Housing Act of 1985 to provide that a property owner shall not have more than 30 days to abate a housing code violation and to allow the Mayor to grant an extension only if the housing provider has taken all reasonable steps to abate a violation by the deadline; to amend section 105 of Title 14 of the District of Columbia Municipal Regulations to require an inspector to notify the Office of the Attorney General of any Class 1, 2, 3, or 4 infraction that has not been abated within 6 months and to limit the enforcement discretion of the code official with respect to repeated or unabated housing code violations; and to amend Title 16 of the District of Columbia Municipal Regulations to require the issuance and posting of a Notice of Abatement and to establish new infractions for failure to abate housing code violations for 6 months or more.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended by adding a new section 6a to read as follows:

"Sec. 6a. Housing code violation hearings.

"(a) A housing provider shall have 10 days from the receipt of any notice of infraction or notice of violation for a housing code violation to request a hearing before the Office.

"(b)(1) The Office shall schedule a hearing not more than 30 days after the receipt of a request for a hearing.

"(2) The Office may grant a request for continuance, but only on an affirmative showing of good cause; provided, that the hearing may not be postponed more than 30 days after the date the hearing originally was scheduled.

"(c) The Office shall issue a final order not more than 30 days after the date of the hearing.".

Sec. 3. Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-102.01(a) is amended by adding a new paragraph (6) to read as follows:

"(6) For entity filings made on or after January 1, 2020, the entity filing shall state the names and residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

"(A) Exceeds 10 percent; and

"(B) Does not exceed 10 percent; provided, that the person:

"(i) Controls the financial or operational decisions of such entity; or

"(ii) Has the ability to direct the day-to-day operations of such entity.

(b) Section 29-102.11(a) is amended by adding a new paragraph (6) amended as follows:

"(6) For biennial reports made on or after January 1, 2020, the report shall state the names and residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

"(A) Exceeds 10 percent; and

"(B) Does not exceed 10 percent; provided, that the person:

"(i) Controls the financial or operational decisions of such entity; or

"(ii) Has the ability to direct the day-to-day operations of such entity.".

Sec. 4. 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 1(b) (D.C. Official Code § 42-3131.01(b)) is amended by adding a new paragraph (2A) to read as follows:

"(2A) Notwithstanding paragraph (2), fines collected for a repeat infraction pursuant to section 3201.2 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201.2), or for a failure to timely abate a violation pursuant to sections 3305.1(s), 3305.2(uu), and 3305.3(vvv) of Title 16 of the District of Columbia Municipal Regulations (16 DCMR §§ 3305.1(s), 3305.2(uu), and 3305.3(vvv)), shall be deposited into the fund.".

(b) Section 5(1)(B)(ii) (D.C. Official Code § 42-3131.05(1)(B)(ii)) is amended by striking the phrase "boarded up; and" inserting the phrase "boarded up; provided, that this sub-sub-subparagraph shall not apply if the doors, windows, areaways, and other openings are secured by boards or other non-permanent means of security for not longer than 12 months and the owner submits proof of an issued building permit to rehabilitate the building for occupancy that certifies that these items will be replaced as part of the renovation of the vacant building; and" in its place.

(c) Section 5a (D.C. Official Code § 42-3131.05a) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) Newly designated subsection (a) is amended by striking the phrase "Office of Tax and Revenue. Notice of the initial vacant or blighted property determination shall also be posted on the vacant building" and inserting the phrase "Office of Tax and Revenue" in its place.

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

"(b) The Mayor shall cause notice also to be posted on the vacant building; provided, that the official notice for legal purposes shall be the notice mailed pursuant to subsection (a) of this section. Unless the Mayor knows with certainty that the vacant building is not eligible for exemption pursuant to section 6, the notice shall not be posted by difficult-to-remove adhesive.

"(c) A courtesy copy of a notice provided pursuant to subsection (a) of this section shall be mailed or electronically mailed to the Advisory Neighborhood Commission in which the vacant building is located and the status of the building's designation shall be posted on an internet website maintained by the Department of Consumer and Regulatory Affairs that is accessible to the public. The courtesy copy required by this subsection shall not be construed to satisfy, nor be construed as necessary to satisfy, the requirements of subsection (a) of this section that notice be properly served by mail.".

(d) Section 11 (D.C. Official Code § 42-3131.11) is amended as follows:

(1) The existing text is designated as subsection (a).

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

"(b) Consistent with section 5a(c), a courtesy copy of notice required by this section shall be mailed or electronically mailed to the Advisory Neighborhood Commission in which the building is located, and the status of the building's designation shall be posted on an internet

website maintained by the Department of Consumer and Regulatory Affairs that is accessible to the public.".

(e) Section 15 (D.C. Official Code § 42-3131.15) is amended by adding a new subsection (c) to read as follows:

"(c) After receiving a notice of appeal from an owner as required under subsection (b) of this section, the Real Property Tax Appeals Commission for the District of Columbia shall provide by mail or electronic mail to the Advisory Neighborhood Commission in which the vacant building is located, at least 15 days before any scheduled hearing on the appeal, the following information related to the building at issue:

"(1) The name of the owner of the building, and the building address, to include the square, suffix, and lot numbers;

"(2) The determination under review; and

"(3) The date, time, and location of the hearing.".

Sec. 5. Section 908 of the Rental Housing Act of 1985, effective March 21, 2009 (D.C. Law 17-319; D.C. Official Code § 42-3509.08), is amended by adding new subsections (e) and (f) to read as follows:

"(e) A property owner shall not have more than 30 days to abate any condition that has resulted in the issuance of a notice of violation in connection with an inspection carried out pursuant to this section.

"(f) The Mayor may extend the deadline for a property owner to abate a violation pursuant to subsection (e) of this section only if the property owner has taken all reasonable steps to abate the violation by the deadline. All reasonable steps include proof of active construction or undergoing active rehabilitation, renovation, or repair to abate the violation.".

Sec. 6. Section 105 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 105) is amended as follows:

(a) New subsections 105.1a and 105.1b are added to read as follows:

"105.1a Notwithstanding any other provision of this section, whenever a duly designated agent of the District finds reasonable grounds to believe that there exists a violation of 16 DCMR §§ 3305.1(s), 3305.2(uu), or 3305.3(vvv), or any violation of 16 DCMR § 3305.1 that has not been abated within 6 months, he or she shall notify the Office of the Attorney General of the matter and shall, either singularly or in combination:

"(a) Issue a notice of violation, which may afford the person responsible for the correction of the violation an opportunity to abate the violation;

"(b) Issue a notice of infraction, assessing a fine for the presence of the violation;

"(c) Issue a combined notice of violation and notice of infraction;

"(d) Issue any other order or notice authorized to be issued by the code official; or

"(e) Effect summary correction of the violation, as authorized by law.".

"105.1b On or before October 1 of each year, the Department shall submit a report to the Mayor and the Council that details, with respect to subsection 105.1a, the number of

notifications that were provided to the Office of the Attorney General, the number of notices of infraction and notices of violation that were issued, the total value of any fines collected, and the number of summary corrections completed during the prior year.".

(b) Subsection 105.3 is amended by striking the phrase "Issuance of" and inserting the phrase "Except as provided in subsection 105.1a, issuance of" in its place.

Sec. 7. Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 100 *et seq.*) is amended as follows:

(a) Section 3104 (16 DCMR § 3104) is amended by adding new subsections 3104.9, 3104.10, and 3104.11 to read as follows:

"3104.9 If the Director has determined that the cited infraction has been successfully abated and the respondent has taken all reasonable steps to ensure the infraction does not reoccur, the Director shall issue a notice of abatement and provide it to the respondent. The notice of abatement shall be conspicuously posted by the respondent for residents to view for 14 days.

"3104.10 A notice of abatement issued pursuant to this section shall include at least the following information:

"(a) A list of the infractions abated, not to include a tenant's name and address; and

"(b) The respondent's license or permit number.

"3104.11 Receipt of a Notice of Abatement for an infraction shall preclude the infraction from serving as the basis of a violation under §§ 3305.1(s), 3305.2(uu), or 3305.3(vvv).".

(b) Section 3305 (16 DCMR § 3305) is amended as follows:

(1) Subsection 3305.1 is amended as follows:

(A) Paragraph (q) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(B) Paragraph (r) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(s) Any infraction listed in § 3305.2 that has not been abated within 6 months of the issuance of a notice of violation.".

(2) Subsection 3305.2 is amended as follows:

(A) Paragraph (tt) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(uu) Any infraction listed in § 3305.3 that has not been abated within 6 months of the issuance of a notice of violation.".

(3) Subsection 3305.3 is amended as follows:

(A) Paragraph (uuu) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(vvv) Any infraction listed in § 3305.4 that has not been abated within 6 months of the issuance of a notice of violation.".

Sec. 8. 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. 9. 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. 10. 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To expand patient access to opioid use disorder treatment; to require the Department of Health Care Finance and the Department of Insurance, Securities, and Banking to undertake a study to determine the feasibility of expanding opioid use disorder medication offerings in the District; to require hospitals to develop protocols for identifying, treating, discharging, and referring patients with opioid use disorder; to require the Department of Corrections to ensure that individuals who receive treatment for opioid addiction prior to entering a Department of Corrections facility continue to receive that treatment; to amend Title 25 of the District of Columbia Official Code to remove possession of certain drug paraphernalia for personal use as grounds for denial of a license; to amend Title 47 of the District of Columbia Official Code to remove possession of certain drug paraphernalia for personal use as grounds for denial of a license; to amend the Drug Paraphernalia Act of 1982 to permit persons testing personal use quantities of a controlled substance to use, or possess with the intent to use, testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance, and to permit community-based organizations to deliver or sell, or possess with the intent to deliver or sell, testing equipment or other objects used, intended for use, or designed for use for that same purpose; and to amend the District of Columbia Appropriations Act of 2001 to remove the prohibition on the operation of needle exchange programs within 1,000 feet of a public or private elementary or secondary school; to amend an Act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia to allow physicians licensed to practice medicine to prescribe, and pharmacists licensed to practice pharmacy, to dispense or distribute, an opioid antagonist; to amend the Prescription Drug Monitoring Program Act of 2013 to require the mandatory registration of prescribers and dispensers, including new licensees, by March 31, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Opioid Overdose Treatment and Prevention Omnibus Act of 2018".

TITLE I. OPIOID USE DISORDER TREATMENT

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "DBH" means the Department of Behavioral Health.

(2) "DHCF" means the Department of Health Care Finance.

(3) "DISB" means the Department of Insurance, Securities, and Banking.

(4) "DOC" means the Department of Corrections.

(5) "DOH" means the Department of Health.

(6) "Health care provider" means a physician, advance practice registered nurse, clinic, hospital, DBH-certified provider organizations, or neighborhood health center, licensed by the District.

(7) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of DISB.

(8) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may, in addition, provide outpatient services, particularly emergency care.

(9) "In-network health care provider" means the health care providers or health care facilities that have contracted with a health insurer to provide services to plan members for negotiated rates.

(10) "Opioid use disorder" means a pattern of opioid use leading to clinically significant impairment or distress, as manifested by symptoms identified in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(11) "Opioid use disorder treatment medication" means all medications approved by the United States Food and Drug Administration for the treatment of opioid use disorders.

(12) "Prescriber" means a person who is licensed, registered, or otherwise authorized by the District to prescribe and administer prescription drugs in the course of a professional practice.

(13) "Telehealth" means the delivery of healthcare services through interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment; provided, that services delivered through audio-only telephones, electronic mail messages, or facsimile transmissions are not included.

Sec. 102. Expanding access to opioid use disorder treatment.

(a)(1) By January 1, 2020, each health insurer shall:

(A) Create a list of its in-network health care providers that treat opioid use disorder, including the in-network health provider's contact information and an indication of whether the in-network health care provider has been certified by the United States Drug Enforcement Agency to prescribe opioid use disorder treatment medication; and

(B) Maintain at least one in-network health care provider who is accepting new patients and is authorized to treat opioid use disorder, including through the use of opioid

use disorder treatment medication. Services delivered through telehealth may satisfy the requirement of this subparagraph.

(2) Each health insurer shall update the list required by paragraph (1)(A) of this subsection on a quarterly basis.

(3)(A) Upon the request of a beneficiary or prospective beneficiary of a health insurer, the health insurer shall transmit the list created and updated pursuant to paragraph (1) of this subsection to that beneficiary or prospective beneficiary by mail or by electronic means within 7 days after the receipt of the request.

(B) Each health insurer shall publish the list and instructions on how to access the list created and updated pursuant to paragraphs (1) and (2) of this subsection on its website.

(b) By January 1, 2020, and annually thereafter:

(1) Each health insurer shall submit a report to DBH, DHCF, DISB, and the Council that includes the following:

(A) A list of the health insurer's in-network health care providers that are certified by the United States Drug Enforcement Agency to prescribe opioid use disorder treatment medications, and which type of opioid use disorder treatment medications the health care providers prescribe;

(B) The number of beneficiaries that were treated for opioid use disorder in the prior fiscal year; and

(C) A description of any efforts by the health insurer in the prior fiscal year to ensure that its in-network capacity to treat opioid use disorder meets the needs of its beneficiaries.

(2) The Mayor shall submit a report to the Council that includes:

(A) An analysis of programs in other jurisdictions that have sought to expand access to opioid use disorder treatment medications;

(B) An evaluation of District health care providers' treatment capacity for opioid use disorders in the District, including opportunities for expanding and improving offerings;

(C) An identification of any barriers to expanding access to additional opioid use disorder treatment medications;

(D) An assessment of the financial costs associated with different methods of treating opioid use disorder;

(E) An assessment of the current reimbursement rates for health care providers for opioid use disorder treatment; and

(F) An identification and analysis of any gaps in opioid use disorder treatment options in the District.

Sec. 103. Hospital protocols for opioid use disorder.

(a) By October 1, 2019, and annually thereafter, each hospital shall develop protocols governing the identification, treatment, discharge, and referral of patients with opioid use disorder, and submit the protocols to DOH.

(b) By June 1, 2020, and annually thereafter, DOH shall submit an analysis of the sufficiency of each hospital's protocols to the chairperson of the Council committee with jurisdiction over matters related to health.

Sec. 104. DOC treatment of inmates with opioid use disorder.

(a) An individual charged with treating DOC inmates for opioid use disorder shall be certified in the treatment of opioid use disorder by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Director of DOH determines is appropriate. The requirements for certification in the treatment of opioid use disorder may be completed in a classroom setting or through online instruction.

(b) DOC, in consultation with DOH, shall ensure that all opioid use disorder treatment medications are administered to inmates:

(1) In the manner in which the medication was prescribed; and

(2) For the entirety of the time an inmate is in DOC's custody, unless an individual charged with treating DOC inmates for opioid use disorder determines otherwise, in their clinical judgment, based on the specific inmate's treatment plan, or if an inmate is awaiting designation to Federal Bureau of Prisons custody.

Sec. 105. Rules.

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

TITLE II. SAFE ACCESS

Sec. 201. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-335 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a)(2) is amended by striking the phrase "possession or" and inserting the phrase "the possession, other than for personal use, or" in its place.

(3) A new subsection (b) to read as follows:

"(b) For the purposes of this section, the term "personal use" means the possession of drug paraphernalia in circumstances where there is no evidence of an intent to distribute or manufacture a controlled substance.".

(b) Section 25-822 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a)(2) is amended by striking the phrase "possession or" and inserting the phrase "possession, other than for personal use, or" in its place.

(3) A new subsection (b) to read as follows:

"(b) For the purposes of this section, the term "personal use" means the possession of drug paraphernalia in circumstances where there is no evidence of an intent to distribute or manufacture a controlled substance.".

Sec. 202. Section 47-2844(a-1)(1)(B) of the District of Columbia Official Code is amended by striking the phrase "possession, sale" and inserting the phrase "possession, other than for personal use, sale" in its place.

Sec. 203. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 48-1103) is amended as follows:

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

"(1A)(A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a person to use, or possess with the intent to use, the materials described in section 2(3)(D) for the purpose of testing personal use quantities of a controlled substance.

"(B) For the purposes of this paragraph, the term "personal use quantities" means possession of a controlled substance in circumstances where there is no other evidence of an intent to distribute, or to facilitate the manufacturing, compounding, processing, delivering, importing, or exporting of any controlled substance.".

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

"(1A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a community-based organization, as that term is defined in section 4(a)(1) of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective February 18, 2017 (D.C. Law 21-186; D.C. Official Code § 7-404(a)(1)), to deliver or sell, or possess with intent to deliver or sell, the materials described in section 2(3)(D).".

(b) Section 5 (D.C. Official Code § 48-1104) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a)(2) is amended by striking the phrase "use, dispensing, or possession" and inserting the phrase "use (other than for personal use), dispensing, or possession (other than for personal use)" in its place.

(3) A new subsection (b) to read as follows:

"(b) For the purposes of this section, the term "personal use" means the use or possession of drug paraphernalia in circumstances where there is no evidence of an intent to distribute or manufacture a controlled substance.".

Sec. 204. Section 150(a) of the District of Columbia Appropriations Act of 2001, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 48-1121(a)), is repealed.

Sec. 205. Section 7(g-2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(g-2)), is amended to read as follows:

"(g-2) A dispensary, cultivation center, or testing laboratory may be permitted to relocate to any election ward upon approval from the Mayor; provided, that no more than 2 dispensaries and 6 cultivation centers may be registered to operate within an election ward.".

TITLE III. SUBSTANCE ABUSE AND OPIOID OVERDOSE PREVENTION

Sec. 301. Section 4 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-404), is amended as follows:

(a) Subsection (a)(2) is amended by striking the period and inserting the phrase "practicing within the scope of practice for his or her profession." in its place.

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

"(b-1) An opioid antagonist issued in accordance with subsection (b) of this section shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.".

(c) Subsection (d)(1)(A) is amended to read as follows:

"(A) A pharmacist may dispense or distribute, but not prescribe, an opioid antagonist pursuant to a written protocol and standing order.".

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

"(f-1)(A) Nothing in this section shall be construed to require a health care professional to prescribe, dispense, or distribute an opioid antagonist to a person at risk of experiencing an opioid related overdose or a family member, or friend, or other person in a position to assist a person at risk of experiencing an opioid related overdose, or an employee or volunteer of a community based organization.

"(B) A health care professional that does not prescribe, dispense, or distribute an opioid antagonist based upon his or her professional judgment shall be immune from civil or criminal liability, unless the health care professional's decision not to prescribe, dispense, or distribute an opioid antagonist constitutes recklessness, gross negligence, or intentional misconduct.

"(f-2) Nothing in this section shall be construed to expand the scope of practice of a health care professional.".

(e) Subsection (g) is amended by striking the phrase "February 18, 2017" and inserting the phrase "the effective date of the Opioid Overdose Treatment and Prevention Omnibus Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-459)" in its place.

ENROLLED ORIGINAL

TITLE IV. PRESCRIPTION DRUG MONITORING PROGRAM

Sec. 401. The Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code § 48-853.01 *et seq.*), is amended as follows:

(a) A new section 4a is added to read as follows:

"Sec. 4a. Registration requirement for prescribers and dispensers.

"(a) Any prescriber who is currently licensed, or becomes licensed before March 31, 2019, in the District to prescribe a controlled substance or other covered substance in the course of his or her professional practice, and any dispenser who is currently licensed, or becomes licensed before March 31, 2019, in the District to dispense a controlled substance or other covered substance to an ultimate user or his or her agent shall register with the Program by March 31, 2019.".

(b) Section 5 (D.C. Official Code § 48-853.04) 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) No prescriber or dispenser shall provide false or misleading information to the Department with the intent to obtain unauthorized access to, or alter the information in the possession of the Program.

"(c) A violation of subsection (b) of this section shall constitute grounds for:

"(1) The revocation, suspension, or denial of a District controlled substances registration;

"(2) Disciplinary action by the relevant health occupations board pursuant to section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c)); and

"(3) The imposition of civil fines pursuant to section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04).".

(c) Section 6(b)(5) (D.C. Official Code § 48-853.05(b)(5)) is amended to read as follows:

"(5) A specific investigation of a specific patient or of a specific dispenser or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.".

(d) Section 8 (D.C. Official Code § 48-853.07) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "misuse; and" and inserting the phrase "misuse or abuse of covered substances;" in its place.

(B) Paragraph (2) is amended by striking the phrase "misuse." and inserting the phrase "misuse or abuse of covered substances;" in its place.

(C) New paragraphs (3) and (4) are added to read as follows:

"(3) Criteria for indications of a possible violation of law or a possible breach of professional standards by a prescriber or dispenser; and

"(4) A method for analysis of data collected by the Program using the criteria for indications of a possible violation of law or a possible breach of professional standards by a prescriber or dispenser.".

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

"(b)(1) Upon the development of the criteria and data analysis, the Program may review prescription monitoring program data for indications of:

"(A) Possible misuse or abuse of a covered prescription drug; and

"(B) A possible violation of law or possible breach of professional standards by a prescriber or a dispenser.

"(2) If the Program's review of prescription monitoring data indicates a possible violation of paragraph (1) of this subsection, the Director may, in addition to any discretionary disclosure of information pursuant to this act:

"(A) Report the possible misuse or abuse by a patient to the specific prescriber or dispenser of the covered prescription drug for the purpose of intervention to prevent such misuse or abuse;

"(B) Notify the prescriber or dispenser of the possible violation of law or possible breach of professional standards; and

"(C) Provide education to the prescriber or dispenser.".

TITLE V. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 501. Applicability.

(a) Section 102(b)(2) 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 section 102(b)(2).

Sec. 502. 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. 503. 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Retail Service Station Act of 1976 to abolish the Gas Station Advisory Board, to transfer the Gas Station Advisory Board's duties to the Department of Energy and Environment, and to modify the process by which the Department of Energy and Environment will grant exemptions to the prohibition on conversions of full service retail service stations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Gas Station Advisory Board Abolishment Amendment Act of 2018".

Sec. 2. Section 5-301 of the Retail Service Station Act of 1976, effective April 19, 1977 (D.C. Law 1-123; D.C. Official Code § 36-304.01), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "discontinued, nor may be structurally altered" and inserting the phrase "structurally altered" in its place.

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

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

(A) Subparagraph (A) is amended by striking the phrase "Gas Station Advisory Board ("Board"), established pursuant to subsection (e) of this section," and inserting the phrase "Director of the Department of Energy and Environment ("DOEE")" in its place.

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

(i) Strike the phrase "The Board makes" and insert the phrase "DOEE makes" in its place.

(ii) Strike the phrase "and makes a recommendation to the Mayor to grant the exemption;" and insert a semicolon in its place.

(C) Subparagraph (C) is repealed.

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

(A) The lead-in language is amended by striking the phrase "with the Board" and inserting the phrase "with DOEE" in its place.

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

"(A) If the petition for exemption involves the conversion of a full service retail service station into a non-full service retail service station, plans illustrating that the station will be improved for customer convenience or accessibility;".

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

(A) Subparagraph (A) is amended by striking the phrase "The Board shall only make a recommendation to grant an exemption if the Board" and inserting the phrase "DOEE shall grant an exemption only if it" in its place.

(B) Subparagraph (B) is amended by striking the phase "the Board shall" and inserting the phrase "DOEE shall" in its place.

(4) Paragraph (4) is repealed.

(c) Subsection (d-1)(2) is amended by striking the phrase "to the Board" and inserting the phrase "to DOEE" in its place.

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

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is repealed.

(3) Paragraph (3) is repealed.

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

(A) Strike the phrase "The Board shall" and insert the phrase "DOEE shall" in its place.

(B) Strike the phrase "The Board may" and insert the phrase "DOEE may" in its place.

(e) Subsection (f-1) is repealed.

(f) Subsection (g)(3) is amended by striking the phrase "from the Gas Station Advisory Board" and inserting the phrase "from DOEE" in its place.

(g) Subsection (h) is amended by striking the phrase "The District of Columbia Office of Energy, unless another agency is designated by the Mayor shall" and inserting the phrase "DOEE shall" in its place.

(h) Subsection (i) is amended by striking the phrase "The Office of Energy or successor agency, unless the Mayor shall direct otherwise, shall" and inserting the phrase "DOEE shall" in its place.

(i) Subsection (j) is amended by striking the phrase "notify the Gas Station Advisory Board of" and inserting the phrase "notify DOEE of" 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 30, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 30, 2019

To amend the Health Services Planning Program Re-establishment Act of 1996 to establish reporting requirements for health care facilities regarding uncompensated care and community benefits that are provided to District residents, and to clarify that the State Health Planning and Development Agency currently has the authority to approve or disapprove the closure or termination of services of a health care facility; to amend the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983 to authorize the Director of the Department of Health to issue a provisional license in the specified circumstance; to consolidate statutory provisions on newborn screening; to repeal the District of Columbia Newborn Screening Requirement Act of 1979; to repeal the Newborn Hearing Screening Act of 2000; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize an increase to the salary of the Director of the Department of Health.

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

TITLE I. UNCOMPENSATED CARE REPORTING; NOTIFICATION OF INTENTION TO CLOSE OR TERMINATE OPERATION OF HEALTH CARE FACILITY OR HEALTH CARE SERVICE

Sec. 101. The Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 6(a) (D.C. Official Code § 44-405(a)) is amended by striking the phrase "patient demographic and characteristic information" and inserting the phrase "patient demographic, characteristic information, and data related to the annual level of uncompensated care provided by HCFs, including charity care provided to District residents, charity care provided to non-District residents, care classified as bad debt provided to District residents, care classified as bad debt provided to non-District residents, any other community benefits, including health improvement services and benefits that are provided without charge to District residents," in its place.

(b) Section 7(c) (D.C. Official Code § 44-406(c)), is amended by striking the phrase "extent possible" and inserting the phrase "extent possible, which may include organizing meetings with affected stakeholders and providing planning and technical assistance for possible patient load transition, and, if the notice of closure is approved by SHPDA, continue to assist in the orderly transition by overseeing the placement of patients into new HCFs in a manner that ensures that the health and well-being of the patients is protected" in its place.

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TITLE II. PROVISIONAL LICENSE FOR HEALTH CARE FACILITY OR HEALTH SERVICE

Sec. 201. Section 7 of 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 § 44-506), is amended as follows:

(a) Subsection (c) is amended by striking the phrase "Provisional licenses" and inserting the phrase "Except as provided in subsection (f) of this section, provisional licenses" in its place.

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

"(f)(1) If a notice of closure of a health care facility or health service is denied by the State Health Planning and Developmental Agency pursuant to section 7(c) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-406(c)), the Director of the Department of Health may issue a provisional license to the health care facility or health service to continue to operate for up to 3 years.

"(2) For the purposes of this subsection, the terms "health care facility" and "health service" shall have the same meanings as provided in section 2(10) and (12) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401(10) and (12)), respectively.".

TITLE III. COMPREHENSIVE NEWBORN SCREENING

Sec. 301. Definitions.

For the purposes of this title, the term:

(1) "Birthing facility" means a facility or other place, other than a hospital or the mother's home, that provides antepartal, intrapartal, and postpartal care for both mother and child during and after normal, uncomplicated pregnancy.

(2) "Critical congenital heart disease" means a group of heart defects that cause serious, life-threatening symptoms and require intervention within the first days or first year of life.

(3) "Department" means the Department of Health.

(4) "Hearing impairment" means a dysfunction of the auditory system, of any type or degree, that is sufficient to interfere with the acquisition and development of speech and language skills, with or without the use of sound amplification.

(5) "Hospital" means a facility other than a birthing facility or the mother's home, that provides antepartal, intrapartal, and postpartal care for both mother and child during and after pregnancy.

(6) "Metabolic disorder" means a disorder which results in a defect in the function of a specific enzyme or protein.

(7) "Nurse-midwife" means a registered nurse certified pursuant to Chapter 58 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 5800 *et seq.*).

(8) "Parent" means an individual who is legally recognized to have all rights provided under District law with respect to a child.

Sec. 302. Newborn screening and testing.

(a) Each hospital, birthing facility, and nurse-midwife shall:

(1) Inform and educate the parent of a newborn of the purpose and availability of newborn screening for critical congenital heart disease, hearing impairment, and metabolic disorders;

(2) Screen all newborns delivered or cared for at the hospital, home, or birthing facility for critical congenital heart disease, hearing impairment, and metabolic disorders, unless the newborn's parent withholds consent for the screening procedure;

(3) Document the screening results or the parent's refusal to permit the screening;

(4) Provide the screening results to the parent of the newborn and the newborn's primary care provider;

(5) When a screening discloses a positive result, provide recommendations for follow-up testing and treatment to the parent of the newborn and to the newborn's primary care provider; and

(6) Notify the Department of the number of infants screened, the results of the screening, and any documented parental refusal.

(b) The Mayor shall establish specific procedures for each screening through rulemaking and may revise the type of newborn screening that hospitals, birthing facilities, and nurse-midwives are required to conduct.

(c) Except for statistical data compiled without reference to the identity of any individual, all information obtained from any individual or from specimens from any newborn shall be held confidential and be considered a confidential medical record, except any information for which a parent consents to release. Each parent shall be informed of the scope of the information requested to be released and the purpose of releasing the information before the release of any confidential information.

Sec. 302. Discharge standards.

(a) Each hospital, birthing facility, and nurse-midwife shall provide to each parent comprehensive newborn education and a discharge form approved by the Department with information regarding the newborn's hospital course of treatment, including screenings, procedures, and other tests.

(b) The Mayor shall develop and issue standards for post-partum education, including breastfeeding, family planning, safe sleep practices, tobacco exposure, vaccinations, car safety, basic newborn care, and the results and rationale for newborn screenings.

(c) The Mayor shall establish the content of newborn discharge forms through rulemaking.

Sec. 303. Rules.

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

ENROLLED ORIGINAL

TITLE IV. REPEALERS

Sec. 401. The District of Columbia Newborn Screening Requirement Act of 1979, effective April 29, 1980 (D.C. Law 3-65; D.C. Official Code § 7-831 *et seq.*), is repealed.

Sec. 402. The Newborn Hearing Screening Act of 2000, effective April 4, 2001 (D.C. Law 13-276; D.C. Official Code § 7-851 *et seq.*), is repealed.

TITLE V. SALARY OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH

Sec. 501. Section 1052(b)(2)(C) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52(b)(2)(C)), is amended as follows:

(a) Strike the phrase "$200,335" and insert the phrase "$239,788" in its place.

(b) Strike the phrase "effective January 26, 2015" and insert the phrase "effective December 3, 2018" in its place.

TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 601. 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. 602. 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Firearms Control Regulations Act of 1975 to create a judicial process through which individuals who have been disqualified from receiving a firearms registration certificate due to having been voluntarily admitted or involuntarily committed to a mental health facility, determined to be an incapacitated individual, adjudicated as a mental defective, or committed to a mental institution, can petition the Superior Court of the District of Columbia for relief from that disqualification, to increase the penalty for possessing a large capacity ammunition feeding device, to allow persons to petition the Superior Court of the District of Columbia for an extreme risk protection order, which would prohibit the respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license, if the court finds that the subject poses a significant danger of causing bodily injury to self or others, to establish a process for the personal service, renewal, and termination of extreme risk protection orders, to establish procedures for the surrender, storage, assessment of fees for storage, and return of firearms and ammunition that are recovered pursuant to an extreme risk protection order, and to establish a penalty for a violation of an extreme risk protection order; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to prohibit the possession of bump stocks.

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

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "and his" and inserting the phrase "and the person's" in its place.

(B) Paragraph (1)(A) is amended by striking the phrase "his parent" and inserting the phrase "the applicant's parent" in its place.

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

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

(ii) Subparagraph (F) is amended by striking the semicolon and inserting the phrase "; or" in its place.

(ii) A new subparagraph (G) is added to read as follows:

"(G) Violation of an extreme risk protection order pursuant to section 1011;".

(D) Paragraph (6) is amended to read as follows:

"(6)(A) Within the 5-year period immediately preceding the application, has not been:

"(1) Voluntarily admitted to a mental health facility;

"(2) Involuntarily committed to a mental health facility by the Superior Court of the District of Columbia, another court of competent jurisdiction, the Commission on Mental Health, or a similar commission in another jurisdiction;

"(3) Determined by the Superior Court of the District of Columbia or another court of competent jurisdiction to be an incapacitated individual, as that term is defined in D.C. Official Code § 21-2011(11);

"(4) Adjudicated as a mental defective, as that term is defined in 27 C.F.R. § 478.11; or

"(5) Committed to a mental institution, as that term is defined in 27 C.F.R. § 478.11;

"(B) Subparagraph (A) of this paragraph shall not apply if the court has granted the applicant relief pursuant to subsection (f) of this section, unless the applicant, since the court granted the applicant relief pursuant to subsection (f) of this section, is again disqualified under subparagraph (A) of this paragraph.".

(E) Paragraph (13)(B)(iii) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(F) Paragraph (14) is amended by striking the period and inserting the phrase "; and" in its place.

(G) A new paragraph (15) is added to read as follows:

"(15) Is not the subject of a final extreme risk protection order issued pursuant to section 1003 or renewed pursuant to section 1006.".

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

"(f)(1) A person disqualified under subsection (a)(6)(A) of this section, or 18 U.S.C. § 922(g)(4) as a result of a commitment or adjudication that occurred in the District, may petition the Superior Court for the District of Columbia for relief from disqualification.

"(2) A petition filed pursuant to paragraph (1) of this subsection shall:

"(A) Be in writing;

"(B) State the reason the petitioner was disqualified;

"(C) State facts in support of the petitioner's claim that the petitioner should no longer be disqualified;

"(D) Include a statement, on a form approved by the court, signed by a licensed physician, psychiatrist, or qualified psychologist within the 30-day period immediately preceding the filing of the petition for relief, stating:

"(i) The symptoms or behaviors for which the petitioner has been disqualified;

"(ii) The length of time that the petitioner has no longer experienced those symptoms or behaviors;

"(iii) The length of time that the petitioner has been compliant with any applicable treatment plans related to the reason the petitioner was disqualified; and

"(iv) That, in the physician, psychiatrist, or psychologist's opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm;

"(E) Be accompanied by any appropriate exhibits, affidavits, or supporting documents, including records of any guardianship, conservatorship, or commitment proceeding related to the petitioner's disqualification;

"(F) Include 2 statements from individuals who are not related to the petitioner by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship and have known the petitioner for at least 3 years. The individuals' statements shall:

"(i) Be on a form approved by the court, and signed by the individual within the 30-day period immediately preceding the filing of the petition for relief;

"(ii) Describe the petitioner's reputation and character; and

"(iii) State that, in the individual's opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm; and

"(G) Be served upon the Office of the Attorney General.

"(3)(A) Upon receipt of a petition filed under paragraph (1) of this subsection, the court shall order the Office of the Attorney General to file a response to the petition within 60 days after the court's order. The response shall indicate whether the Office of the Attorney General supports or opposes the petition.

"(B) The Office of Attorney General shall:

"(i) Conduct a reasonable search of all available records of the petitioner's mental health;

"(ii) Perform a national criminal history background check on the petitioner; and

"(iii) Include its findings under this subparagraph in its response to the court.

"(C) The Metropolitan Police Department shall, upon request, provide to the Office of Attorney General any records related to the petitioner it has in its possession or could obtain after conducting a reasonable search.

"(4)(A) The court shall hold a hearing on a petition filed under paragraph (1) of this subsection within 60 days after the date on which the Office of Attorney General files its response.

"(B) In determining whether to grant a petition filed pursuant to paragraph (1) of this subsection, the court shall consider all relevant evidence, including:

"(i) The reason the petitioner was disqualified;

"(ii) The petitioner's mental health and criminal history records; and

"(iii) Evidence of the petitioner's reputation.

"(5) The court shall grant a petition filed pursuant to paragraph (1) of this subsection if the petitioner establishes, by a preponderance of the evidence, that:

"(A) The petitioner would not be likely to act in a manner dangerous to public safety; and

"(B) Granting the relief would not be contrary to the public interest.

"(6) If the court grants a petition for relief pursuant to paragraph (5) of this subsection, the court shall issue an order that:

"(A) States the petitioner is no longer disqualified under subsection (a)(6)(A) of this section;

"(B) Orders the Clerk of the Court to submit a copy of the order to the Metropolitan Police Department, the Office of the Attorney General, and any other relevant law enforcement, pretrial, corrections, or community supervision agency; and

"(C) Requires that the petitioner's record be updated in the National Instant Criminal Background Check System and any other system used to determine firearm registration eligibility to reflect that the petitioner is no longer disqualified.

"(7) If the court denies a petition for relief, the court shall state the reasons for its denial in writing.

"(8) An order granting or denying a petition filed under paragraph (1) of this subsection shall be a final order for the purposes of appeal.".

(b) Section 501 (D.C. Official Code § 7–2505.01) is amended by striking the phrase "sections 210(c), 502, or 705 of this act" and inserting the phrase "section 210(c), section 502, section 705, section 1007, or section 1009" in its place.

(c) Section 705 (D.C. Official Code § 7-2507.05) is amended to read as follows:

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

"(a)(1) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this act, with respect to the firearm, destructive device, or ammunition delivered and abandoned.

"(2) Delivery and abandonment under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business.

"(3) Every firearm to be delivered and abandoned to the Chief under this section shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide

penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02).

"(4) No person who delivers and abandons a firearm, destructive device, or ammunition under this section shall be required to furnish identification, photographs, or fingerprints.

"(5) No amount of money shall be paid for any firearm, destructive device, or ammunition delivered and abandoned under this section.".

(2) Subsection (b) is amended by striking the phrase "under this section or pursuant to section 210(c)(1)" and inserting the phrase "under this section, section 210(c)(1), or section 1009(c)" in its place.

(d) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "and Title IX" and inserting the phrase "Title IX, and section 1011" in its place.

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

"(4) A person convicted of possessing a large capacity ammunition feeding device in violation of section 601(b) shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 3 years, or both.".

(e) A new Title X is added to read as follows:

"TITLE X – EXTREME RISK PROTECTION ORDERS.

"Sec. 1001. Definitions.

"For the purposes of this title, the term:

"(1) "Extreme risk protection order" means an order issued, pursuant to this title, by a judge of the Superior Court of the District of Columbia prohibiting a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license.

"(2) "Petitioner" means a person who petitions the Superior Court of the District of Columbia for an extreme risk protection order under this title and is:

"(A) Related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship rendering the application of this title appropriate;

"(B) A sworn member of the Metropolitan Police Department; or

"(C) A mental health professional, as that term is defined in section 101(11) of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)).

"(3) "Respondent" means a person against whom an extreme risk protection order is sought.

"Sec. 1002. Petitions for extreme risk protection orders.

"(a) A petitioner may petition the Superior Court for the District of Columbia for a final extreme risk protection order. A petition filed under this section shall:

"(1) Be in writing;

"(2) State facts in support of the claim that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition;

"(3) To the best of the petitioner's knowledge, identify the number, types, and locations of any firearms or ammunition the petitioner believes to be in the respondent's possession, control, or ownership;

"(4) Be accompanied by any appropriate exhibits, affidavits, and supporting documents; and

"(5) Be served on the Office of the Attorney General.

"(b) A petitioner may file a petition under this section regardless of whether there is any other pending suit, complaint, petition, or other action between the parties.

"(c) The Office of Attorney General may provide individual legal representation to a petitioner. If the Office of Attorney General decides to provide individual legal representation to a petitioner, the representation shall continue until the earliest of:

"(1) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

"(2) The court terminates a final extreme risk protection order pursuant to section 1008; or

"(3) The Office of the Attorney General withdraws from representation.

"(d) At the request of the petitioner or respondent, the court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal while the petition is pending.

"Sec. 1003. Final extreme risk protection orders.

"(a)(1) Upon receipt of a petition filed pursuant section 1002, the court shall order that a hearing be held to determine whether to issue a final extreme risk protection order against the respondent.

"(2) The hearing shall be held within 10 days after the date the petition was filed.

"(b)(1) Personal service of the notice of hearing and petition shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 5 business days before the hearing.

"(2) If the respondent is unable to be personally served, the court shall set a new hearing date and require additional attempts to accomplish personal service.

"(c) If the court issues an ex parte extreme risk protection order pursuant to section 1004, the ex parte extreme risk protection order shall be served concurrently with the notice of hearing and petition described in subsection (b)(1) of this section.

"(d) Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

"(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

"(2) Conduct a reasonable search of all available records of the petitioner's mental health;

"(3) Perform a national criminal history background check; and

"(4) Submit its findings under this subsection to the court.

"(e) In determining whether to issue a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm or other weapon by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02(4)).

"(f) The court shall, before issuing a final extreme risk protection order, examine any witnesses under oath.

"(g) The court shall issue a final extreme risk protection order if the petitioner establishes by a preponderance of the evidence that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(h) A final extreme risk protection order issued under this section shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license for one year after the date and time the order was issued;

"(2) The date and time the order was issued;

"(3) The date and time the order will expire;

"(4) The grounds upon which the order was issued;

"(5) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(6) That the respondent may seek the advice of an attorney as to any matter connected with a petition filed under this title.

"(i) A final extreme risk protection order issued pursuant to this section shall expire one year after the issuance of the order, unless the order is terminated pursuant to section 1008 before its expiration.

"Sec. 1004. Ex parte extreme risk protection orders.

"(a) When filing a petition for a final extreme risk protection order, a petitioner may also request that an ex parte extreme risk protection order be issued without notice to the respondent.

"(b) The court may hold a hearing on any request for an ex parte extreme risk protection order filed under this section.

"(c) In determining whether to issue an ex parte extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(d) The court may grant a request under this section based solely on an affidavit or sworn testimony of the petitioner.

"(e) The court shall issue an ex parte extreme risk protection order if the petitioner establishes that there is probable cause to believe that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(f) If the petitioner requests that the court issue an ex parte extreme risk protection order pursuant to section, the court shall grant or deny the request on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request the next day the court is open.

"(g) An ex parte extreme risk protection order shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license while the order is in effect;

"(2) The date and time the order was issued;

"(3) That the ex parte extreme risk protection order will be in effect until the court rules on whether to issue a final extreme risk protection order;

"(4) The grounds upon which the order was issued;

"(5) The time and place of the hearing to determine whether to issue a final extreme risk protection order;

"(6) That following the hearing, the court may issue a final extreme risk protection order that will be in effect for up to one year;

"(7) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(8) That the respondent may seek the advice of an attorney as to any matter connected with this title, and that the attorney should be consulted promptly so that the attorney may assist the respondent in any matter connected with the ex parte extreme risk protection order.

"(h) An ex parte extreme risk protection order issued pursuant to this section shall expire 10 days after the date and time the order was issued, unless the court set a new hearing date pursuant to section 1003(b)(2), in which case, the court may extend the duration of the ex parte extreme risk protection order to not exceed 15 days.

"(i) The court shall terminate an ex parte extreme risk protection order in effect against the respondent at the time the court grants or denies the petition for a final extreme risk protection order.

"Sec. 1005. Service of extreme risk protection orders.

"(a)(1) Except as provided in subsection (b) of this section, an extreme risk protection order issued pursuant to section 1003 or section 1004, or renewed pursuant to section 1006, shall be personally served upon the respondent by a sworn member of the Metropolitan Police Department.

"(2) The court shall submit a copy of extreme risk protection order to the Metropolitan Police Department on or before the next business day after the issuance of the order for service upon the respondent. Service of an extreme risk protection order shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

"(3) If the Metropolitan Police Department cannot complete personal service upon the respondent within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the petitioner.

"(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

"(b) If the respondent was personally served in court when the extreme risk protection order was issued, the requirements of subsection (a) of this section shall be waived.

"Sec. 1006. Renewal of final extreme risk protection orders.

"(a) At least 120 days before the expiration of a final extreme risk protection order, the court shall notify the petitioner of the date that the order is set to expire and advise the petitioner of the procedures for seeking a renewal of the order.

"(b) A petitioner may request a renewal of a final extreme risk protection order, including an order previously renewed under this section, at any time within the 120-day period immediately preceding the expiration of the order.

"(c) Personal service of the notice of hearing and request for renewal shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 15 business days before the hearing.

"(d) In determining whether to renew an extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(e) The court shall, before renewing a final extreme risk protection order, examine any witnesses under oath.

"(f) The court shall, after notice and a hearing, renew a final extreme risk protection order if the court finds, by a preponderance of the evidence, that the respondent continues to pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(g) A final extreme risk protection order renewed pursuant to this section, shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license for one year after the date and time the order was renewed;

"(2) The date and time the order was renewed;

"(3) The date and time the order will expire;

"(4) The grounds upon which the order was renewed;

"(5) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(6) That the petitioner may seek the advice of an attorney as to any matter connected with this title.

"(h) An extreme risk protection order renewed pursuant to this section shall expire one year after the issuance of the order, unless that order is terminated pursuant to section 1008 before its expiration.

"Sec. 1007. Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses.

"(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue a search warrant that:

"(1) Describes the number and types of firearms and ammunition to be seized;

"(2) Describes any registration certificates, licenses to carry a concealed pistol, and dealer's licenses to be seized;

"(3) Describes the location where the firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses are believed to be located; and

"(4) Authorizes the seizure of any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses discovered pursuant to such a search.

"(b) A Metropolitan Police Department officer serving an extreme risk protection order shall:

"(1) Request that all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses be immediately surrendered; and

"(2) Take possession of all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses in the respondent's possession, control, or ownership that are surrendered or discovered pursuant to a lawful search.

"(c)(1) At the time of surrender or removal, the Metropolitan Police Department officer taking possession of a firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license pursuant to an extreme risk protection order shall make a record identifying all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses that have been surrendered or removed and provide a receipt to the respondent.

"(2) Within 72 hours after serving an extreme risk protection order, the officer shall file a copy of the receipt provided to the respondent pursuant to paragraph (1) of this subsection with the court and the Chief of Police.

"(d) If a person other than the respondent claims title to any firearm or ammunition surrendered or removed pursuant to this section, and he or she is determined by the Metropolitan Police Department to be the lawful owner of the firearm or ammunition, the firearm or

ammunition shall be returned to him or her; provided, that the firearm or ammunition is removed from the respondent's possession or control, and the lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have possession or control of the firearm or ammunition.

"(e) The Metropolitan Police Department may charge the respondent a fee not to exceed the actual costs incurred by the Metropolitan Police Department for storing any firearms or ammunition surrendered or removed pursuant to this section for the duration of the extreme risk protection order, including a renewal of the extreme risk protection order, and up to 6 months after the date the order expires or is terminated.

"(f)(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this section, such surrender shall preclude the arrest and prosecution of the respondent for violating, with respect to the firearms or ammunition surrendered:

"(A) Section 601 of The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2506~~1~~.01); and

"(B) Sections 3 and 4(a) and (a-1) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code §§ 22-4503 and 22-4504(a) and (a-1)).

"(2) The surrender of any firearm or ammunition pursuant to this section shall not constitute a voluntary surrender for the purposes of section 705.

"Sec. 1008. Termination of extreme risk protection orders.

"(a) Any respondent against whom a final extreme risk protection order, including a renewal of the extreme risk protection order, was issued may, on one occasion during the one-year period the order in in effect, submit a written motion to the Superior Court for the District of Columbia requesting that the order be terminated.

"(b) Upon receipt of the motion for termination, the court shall set a date for a hearing, and notice of the request shall be served on the petitioner. The hearing shall occur at least 14 days after the date of service of the motion upon the petitioner.

"(c) In determining whether terminate a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(d) The court shall, before terminating a final extreme risk protection order, examine any witnesses under oath.

"(e) The court shall terminate a final extreme risk protection order if the respondent establishes by a preponderance of the evidence that the respondent does not pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(f)(1) If the court grants a motion to terminate pursuant to this section, notice of the termination shall be personally served upon the petitioner by a sworn member of the Metropolitan Police Department and sent to the petitioner by electronic mail.

"(2) The court shall submit a copy of the order issued under this section to the Metropolitan Police Department on or before the next business day for service upon the respondent. Service of a notice of termination shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

"(3) If the Metropolitan Police Department cannot complete personal service upon the petitioner within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the court.

"(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

"Sec. 1009. Return or disposal of firearms or ammunition.

"(a)(1) If an extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall notify the respondent that he or she may request the return of any firearm or ammunition surrendered or removed if that firearm or ammunition had been lawfully possessed.

"(2) The Metropolitan Police Department shall return any surrendered or removed firearm or ammunition requested by a respondent only after confirming that:

"(A) The respondent is eligible to own or possess the firearms and ammunition;

"(B) The firearm or ammunition was lawfully possessed; and

"(C) The respondent has paid any applicable fee charged against the respondent by the Metropolitan Police Department pursuant to subsection 1007(e).

"(b)(1) If a respondent who lawfully possessed a firearm or ammunition does not wish to have the firearm or ammunition returned, or the respondent is no longer eligible to own or possess firearms or ammunition, the respondent may sell or transfer title of the firearm or ammunition in accordance with applicable law.

"(2) The Metropolitan Police Department shall transfer possession of a firearm or ammunition through a licensed firearm dealer to a purchaser or recipient, but only after the licensed firearms dealer has displayed written proof of the sale or transfer of the firearm or ammunition from the respondent to the dealer, and the Metropolitan Police Department has verified the transfer with the respondent.

"(c) If the respondent does not request return of a firearm or ammunition under subsection (a) of this section, or sell or transfer a firearm or ammunition under subsection (b) of this section, within 6 months after the date the extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall treat the firearm or ammunition as surrendered and the firearm or ammunition shall be subject to section 705(b).

"Sec. 1010. Recording requirements.

"(a) The Metropolitan Police Department shall:

"(1) Maintain a searchable database of extreme risk protection orders issued, terminated, and renewed pursuant to this title; and

"(2) Make the information maintained in paragraph (1) of this subsection available to any other relevant law enforcement, pretrial, corrections, or community supervision agency upon request.

"(b) The Superior Court of the District of Columbia shall immediately submit information about extreme risk protection orders issued, renewed, or terminated pursuant to this title to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks.

"Sec. 1011. Violation of an extreme risk protection order.

"(a) A person violates an extreme risk protection order if, after receiving actual notice of being subject to an extreme risk protection order, the person knowingly has possession or control of, purchases, or receives a firearm or ammunition.

"(b) A person convicted of violating an extreme risk protection order shall be:

"(1) Fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both; and

"(2) Prohibited from having possession or control of, purchasing, or receiving a firearm or ammunition for a period of 5 years after the date of conviction.

"(c) A violation of an extreme risk protection order shall not be considered a:

"(1) Weapons offense; or

"(2) Gun offense, as that term is defined in section 801(3).

"Sec. 1012. Law enforcement to retain other authority.

"Nothing in this title shall be construed to affect the ability of a law enforcement officer, as that term is defined in section 901(3), to remove firearms or ammunition from any person pursuant to other lawful authority.".

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

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"(1) "Bump stock" means any object that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.".

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase "sawed-off shotgun, knuckles" both times it appears and inserting the phrase "sawed-off shotgun, bump stock, knuckles" in it its place.

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 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 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to collect information on the sexual orientation, gender identity, and gender expression of respondents to the Behavioral Risk Factor Surveillance System; to amend the Healthy Schools Act of 2010 to require all local education agencies to participate in the Youth Behavior Risk Surveillance System; and to amend the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent of Education to collect information on the sexual orientation, gender identity, and gender expression of respondents to the Youth Risk Behavior Surveillance System.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "LGBTQ Health Data Collection Amendment Act of 2018".

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is amended by adding a new section 4902a to read as follows:

"Sec. 4902a. Health data collection and reporting.

"(a)(1) The Department of Health ("Department") shall participate in the Behavioral Risk Factor Surveillance System ("BRFSS").

"(2) The Department shall annually publish a detailed report on the results of the BRFSS on its website.

"(3) The Department shall include questions related to the sexual orientation, gender identity, and gender expression of respondents in its BRFSS questionnaire.

"(A) The Department shall give preference to any modules or questions approved by the U.S. Centers for Disease Control and Prevention.

"(B) The Department may develop its own questions related to the sexual orientation, gender identity, or gender expression of respondents to add to the BRFSS.

"(b)(1) The Department shall annually publish a comprehensive report on the health of the District's LGBTQ community in coordination with the Office of Gay, Lesbian, Bisexual, and Transgender Affairs, pursuant to section 4(b)(10) of The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1383(b)(10)).

"(2) At least every 3 years, the comprehensive report shall include data collected from the BRFSS.

"(3) Each report shall compare the prevalence of health-related risk behaviors, chronic health conditions, and use of preventive services among the LGBTQ population with the general population, and where possible, LGBTQ sub-populations.

"(4) The Department shall post the report on its website.".

"(c) For the purposes of this section:

"(1) "Behavioral Risk Factor Surveillance System" means the national telephone survey conducted by state health departments and coordinated by the U.S. Centers for Disease Control and Prevention to collect state data about residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services, or a similar successor survey.

"(2) "LGBTQ" shall have the same meaning as provided in section 2 of The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381).".

Sec. 3. The Healthy Schools Act of 2010, effective date July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended by adding a new section 604b to read as follows:

"Sec. 604b. Youth Risk Behavior Surveillance System.

"Each public school and public charter school covered by the Youth Risk Behavior Surveillance System ("YRBSS") shall participate, at no cost to the school, in the YRBSS administered by the Office of the State Superintendent of Education pursuant to section 3(b)(31) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(31)).".

Sec. 4. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended as follows:

(a) Section 2b (D.C. Official Code § 38-2601.02) is amended by adding new paragraphs (2E) and (7) to read as follows:

"(2E) "LGBTQ" shall have the same meaning as provided in section 2 of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381).

"(7) "Youth Risk Behavior Surveillance System" means the national school-based survey coordinated by the U.S. Centers for Disease Control and Prevention to monitor health-risk behaviors that contribute to the leading causes of death and disability among youth and young adults, or a similar successor survey.".

(b) Section 3(b) (D.C. Official Code § 38-2602(b)) is amended as follows:

(1) Paragraph 28(C) is amended as follows:

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

(B) Sub-subparagraph (v) is amended by striking the period and inserting the phrase "; and" in its place.

(C) A new sub-subparagraph (vi) is added to read as follows:

"(vi) Sexual orientation.".

(2) Paragraph (29) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (30) is amended by striking the period and inserting the phrase "; and" in its place.

(4) A new paragraph (31) is added to read as follows:

"(31)(A) Administer the Youth Risk Behavior Surveillance System ("YRBSS"), which shall include questions related to the sexual orientation, gender identity, and gender expression of respondents, to students in District public and public charter schools covered by the YRBSS each year in which the YRBSS is conducted.

"(i) The OSSE shall give preference to modules or questions approved by the U.S. Centers for Disease Control and Prevention related to the sexual orientation, gender identity, or gender expression of respondents.

"(ii) The OSSE may develop its own questions related to the sexual orientation, gender identity, or gender expression of respondents to add to the YRBSS.

"(B) Publish a detailed report on the results of each YRBSS on its website, which shall differentiate the prevalence of health-related risk behaviors, chronic health conditions, and use of preventive services among the LGBTQ youth population and the general youth population.

"(C) Provide schools and LEAs with their respective school-level and LEA-level aggregate data to a subset of high-priority questions from the YRBSS, as determined by OSSE in consideration of relevant stakeholder feedback.".

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Holding Company System Act of 1993 to authorize the Commissioner to act as a group-wide supervisor for any internationally active insurance group, assess the enterprise risk of such insurers to ensure that the material financial condition and liquidity risks are identified and properly managed and to coordinate with other state, federal and international regulators; to amend the Law on Credit for Reinsurance Act of 1993 to grant the Commissioner rulemaking authority; and to amend the Annual Audited Financial Reports Act of 1993 to provide exemptions from auditing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Insurance Modernization and Accreditation Omnibus Amendment Act of 2018".

TITLE I. INSURANCE HOLDING COMPANIES.

Sec. 101. The Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-701) is amended as follows:

(1) Paragraph (3B) is redesignated paragraph (3C).

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

"(3B) "Group-wide supervisor" means the regulatory official authorized to engage in conducting and coordinating group-wide supervision activities who is determined and acknowledged by the Commissioner under section 7a to have sufficient significant contacts with the internationally active insurance group.".

(3) Paragraphs (5A) and (5B) are redesignated as, respectively, paragraphs (5B) and (5D).

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

"(5A) "Internationally active insurance group" means an insurance holding company system that includes an insurer registered pursuant to section 5 that:

"(A) Writes premiums in at least 3 countries;

"(B) Has a percentage of gross premiums written outside the United States that is at least10% of its total gross written premiums; and

"(C) Based on a 3-year rolling average, has total assets that are at least $50 billion or total gross written premiums of at least $10 billion.".

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

"(5C) "NAIC" means the National Association of Insurance Commissioners.".

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

"Sec. 7a. Group-wide supervision of internationally active insurance groups.

"(a)(1) The Commissioner shall be the group-wide supervisor for any internationally active insurance group in accordance with the provisions of this section; provided, that the Commissioner may acknowledge another regulatory official as the group-wide supervisor where the internationally active insurance group:

"(A) Does not have substantial insurance operations in the United States;

"(B) Has substantial insurance operations in the United States, but not in the District; or

"(C) Has substantial insurance operations in the United States and the District, but the Commissioner has determined pursuant to the factors set forth in subsections (b) and (f) of this section that the other regulatory official is the appropriate group-wide supervisor.

"(2) An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the Commissioner make a determination or acknowledgment as to the appropriate group-wide supervisor.

"(b)(1) In cooperation with other state, federal, and international regulatory agencies, the Commissioner shall identify a single group-wide supervisor for an internationally active insurance group.

"(2) The Commissioner may determine that the Commissioner is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in the District; provided, that the Commissioner may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group.

"(3) The Commissioner shall consider the following factors when making a determination or acknowledgment of who is appropriate as group-wide supervisor:

"(A) The place of domicile of the insurers within the internationally active insurance group that holds the largest share of the group's written premiums, assets, or liabilities;

"(B) The place of domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group;

"(C) The location of the executive offices or largest operational offices of the internationally active insurance group;

"(D) Whether another regulatory official is acting or seeking to act as the group-wide supervisor under a regulatory system that the Commissioner determines to be:

"(i) Substantially similar to the system of regulation provided under the laws of the District; or

"(ii) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials; and

"(E) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the Commissioner with reasonably reciprocal recognition and cooperation.

"(c)(1) A regulatory official identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another supervisor to serve as the group-wide supervisor.

"(2) The acknowledgment of the group-wide supervisor shall be made after consideration of the factors listed in this subsection (b) of this section and in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.

"(d) Notwithstanding any other provision of law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the Commissioner shall acknowledge that regulatory official as the group-wide supervisor; provided, that, in the event of a material change in the internationally active insurance group that results in the internationally active insurance group's insurers domiciled in the District holding the largest share of the group's premiums, assets, or liabilities or the District being the place of domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the Commissioner shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group pursuant to subsection (b) of this section.

"(e)(1) Pursuant to section 7, the Commissioner is authorized to collect from any insurer registered pursuant to section 6, all information necessary to determine whether the Commissioner may act as the group-wide supervisor of an internationally active insurance group or if the Commissioner may acknowledge another regulatory official to act as the group-wide supervisor.

"(2) Before issuing a determination that an internationally active insurance group is subject to group-wide supervision by the Commissioner, the Commissioner shall notify the insurer registered pursuant to section 6 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have, at

a minimum, 30 days to provide the Commissioner with additional information pertinent to the pending determination.

"(3) The Commissioner shall publish in the District of Columbia Register and on the website for the Department of Insurance, Securities and Banking the identity of internationally active insurance groups that the Commissioner has determined are subject to group-wide supervision by the Commissioner.

"(f) If the Commissioner is the group-wide supervisor for an internationally active insurance group, the Commissioner shall be authorized to engage in any of the following group-wide supervision activities:

"(1) Assess the enterprise risks within the internationally active insurance group to ensure that:

"(A) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

"(B) Reasonable and effective mitigation measures are in place; and

"(2) Request from any member of an internationally active insurance group subject to the Commissioner's supervision information necessary and appropriate to assess enterprise risk, including information about the members of the internationally active insurance group regarding:

"(A) Governance, risk assessment, and management;

"(B) Capital adequacy; and

"(C) Material intercompany transactions;

"(3) Coordinate, and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of such internationally active insurance group that are engaged in the business of insurance;

"(4) Communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information, subject to the confidentiality provisions of section 9, through supervisory colleges as set forth in section 8a;

"(5) Enter into agreements with or obtain documentation from any insurer registered under section 6, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the Commissioner's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials; provided, that such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not

domiciled or incorporated in the District, doing business in the District, or otherwise subject to jurisdiction in the District; and

"(6) Other group-wide supervision activities, consistent with the authorities and purposes enumerated above, as considered necessary by the Commissioner.

"(g) If the Commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the NAIC is the group-wide supervisor, the Commissioner is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor; provided, that:

"(1) The Commissioner's cooperation is in compliance with the laws of the District; and

"(2) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the Commissioner's activities as a group-wide supervisor for other internationally active insurance groups where applicable; provided, that where such recognition and cooperation is not reasonably reciprocal, the Commissioner is authorized to refuse recognition and cooperation.

"(h) The Commissioner is authorized to enter into agreements with or obtain documentation from any insurer registered under section 6, any affiliate of the insurer, and other state, federal, and international regulatory agencies for members of the internationally active insurance group that provide the basis for or otherwise clarify a regulatory official's role as group-wide supervisor.

"(i) A registered insurer subject to this section shall pay the reasonable expenses of the Commissioner's participation in the administration of this section, including the engagement of attorneys, actuaries, and any other professionals and all reasonable travel expenses.

"(j) The Commissioner is authorized to promulgate rules and regulations necessary to implement the provisions of this section.".

TITLE II. CREDIT FOR REINSURANCE.

Sec. 201. The Law on Credit for Reinsurance Act of 1993, effective October 15, 1993 (D.C. Law 10-36; D.C. Official Code § 31-501 *et seq.*), is amended as follows:

(a) Section 2(a)(1) (D.C. Official Code § 31-501(a)(1)) is amended by striking the period and inserting the following in its place:

"; provided, that the Commissioner may adopt by regulation specific additional requirements relating to or setting forth the:

"(A) Valuation of assets or reserve credits;

"(B) Amount and forms of security supporting reinsurance arrangements; and

"(C) Circumstances pursuant to which credit will be reduced or eliminated.".

(b) Section 3 (D.C. Official Code § 31-502) is amended to read as follows:

"Sec. 3. Asset or reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 2.

"(a) An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 2 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; provided, that the Commissioner may adopt by regulation pursuant to 5(b) specific additional requirements relating to or setting forth the:

"(1) Valuation of assets or reserve credits;

"(2) Amount and forms of security supporting reinsurance arrangements described section 5(b); and

"(3) Circumstances pursuant to which credit will be reduced or eliminated.

"(b) The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified U.S. financial institution, as defined in section 4(a). This security may be in the form of:

"(1) Cash;

"(2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

"(3) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified U.S. financial institution effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement; provided, that letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

"(4) Any other form of security acceptable to the Commissioner.".

(c) Section 4 (D.C. Official Code § 31-503) is amended to read as follows:

"Sec. 4. Qualified U.S. financial institutions.

"(a) For purposes of section 3(3), a qualified U.S. financial institution means an institution that:

"(1) Is organized, or, in the case of a United States office of a foreign banking organization, licensed, under the laws of the United States or any state thereof;

"(2) Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies;

"(3) Has been determined by either the Commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner; and

"(4) When eligible to act as a fiduciary of a trust under this act:

"(A) Is organized, or, in the case of a United States branch or agency office of a foreign banking organization, licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

"(B) Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.".

(c) Section 5 (40 DCR 5812) is amended to read as follows:

"Sec. 5. Rulemaking.

"(a) The Commissioner may adopt rules and regulations necessary to implement the provisions of this act.

"(b) The Commissioner is further authorized to adopt rules and regulations applicable to reinsurance arrangements; provided, that regulations adopted pursuant to this subsection:

"(1) May apply only to reinsurance relating to:

"(A) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

"(B) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

"(C) Variable annuities with guaranteed death or living benefits;

"(D) Long-term care insurance policies; and

"(E) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners ("NAIC") adopts model regulatory requirements with respect to credit for reinsurance.

"(2) Pursuant paragraph (1)(A) or (B) of this subsection may apply to any treaty containing:

"(A) Policies issued on or after January 1, 2015; or

"(B) Policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015;

"(3) May require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC, as amended.

"(4) Shall not apply to cessions to an assuming insurer that:

"(A) Is certified in the District or, at a minimum, in 5 other states; or

"(B) Maintains at least $250 million in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual,

including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

"(i) Licensed in at least 26 states; or

"(ii) Licensed in at least 10 states, and licensed or accredited in a total of at least 35 states.".

TITLE III. ANNUAL FINANCIAL REPORTING

Sec. 301. The Annual Audited Financial Reports Act of 1993, effective October 21, 1993 (D.C. Law 10-48; D.C. Official Code § 31-301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-301) is amended as follows:

(1) Paragraph (1B) is amended by striking the phrase "insurers and the audits of financial statements of the insurer or group of insurers." and inserting the phrase "insurers, the internal audit function of an insurer or group of insurers if applicable, and external audits of financial statements of the insurer or group of insurers." in its place.

(2) Paragraph (3B) is redesignated as paragraph (3C).

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

"(3B) "Internal audit function" means a person or persons that provide independent, objective, and reasonable assurance designed to add value and improve an organization's operations and accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.".

(b) Section 12a (D.C. Official Code § 31-311.01) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) The audit committee of an insurer or group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill their responsibilities if required by section 12a-1.".

(c) A new section 12a-1 is added to read as follows:

"Sec. 12a-1. Internal audit function requirements.

"(a) An insurer shall be exempt from the requirements of this section if:

"(1) The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premium reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than $500 million; and

"(2) If the insurer is a member of a group of insurers, the group has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premium reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than $1 billion.

"(b) The insurer or group of insurers shall establish an internal audit function providing independent, objective, and reasonable assurance to the audit committee and insurer management

regarding the insurer's governance, risk management, and internal controls. This assurance shall be provided by performing general and specific audits, reviews, and tests and by employing other techniques considered necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.

"(c)(1) To ensure that internal auditors remain objective, the internal audit function shall be organizationally independent. The internal audit function will not defer ultimate judgment on audit matters to others and shall appoint an individual to head the Internal audit function who will have direct and unrestricted access to the board of directors.

"(2) Organizational independence shall not preclude dual-reporting relationships.

"(d) The head of the internal audit function shall report to the audit committee regularly, but no less than annually, on the periodic audit plan, factors that may adversely impact the Internal audit function's independence or effectiveness, material findings from completed audits, and the appropriateness of corrective actions implemented by management as a result of audit findings.

"(e) If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the Internal audit function requirements set forth in this section at the ultimate controlling parent level, an intermediate holding company level, or the individual legal entity level.".

(d) Section 13 (D.C. Official Code § 31-312) is amended by adding a new subsection (g) to read as follows:

"(g) An insurer or group of insurers that was exempt from section 12a-1 but no longer qualifies for the exemption shall have one year from the reporting year the threshold is exceeded to comply with this act.".

TITLE IV. APPLICABILITY.

Sec. 401. Applicability.

This act shall apply to all insurance policies issued or renewed in the District 90 days after the effective date of this act.

TITLE V. GENERAL PROVISIONS.

Sec. 501. 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. 502. 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To require the Department of General Services to publish a master list of public recreational spaces in the District, to require the Mayor to transmit to the Council a study on the safety of synthetic materials used in construction at public recreational spaces, to prohibit the use of those synthetic materials that fail to adhere to certain health and safety standards and to require the Department to make publicly available a list of those materials that are approved or disapproved for use, to require the Department to assess public recreational spaces for materials containing known carcinogens or toxins and to require the Department to provide the Council with a remediation plan for such spaces, to require the regular testing of public recreational spaces for adherence to certain health and safety standards, to require the Department to develop protocols for the regular testing of public recreational spaces, to require the Department to provide notice to DCPS, DPR, and the public regarding the failure of a public recreational space to meet certain health and safety standards, to require the Department to undertake a study on testing of synthetic turf fields for unsafe ambient and surface temperatures; to require that the Department adhere to industry best practices regarding solicitation of and entering into contracts for the construction, replacement, and maintenance of the District's public recreational spaces; and to clarify that this act does not create a private right of action against the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Fields and Playgrounds Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "ASTM International" means the organization formerly know as the American Society for Testing and Materials that develops technical standards for certain materials, products, systems, and services.

(2) "Construction project" means any construction, resurfacing, renovation, equipment replacement, or other similar activity with a contract value greater than $10,000 at a public recreational space.

(3) "DGS" means the Department of General Services.

(4) "DPR" means the Department of Park and Recreation.

(5) "DCPS" means the District of Columbia Public Schools.

(6) "G-max test" means any method for measuring the shock-attenuation performance of a field or sport surface.

(7) "Improvement" means any installed or constructed surface or structure at a public recreational space.

(8) "Public recreational space" means a park, dog park, playground, spray park, athletic field, or other space used for recreational activities that is owned or maintained by the District.

(9) "Public Recreational Space Master List" means a master list of all public recreational spaces in the District.

Sec. 3. Public Recreational Space Master List.

(a) By June 1, 2019, DGS, with assistance from DPR and DCPS, shall:

(1) Create the Public Recreational Space Master List, which shall include for each public recreational space:

(A) The address of the public recreational space;

(B) The District agency or agencies that own or maintain the public recreational space;

(C) A list of the synthetic materials of which any improvements to the public recreational space are composed;

(D) The date of installation or construction of any improvements to the public recreational space;

(E) The natural life, according to manufacturer specifications or, where the manufacturer specifications are not available, industry standards, of any improvements to the public recreational space;

(F) The results of tests conducted pursuant to section 5; and

(G) The anticipated date of the next tests to be conducted pursuant to section 5 at the public recreational space; and

(2) Publish the Public Recreational Space Master List on the DGS website.

(b) DGS shall update the Public Recreational Space Master List within 30 days after the completion of a construction project or receipt of final results from testing at a public recreational space conducted pursuant to section 5.

Sec. 4. Assessment of synthetic materials.

(a)(1) The Department of Energy and the Environment and the Department of Health shall conduct a study assessing the safety of all synthetic materials currently used in construction at District public recreational spaces. The study shall identify whether a synthetic material:

(A) Contains known carcinogens or other toxins, and whether the synthetic material poses a health risk if it is ingested, inhaled, or comes into contact with a person's skin or eyes;

(B) Meets ASTM International standards for shock-attenuation, where the synthetic material is used for surfacing; or

(C) Can, under normal weather conditions as determined by DGS, exhibit ambient or surface temperatures that cause burns, dehydration, heat stroke, or heat exhaustion.

(2) The Mayor shall transmit the results of the study to the Council within one year after the effective date of this act.

(b) Within 30 days after the Mayor transmits the study to the Council, DGS shall:

(1) Prohibit all District employees, contractors, and subcontractors from using a synthetic material in a construction project at a public recreational space if the synthetic material:

(A) Poses a serious health risk when it is ingested, inhaled, or comes in contact with a person's skin or eyes; or

(B) Scores a g-max test value that is greater than or equal to the standard for shock-attenuation set by ASTM International, when the synthetic material is maintained in accordance with manufacturer standards;

(2) Issue notice to all contractors or subcontractors bidding on or holding a construction project contract with the District of those synthetic materials banned pursuant to paragraph (1) of this subsection; and

(3) Publish on the DGS website:

(A) A list of all synthetic materials approved for use, including the following information for each synthetic material:

(i) Manufacturer material product sheets or similar documentation;

(ii) The concentration of any known toxins, including lead, cadmium, chromium, mercury, tin, and zinc;

(iii) An assessment of the risk to human health posed by the synthetic material, including:

(I) Through eye or skin contact, ingestion, or inhalation; and

(II) Any known carcinogenic properties;

(iv) Data on the synthetic material's flammability;

(v) Maintenance or other service requirements to ensure quality control of the synthetic material;

(vi) Any other hazards posed by the synthetic material under regular use; and

(vii) Any precautions needed for the synthetic material; and

(B) A list of all synthetic materials that DGS has prohibited for use pursuant to paragraph (1) of this subsection, that shall include the basis upon which DGS has prohibited the synthetic material, including any test results, studies, or other documentation used by DGS to make its determination.

(c) Neither DGS nor any contractor or subcontractor holding a contract with the District shall be permitted to use a synthetic material in a construction project unless it has been approved for use pursuant to subsection (b)(3)(A) of this section.

(d) Within 180 days after the Mayor transmits the study to the Council required in subsection (a) of this section, DGS shall transmit to the Council:

(1) A list of all public recreational spaces that are composed, in whole or in part, of synthetic materials prohibited pursuant to subsection (b)(1) of this section, including a description of the health or safety risk posed by the synthetic material in use at the public recreational space; and

(2) A remediation plan for the removal of the synthetic material from each public recreational space, including the anticipated period of time that the public recreational space will be closed to public use, if any.

Sec. 5. Annual testing.

(a) The Department of General Services ("DGS") shall conduct an annual g-max test on all fields and sport surfaces in a public recreational space with surfaces composed of synthetic materials, with tests occurring at least once in June or July of each year.

(b)(1) Within 90 days after the effective date of this act, DGS shall establish protocols for the testing of a field or sport surface in a public recreational space as described in subsection (a) of this section. Under these protocols, a field or sport surface in a public recreational space shall be considered failing if the synthetic material would be prohibited under section 4(b)(1)(B).

(2) DGS shall conduct tests under subsection (a) of this section using the testing practices and equipment recommended by ASTM International. If ASTM International updates its recommendations for testing equipment, DGS shall procure the equipment within one year after the date when ASTM International publishes the update on its website.

(3) DGS shall conduct tests on a field or sport surface in a public recreational space with a surface composed of synthetic materials under subsection (a) in a manner that the tests will minimize interruption of DCPS, DPR, or permitted activities.

(c)(1) If any portion of a field or sport surface in a public recreational space, in whole or in part, fails a test conducted pursuant to subsection (a) of this section, DGS shall take remedial action within 24 hours after receiving the failing test results. If the remedial action is not completed within 24 hours after receiving the failing test result, DGS shall close the affected field or sport surface of the public recreational space to the public. DGS shall not reopen the field or sport surface until the remedial action is completed and the field or sport surface passes a subsequent g-max test.

(2) Within 24 hours after DGS receives a test result resulting in the closure of a public recreational space under this section, DGS shall send the test results and a remediation plan to the following:

(A) The Chief Operating Officer of DCPS, if the public recreational space is owned or maintained by DCPS; or

(B) The Director of DPR, if the public recreational space is owned or maintained by DPR.

(3) Within 2 business days of receiving a test result resulting in the closure of a public recreational space under this section, DGS shall:

(A) Publish notice on the DGS website; and

(B) Post a conspicuous sign at the public recreational space that clearly communicates information about the closure of the space, including:

(i) The reason for the closure,
(ii) The date and nature of any planned remediation efforts, and
(iii) Contact information for a DGS employee responsible for addressing questions about the remediation.

Sec. 6. Study of unsafe surface and ambient temperatures at public recreational spaces.

Within one year after the effective date of this act, DGS shall transmit to the Council a study on methods for testing of surfaces in public recreational spaces for unsafe surface and ambient temperatures. This study shall include:

(1) Information on the methods available to test the surface and ambient temperature of surfaces composed of synthetic materials, including information on each method's cost and reliability;

(2) A summary of existing research on the health and safety risks posed by particular surface or ambient temperatures on surfaces composed of synthetic materials, including information on any specific temperature threshold that, when exceeded, can create a health and safety risk to individuals using the turf surface; and

(3) A summary of steps that DGS and other District agencies would need to take to implement a protocol to test the District's public recreational spaces for unsafe surface and ambient temperatures.

Sec. 7. Contracting best practices.

DGS shall adhere to industry best practices regarding solicitation of and entering into a contract for a construction project in a public recreational space. This shall include prioritizing maintenance contract proposals that would not void existing warranties.

Sec. 8. No private right of action against the District.

Nothing in this act shall create a private right of action against the the District or its officers, employees, agents, representatives, contractors, successors, and assigns based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this section in any civil, criminal, or administrative action against the District.

Sec. 9. 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 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 10. 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

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To require schools offering instruction at any level or grade from pre-kindergarten through 12th grade to adopt and implement a policy to prevent and address child sexual abuse by staff; to require District of Columbia Public Schools and public charter schools to investigate the employment history of potential employees; to prohibit schools offering instruction at any level or grade from pre-kindergarten through 12th grade and any child development center from assisting an individual in gaining other employment at a school or child development facility if the school or child development facility or its employees have knowledge of or probable cause to believe that the individual in question has committed an act of sexual abuse or sexual misconduct against students or other minors; to require schools offering instruction at any level or grade from pre-kindergarten through 12th grade adopt and implement a policy to prevent and address student-on-student sexual harassment and assault and dating violence; to amend the Procurement Practices Reform Act of 2010 to grant the Office of the State Superintendent of Education the ability to contract with experts in sexual abuse prevention; to amend the Prevention of Child Abuse and Neglect Act of 1977 to provide the Office of the State Superintendent of Education with access to the Child Protection Registry for the purpose of conducting background checks on the employees of licensed child development facilities; and to amend the Healthy Schools Act of 2010 to require local education agencies to provide instruction in consent, setting and respecting boundaries, and developing and maintain healthy relationships.

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

TITLE I. SCHOOLS' OBLIGATIONS TO PREVENT AND ADDRESS STUDENT SEXUAL ABUSE

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Child abuse" means the:

(A) Infliction of physical or mental injury upon a child;

(B) Sexual abuse, as that term is defined in section 251(4) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.51(4)), or exploitation of a child; or

(C) Negligent treatment or maltreatment of a child.

(2) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

(3) "School" means a public, public charter, independent, private, or parochial school organized or authorized to operate under the laws of the District that offers instruction at any level or grade from pre-kindergarten through 12th grade.

(4) "Sexual misconduct" means any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with a student, including:

(A) A sexual invitation;

(B) Dating or soliciting a date;

(C) Engaging in sexual dialogue;

(D) Making sexually suggestive comments;

(E) Describing prior sexual encounters; or

(F) Physical exposure of a sexual or erotic nature.

(5) "Staff" means an employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or activities sponsored by a school.

(6) "Student sexual abuse" means sexual abuse, as that term is defined in section 251(4) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.51(4)), committed against a student of a school.

Sec. 102. Policy and education to prevent and address student sexual abuse.

(a) Beginning in the 2019-2020 school year, schools shall adopt and implement a policy to prevent and address student sexual abuse by staff. The policy shall include:

(1) Protocol for the school's response to an allegation of student sexual abuse committed by staff, including procedures governing compliance with the reporting requirements described in section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), and section 252 of Title II-A of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.52);

(2) Protocol for contacting the Child and Family Services Agency ("CFSA") and informing school leadership of allegations of student sexual abuse committed by staff;

(3) Protocol for informing the school community about an investigation or allegation of student sexual abuse committed by staff that maintains the integrity of the investigation and protects the confidentiality of those involved;

(4) Avenues for parents and guardians to report allegations of student sexual abuse to the appropriate authorities, including CFSA and school leadership;

(5) Mechanisms implementing the provisions of section 7926 of the Every Student Succeeds Act of 2015, approved December 10, 2015 (129 Stat. 2120; 20 U.S.C. § 7926), including penalties for staff that violate the requirements of such statute;

(6) Guidance concerning limitations on communication between staff and students outside of school, including correspondence by electronic, telephonic, or other means; and

(7) A list of appropriate resources, services, and information for students and families affected by student sexual abuse, including school-based supports and evidence-based treatment options.

(b) Schools shall provide the policy described in subsection (a) of this section to staff, parents, and, in a developmentally appropriate manner, students, and shall make the policy publicly available, including on the school website.

(c) Beginning in the 2020-2021 school year, schools shall provide:

(1) Training for staff, at the time of hiring and at a minimum every 2 years thereafter, on sexual misconduct, student sexual abuse, and child abuse, including instruction on the following:

(A) Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;

(B) Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;

(C) Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;

(D) Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse; and

(E) Other appropriate topics.

(2) Training and information, on an annual basis, for parents regarding child abuse, sexual misconduct and student sexual abuse, including instruction on the following:

(A) Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;

(B) Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;

(C) Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;

(D) Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse; and

(E) School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.

(d) The Office of the State Superintendent of Education, in consultation with schools, direct service providers, mental health professionals, community partners, mental health professionals, governmental and community-based sexual abuse experts, parents, and students, shall:

(1) Develop, maintain, and make available to schools a model policy on preventing and addressing student sexual abuse that may be utilized to satisfy the requirements of subsection (a) of this section;

(2) Develop, maintain, and make available to schools a list of training resources, including materials obtained from community organizations, that may be utilized by schools to inform their development of the policy required pursuant to subsection (a) of this subsection;

(3) Make training and other resources required by this section available; and

(4) Collaborate with CFSA and the Metropolitan Police Department ("MPD") to:

(A) Improve communications between CFSA, MPD, and schools, including, to the greatest extent possible, the ability of CFSA and MPD to provide updated information regarding the status and outcome of investigations prompted by school reports of student sexual abuse;

(B) Improve the responsiveness of CFSA and MPD to school reports of student sexual abuse;

(C) Leverage the expertise and resources of CFSA to support the training and policy requirements of this section; and

(D) Identify the most efficient methods for schools to conduct criminal background checks and consult child abuse and neglect registries in accordance with section 103.

Sec. 103. Due diligence regarding potential, current, and former staff.

(a) A local education agency, except those that exclusively serve students over 18 years of age, or a contracted service provider of the local education agency, shall not employ or contract for the paid services of any individual for a position that involves direct interaction with students ("applicant"), unless the local education agency or contracted service provider:

(1) Requires the applicant to provide:

(A) The name, address, telephone number, and other relevant contact information for the applicant's current employer, and previous employers for the preceding 20 years for whom the applicant's scope of employment involved direct interaction with children, as well as the contact information for at least one character reference;

(B) A written authorization that consents to and authorizes disclosure of the information requested under this paragraph the release of related records by the applicant's employers as provided pursuant to paragraph (3) of this subsection, and the release of such employers from any liability that may arise from the disclosure or release of records; and

(C) A written affirmation as to whether or not the applicant:

(i) Has ever been the subject of any child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or the Child and Family Services Agency or another state's equivalent, unless the investigation resulted in a finding that the allegations were false, or the alleged incident of child abuse or sexual misconduct was not substantiated;

(ii) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

(iii) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

(2) Conducts a criminal background check of the applicant in accordance with the requirements of the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), and its implementing regulations;

(3) Conducts a review of the employment history of the applicant by contacting any former employers identified pursuant to subparagraph (1)(A) of this subsection to determine whether the applicant:

(A) Has been the subject of any child abuse or sexual misconduct investigation by any such employer, state licensing agency, law enforcement agency, or the Child and Family Services Agency or another state's equivalent, unless the investigation resulted in a finding that the allegations were false, or the alleged incident of child abuse or sexual misconduct was determined unsubstantiated;

(B) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, or has resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

(C) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

(4) Contacts and communicates with the character reference provided by the applicant pursuant to subparagraph (1)(A) of this subsection;

(5) Reviews available child abuse and neglect registries of any state or jurisdiction where the person is known to have lived or worked to determine if the applicant has been the subject of a substantiated or inconclusive report of child abuse; and

(6) Reviews the National Association of State Directors of Teacher Education and Certification Clearinghouse to determine whether the person has previously had an educational

credential revoked in another jurisdiction for sexual misconduct, abuse of a student, or the failure to report child abuse.

(b) Each local education agency or contracted service provider shall maintain a record of any allegation against staff of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any subsequent investigation, and shall provide, when contacted by another local education agency or school that is considering hiring the applicant, information pursuant to subsection (a)(3) of this section.

TITLE II. PROHIBITION AGAINST ASSISTING CERTAIN EMPLOYMENT OF PERPETRATORS OF CHILD SEXUAL OFFENSES

Sec. 201. Definitions.

For the purposes of this title, the term:

(1) "Assist" does not include the routine transmission of administrative and personnel files; provided, that the requirements of reporting conduct are followed in accordance with section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(2) "Child development facility" shall have the same meaning as provided in section 2(3) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031(3)).

(3) "Covered employee" means an employee of the District government or an employee, contractor, or agent of a school or child development facility.

(4) "Minor" means an individual who has not yet attained 18 years of age.

(5) "School" means a public, public charter, independent, private, or parochial school organized or authorized to operate under the laws of the District that offers instruction at any level or grade from pre-kindergarten through 12th grade.

(6) "Sexual abuse" shall have the same meaning as provided in section 251(4) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.51(4)).

(7) "Sexual misconduct" means verbal, nonverbal, written or electronic communication, or any other act directed toward or with a minor or student that is designed to establish a sexual relationship with a minor or student, including:

(A) A sexual invitation;

(B) Dating or soliciting a date;

(C) Engaging in sexual dialogue;

(D) Making sexually suggestive comments;

(E) Describing sexual encounters; or

(F) Physical exposure of a sexual or erotic nature.

Sec. 202. Prohibition against assisting certain employment of perpetrator of child sexual abuse offenses.

(a) A covered employee is prohibited from assisting an employee, contractor, or agent of a school or a child development facility in obtaining a new job involving direct interaction with minors if the covered employee knows, or has probable cause to believe, that such employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a child or student in violation of District or federal law.

(b) The prohibition in subsection (a) of this section shall not apply if the information giving rise to probable cause:

(1) Has been properly reported to:

(A) A law enforcement agency with jurisdiction over the alleged sexual misconduct or sexual abuse; and

(B) Any other appropriate authorities as required by federal or District law, including any authorities identified under Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. 1681 *et seq.*), and 34 C.F.R. Part 106; and

(2)(A) The matter has been officially closed or the United States Attorney's Office for the District of Columbia or the Metropolitan Police Department has investigated the allegations and notified school or child development facility officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a minor or student in violation of District or federal law;

(B) The employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct or abuse; or

(C) The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor, or agent within 4 years of the date on which the information was reported to the United States Attorney's Office for the District of Columbia or the Metropolitan Police Department.

TITLE III. SCHOOLS' OBLIGATION TO PREVENT STUDENT-ON-STUDENT SEXUAL HARASSMENT, SEXUAL ASSAULT, AND DATING VIOLENCE

Sec. 301. Definitions.

For the purposes of this title, the term:

(1) "Dating partner" means any person who is involved in a relationship with another person that is primarily characterized by social interaction of a sexual, romantic, or intimate nature, whether casual, serious, or long-term.

(2) "Dating violence" means abusive or coercive behavior where a dating partner uses threats of, or actually uses, physical, emotional, economic, technological, or sexual abuse to exert power or control over a current or former dating partner.

(3) "School" means a public, public charter, independent, private, or parochial school organized or authorized to operate under the laws of the District that offers instruction at any level or grade from pre-kindergarten through 12.

(4) "Sexual assault" means any of the following offenses: §§ 22-3002 (first degree sexual abuse); 22-3003 (second degree sexual abuse); 22-3004 (third degree sexual abuse); 22-3005 (fourth degree sexual abuse); 22-3006 (misdemeanor sexual abuse); or 22-3018 (attempts to commit sexual offenses).

(5) "Sexual harassment" means any unwelcome or uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

(A) Place the victim in reasonable fear of physical harm to his or her person;

(B) Cause a substantial detrimental effect to the victim's physical or mental health;

(C) Substantially interfere with the victim's academic performance or attendance at school; or

(D) Substantially interfere with the victim's ability to participate in, or benefit from, the services, activities, or privileges provided by a school.

Sec. 302. Policy to prevent and address student-on-student acts of sexual harassment, sexual assault, and dating violence.

(a) Beginning in the 2019-2020 school year, schools shall adopt and implement a policy to prevent and address student-on-student acts of sexual harassment, sexual assault, and dating violence. The policy shall include:

(1) A statement prohibiting student-on-student acts of sexual harassment, sexual assault, and dating violence, including an acknowledgment that schools that know or reasonably should know of student-on-student acts of sexual harassment, sexual assault, and dating violence shall take immediate and appropriate action to investigate whether such acts occurred;

(2) Protocols for the school's response to allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence, including procedures to:

(A) Interrupt or stop each specific act of student-on-student sexual harassment, sexual assault, or dating violence, prevent its recurrence, and address its effects, whether or not the incident is the subject of a criminal investigation;

(B) Refer complainants to services and advocacy organizations;

(C) Provide information to complainants regarding the investigatory process;

(D) Institute and resolve disciplinary action; and

(E) Protect the confidentiality of complainants in accordance with the Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, dated January 19, 2001, as issued by the Department of Education;

(3) The school's plan to effectuate its obligations, and inform students of their rights, under Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. §§ 1681 *et seq.*) ("Title IX"), the Scott Campbell, Stephanie Roper, Wendy

Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004, approved October 30, 2004 (118 Stat. 2260; 18 U.S.C. § 3771), the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), and Chapter 19 of Title 23 of the District of Columbia Official Code, including mechanisms to:

(A) Protect the safety of complainants as necessary during the investigation of student-on-student acts of sexual harassment, sexual assault, or dating violence; and

(B) Develop and implement a prompt, fair, and impartial procedure for students to file complaints regarding student-on-student acts of sexual harassment, sexual assault, or dating violence, that:

(i) Is conducted by school officials or agents who, at a minimum, receive annual training on:

(I) Issues related to student-on-student acts of sexual harassment, sexual assault, or dating violence; and

(II) How to conduct an investigation that protects the safety of complainants and promotes accountability;

(ii) Provides the complainant and the accused with the same opportunities to have others present during any school disciplinary proceeding, including the opportunity to be accompanied to any proceeding by an advisor or advocate of their choice; provided, that the school may establish restrictions regarding the extent to which an advisor or advocate may participate in the proceeding, as long as the restrictions apply equally to both parties;

(iii) Establishes a standard for resolving complaints; and

(iv) Requires contemporaneous notification, in writing, to both the complainant and the accused, of:

(I) The result of any school disciplinary proceeding that arises from an allegation of a student-on-student act of sexual harassment, sexual assault, or dating violence;

(II) The school's procedures for the complainant and the accused to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

(III) Any change to the result; and

(IV) When such results become final;

(4) Protocol to identify appropriate counseling and intervention strategies for students alleged to have committed student-on-student acts of sexual harassment, sexual assault, or dating violence, including guidelines for reporting such incidents to the Child and Family Services Agency if the student's behavior indicates that he or she may be the victim of child sexual abuse or child abuse;

(5) Guidance concerning the applicability of the policy to student-on-student acts of sexual harassment, sexual assault, and dating violence that occur at school, school events and

activities, over social media, and during travel to and from school, school events, and activities; and

(6) A list of appropriate resources, services, and information for students and families affected by student-on-student acts of sexual harassment, sexual assault, or dating violence, including school-based supports.

(b) Beginning in the 2020-2021 school year, schools shall provide:

(1) Training for staff, at the time of hiring and at a minimum every 2 years thereafter, utilizing evidence-based standards and developed in consultation with community-based sexual violence or abuse experts, on:

(A) Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, or dating violence, including any mandatory reporting requirements under District or federal law which may be triggered by such incidents;

(B) Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships; and

(C) Receiving reports and disclosures from students regarding student-on-student acts of sexual harassment, sexual assault, or dating violence in a supportive, appropriate, and trauma-informed manner; and

(2) Information for parents on recognizing the warning signs of student-on-student acts of sexual harassment, sexual assault, and dating violence, as well as effective, age-appropriate methods for discussing such topics with students.

(c) Schools shall provide the policy described in subsection (a) of this section to staff, parents, and, in a developmentally appropriate manner, students, and shall make the policy publicly available, including on the school's website.

(d) The Office of the State Superintendent for Education, in consultation with schools, direct service providers, mental health professionals, governmental and community-based sexual harassment, sexual assault, and dating violence experts, community partners, parents, and students, shall:

(1) Develop, maintain, and make available to schools a model policy on preventing and addressing student-on-student acts of sexual harassment, sexual assault, and dating violence that may be utilized to satisfy the requirements of subsection (a) of this section;

(2) Develop, maintain, and make available to schools a list of training resources, including community organizations, that may be utilized by schools to inform their development of the policy required pursuant to subsection (a) of this subsection; and

(3) Make training and other resources required by this section available.

TITLE IV. PROCUREMENT PRACTICES REFORM; PREVENTION OF CHILD ABUSE AND NEGLECT AT CHILD DEVELOPMENT CENTERS; HEALTHY SCHOOLS CURRICULUM

Sec. 401. Section 413(17) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.13(17)), is amended by striking the

phrase "student achievement pursuant to the District of Columbia Public Schools Master Education Plan" and inserting the phrase "student achievement, health, and safety" in its place.

Sec. 402. The lead-in language of section 203(a-1)(1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03(a-1)(1)), is amended as to read as follows:

"(1) Except as provided in paragraph (3) of this subsection, the staff which maintains the Child Protection Register shall grant access to substantiated reports to the Office of the State Superintendent of Education for the purpose of conducting background checks of employees of licensed child development facilities pursuant to section 658H of the Child Care and Development Block Grant Act of 1990, approved November 19, 2014 (128 Stat. 1971; 42 USC § 9858f), and to the chief executive officers or directors of child development facilities, schools, or any public or private organizations working directly with children, for the purpose of making employment decisions regarding employees and volunteers or prospective employees and volunteers, if:".

Sec. 403. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-2) to read as follows:

"(b-2)(1)(A) Beginning in the 2019-2020 school year, as part of the health curriculum for students in Kindergarten through Grade 12, public schools and public charter schools shall provide age- and developmentally-appropriate, evidence-based culturally responsive instruction on:

"(i) Recognizing and reporting sexual misconduct and child abuse;

"(ii) Setting and respecting appropriate personal and body boundaries and privacy rules;

"(iii) Communicating with adults about concerns regarding body boundaries or privacy violations;

"(iv) The meaning of consent;

"(v) Developing and maintaining healthy relationships; and

"(vi) Other appropriate topics to support the healthy development of students.

"(B) The Office of the State Superintendent for Education shall update the District's health education standards to reflect the requirements of subparagraph (A) of this subsection and shall make available a list of curricula or a curriculum guide that public schools or public charter schools may use to fulfill the requirements of subparagraph (A) of this subsection.

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

"(A) "Consent" means words or overt actions indicating a freely given agreement to a physical act or contact within the course of an interpersonal relationship. Consent

to a physical act or contact may be initially given but withdrawn at any time. Lack of verbal or physical resistance or submission by the victim due to his or her mental or physical incapacitation or impairment, or the use of force, threats, or coercion shall not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact shall not constitute consent to a future physical act or contact.

"(B) "Health education standards" means the specific learning requirements related to health that the Office of the State Superintendent of Education requires students to learn at each academic level, from Kindergarten through Grade 12.".

TITLE V. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 501. Applicability.

(a) Sections 102(c), 102(d), 103, 302(b), 302(d), and the amendatory subsection (b-2) within section 403 shall apply upon the date of inclusion of their fiscal effects in an approved budget and financial plan.

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

(c)(l) 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. 502. 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. 503. 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To symbolically designate the 1300 Block of W Street, N.W., in Ward 1, as Anthony Bowen Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anthony Bowen Way Designation Act of 2018".

Sec. 2. Pursuant to sections 401, 403a, and 423 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, 9-204.03, and 9-204.23), the Council symbolically designates the 1300 Block of W Street, N.W., as "Anthony Bowen 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the District of Columbia Act on Aging of 1975, to establish the Department of Aging and Community Living and transfer the functions of the Office on Aging to the Department; to codify the mission statement of the Department; and to supplement the mission of the agency to include the prevention of abuse, neglect, and exploitation of older adults.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Department of Aging and Community Living Amendment Act of 2018".

Sec. 2. The District of Columbia Act on Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code§ 7-501.01 *et seq.),* is amended as follows:

(a) Section 201 (D.C. Official Code § 7-502.01) is amended to read as follows:

"Sec. 201. Definitions.

"For the purposes of this act, the term:

"(1) "Aged" means a person 60 years of age or older.

"(2) "Commission" means the Commission on the Aging created by section 401.

"(3) "Department" means the Department of Aging and Community Living created by section 301.

"(4) "Director" means the Director of the Department of Aging and Community Living.

"(5) "Services to the aged" means those services designed to provide assistance to the aged, including nutritional programs, transportation and legal services, health and financial assistance, employment and housing programs, recreational opportunities, and information, referral, and counseling services.".

(b) The title heading of Title III is amended to read as follows:

"Title III. Department of Aging and Community Living.".

(c) Section 301 (D.C. Official Code § 7-503.01) is amended to read as follows:

"Sec. 301. Establishment of the Department of Aging and Community Living.

"(a) There is established a Department of Aging and Community Living. All the functions of the Office on Aging are hereby transferred to the Department. The Department shall

provide within the District government a single administrative unit, responsible to the Mayor, to administer the provisions of the Older Americans Act (P.L. 89-73, as amended), and such other programs as shall be delegated to it by the Mayor or the Council of the District of Columbia, and to promote the welfare of the aged.

"(b) The mission of the District of Columbia Department of Aging and Community Living is the following:

"(1) To advocate, plan, implement, and monitor programs in health, education, and social services for the elderly;

"(2) To promote longevity, independence, dignity, and choice for aged District residents, District residents with disabilities regardless of age, and caregivers;

"(3) To ensure the rights of older adults and their families, and prevent their abuse, neglect, and exploitation;

"(4) To uphold the core values of service excellence, respect, compassion, integrity, and accountability; and

"(5) To lead efforts to strengthen service delivery and capacity by engaging community stakeholders and partners to leverage resources.".

(d) Section 302 (D.C. Official Code § 7-503.02) is amended to read as follows:

"Sec. 302. Director.

"(a) The Department shall be headed by a Director ("Director"), who shall be appointed by the Mayor with the advice and consent of the Council, from a list of not more than 3 names submitted to the Mayor by the Commission.

"(b) The Director shall be devoted full time to the duties of the office.

"(c) The Director shall be in the Executive Service.

"(d) The Director shall have such staff as is approved in the current District government budget and federal grants, plus any temporary staff .".

(e) Section 303 (D.C. Official Code § 7-503.03) is amended as follows: .

(1) Paragraph (2) is amended by striking the word "Office" and inserting the word "Department" in its place.

(2) Paragraph (5) is amended by striking the word "Office" and inserting the word "Department" in its place.

(3) Paragraph (8) is amended by striking the word "Office" and inserting the word "Department" in its place.

(f) Section 305 (D.C. Official Code § 7-503.05) is amended by striking the word "Office" and inserting the word "Department" in its place.

(g) Section 306 (D.C. Official Code § 7-503.06) is amended by striking the phrase "new Office" and inserting the word "Department" in its place.

(h) Section 401 (D.C. Official Code § 7-504.01) is amended by striking the phrase "Director of the Office on Aging" and inserting the phrase "Director" in its place.

(i) Section 409 (D.C. Official Code § 7-504.09) is amended by striking the phrase "Director of the Office on Aging" and inserting the phrase "Director" in its place.

(j) Section 410 (D.C. Official Code § 7-504.10) is amended by striking the phrase "Office

on Aging" wherever it appears and inserting the phrase "Department" in its place.

Sec. 3. Conforming amendments.

(a) Section 301(17)(U) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(17)(U)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(b) The Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), is amended as follows:

(1) Section 2(3)(B)(xvi) (D.C. Official Code § 2-1931(3)(B)(xvi)) is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(2) Section 7(c)(2) (D.C. Official Code § 2-1936(c)(2)) is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(c) Section 3b(c)(6) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 5-404.02(c)(6)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(d) Section 5(b)(5) of the Department of Public Heath Establishment Act of 1992, effective March 13, 1992 (D.C. Law 9-182; D.C. Official Code § 7-154(b)(5)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(e) The Office on Aging Reporting Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 7-561), is amended as follows:

(1) The section heading is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(2) The lead-in language is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(f) The District of Columbia Long-Term Care Ombudsman Program Act of 1988, effective March 16, 1989 (D.C. Law 7-218; § 7-701.01 *et seq.*), is amended as follows:

(1) Section 101 (D.C. Official Code § 7-701.01) is amended as follows:

(A) Paragraph (6) is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(B) Paragraph (8) is amended by striking the phrase "Office on Aging" both times it appears and inserting the phrase "Department of Aging and Community Living" in its place.

(2) Section 202(a)(1) (D.C. Official Code § 7-702.02(a)(1)) is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(g) Section 8(9) of the Department of Health Care Finance Establishment Act of 2007,

effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.07(9)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(h) Section 4 of the Security Alarm Systems Regulations Act of 1980, effective September 26, 1980 (D.C. Law 3-107; D.C. Official Code § 7-2803), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(i) Section 2(c) of the Nurses Training Corps Establishment Act of 1987, effective October 9, 1987 (D.C. Law 7-32; D.C. Official Code § 38-1501(c)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

(j) Section 302(d)(3) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3503.02(d)(3)), is amended by striking the phrase "Office on Aging" and inserting the phrase "Department of Aging and Community Living" in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 30,2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend the Child Development Facilities Regulation Act of 1998 to differentiate between formal and informal parent-led play cooperatives, and to exempt parent-led play cooperatives from the requirements of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parent-led Play Cooperative Amendment Act of 2018".

Sec. 2. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law12-215; D.C. Official Code § 7-2031 *et seq.*) is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2031) is amended as follows:

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

"(3B) "Formal parent-led play cooperative" means:

"(A) A group of parents, step-parents, or legal guardians of participating children, including a group that has organized as a nonprofit organization, who have agreed to supervise the participating children during group meetings; and:

"(B) The group:

"(i) Meets at predetermined times for fewer than 4 hours per day;

"(ii) Meets at locations other than a home of one of the parents, step-parents, or legal guardians in the group;

"(iii) Does not require payment by parents, step-parents, or legal guardians, other than to cover the costs of administering the group, including rent, insurance, equipment, and activities;

"(iv) Requires, as a prerequisite to joining the group, that a parent, step-parent, or legal guardian of each participating child in the group volunteer a minimum number of hours to supervise the participating children during meetings, regardless of whether the group requires parents, step-parents, or legal guardians of every child to be present at every meeting;

"(v) Notifies, upon registration with the group, the parents, step-parents, and legal guardians of each participating child in the group that the group is not a child development facility licensed pursuant to this act;

"(vi) Does not employ any individual to supervise participating children on behalf of parents other than to facilitate activities while parents, step-parents, or legal guardians supervise the participating children; and

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"(vii) Has written policies and procedures for the prevention of the spread of infectious diseases, response to and prevention of food allergies, emergency preparedness, and handling of health information.".

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

"(4A) "Informal parent-supervised neighborhood play groups" means:

"(A) A group of parents, step-parents, or legal guardians of participating children who gather together to allow children to play together; and

"(B) The group does not meet the definition of a formal parent-led play cooperative as defined in paragraph (3B) of this section.".

(b) Section 4 (D.C. Official Code § 7-2033) is amended by adding a new paragraph (2A) to read as follows:

"(2A) Formal parent-led play cooperatives;".

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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 30, 2019

To amend the District Department of the Environment Establishment Act of 2005 to prohibit the sale or use of sealant products containing more than de minimis levels of polycyclic aromatic hydrocarbons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Limitations on Products Containing Polycyclic Aromatic Hydrocarbons Amendment Act of 2018".

Sec. 2. Section 181 of the District Department of the Environment Establishment Act of 2005, effective March 25, 2009 (D.C. Law 17-371; D.C. Official Code § 8-153.01), is amended as follows:

(a) The section heading is amended to read as follows:

"Sec. 181. Limitations on products containing polycyclic aromatic hydrocarbons.".

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

"(a) For the purposes of this section, the term "high PAH sealant product" means a material that:

"(1) Contains:

"(A) Coal tar;

"(B) Coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or a variation of those substances assigned the chemical abstracts service ("CAS") number 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2;

"(C) A surface-applied product containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or a variation of those substances assigned the CAS number 64742-90-1 or 69013-21-4; or

"(D) Substances containing more than 0.1% (1000 ppm) polycyclic aromatic hydrocarbons, by weight; and

"(2) Is used on, or is intended for use on, an impermeable surface, including bricks, block, metal, roofing material, asphalt, or concrete.".

(c) Subsection (b) is amended by striking the phrase "coal tar pavement" and inserting the phrase "high PAH sealant" in its place.

(d) Subsection (d) is repealed.

(e) New subsections (e) and (f) are added to read as follows:

"(e) 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, including a list of sealant products that are not a

high PAH sealant product and rules to establish criteria for demonstrating that a product is not a high PAH sealant product.

"(f)(1) For the purposes of enforcing this section or a rule issued pursuant to this section, the Mayor may, at a reasonable time, upon the presentation of appropriate credentials to, and with the consent of, the owner, operator, or agent in charge:

"(A) Enter without delay a place where a sealant product is sold, offered for sale, or used;

"(B) Inspect and obtain samples of a sealant product or surface to which a sealant product has been applied; and

"(C) Inspect and copy a record, report, information, or test result relating to the requirements of this section.

"(2) If the Mayor is denied access to enter, inspect and obtain samples, or inspect and copy records pursuant to paragraph (1) of this subsection, the Mayor may apply to the Superior Court for the District of Columbia for a search warrant.".

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 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 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to create a judicial process through which individuals who have been disqualified from receiving a firearms registration certificate due to having been voluntarily admitted or involuntarily committed to a mental health facility, determined to be an incapacitated individual, adjudicated as a mental defective, or committed to a mental institution, can petition the Superior Court of the District of Columbia for relief from that disqualification, to increase the penalty for possessing a large capacity ammunition feeding device, to allow persons to petition the Superior Court of the District of Columbia for an extreme risk protection order, which would prohibit the respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license, if the court finds that the subject poses a significant danger of causing bodily injury to self or others, to establish a process for the personal service, renewal, and termination of extreme risk protection orders, to establish procedures for the surrender, storage, assessment of fees for storage, and return of firearms and ammunition that are recovered pursuant to an extreme risk protection order, and to establish a penalty for a violation of an extreme risk protection order; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to prohibit the possession of bump stocks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Safety Omnibus Emergency Amendment Act of 2018".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "and his" and inserting the phrase "and the person's" in its place.

(B) Paragraph (1)(A) is amended by striking the phrase "his parent" and inserting the phrase "the applicant's parent" in its place.

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

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

(ii) Subparagraph (F) is amended by striking the semicolon and inserting the phrase "; or" in its place.

(ii) A new subparagraph (G) is added to read as follows:

"(G) Violation of an extreme risk protection order pursuant to section 1011;".

(D) Paragraph (6) is amended to read as follows:

"(6)(A) Within the 5-year period immediately preceding the application, has not been:

"(1) Voluntarily admitted to a mental health facility;

"(2) Involuntarily committed to a mental health facility by the Superior Court of the District of Columbia, another court of competent jurisdiction, the Commission on Mental Health, or a similar commission in another jurisdiction;

"(3) Determined by the Superior Court of the District of Columbia or another court of competent jurisdiction to be an incapacitated individual, as that term is defined in D.C. Official Code § 21-2011(11);

"(4) Adjudicated as a mental defective, as that term is defined in 27 C.F.R. § 478.11; or

"(5) Committed to a mental institution, as that term is defined in 27 C.F.R. § 478.11;

"(B) Subparagraph (A) of this paragraph shall not apply if the court has granted the applicant relief pursuant to subsection (f) of this section, unless the applicant, since the court granted the applicant relief pursuant to subsection (f) of this section, is again disqualified under subparagraph (A) of this paragraph.".

(E) Paragraph (13)(B)(iii) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(F) Paragraph (14) is amended by striking the period and inserting the phrase "; and" in its place.

(G) A new paragraph (15) is added to read as follows:

"(15) Is not the subject of a final extreme risk protection order issued pursuant to section 1003 or renewed pursuant to section 1006.".

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

"(f)(1) A person disqualified under subsection (a)(6)(A) of this section or 18 U.S.C. § 922(g)(4) as a result of a commitment or adjudication that occurred in the District may petition the Superior Court for the District of Columbia for relief from disqualification.

"(2) A petition filed pursuant to paragraph (1) of this subsection shall:

"(A) Be in writing;

"(B) State the reason the petitioner was disqualified;

"(C) State facts in support of the petitioner's claim that the petitioner should no longer be disqualified;

"(D) Include a statement, on a form approved by the court, signed by a licensed physician, psychiatrist, or qualified psychologist within the 30-day period immediately preceding the filing of the petition for relief, stating:

"(i) The symptoms or behaviors for which the petitioner has been disqualified;

"(ii) The length of time that the petitioner has no longer experienced those symptoms or behaviors;

"(iii) The length of time that the petitioner has been compliant with any applicable treatment plans related to the reason the petitioner was disqualified; and

"(iv) That, in the physician, psychiatrist, or psychologist's opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm;

"(E) Be accompanied by any appropriate exhibits, affidavits, or supporting documents, including records of any guardianship, conservatorship, or commitment proceeding related to the petitioner's disqualification;

"(F) Include 2 statements from individuals who are not related to the petitioner by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship and have known the petitioner for at least 3 years. The individuals' statements shall:

"(i) Be on a form approved by the court, and signed by the individual within the 30-day period immediately preceding the filing of the petition for relief;

"(ii) Describe the petitioner's reputation and character; and

"(iii) State that, in the individual's opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm; and

"(G) Be served upon the Office of the Attorney General.

"(3)(A) Upon receipt of a petition filed under paragraph (1) of this subsection, the court shall order the Office of the Attorney General to file a response to the petition within 60 days after the court's order. The response shall indicate whether the Office of the Attorney General supports or opposes the petition.

"(B) The Office of Attorney General shall:

"(i) Conduct a reasonable search of all available records of the petitioner's mental health;

"(ii) Perform a national criminal history background check on the petitioner; and

"(iii) Include its findings under this subparagraph in its response to the court.

"(C) The Metropolitan Police Department shall, upon request, provide to the Office of Attorney General any records related to the petitioner it has in its possession, or could obtain after conducting a reasonable search.

"(4)(A) The court shall hold a hearing on a petition filed under paragraph (1) of this subsection within 60 days after the date on which the Office of Attorney General files its response.

"(B) In determining whether to grant a petition filed pursuant to paragraph (1) of this subsection, the court shall consider all relevant evidence, including:

"(i) The reason the petitioner was disqualified;

"(ii) The petitioner's mental health and criminal history records; and

"(iii) Evidence of the petitioner's reputation.

"(5) The court shall grant a petition filed pursuant to paragraph (1) of this subsection if the petitioner establishes, by a preponderance of the evidence, that:

"(A) The petitioner would not be likely to act in a manner dangerous to public safety; and

"(B) Granting the relief would not be contrary to the public interest.

"(6) If the court grants a petition for relief pursuant to paragraph (5) of this subsection, the court shall issue an order that:

"(A) States the petitioner is no longer disqualified under subsection (a)(6)(A) of this section;

"(B) Orders the Clerk of the Court to submit a copy of the order to the Metropolitan Police Department, the Office of the Attorney General, and any other relevant law enforcement, pretrial, corrections, or community supervision agency; and

"(C) Requires that the petitioner's record be updated in the National Instant Criminal Background Check System and any other system used to determine firearm registration eligibility to reflect that the petitioner is no longer disqualified.

"(7) If the court denies a petition for relief, the court shall state the reasons for its denial in writing.

"(8) An order granting or denying a petition filed under paragraph (1) of this subsection shall be a final order for the purposes of appeal.".

(b) Section 501 (D.C. Official Code § 7–2505.01) is amended by striking the phrase "sections 210(c), 502, or 705 of this act" and inserting the phrase "section 210(c), section 502, section 705, section 1007, or section 1009" in its place.

(c) Section 705 (D.C. Official Code § 7-2507.05) is amended to read as follows:

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

"(a)(1) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any

provision of this act, with respect to the firearm, destructive device, or ammunition delivered and abandoned.

"(2) Delivery and abandonment under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business.

"(3) Every firearm to be delivered and abandoned to the Chief under this section shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02).

"(4) No person who delivers and abandons a firearm, destructive device, or ammunition under this section shall be required to furnish identification, photographs, or fingerprints.

"(5) No amount of money shall be paid for any firearm, destructive device, or ammunition delivered and abandoned under this section.".

(2) Subsection (b) is amended by striking the phrase "under this section or pursuant to section 210(c)(1)" and inserting the phrase "under this section, section 210(c)(1), or section 1009(c)" in its place.

(d) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "and Title IX" and inserting the phrase "Title IX, and section 1011" in its place.

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

"(4) A person convicted of possessing a large capacity ammunition feeding device in violation of section 601(b) shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 3 years, or both.".

(e) A new Title X is added to read as follows:

"TITLE X – EXTREME RISK PROTECTION ORDERS.

"Sec. 1001. Definitions.

"For the purposes of this title, the term:

"(1) "Extreme risk protection order" means an order issued, pursuant to this title, by a judge of the Superior Court of the District of Columbia prohibiting a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license.

"(2) "Petitioner" means a person who petitions the Superior Court of the District of Columbia for an extreme risk protection order under this title and is:

"(A) Related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship rendering the application of this title appropriate;

"(B) A sworn member of the Metropolitan Police Department; or

"(C) A mental health professional, as that term is defined in section 101(11) of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)).

"(3) "Respondent" means a person against whom an extreme risk protection order is sought.

"Sec. 1002. Petitions for extreme risk protection orders.

"(a) A petitioner may petition the Superior Court for the District of Columbia for a final extreme risk protection order. A petition filed under this section shall:

"(1) Be in writing;

"(2) State facts in support of the claim that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition;

"(3) To the best of the petitioner's knowledge, identify the number, types, and locations of any firearms or ammunition the petitioner believes to be in the respondent's possession, control, or ownership;

"(4) Be accompanied by any appropriate exhibits, affidavits, and supporting documents; and

"(5) Be served on the Office of the Attorney General.

"(b) A petitioner may file a petition under this section regardless of whether there is any other pending suit, complaint, petition, or other action between the parties.

"(c) The Office of Attorney General may provide individual legal representation to a petitioner. If the Office of Attorney General decides to provide individual legal representation to a petitioner, the representation shall continue until the earliest of:

"(1) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

"(2) The court terminates a final extreme risk protection order pursuant to section 1008; or

"(3) The Office of the Attorney General withdraws from representation.

"(d) At the request of the petitioner or respondent, the court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal while the petition is pending.

"Sec. 1003. Final extreme risk protection orders.

"(a)(1) Upon receipt of a petition filed pursuant section 1002, the court shall order that a hearing be held to determine whether to issue a final extreme risk protection order against the respondent.

"(2) The hearing shall be held within 10 days after the date the petition was filed.

"(b)(1) Personal service of the notice of hearing and petition shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 5 business days before the hearing.

"(2) If the respondent is unable to be personally served, the court shall set a new hearing date and require additional attempts to accomplish personal service.

"(c) If the court issues an ex parte extreme risk protection order pursuant to section 1004, the ex parte extreme risk protection order shall be served concurrently with the notice of hearing and petition described in subsection (b)(1) of this section.

"(d) Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

"(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

"(2) Conduct a reasonable search of all available records of the petitioner's mental health;

"(3) Perform a national criminal history background check; and

"(4) Submit its findings under this subsection to the court.

"(e) In determining whether to issue a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm or other weapon by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02(4)).

"(f) The court shall, before issuing a final extreme risk protection order, examine any witnesses under oath.

"(g) The court shall issue a final extreme risk protection order if the petitioner establishes by a preponderance of the evidence that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(h) A final extreme risk protection order issued under this section shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license for one year after the date and time the order was issued;

"(2) The date and time the order was issued;

"(3) The date and time the order will expire;

"(4) The grounds upon which the order was issued;

"(5) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(6) That the respondent may seek the advice of an attorney as to any matter connected with a petition filed under this title.

"(i) A final extreme risk protection order issued pursuant to this section shall expire one year after the issuance of the order, unless the order is terminated pursuant to section 1008 before its expiration.

"Sec. 1004. Ex parte extreme risk protection orders.

"(a) When filing a petition for a final extreme risk protection order, a petitioner may also request that an ex parte extreme risk protection order be issued without notice to the respondent.

"(b) The court may hold a hearing on any request for an ex parte extreme risk protection order filed under this section.

"(c) In determining whether to issue an ex parte extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(d) The court may grant a request under this section based solely on an affidavit or sworn testimony of the petitioner.

"(e) The court shall issue an ex parte extreme risk protection order if the petitioner establishes that there is probable cause to believe that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(f) If the petitioner requests that the court issue an ex parte extreme risk protection order pursuant to section, the court shall grant or deny the request on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request the next day the court is open.

"(g) An ex parte extreme risk protection order shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license while the order is in effect;

"(2) The date and time the order was issued;

"(3) That the ex parte extreme risk protection order will be in effect until the court rules on whether to issue a final extreme risk protection order;

"(4) The grounds upon which the order was issued;

"(5) The time and place of the hearing to determine whether to issue a final extreme risk protection order;

"(6) That following the hearing, the court may issue a final extreme risk protection order that will be in effect for up to one year;

"(7) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(8) That the respondent may seek the advice of an attorney as to any matter connected with this title, and that the attorney should be consulted promptly so that the attorney may assist the respondent in any matter connected with the ex parte extreme risk protection order.

"(h) An ex parte extreme risk protection order issued pursuant to this section shall expire 10 days after the date and time the order was issued, unless the court set a new hearing date pursuant to section 1003(b)(2), in which case, the court may extend the duration of the ex parte extreme risk protection order to not exceed 15 days.

"(i) The court shall terminate an ex parte extreme risk protection order in effect against the respondent at the time the court grants or denies the petition for a final extreme risk protection order.

"Sec. 1005. Service of extreme risk protection orders.

"(a)(1) Except as provided in subsection (b) of this section, an extreme risk protection order issued pursuant to section 1003 or section 1004, or renewed pursuant to section 1006, shall be personally served upon the respondent by a sworn member of the Metropolitan Police Department.

"(2) The court shall submit a copy of extreme risk protection order to the Metropolitan Police Department on or before the next business day after the issuance of the order for service upon the respondent. Service of an extreme risk protection order shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

"(3) If the Metropolitan Police Department cannot complete personal service upon the respondent within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the petitioner.

"(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

"(b) If the respondent was personally served in court when the extreme risk protection order was issued, the requirements of subsection (a) of this section shall be waived.

"Sec. 1006. Renewal of final extreme risk protection orders.

"(a) At least 120 days before the expiration of a final extreme risk protection order, the court shall notify the petitioner of the date that the order is set to expire and advise the petitioner of the procedures for seeking a renewal of the order.

"(b) A petitioner may request a renewal of a final extreme risk protection order, including an order previously renewed under this section, at any time within the 120-day period immediately preceding the expiration of the order.

"(c) Personal service of the notice of hearing and request for renewal shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 15 business days before the hearing.

"(d) In determining whether to renew an extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(e) The court shall, before renewing a final extreme risk protection order, examine any witnesses under oath.

"(f) The court shall, after notice and a hearing, renew a final extreme risk protection order if the court finds, by a preponderance of the evidence, that the respondent continues to pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(g) A final extreme risk protection order renewed pursuant to this section, shall state:

"(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license for one year after the date and time the order was renewed;

"(2) The date and time the order was renewed;

"(3) The date and time the order will expire;

"(4) The grounds upon which the order was renewed;

"(5) The procedures for the:

"(A) Renewal of a final extreme risk protection order pursuant to section 1006;

"(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer's licenses in the respondent's possession, control, or ownership pursuant to section 1007; and

"(C) Termination of a final extreme risk protection order pursuant to section 1008; and

"(6) That the petitioner may seek the advice of an attorney as to any matter connected with this title.

"(h) An extreme risk protection order renewed pursuant to this section shall expire one year after the issuance of the order, unless that order is terminated pursuant to section 1008 before its expiration.

"Sec. 1007. Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses.

"(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue a search warrant that:

"(1) Describes the number and types of firearms and ammunition to be seized;

"(2) Describes any registration certificates, licenses to carry a concealed pistol, and dealer's licenses to be seized;

"(3) Describes the location where the firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses are believed to be located; and

"(4) Authorizes the seizure of any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses discovered pursuant to such a search.

"(b) A Metropolitan Police Department officer serving an extreme risk protection order shall:

"(1) Request that all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses be immediately surrendered; and

"(2) Take possession of all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses in the respondent's possession, control, or ownership that are surrendered or discovered pursuant to a lawful search.

"(c)(1) At the time of surrender or removal, the Metropolitan Police Department officer taking possession of a firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license pursuant to an extreme risk protection order shall make a record identifying all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses that have been surrendered or removed and provide a receipt to the respondent.

"(2) Within 72 hours after serving an extreme risk protection order, the officer shall file a copy of the receipt provided to the respondent pursuant to paragraph (1) of this subsection with the court and the Chief of Police.

"(d) If a person other than the respondent claims title to any firearm or ammunition surrendered or removed pursuant to this section, and he or she is determined by the Metropolitan Police Department to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her; provided, that the firearm or ammunition is removed from the respondent's possession or control, and the lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have possession or control of the firearm or ammunition.

"(e) The Metropolitan Police Department may charge the respondent a fee not to exceed the actual costs incurred by the Metropolitan Police Department for storing any firearms or ammunition surrendered or removed pursuant to this section for the duration of the extreme risk protection order, including a renewal of the extreme risk protection order, and up to 6 months after the date the order expires or is terminated.

"(f)(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this section, such surrender shall preclude the arrest and prosecution of the respondent for violating, with respect to the firearms or ammunition surrendered:

"(A) Section 601 of The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2506.01); and

"(B) Sections 3 and 4(a) and (a-1) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code §§ 22-4503 and 22-4504(a) and (a-1)).

"(2) The surrender of any firearm or ammunition pursuant to this section shall not constitute a voluntary surrender for the purposes of section 705.

"Sec. 1008. Termination of extreme risk protection orders.

"(a) Any respondent against whom a final extreme risk protection order, including a renewal of the extreme risk protection order, was issued may, on one occasion during the one-year period the order in in effect, submit a written motion to the Superior Court for the District of Columbia requesting that the order be terminated.

"(b) Upon receipt of the motion for termination, the court shall set a date for a hearing, and notice of the request shall be served on the petitioner. The hearing shall occur at least 14 days after the date of service of the motion upon the petitioner.

"(c) In determining whether terminate a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

"(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

"(3) The respondent's acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

"(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

"(5) Respondent's criminal history;

"(6) Respondent's violation of a court order;

"(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

"(8) Respondent's use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

"(d) The court shall, before terminating a final extreme risk protection order, examine any witnesses under oath.

"(e) The court shall terminate a final extreme risk protection order if the respondent establishes by a preponderance of the evidence that the respondent does not pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

"(f)(1) If the court grants a motion to terminate pursuant to this section, notice of the termination shall be personally served upon the petitioner by a sworn member of the Metropolitan Police Department and sent to the petitioner by electronic mail.

"(2) The court shall submit a copy of the order issued under this section to the Metropolitan Police Department on or before the next business day for service upon the respondent. Service of a notice of termination shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

"(3) If the Metropolitan Police Department cannot complete personal service upon the petitioner within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the court.

"(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

"Sec. 1009. Return or disposal of firearms or ammunition.

"(a)(1) If an extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall notify the respondent that he or she may request the return of any firearm or ammunition surrendered or removed if that firearm or ammunition had been lawfully possessed.

"(2) The Metropolitan Police Department shall return any surrendered or removed firearm or ammunition requested by a respondent only after confirming that:

"(A) The respondent is eligible to own or possess the firearms and ammunition;

"(B) The firearm or ammunition was lawfully possessed; and

"(C) The respondent has paid any applicable fee charged against the respondent by the Metropolitan Police Department pursuant to subsection 1007(e).

"(b)(1) If a respondent who lawfully possessed a firearm or ammunition does not wish to have the firearm or ammunition returned, or the respondent is no longer eligible to own or possess firearms or ammunition, the respondent may sell or transfer title of the firearm or ammunition in accordance with applicable law.

"(2) The Metropolitan Police Department shall transfer possession of a firearm or ammunition through a licensed firearm dealer to a purchaser or recipient, but only after the licensed firearms dealer has displayed written proof of the sale or transfer of the firearm or ammunition from the respondent to the dealer, and the Metropolitan Police Department has verified the transfer with the respondent.

"(c) If the respondent does not request return of a firearm or ammunition under subsection (a) of this section, or sell or transfer a firearm or ammunition under subsection (b) of this section, within 6 months after the date the extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall treat the firearm or ammunition as surrendered and the firearm or ammunition shall be subject to section 705(b).

"Sec. 1010. Recording requirements.

"(a) The Metropolitan Police Department shall:

"(1) Maintain a searchable database of extreme risk protection orders issued, terminated, and renewed pursuant to this title; and

"(2) Make the information maintained in paragraph (1) of this subsection available to any other relevant law enforcement, pretrial, corrections, or community supervision agency upon request.

"(b) The Superior Court of the District of Columbia shall immediately submit information about extreme risk protection orders issued, renewed, or terminated pursuant to this

title to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks.

"Sec. 1011. Violation of an extreme risk protection order.

"(a) A person violates an extreme risk protection order if, after receiving actual notice of being subject to an extreme risk protection order, the person knowingly has possession or control of, purchases, or receives a firearm or ammunition.

"(b) A person convicted of violating an extreme risk protection order shall be:

"(1) Fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both; and

"(2) Prohibited from having possession or control of, purchasing, or receiving a firearm or ammunition for a period of 5 years after the date of conviction.

"(c) A violation of an extreme risk protection order shall not be considered a:

"(1) Weapons offense; or

"(2) Gun offense, as that term is defined in section 801(3).

"Sec. 1012. Law enforcement to retain other authority.

"Nothing in this title shall be construed to affect the ability of a law enforcement officer, as that term is defined in section 901(3), to remove firearms or ammunition from any person pursuant to other lawful authority.".

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

"(1) "Bump stock" means any object that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.".

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase "sawed-off shotgun, knuckles" both times it appears and inserting the phrase "sawed-off shotgun, bump stock, knuckles" in it 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).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 30, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2019

To amend, on an emergency basis, 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 Emergency 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.

(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 Charitable Gaming Control Board established by this section.

(2) "CBE act" means the Small and Certified Business Enterprise Development and Assistance Act of 20015, 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:

"(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.

"(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.".

(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

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.

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

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;

"(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;

"(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.

"(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

"(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 waging 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;

"(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;

"(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.

"(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 waging 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.

"(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;

"(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

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.

"(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.

"(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 Cass 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 devises 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 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 this act.

Sec. 5. Applicability.

(a) The amendatory section of 316(d) of section 2(e) of 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), 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 30, 2019

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

B23-102	Medical Marijuana Patient Health and Accessibility Improvement Amendment Act of 2019 Intro. 01 - 22 - 2019 by Councilmembers Grosso, Nadeau, and Gray and referred sequentially to the Committee on Health and the Committee on Judiciary and Public Safety
B23-103	Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2018 Intro. 01 - 29 - 2019 by Councilmember Allen and referred to the Committee on Judiciary and Public Safety
B23-104	Tingey Square Designation Act of 2019 Intro. 01 - 30 - 2019 by Councilmember Allen and referred to the Committee of the Whole
B23-107	Non-Profit Reimbursement Fairness Act of 2019 Intro. 01 - 30 - 2019 by Councilmembers Nadeau, Silverman, Todd, Gray, Cheh, R. White, Allen, Bonds, and Grosso and referred to the Committee of the Whole
B23-110	Bryant Street Tax Increment Financing Amendment Act of 2019 Intro. 01 - 31 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

B23-113	Unfoldment, Inc. Real Property Tax Relief Act of 2019 Intro. 02 - 01 - 2019 by Councilmember T. White and referred to the Committee on Finance and Revenue
B23-114	Senior Police Officer Retention Amendment Act of 2019 Intro. 02 - 04 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
B23-116	Warehousing and Storage Eminent Domain Authority Act of 2019 Intro. 02 - 04 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
B23-117	Underground Facilities Protection Amendment Act of 2019 Intro. 02 - 04 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PROPOSED RESOLUTIONS

PR23-87	Reprogramming No. 23-0004 Disapproval Resolution of 2019 Intro. 01 - 31 - 2019 by Councilmember Gray and Retained by the Council

COUNCIL OF THE DISTRICT OF COLUMBIA
ABBREVIATED NOTICE OF PUBLIC HEARINGS
AGENCY PERFORMANCE OVERSIGHT HEARINGS
FISCAL YEAR 2018-2019

2/6/2019

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

New Date	*Original Date*	*Hearing*
2/7/2019	2/21/2019	Office of Partnerships & Grants (Government Operations; Room 500; 11:00 a.m.)
2/14/2019	2/14/2019	Committee on Government Operations; Room 120; Time change from 10:00 a.m to 1:00 p.m.
2/14/2019	2/14/2019	Committee on Labor & Workforce Development; Room 123; Time change from 10:00 a.m. to 1:00 p.m.
2/20/2019	2/11/2019	Committee on Recreation and Youth Affairs; Room 123; 11:00 a.m.
2/21/2019	2/14/2019	Serve DC (Government Operations; Room 123; 11:00 a.m.)
2/21/2019	2/25/2019	Metropolitan Washington Council of Governmetns (COW; Room 123; 9:30 a.m.)
2/22/2019	2/12/2019	Committee on Recreation and Youth Affairs; Room 123; 11:00 a.m.
2/26/2019	2/20/2019	Committee on Business & Economic Development; Room 120; 2:00 p.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 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 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**

THURDAY, 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**
1:00 p.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**
1:00 p.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 & **Chairperson David Grosso**
COMMITTEE OF THE WHOLE **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: Nate Fleming (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 (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: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-8835.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

WEDNESDAY, FEBRUARY 20, 2019; Room 123	
Time	**Agency**
11:00 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 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 (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 & **Chairperson David Grosso**
COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, FEBRUARY 21, 2019; Room 412	
Time	**Agency**
9:30 a.m. - 10:00 a.m.	Metropolitan Washington Council of Governments
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: governmentoperations@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 RECREATION AND YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

MONDAY, FEBRUARY 22, 2019; Room 123	
Time	**Agency**
11:00 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 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	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 & **Chairperson David Grosso**
COMMITTEE OF THE WHOLE **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**

TUESDAY, FEBRUARY 26, 2019; Room 120	
Time	**Agency**
2:00 p.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 (cautrey@dccouncil.us) or by calling 202-724-8053.

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: Charnisa 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

2/6/2019

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***
4/8/2019	4/1/19	Committee on Human Services; Room 123; 10:00 a.m.
5/2/2019	5/3/2019	May 2nd on the Committee Budget Mark-up schedule was omitted by mistake. May 3rd Committee Budget Mark-up schedules have all been moved to May 2nd.

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 (mcameron@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 HUMAN SERVICES — **Chairperson Brianne Nadeau**

MONDAY, APRIL 1, 2019; Room 123	
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 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**

WEDNESDY, 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 & **Chairperson David Grosso**
COMMITTEE OF THE WHOLE **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: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

MONDAY, 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 & **Chairperson David Grosso**
COMMITTEE OF THE WHOLE **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 (mcameron@dccouncil.us) or by calling 202-654-6179.

JOINT HEARING WITH COMMITTEE ON EDUCATION & Chairperson David Grosso
COMMITTEE OF THE WHOLE 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: Charnisa 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 Managency 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 1, 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 2, 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

CONSIDERATION OF TEMPORARY LEGISLATION

B23-109, Bryant Street Tax Increment Financing Temporary Amendment Act of 2019 was adopted on first reading on February 5, 2019. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on March 5, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

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

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

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

GBM 23-6: FY 2019 Grant Budget Modifications of November 19, 2018

RECEIVED: 14-day review begins January 31, 2019

GBM 23-7: FY 2019 Grant Budget Modifications of January 9, 2019

RECEIVED: 14-day review begins January 31, 2019

GBM 23-8: FY 2019 Grant Budget Modifications of January 8, 2019

RECEIVED: 14-day review begins February 5, 2019

GBM 23-9: FY 2019 Grant Budget Modifications of January 9, 2019

RECEIVED: 14-day review begins February 5, 2019

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 23-87, the "Reprogramming No. 23-0004 Disapproval Resolution of 2019" in order to consider the proposed resolution at the February 19, 2019 Additional Legislative Meeting, in the event that one is scheduled.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Disapproval

Councilmembers Gray filed on January 31, 2019, the "Reprogramming No. 23-4 Disapproval Resolution of 2019", PR 23-87, in the Office of the Secretary. The attached 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.

The Council review period for Reprogramming 23-4 has been extended to 30 days, ending on Tuesday, February 26, 2019. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Wednesday, February 27, 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. 23-05: Request to reprogram $941,942 of Fiscal Year 2019 Local funds budget authority from multiple agencies to the D.C. Department of Human Resources (DCHR) was filed in the Office of the Secretary on February 4, 2019. This reprogramming is needed to implement a District-wide initiative to centralize the processing and approval of human resources data to ensure that employee information is correctly recorded in PeopleSoft.

RECEIVED: 14-day review begins February 5, 2019

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	February 8, 2019
Protest Petition Deadline:	March 25, 2019
Roll Call Hearing Date:	April 8, 2019
Protest Hearing Date:	June 5, 2019
License No.:	ABRA-112502
Licensee:	Brothers Burger Bar, LLC
Trade Name:	Aroma
License Class:	Retailer's Class "C" Restaurant
Address:	707 H Street, N.E.
Contact:	Daryl Jones: (240) 462-0993

WARD 6 ANC 6C SMD 6C05

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 8, 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 **June 5, 2019 at 4:30 p.m.**

NATURE OF OPERATION

A new C Restaurant serving American cuisine, to include burgers and seafood. Seating Capacity of 100. Total Occupancy Load of 130. Summer Garden with 30 Seats. The license will include an Entertainment Endorsement inside of the premises and on the outdoor Summer Garden, with Cover Charge.

HOURS OF OPERATION, HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES AND IN THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	February 8, 2019
Protest Petition Deadline:	March 25, 2019
Roll Call Hearing Date:	April 8, 2019
Protest Hearing Date:	June 5, 2019
License No.:	ABRA-111895
Licensee:	Dee Zee Group, LLC
Trade Name:	Call Your Mother
License Class:	Retailer's Class "C" Restaurant
Address:	3301 Georgia Avenue, N.W.
Contact:	Andrew Dana: (202) 258-6832

WARD 1 ANC 1A SMD 1A09

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 8, 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 **June 5, 2019 at 1:30 p.m.**

NATURE OF OPERATION
A new C Restaurant. Seating Capacity of 21, Total Occupancy Load of 31.

HOURS OF OPERATION
Saturday and Sunday 8am – 11pm, Monday through Friday 7am – 11pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION
Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	February 8, 2019
Protest Petition Deadline:	March 25, 2019
Roll Call Hearing Date:	April 8, 2019
Protest Hearing Date:	June 5, 2019
License No.:	ABRA-112653
Licensee:	Chaia Mount Vernon Triangle LLC
Trade Name:	Chaia
License Class:	Retailer's Class "C" Restaurant
Address:	615 I Street, N.W.
Contact:	Suzanne Simon: (202) 290-1019

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 8, 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 **June 5, 2019 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 38 and Total Occupancy Load of 61. Sidewalk Café with 16 seats.

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

Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	February 8, 2019
Protest Petition Deadline:	March 25, 2019
Roll Call Hearing Date:	April 8, 2019
Protest Hearing Date:	June 5, 2019
License No.:	ABRA-112489
Licensee:	FishScale, Inc.
Trade Name:	FishScale
License Class:	Retailer's Class "D" Restaurant
Address:	637 Florida Avenue, N.W.
Contact:	Kristal Williams: (202) 780-7886

WARD 1 ANC 1B SMD 1B01

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 8, 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 **June 5, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class D Restaurant with a seating capacity of 14 and Total Occupancy Load of 14.

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

Monday through Saturday 9am – 2am, Closed Sundays

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**CORRECTION

Placard Posting Date:	January 25, 2019
Protest Petition Deadline:	March 11, 2019
Roll Call Hearing Date:	March 25, 2019
Protest Hearing Date:	May 22, 2019
License No.:	ABRA-112519
Licensee:	Kraken DC, LLC
Trade Name:	Kraken Axes
License Class:	Retailer's Class "C" Tavern
Address:	**840 E Street, N.W.
Contact:	Sidon Yohannes, Esq.: (202) 686-7600

WARD 2 ANC 2C SMD 2C03

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 25, 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" Tavern offering axe throwing competitions. Total Occupancy Load of 99 with seating for 30 patrons.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**RESCIND

Placard Posting Date:	January 25, 2019
Protest Petition Deadline:	March 11, 2019
Roll Call Hearing Date:	March 25, 2019
Protest Hearing Date:	May 22, 2019
License No.:	ABRA-112519
Licensee:	Kraken DC, LLC
Trade Name:	Kraken Axes
License Class:	Retailer's Class "C" Tavern
Address:	**401 9th Street, N.W.
Contact:	Sidon Yohannes, Esq.: (202) 686-7600

WARD 2 ANC 2C SMD 2C03

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 25, 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" Tavern offering axe throwing competitions. Total Occupancy Load of 99 with seating for 30 patrons.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	January 25, 2019
Protest Petition Deadline:	March 11, 2019
Roll Call Hearing Date:	March 25, 2019
Protest Hearing Date:	May 22, 2019
License No.:	ABRA-112314
Licensee:	N Street Dining, Inc.
Trade Name:	Lazy Kate's Bistro
License Class:	Retailer's Class "C" Restaurant
Address:	2300 N Street, N.W.
Contact:	Risa Hirao: (202) 544-2200

WARD 2 ANC 2A SMD 2A02

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 25, 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 bistro preparing and serving modern American-style food. Summer Garden with 109 seats. Total Occupancy Load is 209 with seating for 100 inside premises. **The licensee is also requesting an Entertainment Endorsement to provide live entertainment indoors only.

HOURS OF OPERATION INSIDE PREMISES AND FOR OUTDOOR SUMMER GARDEN

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR OUTDOOR SUMMER GARDEN

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

****HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES ONLY**

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	January 25, 2019
Protest Petition Deadline:	March 11, 2019
Roll Call Hearing Date:	March 25, 2019
Protest Hearing Date:	May 22, 2019

License No.:	ABRA-112314
Licensee:	N Street Dining, Inc.
Trade Name:	Lazy Kate's Bistro
License Class:	Retailer's Class "C" Restaurant
Address:	2300 N Street, N.W.
Contact:	Risa Hirao: (202) 544-2200

WARD 2 ANC 2A SMD 2A02

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 25, 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 bistro preparing and serving modern American-style food. Summer Garden with 109 seats. Total Occupancy Load is 209 with seating for 100 inside premises.

HOURS OF OPERATION INSIDE PREMISES AND FOR OUTDOOR SUMMER GARDEN

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR OUTDOOR SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	February 8, 2019
Protest Petition Deadline:	March 25, 2019
Roll Call Hearing Date:	April 8, 2019

License No.:	ABRA-106162
Licensee:	Vinegar Hill Hospitality, LLC
Trade Name:	Moreland's Tavern
License Class:	Retailer's Class "C" Tavern
Address:	5501 14th Street, N.W.
Contact:	Matthew Croke: (202) 248-0491

WARD 4 ANC 4A SMD 4A07

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 8, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGES
Applicant requests to change the hours of operation and alcoholic beverage sales, service and consumption for inside the premises. Applicant also requests an Entertainment Endorsement with a Dance Floor and Cover Charge to provide live entertainment inside and outside.

CURRENT HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 2am

CURRENT HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION OUTSIDE IN SIDEWALK CAFÉ
Sunday through Saturday 8am – 11pm

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

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES
Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 2am

PROPOSED HOURS OF LIVE ENTERTAINMENT OUTSIDE IN SIDEWALK CAFÉ
Sunday through Saturday 10am – 9pm

D.C. BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure "District of Columbia Term Limits Campaign (DC TLC)" is a proper subject matter for initiative at the Board's regular meeting on Wednesday, March 6, 2019 at 10:30 a.m., at 1015 Half Street S.E., Suite 750, Washington DC 20003.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, February 28, 2019 to the Board of Elections, General Counsel's Office, 1015 Half Street, S.E., Suite 750, Washington, D.C. 20003.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than Friday, March 1, 2019 at 4:00p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

"District of Columbia Term Limits Campaign (DC TLC)"

SUMMARY STATEMENT

This ballot initiative, if approved by voters and enacted into law, would limit the amount of time that a person would be allowed to serve in certain elected offices.

The elected offices that would be subject to term limits of no more than two (2) full consecutive terms, four (4) year terms under this bill are as follows:

The Mayor, the Council Chair, Members of the District of Columbia City Council, the Attorney General, and Members of the State Board of Education.

The implementation of this law, would take effect in relation to all stated offices, after this measure becomes law.

LEGISLATIVE TEXT

To amend D.C. Code Sec 1.001.8 to limit consecutive terms any elected official can hold for the offices of Mayor, Chairman of the Council, member of the Council, Attorney General, or member of the State Board of Education.

Upon voter approval and implementation this initiative may be cited in the D.C. Code as the DISTRICT OF COLUMBIA TERM LIMITS CAMPAIGN.

Sec. 2 Declaration of Policy

The purpose of this initiative is to increase the marketplace of new elected officials that will bring new ideas, to help prevent the negative impact of corporate and special interest money typically associated with long-term incumbency, and increase participation in the electoral process.

Sec. 3 Statement of Law

D.C. Code Sec 1.001.8 shall be amended to read as follows.

No person elected to the office of Mayor, Chairman of the Council, Attorney General, Member of the Council, or State Board of Education, shall serve more than two (2) full consecutive, four (4) year- terms.

Implementation shall take effect in relation to all persons elected after this measure is approved.

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

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

Case No. 18-10: Rose Lees Hardy School
1550 Foxhall Road NW
Square 1363, Lot 980
Affected Advisory Neighborhood Commission: 3D
Applicant: Foxhall Community Citizens Association

Case No. 19-04: Holy Redeemer College
3112 7th Street NE
Square 3645, Lots 828 and 829
Affected Advisory Neighborhood Commission: 5E
Applicant: The Redemptorists (property owner)

The hearing will take place at **9:00 a.m. on Thursday, March 28, 2019**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

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

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

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

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

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

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

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

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

PENDING HISTORIC LANDMARK AND HISTORIC DISTRICT NOMINATIONS
TENTATIVE PUBLIC HEARING SCHEDULE

(*All hearing dates are subject to change, and almost certainly* will *change*)

Property	Case Number	Scheduled Hearing Date
Safeway Grocery Store 4865 MacArthur Boulevard NW	19-02	February 2019
Rose Lees Hardy School 1550 Foxhall Road NW	18-10	March 2019
Holy Redeemer College 3112 7th Street NE	19-04	March 2019
Mitchell Park Fieldhouse 1801 23rd Street NW	18-07	April 2019
Chevy Chase Playground 5500 41st Street NW	18-08	April 2019
Recorder of Deeds Building 515 D Street NW	11-19	May 2019
American Theater 104-108 Rhode Island Avenue NW	17-13	May 2019
National Geographic Society 1145 17th Street NW	17-09	April 2019
PEPCO Substation No. 61 3215 44th Street NW	18-06	June 2019
Buzzard Point Power Plant 1930 1st Street SW	16-09	June 2019
Williams-Addison House amendment 1645 31st Street NW	07-38	July 2019
Kennedy-Warren Apartments amendment 3131-3133 Connecticut Avenue NW	09-03	July 2019
Judiciary Square Historic District	19-05	September 2019
Suter Properties	09-01	September 2019

511 and 521 G Street NW		
Carnegie Atomic Physics Observatory 5241 Broad Branch Road NW	17-01	October 2019
INTELSAT Headquarters Building 3400 International Drive/4000 Connecticut Avenue NW	14-06	October 2019
Holy Name College and Sherwood Farmhouse 1400 Shepherd Street NE	16-05	November 2019
Charles Whitney Gilmore Residence 451 Park Road NW	15-09	December 2019
Interstate Building 1317 F Street NW	14-15	December 2019
Hirshhorn Museum and Sculpture Garden Independence Avenue and 7th Street SW	18-15	January 2020
Folger Shakespeare Library amendment 201 East Capitol Street SE	17-07	January 2020
Anderson Tire Manufacturing Company 1701 14th Street SE	16-02	February 2019
Rock Creek Valley Historic District Reservations 308A, 339, 356, 402, 432, 433, 435, 545, 563, 630 and 635	14-19	February 2020
King David Masonic Lodge No. 28 3501 12th Street NE	16-01	March 2020
Union Station amendment (interior and boundary) Massachusetts Avenue NE	12-08	March 2020
Railway Express Agency 900 2nd Street NE	16-04	March 2020
Downtown Historic District expansion Parts of Squares 404, 405, 428, 453, 454 and 486	13-08	April 2020
U Street Historic District expansion Most of Square 441	08-12	May 2020
Western Bus Garage 5230 Wisconsin Avenue NW	06-03	May 2020
Dunblane 4340 Nebraska Avenue NW	08-11	June 2020

GSA Regional Office Building 301 (315) 7th Street SW (801 D Street SW)	14-11	June 2020
Barney Circle Historic District Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	08-01	July 2020
Barney Circle Historic District amendment Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	10-19	July 2020
Sheridan Theater and Park 'n' Shop 6201 (6201-6221) Georgia Avenue NW	07-01	September 2020

For additional information, including the landmark applications themselves, monthly hearing notice and agendas, please see the HPO and HPRB website at www.preservation.dc.gov. For inquiries about a particular property, please contact Tim Dennee, Landmarks Coordinator, at timothy.dennee@dc.gov or 202-442-8847.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request submitted by Friendship Public Charter School (Friendship PCS) on January 17, 2019, to amend its goals and academic achievement expectations.

Friendship PCS is currently in its nineteenth year of operation serving students in grades PK3-12 at twelve campuses across the District. On December 17, 2018, the local education agency (LEA) was approved to acquire the assets of the former Ideal Academy Public Charter School (Ideal Academy PCS). As part of that asset acquisition, Friendship PCS seeks to amend its goals specifically for the newly acquired Ideal Academy campuses. Friendship PCS has adopted the Performance Management Framework (PMF) as its goals for all of its existing campuses, but given the LEA will be up for its 25-year review in just three years, Friendship PCS proposes a slightly different achievement target for Ideal Elementary and Ideal Middle in their first four years of operation. If approved, this amendment will go into effect for school year 2019-20.

DATES:

- Comments must be submitted on or before February 25, 2019.
- Public hearing will be held on February 25, 2019, at 6:30 pm. For location, please check www.dcpcsb.org.
- Board vote will be held on March 18,2019, at 6:30 pm. For location, please check www.dcpcsb.org

ADDRESSES: You may submit comments, identified by "Friendship PCS - Notice of Petition for Goals and Academic Achievement Expectations," by any of the following methods:

1. Submit a written comment via:
   (a) E-mail*: public.comment@dcpcsb.org
   (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on February 25 by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, February 21.

*Please select only one of the actions listed above.

FOR FURTHER INFORMATION CONTACT: Please call (202) 328-2660.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a proposal submitted by Mundo Verde Public Charter School (Mundo Verde PCS) on January 11, 2019 to amend its charter to accelerate the school's most recently approved enrollment ceiling increase from June 2017.

Mundo Verde PCS is currently a single campus local education agency (LEA) located in Ward 5 that educates students in grades prekindergarten-3 (PK3) through five. In June 2017, the DC PCSB Board approved Mundo Verde PCS to open a second campus in school year (SY) 2019-20, and to increase its enrollment ceiling so the LEA may serve up to 787 students across both its campuses. In SY 2020-21, that same amendment allows Mundo Verde PCS to serve up to 879 students, and thereafter, the LEA's enrollment will continue to expand each year until reaches a maximum in SY 2024-25 with 1,235 students across both its campuses.

While planning for the upcoming school year, the school's leadership determined that Mundo Verde PCS has the capacity to serve 879 students in SY 2019-20, which is an increase of 102 additional students one year sooner than what's currently approved. As a result, the school seeks to accelerate its enrollment ceiling increase by one year. If approved, Mundo Verde PCS will open its second campus as planned in SY 2019-20 and update its enrollment projection to serve a total of 879 students across both its campuses. Thereafter, the school's enrollment will continue to gradually increase each school year as originally planned, with a maximum total enrollment of no more than 1,235 students in SY 2024-25 and beyond.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its enrollment ceiling.

DATES:

- Comments must be submitted on or before March 8, 2019.
- Public hearing will be held on Monday, February 25, at 6:30 pm. For location, please check www.dcpcsb.org.
- Vote will be held on Monday, March 18, at 6:30 pm. For location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Mundo Verde PCS-Enrollment Increase Acceleration," by any of the following methods:

1. Submit a written comment via:
   (a) E-mail*: public.comment@dcpcsb.org
   (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST.
   NW., Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above

2. Sign up to testify in-person at the public hearing on February 25, by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, February 21.

*Please select only one of the actions listed above.

FOR FURTHER INFORMATION CONTACT: Teri Quinn, Senior Manager, at (202) 328-2675;
email: lquinn@dcpcsb.org

BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 6, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

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

TIME: 9:30 A.M.

WARD SEVEN

19908
ANC 7E

Application of New District Development LLC, pursuant to 11 DCMR Subtitle X, Chapter 10, for a use variance from the use restrictions of Subtitle U § 201.1, to construct a new eight-unit apartment house in the R-2 Zone at premises 4442 B Street S.E. (Square 5350, Lots 11 and 12).

WARD FOUR

19924
ANC 4C

Application of William Eubanks, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.1, and from the rear yard requirements of Subtitle E § 306.1, and under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and pursuant to Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a rear addition to an existing semi-detached principal dwelling unit in the RF-1 Zone at premises 4210 Arkansas Avenue N.W. (Square 2697, Lot 74).

WARD SIX

19928
ANC 6C

Application of David Glaudemans, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3 from the upper floor addition requirements of Subtitle E § 206.1(a), to construct a third story addition to an existing, two-story, attached principal dwelling unit in the RF-1 Zone at premises 918 7th Street N.E. (Square 857, Lot 848).

WARD FIVE

19931
ANC 5B

Application of Marcy Mey, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a two-story rear addition to an existing, detached principal dwelling unit in the R-1-B Zone at premises 1440 Otis Street N.E. (Square 4003, Lot 18).

WARD SIX

19932
ANC 6E

Application of Jefferson Parke, 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 under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third story and rear addition to an existing, attached principal dwelling unit and convert it to a flat in the RF-1 Zone at premises 1227 4th Street N.W. (Square 523, Lot 842).

WARD SIX

19933
ANC 6B

Application of Sarah Beth and Josh Kuyers, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 506.1, and pursuant to Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle E § 504.1, to construct a one-story rear addition to an existing, attached principal dwelling unit in the RF-3 Zone at premises 156 Duddington Place S.E. (Square 736, Lot 68).

PLEASE NOTE:

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.
Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly,

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

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

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የ ተለየ እርዳታ ካስፈለገ ዎት ወይም የ ቋንቋ እርዳታ አገ ልግሎ ቶች (ትርጉ ም ወይ ም ማ ብራ ሪ ያ ም)
ካስፈለገ ዎት እባክዎን ከስብሰባ ው ጪ ት ቀና ት በፊ ት ዚ ሂ ልን በስ ልክ ቁጥ ር (202) 727-0312 **ወይ ም በኤ ሜ ል** Zelalem.Hill@dc.gov **ይገ ና ኙ ። እነ ኚህ አገ ልግሎ ቶች የ ሚ ሰጡ ት በነ ጻ ነ ው ።**

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

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

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

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

Vietnamese

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

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

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

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 3, 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 SIX

19957
ANC 6E

Application of Spectrum Management, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle G §§ 708.1 and 1201 from the rear yard requirements of Subtitle G § 705.3, to construct a second-story addition on an existing one-story commercial use building in the MU-25 Zone at premises 1225-1227 Pennsylvania Avenue S.E. (Square 1019S, Lots 37 and 38).

WARD ONE

19958
ANC 1B

Application of NP 47 LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3, from the rooftop architectural elements provisions of Subtitle E § 206.1, and pursuant to Subtitle X, Chapter 10, for area variances from the lot occupancy requirements of Subtitle E § 304 and non-conforming structure requirements of Subtitle C § 202, and a use variance under Subtitle U § 301 to reduce the number of existing residential units, reestablish the commercial use of the first floor, and remove an existing rear deck in an existing mixed-use building in the RF-1 Zone at the premises at 2021 4th Street, N.W. (Square 3082, Lot 26).

WARD SEVEN

19959
ANC 7B

Application of Capitol Enterprise LLC, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the density requirements of Subtitle E § 201.4, to add an additional unit to an existing five-unit apartment house in the RF-1 Zone at premises 2801 R Street, S.E. (Square 5636, Lot 51).

WARD FIVE

19960
ANC 5C

Application of MCF 1400 Montana LLC and MCFI Limited Partnership, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the zone boundary line requirements of Subtitle A § 207.2, under the new residential development requirements of Subtitle U § 421.1, and under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2, to permit the construction of a new 106-108 unit apartment house in the MU-4/RA-1 Zones at premises 1400 Montana Avenue N.E. (Square 4023, Lot 1).

WARD FOUR

19969
ANC 4D

Application of 515 Jefferson Street NW LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert the existing single family dwelling to a three-unit apartment house in the RF-1 Zone at premises 515 Jefferson Street N.W. (Square 3208, Lot 812).

WARD SEVEN

19970
ANC 7B

Application of Jason C. Berto, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception to the use requirements of Subtitle U § 802.1(b) to construct a small indoor live performance/dance venue in the PDR-2 Zone at premises 628 W Street N.E. (Square 131, Lot 146).

WARD ONE

19961
ANC 1C

Appeal of ANC 1C, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on November 2, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1806082, to construct a new three-story building in the RF-1 Zone at premises 2910 18th Street N.W. (Square 2587, Lot 495).

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.

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

Spanish

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Vietnamese

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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 Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of to the adoption of amendments to Chapters 1 (Provisions of General Applicability), 2 (License and Permit Categories), 3 (Limitations on Licenses), 5 (License Applications), 7 (General Operating Requirements), 8 (Enforcement, Infractions, and Penalties), 9 (Prohibited and Restricted Activities), 10 (Endorsements), 12 (Records and Reports), 13 (Transport of Beverages), 15 (Applications: Notice of Hearings Involving Licenses), 16 (Contested Hearings, Non-contested Hearings, Protest Hearings, and Procedures), and 17 (Procedural Requirements for Board Hearings) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking would amend to Chapter 1 by clarifying the language in § 100 (Extension of Expiration Dates of Protested Licenses) and revising the definition of "Roll Call Hearings" in § 199 (Definitions). Chapter 2 would be amended to by establishing the reports and records requirements for holders of a storage facility permit. Additionally, the rulemaking would amend Chapter 2 by updating the renewal periods in § 207, and reorganizing the licensing fees, permit and endorsement fees, and the application fees located in §§ 208 through 210.

The final rulemaking would amend Chapter 3 by reducing the quota limit for off-premises retailer's licenses, Class B, in § 300 (Limitation on the Number of Class A and Class B Retailer's Licenses) and making clear that quota limits on off-premises retailer's license, Class A and B, do not apply to internet licenses (*i.e.*, off-premises retailer's licenses, class IA and IB). Additionally, § 302 (Licenses Near Schools, Colleges, Universities, and Recreation Areas) is amended by exempting off-premises retailer's licenses classes B which are located inside of a hotel and IA and IB, from the four hundred foot (400 ft.) restriction requirement.

The amendments to Chapter 5 include clarifying what documentation an applicant seeking to transfer a license to a new owner is required to submit to the Board. Chapter 7 would be amended by requiring the purchaser of an ABC license to apply for a Temporary Operating Retail Permit pending the Board's decision on an application to transfer the license to a new owner. In addition, the proposed rulemaking would amend § 705 (Hours of Sale and Delivery for Off-premises Retailer Licenses) by correcting the Sunday hours set forth in § 705.9 to make them consistent with the other hours listed in the subsection.

The final rulemaking would amend Chapter 8 by limiting the look-back period for mandatory warnings to four years as well as correcting the D.C. Official Code citation in Chapter 9. Chapter 10 is amended by clarifying that holders of tavern, restaurant, and hotel licenses, without an entertainment endorsement, are prohibited from repositioning the establishment's furniture for purposes of creating a dance floor in excess of one hundred forty square feet (140 ft.^{2}).

In accordance with the Omnibus Alcoholic Beverage Regulation Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-260; D.C. Official Code §§ 25-101, *et seq*. (2018 Supp.)), the final rulemaking would amend Chapter 12 by repealing § 1206. Furthermore, technical revisions are proposed for § 1208 (Retention and Inspection of Books and Records). The rulemaking would also amend Chapter 13 by clarifying what information is required for importation permits in § 1301 (Importation Permits for Retailers of Alcoholic Beverages).

Chapter 15 would be amended by revising the notice requirements for marine vessels and off-premises retailer's licenses, class IA and IB, as provided for in § 1502 (Notice of an Application for a New License, Renewal of a License, or Transfer of a License to a New Location). Section 1502 is further amended by ensuring the language in the regulation is consistent with D.C. Official Code § 25-422 and repealing § 1502.4.

The final rulemaking would amend Chapter 16 by (1) requiring Groups of Five or More, or Groups of Three or More located in a moratorium zone, to designate a representative for the group in their protest letter; (2) allowing for the use of electronic signatures; (3) authorizing the Board to dismiss a party for the failure to appear at the Protest Status Hearing; (4) authorizing the expiration of a license in those instances where the licensee's second re-filed renewal application is dismissed due their failing to attend a hearing and the application is not reinstated; (5) prohibiting the use of recording devices or transcription during mediation proceedings; (6) authorizing the Board to deny a settlement agreement when either signatory to the agreement fails to respond to the Board's request for modifications within thirty (30) days; (7) allowing the Board to limit the duration of questioning during Protest Hearings; (8) establishing rules for consolidating cases as well as creating a rule on witnesses; (9) revising the Fact Finding Hearing requirements; and (10) allowing for the dismissal of an application due to the failure of the Applicant to pursue adjudication of an application.

Lastly, the rulemaking amends Chapter 17 by amending (1) the service of papers requirement so that it conforms with the ABC Board's practices; (2) the requirements for obtaining a continuance; (3) the requirements for serving parties to a proceeding with documentary evidence prior to the hearing; (4) the rules for filing motions with the ABC Board; (6) the requirements for submitting Proposed Findings for Fact and Conclusions of Law to the ABC Board; and (5) the requirement that six (6) copies of a petition for reconsideration, re-argument, or rehearing must be filed with the ABC Board.

On July 12, 2017, the Board voted six (6) to zero (0) to adopt the Technical Amendment Notice of Proposed Rulemaking (1st NOPR). The 1st NOPR was published in the *D.C. Register* on October 13, 2017, at 64 DCR 10320 for public comment. Contemporaneously with the public comment period, the Board held a public hearing on October 18, 2017. Between the public comment period and the public hearing, the Board received numerous comments concerning the 1st NOPR. Based on the comments it received, the Board made several substantive changes to the 1st NOPR for purposes of addressing the public's and the industry's concerns. These substantive changes to the rulemaking necessitated the Board adopting a second proposed rulemaking.

On January 10, 2018, the Board voted five (5) to zero (0) to adopt the Technical Amendment Notice of Second Proposed Rulemaking (2nd NOPR). The 2nd NOPR was published in the *D.C. Register* for public comment on June 22, 2018, at 65 DCR 6845. The thirty (30)-day comment period ended on July 28, 2018. On August 15, 2018, the Board voted to send the 2nd NOPR to the Council for the mandatory ninety (90)-day comment period. The rulemaking was transmitted to the Council on October 1, 2018, and was unanimously approved on December 18, 2018. *See* PR 22-1031, at http://lims.dccouncil.us/Legislation/PR22-1031?FromSearchResults= true.

In light on the Council having approved the rulemaking, the Board now seeks to adopt the rulemaking as final. The Board notes that it received one (1) comment during the comment period for the 2nd NOPR. The District of Columbia Association of Beverage Alcohol Wholesalers (DCABAW) submitted a comment concerning the Board's proposed amendment to 23 DCMR § 205.6. Specifically, DCABAW contends that the phrase, "physically separated from any other use" is overbroad and requires clarification. The Board disagrees.

The proposed amendment to 23 DCMR § 205.6 reads as follows: "The Board-approved storage facility shall be physically secure, zoned for the intended use and physically separated from any other use." The proposed revision is consistent with the Board's ongoing practice regarding establishments that possess an ABC license and a storage permit. The Board's practice has not posed a problem in the past. The Board believes in transparency and simply seeks to memorialize its practice so that the public is aware. The Board has allowed, and will continue to allow, an ABC licensed establishment to be co-located with a storage facility so long as the space used for the storage facility is zoned for such usage, is physically secure, and is separate from the other licensed use so as to prevent any misuse, conflicts, or impropriety.

Having considered DCABAW's comments, and in light of the Council's approval, the Board gives notice of its intent to adopt these rules as final. On January 9, 2019, the Board voted, five (5) to zero (0), to adopt the rules as final. In accordance with D.C. Official Code § 25-211(d), the rulemaking will take effect five (5) days after they are published in the *D.C. Register*.

Since the rulemaking was published in the *D.C. Register*, four non-substantive changes were made. First, was the removal of the proposed amendment to 23 DCMR § 1708. The proposed amendment to 23 DCMR § 1708 would have allowed the Board to fulfill document requests in no more than five (5) days. In the Omnibus Alcoholic Regulation Amendment Act of 2018 (L22-165), effective October 30, 2018, the Council amended D.C. Official Code § 25-205(B) by requiring the Board to comply with such requests within three (3) days. In light of the statutory change by the Council, the Board decided to remove the proposed amendment from the present rulemaking.

Secondly, the Board corrected an error in numbering in 23 DCMR § 1612. The rulemaking states that it is adding a new § 1612.10. However, this should be § 1612.9. This error is corrected in the present rulemaking.

Additionally, the Board corrected a typographical error in § 207.2(b). The paragraph stated "In case of Temporary festival, and farmer's market licenses." The "t" in the term "temporary" should not be capitalized and there should be a comma (,) between the terms "temporary" and

"festival" so that the paragraph reads as follows: "In the case of temporary, festival, and farmer's market licenses". These typographical errors are corrected in the present rulemaking as well.

Lastly, the Board corrected the cross-reference in § 300. The rulemaking creates (1) new Subsections 300.2 and 300.3 and (2) renumbers the existing Subsections 300.3 through 300.6 as Subsections 300.6 through 300.9. In doing so, the Board neglected to change the citation to the subsection that was referenced in the former § 300.6 (new § 300.9). Subsection 300.4 is referenced but with the renumbering of the subsections, it should be changed to § 300.7. This revision does not have a substantive impact on the rulemaking or its application because the Board did not substantively either § 300.7 or § 300.9. The revision is solely technical in nature and seeks to avoid any confusion which will result from the wrong citation being cited.

Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 100, EXTENSION OF EXPIRATION DATES OF PROTESTED LICENSES, is amended by amending §§ 100.3 and 100.4 as follows:

100.3 In the case of protested applications for renewal of a license, the license shall continue in effect until the Board has rendered a final decision.

100.4 In the case of protested applications for a transfer to a new location, the license shall continue in effect only for purposes of the original location, and operations at the new location shall be prohibited until the Board has rendered a final decision.

Section 199, DEFINITIONS, Subsection 199.1, is amended by revising the definition of "Roll Call Hearing" as follows:

Roll call hearing – the proceeding specified in a placard posted at an applicant's premises. It is at this hearing that the applicant and the protestant(s) are introduced to each other and where the grounds for objection to the license application are read to the public.

Chapter 2, LICENSE AND PERMIT CATEGORIES, is amended as follows:

Section 205, STORAGE FACILITY PERMIT AND OFF-PREMISES STORAGE PERMIT, is amended in its entirety to read as follows:

205 STORAGE FACILITY PERMIT AND OFF-PREMISES STORAGE PERMIT

205.1 A storage facility permit shall allow the holder to establish a bonded warehouse in the District of Columbia for the storage of alcoholic beverages by the holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, Class C,

Class D, or a Caterer's license who possesses an off-premises storage permit, or for the accounts of other persons.

205.2 The holder of a storage facility permit shall be authorized to handle alcoholic beverages. The handling of alcoholic beverages under this subsection shall include packaging and repackaging services; bottle labeling services; creating buckets or variety packs that may include non-alcoholic products; and picking, packing, and shipping alcoholic beverage orders directly to the consumer.

205.3 The holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, Class C, Class D, or a Caterer's license shall obtain an off-premises storage permit to store alcoholic beverages at a storage facility approved by the Board.

205.4 The fee for the off-premises storage permit shall be in accordance with 23 DCMR § 209.

205.5 Alcoholic beverages stored in a bonded storage facility pursuant to this section may be removed from the storage facility only for the purpose of being (a) exported from the District; (b) shipped to a holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, B, C, or D, or a Caterer's license located in the District; (c) returned to a bonded storage facility, (d) shipped or delivered to a consumer, or (e) returned to a private collector who is a tenant.

205.6 The Board-approved storage facility shall be physically secure, zoned for the intended use and physically separated from any other use.

205.7 Delivery of alcoholic beverages to a Board-approved storage facility shall create a bailment in favor of the holder of a storage facility permit.

205.8 Warehousing of alcoholic beverages by any person other than a holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, C, or D, a Caterer's license, or a private collector with a tenant agreement is prohibited.

205.9 The sale, service, or consumption of alcoholic beverages at a Board-approved storage facility shall be prohibited without a tasting permit.

205.10 The holder of a storage facility permit shall post, in a conspicuous place, the following:

(a) A warning sign, in accordance with the requirements set forth in § 719.1;

(b) A copy of the storage permit; and

(c) A copy of the Wholesaler's, Manufacturer's, Retailer's Class A, C, or D, or the Caterer's license in its licensed portion of the Board-approved storage facility.

205.11 The holder of the storage facility permit shall, upon request, provide an ABRA investigator or member of the Metropolitan Police Department with its permit for inspection.

205.12 The holder of a Manufacturer's license, Wholesaler's license, Retailer's license Class A, C, or D, or a Caterer's license, that stores alcoholic beverages at a storage facility shall maintain and report to the Board, on an annual basis, the following:

(a) Records identifying the kind and quantity of alcoholic beverages being stored at the Board-approved storage facility; and

(b) The movement of alcoholic beverages to and from the storage facility.

205.13 The Board shall have the right to inspect the warehouse of a storage facility permit holder as it may deem necessary for the proper regulation of the storage of alcoholic beverages.

205.14 A storage facility permit shall be valid for three (3) years.

Section 207, LICENSURE PERIODS, is amended to read as follows

207 LICENSURE PERIODS

207.1 Except as provided for in § 207.2, the following licenses or permits issued by the Board shall be valid for three (3) years:

(a) Manufacturer's license;

(b) Wholesaler's license;

(c) Off-premises Retailer's license;

(d) On-premises Retailer's license;

(e) Caterer's license;

(f) Solicitor's license;

(g) Farm winery retail licenses;

(h) Alcohol certification permit;

(i) Tasting permit; and

(j) Storage facility permit.

207.2 Licenses issued by the Board shall be valid for less than three (3) years in the following instances:

(a) When suspended or revoked;

(b) In the case of temporary, festival, and farmer's market licenses;

(c) When the license takes effect on a date in between the dates established by the Board for the regular licenses period of each license class, in which case the license shall be valid only until the end of the licensure period; and

(d) In the case of stipulated licenses.

207.3 The three (3)-year renewal period for each license listed below shall occur sequentially every three (3) years starting with the following dates:

License Class	**Licensure Period**	**Ending Year**
Manufacturer A	Apr. 1 to Mar. 31	2018
Wholesaler A	Apr. 1 to Mar. 31	2018
Retailer A	Apr. 1 to Mar. 31	2018
Manufacturer B	Oct. 1 to Sept. 30	2020
Wholesaler B	Oct. 1 to Sept. 30	2020
Retailer B	Oct. 1 to Sept. 30	2020
Retailer CR	Apr. 1 to Mar. 31	2019
Retailer CT	Oct. 1 to Sept. 30	2019
Retailer CN	Oct. 1 to Sept. 30	2019
Retailer CH	Apr. 1 to Mar. 31	2019
Multipurpose facility CX	Apr. 1 to Mar. 31	2019
Common Carrier CX	Apr. 1 to Mar 31	2019
Retailer Arena CX	Apr. 1 to Mar 31	2019
Retailer DR	Apr. 1 to Mar. 31	2019
Retailer DT	Oct. 1 to Sept. 30	2019
Retailer DN	Oct. 1 to Sept. 30	2019
Retailer DH	Apr. 1 to Mar. 31	2019

Multipurpose facility DX	Apr. 1 to Mar. 31	2019
Common carrier DX	Apr. 1 to Mar 31	2019
Caterer	Apr. 1 to Mar 31	2019
Solicitor	July 1 to June 30	2020
Club CX	Apr. 1 to Mar 31	2019
Club DX	Apr. 1 to Mar 31	2019
Farm winery retail	Oct. 1 to Sept. 30	2018
Alcohol certification provider permit	July 1 to June 30	2020

Section 208, LICENSE FEES, is amended in its entirety to read as follows:

208 LICENSE FEES

208.1 All license fees shall be paid by credit card, certified check, money order, business check, attorney's check, or personal check payable to ABRA. Applicants and licensees shall pay the annual license fees specified by the Board in the following manner:

(a) The fee for the first year shall be paid at the time an application is filed, but shall be returned to an applicant, minus the prescribed processing fee, if the application is denied; and

(b) The fees for the second and third year shall be paid no later than one (1) and two (2) years, respectively, from the date of the issuance of the license; provided, that a licensee may pay the second and third year fees when the first year fee is paid. The payment of the second and third year license fees shall not require the filing of a clean-hands certificate by the applicant.

208.2 The Board may impose a late fee upon a licensee for failure to timely remit the second or third year fee, or the renewal fee, in the amount of fifty dollars ($50) for each day after the due date of payment. The total amount of the late fee to be paid to ABRA shall not exceed the annual cost of the license. The Board may suspend a license until the licensee pays the second or third year fee and any additional fee imposed by the Board for late payment. A license not renewed timely shall be deemed expired and the licensee shall not be permitted to sell or serve alcoholic beverages.

208.3 The Board may suspend a license, permit, or endorsement where payment was made by the applicant to ABRA with a check returned unpaid. The applicant, in addition to any late fees imposed by the Board pursuant to § 208.2, shall also be charged by ABRA with a one hundred dollar ($100) returned check fee.

208.4 The annual license fees for manufacturer’s licenses shall be as follows:

Class	Fee
Manufacturer's class A (rectifying plant)	$ 6,000
Manufacturer's class A (distillery)	$ 6,000
Manufacturer's class A (distillery producing more than 50% non-beverage alcohol)	$ 3,000
Manufacturer's class A (winery)	$ 1,500
Manufacturer's class B (brewery)	$ 5,000
Manufacturer's class C (alcohol-infused confectionary food products)	$ 1,000

208.5 The annual license fees for wholesaler's licenses shall be as follows:

Class	Fee
Wholesaler's class A	$ 5,200
Wholesaler's class B	$ 2,600

208.6 The annual license fees for off-premises retailer's licenses shall be as follows:

Class	Fee
Retailer's class A	$ 2,600
Retailer's class B	$ 1,300
Internet retailer's class IA	$ 2,600
Internet retailer's class IB	$ 1,300
Farmer's market class J	$ 300
Farmer's market class K	$ 500

208.7 The annual license fees for all Class C licenses, except the DC Arena and the soccer stadium, shall be based on its capacity load, which shall be defined as the maximum number of patrons that may be in the establishment at any one time. The holder of a Class C license shall submit both its capacity placards identifying the maximum number of patrons and certificate of occupancy identifying the number of seats from the Department of Consumer and Regulatory Affairs with both its initial and renewal license applications.

208.8 The annual license fees are as follows:

Class	Capacity	Fee
CR restaurant	99 or fewer	$1,000
CR restaurant	100 to 199	$1,300
CR restaurant	200 to 499	$1,950
CR restaurant	500 or more	$2,600
CT tavern	99 or fewer	$1,300
CT tavern	100 to 199	$2,080
CT tavern	200 or more	$3,120
CN nightclub	99 or fewer	$1,950

CN nightclub	100 to 199	$2,600
CN nightclub	200 to 499	$3,250
CN nightclub	500 to 999	$4,550
CN nightclub	1,000 or more	$5,850
CH hotel	99 or fewer guest rooms	$2,600
CH hotel	100 or more guest rooms	$5,200
CB bed and breakfast		$ 1,000
CX club		$1,950
CX multipurpose facility		$1,950
CX marine vessel, single vessel		$1,950
CX marine vessel line, for 3 or fewer vessels and dockside waiting areas		$3,250
For each additional vessel or dockside waiting area		$1,950
CX railroad dining or club car, single car		$650
CX railroad company, all dining or club cars		$1,950

208.9 The annual license fees for all Class D licenses, except the DC Arena and the soccer stadium, shall be based on its capacity load, which shall be defined as the maximum number of patrons that may be in the establishment at any one time. The holder of a Class D license shall submit both its capacity placards identifying the maximum number of patrons and certificate of occupancy identifying the number of seats from the Department of Consumer and Regulatory Affairs with both its initial and renewal license applications.

208.10 The annual license fees are as follows:

Class	**Capacity**	**Fee**
DR restaurant	99 or fewer	$600
DR restaurant	100 to 199	$780
DR restaurant	200 to 499	$1,170
DR restaurant	500 or more	$1,560
DT tavern	99 or fewer	$1,000
DT tavern	100 to 199	$1,300
DT tavern	200 or more	$1,950
DN nightclub	99 or fewer	$1,300
DN nightclub	100 to 199	$1,625
DN nightclub	200 to 499	$1,950
DN nightclub	500 to 999	$2,600
DN nightclub	1,000 or more	$4,550

DH hotel	99 or fewer guest rooms	$1,300
DH hotel	100 or more guest rooms	$2,600
DB bed and breakfast		$ 650
DX club		$650
DX multipurpose facility		$650
DX marine vessel, single vessel		$975
DX marine vessel line, for 3 or fewer vessels and dockside waiting areas		$1,300
For each additional vessel or dockside waiting area		$650
DX railroad dining or club car, single car		$325
DX railroad company, all dining or club cars		$650

208. 11 The daily fee for a Temporary license shall be as follows:

Class	**Fee**
Temporary class F	$ 130
Temporary class G	$ 300

208. 12 The annual fee for a Solicitor's and a Manager's license shall be as follows:

Type	**Fee**
Solicitor's license	$ 325
Manager's license	$ 130

208. 13 The annual fee for a Class Arena CX license shall be as follows:

Class	**Fee**
Retailer's license Class Arena CX	$ 10,000

208.14 The annual license fee for a Catering license shall be based on the caterer's annual revenue for the previous year as follows:

Class	**Gross Annual Revenue**	**Fee**
Caterer	More than $1,000,000 per year gross annual revenue	$5,000
Caterer	$1,000,000 or less per year gross annual revenue	$4,000
Caterer	$500,000 or less per year gross annual revenue	$3,000
Caterer	$300,000 or less per year gross annual revenue	$2,000
Caterer	$200,000 or less per year gross annual revenue	$1,500
Caterer	$100,000 or less per year gross annual revenue	$1,000
Caterer	$50,000 or less per year gross annual revenue	$750
Caterer	$25,000 or less per year gross annual revenue	$500

208. 15 The annual fee for a Farm Winery license, a Pub Crawl license, and a festival license shall be as follows:

Type/Class	**Fee**
Farm winery retailer's license	$ 2,500
Pub crawl license	$ 500
Festival license class H	$ 1,000
Festival license class I	$ 2,000

208.16 For purposes of determining the catering fee set forth in § 208.14, the applicant, as part of its submitted application, shall provide the Board with a signed affidavit on a form provided by ABRA, which shall include a statement of the applicant's annual gross revenue from catering for the previous year, as well as any additional supporting documentation necessary to verify the statement of the applicant.

208.17 The submission of a knowingly false or misleading affidavit shall be grounds for the Board to order the licensee to show cause why the license should not be suspended or revoked, or a civil fine imposed based upon the primary tier schedule set forth in D.C. Official Code § 25-830(c).

208.18 The fee for a duplicate license or replacement of a lost license shall be ten dollars ($10).

Section 209, PERMIT AND ENDORSEMENT FEES, is amended in its entirety to read as follows:

209 PERMIT AND ENDORSEMENT FEES

209.1 The fee for permits and endorsements shall be as follows:

Permit/Endorsement	**Fee**
Importation permit	$ 5
Pool buying group agent importation permit	$ 1,000/year
Tasting permit for off-premises retailers, wholesalers, manufacturers, and private collectors	$ 130/year
Brew pub permit	$ 3,900/year
Storage facility permit	$ 300/year
Off-premises storage permit	$ 25/year
Alcohol certification provider permit	$ 100
Personal auction permit	$ 30
Nonprofit corporation auction permit	$ 30
Wine and beer purchasing permit	$ 35
Wine pub permit	$ 5,000/year
Distillery pub permit	$7,500/year
On-site sales and consumption permit	$ 1,000/year

Sidewalk café or summer garden endorsement	$ 75/year
Entertainment endorsement (twenty percent (20%) of the base license fee)	20%
Amendment to a license which results in an inspection	$ 50

Section 210, APPLICATION FEES, is amended in its entirety to read as follows:

210 APPLICATION FEES

210.1 Application fees shall be as follows:

Application	**Fee**
Filing of a new license (excluding manager and solicitor license applications)	$ 75
Transfer of a license to a new owner	$ 250
Transfer of a license to a new location	$ 250
Change of officer, director, stockholder, or general or limited partner in a partnership	$ 100
Corporate or trade name change	$ 50
Keg registration (six dollars ($6) per keg registration book. A registration book shall be valid for the registration of ten (10) kegs	$ 6
Stipulated license	$100

Chapter 3, LIMITATIONS ON LICENSES, is amended as follows:

Section 300, LIMITATION ON THE NUMBER OF CLASS A AND CLASS B RETAILER'S LICENSES, is amended by (a) amending § 300.2 and (b) adding new §§ 300.3 through 300.5 to read as follows:

300.2 The two hundred seventy-five (275) quota limit set forth in D.C. Official Code § 25-331(b) shall not apply to Class B Retailer's license renewal applications.

300.3 Off-premises Retailer's license Class IA shall not be counted toward the quota limit set forth in § 300.1.

300.4 Off-premises Retailer's license Class IB shall not be counted toward the quota limit set forth in § 300.2.

300.5 The quotas set forth in § 300.1 and 300.2 shall not prohibit the issuance of a license for an off-premises retailer's license, Class IA or IB.

Section 300 is further amended by (1) renumbering the former §§ 300.3 through 300.6 as §§ 300.6 through 300.9; and (2) changing the cross-reference in § 300.9 from § 300.4 to § 300.7.

Section 302, LICENSES NEAR SCHOOLS, COLLEGES, UNIVERSITIES, AND RECREATION AREAS, is amended by adding new §§ 302.9 and 302.10.

302.9 The four hundred foot (400 ft.) restriction shall not apply to an application for a Retailer's license, Class IA or IB.

302.10 The four hundred foot (400 ft.) restriction shall not apply to an applicant for a Retailer's license Class B if the applicant's establishment will be located inside of a hotel and will have no direct public access to the street or the outside of the hotel's building.

Section 501, REQUIRED STATEMENTS, of Chapter 5, LICENSE APPLICATIONS, is amended by amending § 501.3 to read as follows:

501.3 An applicant requesting the transfer of a license to a new owner pursuant to D.C. Official Code § 25-405 shall submit a completed transfer application and any documentation and other written statements evidencing the legal transfer of the license, including the financial details surrounding the transfer, and establishing to the Board's satisfaction that the new owner meets all of the qualifications of D.C. Official Code § 25-301.

Chapter 7, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 703, TEMPORARY OPERATING RETAIL PERMIT, is amended by amending § 703.1 to read as follows:

703.1 The purchaser of an ABC licensed establishment that seeks to continue business operations while awaiting Board approval on a transfer of ownership application where no substantial change will occur shall apply to the Board for a permit to temporarily operate under the license pursuant to the following conditions:

(a) The transfer application must be filed with or before the application for temporary authority;

(b) The subject premises must not have been closed nor the sale or service of alcoholic beverages discontinued during the thirty (30) days immediately prior to the filing of the permit application; and

(c) That no substantial changes to the licensed premises will occur.

Section 705, HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, is amended by amending § 705.9(c) to read as follows:

705.9

…

(c) 3:00 a.m. and 8:00 a.m., on Sunday.

Section 805, WARNINGS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended by amending § 805.3 to read as follows:

805.3 A licensee entitled to a mandatory administrative written warning for a first violation shall not be entitled to a mandatory administrative written warning for a second or subsequent violation of the same offense committed within four (4) years of issuance of the first mandatory administrative written warning.

Section 905, RESTRICTIONS ON ENTRANCE INTO LICENSED PREMISES, of Chapter 9, PROHIBITED AND RESTRICTED ACTIVITIES, is amended by amending § 905.1 to read as follows:

905.1 The admittance requirement of those persons displaying a valid identification as set forth in D.C. Official Code § 25-782(d) shall not preclude establishments from enforcing a dress code or an age restriction, provided those establishments do not discriminate on any basis prohibited by Chapter 14 of Title 2 of the D.C. Official Code.

Chapter 10, ENDORSEMENTS, is amended as follows:

Section 1000, ENTERTAINMENT ENDORSEMENT, is amended by adding a new § 1000.3 to read as follows:

1000.3 A licensee under a Class C/R, D/R, C/T, D/T, C/H, or D/H license that does not possess an entertainment endorsement, shall not position furniture in a manner that creates a dance floor area greater than one hundred forty square feet (140 $ft.^2$).

Section 1000, ENTERTAINMENT ENDORSEMENT, is further amended by renumbering the former §§ 1000.3 through 1000.5 as §§ 1000.4 through 1000.6.

Chapter 12, RECORDS AND REPORTS, is amended as follows:

Section 1206, MANUFACTURER'S REPORTS, is amended in its entirety to read as follows:

1206 [REPEALED]

Section 1208, RETENTION AND INSPECTION OF BOOKS AND RECORDS, is amended by amending §§ 1208.4 and 1208.5 as follows:

1208.4 The holder of a Retailer's, Manufacturer's, or Wholesaler's license may maintain its records at a location in the District of Columbia other than the licensed premises with the approval of the Board. Any requested location must: (1) maintain the original invoices; and (2) be available for inspection by ABRA investigators at any time during business hours.

1208.5 The holder of a Retailer's license may maintain its original invoices outside of the District of Columbia upon a determination by the Board that good cause exists. However, duplicate invoices must be maintained in the District of Columbia at either the licensed premises or a location approved by the Board and the applicant is responsible for providing the original invoices to the Board within three (3) days of receiving a written request from the Board. Failure to make the original invoices available to the Board within three (3) days of its written request shall constitute a violation of § 1208.1.

Section 1301, IMPORTATION PERMITS FOR RETAILERS OF ALCOHOLIC BEVERAGES, of Chapter 13, TRANSPORT OF BEVERAGES, is amended by (a) amending § 1301.1 and (b) adding a new § 1301.3 to read as follows:

1301.1 An importation permit issued under D.C. Official Code § 25-119 to the holder of a Retailer's license Class A, B, C, or D, or any other entity authorized to obtain an importation permit in accordance with 23 DCMR § 1302.3 must bear the full brand or trade name of the alcoholic beverage to be imported. If the brand of alcoholic beverage to be imported is listed by a licensed manufacturer or wholesaler under these regulations, then upon application made to the Board, the retailer shall certify that the brand of alcoholic beverage sought to be imported is not available from a licensed manufacturer or wholesaler in sufficient kind or quantity to reasonably satisfy the immediate needs of the licensee.

1301.3 An importation permit issued under D.C. Official Code § 25-119 shall be obtained by:

(a) Any unlicensed alcohol manufacturer, wholesaler, or retailer located outside of the District of Columbia that ships alcohol to the property of an official embassy, federal exempt property, or any other property exempt from Title 25 of the D.C. Official Code. Federal property exempt from Title 25 includes, but is not limited to, property under the control of the National Park Service and the Smithsonian Institute;

(b) A federally licensed importer that does not hold a District of Columbia alcohol license importing alcohol into the District of Columbia. The issuance of this permit shall be conditioned on the importer until an appropriate District alcohol license is obtained; and

(c) A state licensed manufacturer or wholesaler that does not hold a District of Columbia alcohol license donating alcoholic beverages to a non-profit organization, charity, or for a temporary event license holder.

Section 1502, NOTICE OF AN APPLICATION FOR A NEW LICENSE, RENEWAL OF A LICENSE, OR TRANSFER OF A LICENSE TO A NEW LOCATION, of Chapter 15, APPLICATIONS: NOTICE OF HEARINGS INVOLVING LICENSES, is amended in its entirety to read as follows:

1502 NOTICE OF AN APPLICATION FOR A NEW LICENSE, RENEWAL OF A LICENSE, OR TRANSFER OF A LICENSE TO A NEW LOCATION

1502.1 The provisions of this section shall govern notice to the public of all applications for new licenses, renewals, or a transfer to a new location, including Manufacturer, Wholesaler, and Retailer licenses, but shall not apply to Solicitor's licenses, Manager's licenses, Caterer's licenses, Wholesaler's licenses, or to Temporary licenses.

1502.2 Upon acceptance of an application, the Board shall establish the date for a roll call hearing on the application, which shall be at least forty-five (45) days after the application is accepted.

1502.3 At least forty-five (45) days prior to the roll call hearing, the Board shall give notice of an application to the entities set forth in D.C. Official Code § 25-421(a). This notice requirement shall not apply to renewal applications in those instances where the Applicant's new license or transfer to a new location application has a forty-five (45) day public comment period ending within thirty (30) days of the renewal deadline for that license class.

1502.4 [Repealed].

1502.5 Except as provided for in §§ 1502.6 and 1502.7, at least forty-five (45) days before the roll call hearing, the applicant shall post at least two (2) notice placards, provided by the Board, in conspicuous places on the outside of the establishment for the duration of the protest period.

1502.6 Subsection 1502.5 shall not apply to new or renewal license applications for a common carrier license for a passenger-carrying marine vessel that does not possess a physical location in the District of Columbia.

1502.7 At least forty-five (45) days before the roll call hearing, the applicant for a new or renewal license application for a Retailer's license Class IA or IB shall have a copy of the placard notice provided by the Board on its website.

1502.8 The Board shall inspect the premises at least once before the date of the roll call hearing specified on the notice to ensure that the placards continue to be prominently and visibly displayed to the public. If the placards have been removed or are posted in a manner not visible from the street, the establishment shall be re-advertised and replacarded for a further forty-five (45) calendar day period.

Chapter 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES, is amended as follows:

Section 1602, FILING A PROTEST, is amended by (a) amending § 1602.3 and (b) add a new § 1602.4 to read as follows:

1602.3 All protests shall be signed by the protestant and contain the protestant's full name, e-mail address, if any, and mailing address. Protestant groups of five or more residents or property owners of the District sharing common ground, or in a moratorium zone established under D.C. Official Code § 25-351, a group of no fewer than three residents or property owners of the District, shall identify a designated representative(s) who shall represent the group and receive correspondence from the Board on the group's behalf.

1602.4 For purposes of § 1602.3, electronic signatures on protest letters are permitted.

Section 1602 is further amended by renumbering the former § 1602.4 as § 1602.5.

Section 1604, PROTEST STATUS HEARING, is amended by adding a new § 1604.3 follows:

1604.3 Failure to appear at the Protest Status Hearing either in person or through a designated representative may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear. Examples of good cause for failure to appear include, but are not limited to:

(a) Sudden, severe illness or accident;

(b) Death or sudden illness in the immediate family, such as spouse, partner, children, parents, or siblings;

(c) Incarceration;

(d) Severe inclement weather; or

(e) Arriving after the Protest Status Hearing has concluded.

Section 1604 is further amended by renumbering former § 1604.3 as § 1604.4.

Section 1606, PARTY DISMISSAL, is amended by amending § 1606.5 as follows:

1606.5 In the event that an applicant's re-filed second renewal application is dismissed for failure to appear at a hearing and not reinstated by the Board for good cause, the license renewal application shall be denied and the license expired. The applicant shall be required to file a new license application, unless prohibited by a

liquor license moratorium, and shall not be permitted to file a third license renewal application.

Section 1609, MEDIATION, is amended by adding a new § 1609.2 to read as follows:

1609.2 Mediation proceedings are confidential to the extent agreed to by the parties or provided by other law or rule of the District of Columbia. Mediation proceedings shall not be recorded or transcribed in any fashion. Statements made during mediation and documents and other evidence disclosed during mediation are not discoverable unless otherwise required by District or Federal law.

Section 1609, MEDIATION, is further amended by renumbering former §§ 1609.2 and 1609.3 as §§ 1609.3 and 1609.4.

Section 1610, SETTLEMENT AGREEMENTS, is amended by adding new §§ 1610.6 through 1610.8 to read as follows:

1610.6 The Board shall issue an Order denying the settlement agreement if the parties to a settlement agreement reject the modifications proposed by the Board and fail to submit a new settlement agreement in accordance with § 1610.5 or fail to respond to the Board's modifications within thirty (30) days of receiving notice of the modifications.

1610.7 If the Board issues an Order denying the settlement agreement pursuant to § 1610.6 and a protest has been filed against the Application, the matter will be scheduled for a Protest Hearing.

1610.8 If the Board issues an Order denying the settlement agreement pursuant to § 1610.6, and a protest was not filed against the Application, the Board may grant the Application in accordance with D.C. Official Code § 25-104 if the applicant or licensee meets the requirements set forth in Title 25 of D.C. Official Code.

Section 1610 is further amended by renumbering former § 1610.6 as § 1610.9.

Section 1612, PROTEST HEARINGS, is amended by adding new § 1612.9 to read as follows:

1612.9 The Board may, on a motion from either party or on its own motion, limit the number of persons who may testify on behalf of the Applicant, Licensee, or protestant if the Board determines the testimony would be redundant.

A new Section 1614, CONSOLIDATED HEARINGS BEFORE THE BOARD, is added to read as follows:

1614 CONSOLIDATED HEARINGS BEFORE THE BOARD

1614.1 A consolidated protest hearing or show cause hearing may be held if the issues to be considered at the hearing are the same issues that are involved in another proceeding with the same Applicant pending before the Board.

1614.2 It is within the discretion of the Board to grant or deny a party's request for consolidation. In considering the request, the Board may consider factors such as whether the issue(s) may be more efficiently decided if the hearings are combined.

1614.3 In considering a party's request for consolidation, the Board must take into account the adjudication deadlines for each case and may require a party to waive the adjudication deadline associated with one (1) or more cases if consolidation otherwise prevents the Board from deciding all of the cases at issue within their respective deadlines.

1614.4 The Board may also propose on its own motion to consolidate two (2) or more cases in one (1) hearing for administrative efficiency.

1614.5 Before consolidating a hearing, the Board must notify the parties of its intention to do so, to provide the parties with an opportunity to file any objection.

1614.6 If the Board decides to hold a consolidated hearing, the Board may make either a consolidated decision and record or a separate decision and record on each issue. The Board shall ensure that any evidence that is common to all cases and material to the common issue to be decided is included in the consolidated record or each individual record, as applicable.

A new Section 1615, RULE ON WITNESSES, is added to read as follows:

1615 RULE ON WITNESSES

1615.1 At the request of a party, or on its own motion, and subject to § 1615.2, the Board shall order witnesses excluded so that they will not hear the testimony of other witnesses.

1615.2 Notwithstanding § 1615.1, the following persons shall not be excluded from hearings before the Board:

(a) The Applicant or the Licensee;

(b) The Designated Representative for a party to a proceeding; or

(c) Any person whose presence is shown by a party to be essential to the presentation of his or her case.

Former Section 1614, FACT-FINDING HEARINGS, is amended by (a) renumbering it § 1616 and (b) amending it in its entirety to read as follows:

1616 FACT-FINDING HEARINGS

1616.1 Prior to rendering a final decision on a licensing request or an ABRA Investigative Report, the Board may hold a non-evidentiary fact-finding hearing to obtain further information from an applicant, licensee, witness, government official, or any other member of the public with the permission of the Board.

1616.2 A licensee shall not be fined or have its license suspended or revoked at a fact-finding hearing. However, information provided at a fact-finding hearing may result in the issuance of a show cause notice pursuant to 23 DCMR § 1611 or other enforcement action permitted under the Act or this title. The fact-finding hearing may also result in the Board initiating an action to deny, modify, place conditions, or approve an application, as well as any other action authorized by this Title.

1616.3 An applicant or licensee that fails to appear at a fact-finding hearing without good cause or refuses to respond to questions asked by the Board may have their application deemed abandoned, which shall result in the denial of the application. A denial issued under this provision shall not be deemed technical or procedural under D.C. Official Code § 25-338(b).

1616.4 At any time, in its discretion, the Board may limit or exclude the submission of evidence, statements, and testimony at the hearing.

1616.5 All fact-finding hearings shall be open to the public unless closed to the public in accordance with section 405 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575), as amended.

Former Section 1615, MORATORIUM HEARINGS, is renumbered as § 1617.

A new Section 1618, DISMISSAL FOR FAILURE TO PURSUE AN APPLICATION OR PROTEST, is added to read as follows:

1618 DISMISSAL FOR FAILURE TO PURSUE AN APPLICATION OR PROTEST

1618.1 Absent good cause, where the applicant to a pending liquor license application fails to appear for a fitness hearing or fact-finding hearing, fails to file requested pleadings, or comply with a Board order, the Board shall, on its own motion, dismiss the application.

1618.2 Examples of good cause include, but are not limited to:

(a) The Applicant did not receive notice of a scheduled hearing;

(b) The Applicant had an emergency that prevented him or her from appearing at the hearing; or

(c) The Applicant was not aware of the Board order or the Board's pleadings request.

Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is amended as follows:

Section 1703, SERVICE OF PAPERS, is amended by amending § 1703.1 and § 1703.5(e) as follows:

1703.1 Any papers filed with the Board or on opposing parties in a contested case shall be served by personal delivery, first class U.S. mail, registered or certified mail, or by electronic mail. Proof of service shall be shown as required in § 1703.7.

1703.5(e) By electronic mail at the e-mail address on file with ABRA;

Subsection § 1703.7(d) is amended as follows:

1703.7

…

(d) [Repealed].

Section 1705, CONTINUANCES, is amended by amending § 1705.2 to read as follows:

1705.2 An attorney who knows or should know of a scheduling conflict shall immediately, but no later than two (2) days before the scheduled hearing, file a motion for continuance with the Board, with copies submitted to the opposing party or parties. A scheduling conflict with another tribunal may be considered good cause for continuing the proceeding.

Section 1713, DOCUMENTARY EVIDENCE, is amended by amending § 1713.2 to read as follows:

1713.2 Any party who intends to offer documentary evidence at a hearing shall, seven (7) calendar days prior to the hearing, disclose the evidence to the opposing party. Absent good cause, failure to disclose documentary evidence seven (7) calendar days prior to the hearing may result in the Board excluding the evidence.

Section 1716, MOTIONS, is amended to read as follows:

1716 MOTIONS

1716.1 Any party to a protest may seek relief from the Board against an opposing party by filing a motion with the Board. Unless otherwise specified, motions shall conform to the following requirements:

(a) Be in writing;

(b) Served upon the other parties to the protest by electronic mail or the first-class U.S. Postal Service; and

(c) Filed with the Board.

1716.2 Motions for a continuance shall conform with 23 DCMR § 1705.

1716.3 Any party may file a response in opposition to a motion within seven (7) calendar days after service of the motion. In the case of motions for continuances which have been filed by a party on the sixth (6th) calendar day before a scheduled hearing, pursuant to § 1705.1, responses thereto shall either be made in writing and served by personal delivery on all parties prior to the hearing or shall be made orally on the date of the hearing.

1716.4 A response to a motion shall not include a motion for other affirmative relief against the moving party.

1716.5 If a party filing an opposition desires to submit a motion for other affirmative relief, it shall be done by separate pleading.

1716.6 [Repealed].

1716.7 A reply may be filed within three (3) calendar days after service of a response in opposition to a motion, but the reply shall not re-argue propositions presented in the motion, nor present matters which are not strictly in reply to the opposition.

1716.8 No further pleading shall be filed except by leave of the Board.

Section 1717, POST-HEARING SUBMISSIONS, is amended in its entirety to read as follows:

1717 POST-HEARING SUBMISSIONS

1717.1 No document or other information shall be accepted for the record after the close of a hearing except as follows:

(a) Unless accompanied by a Motion to Re-open the Record demonstrating good cause and the lack of prejudice to any party;

(b) Until all parties are afforded due notice and an opportunity to rebut the information; or

(c) Upon official notice of a material fact not appearing in the evidence in the record in accordance with D.C. Official Code § 2-509(b).

1717.2 The Board shall afford parties an opportunity to file Proposed Findings of Fact and Conclusions of Law within thirty (30) calendar days after receipt of the transcript from the hearing. The Board may, in its discretion**,** grant an extension to file Proposed Findings of Fact and Conclusions of Law for good cause. An extension granted by the Board shall not exceed twenty (20) calendar days after the initial deadline.

1717.3 [Repealed].

1717.4 [Repealed].

1717.5 A copy of the Proposed Findings of Fact and Conclusions of Law shall be served on each party.

1717.6 Proposed Findings of Fact and Conclusions of Law shall be limited to the record and refrain from including new legal issues or evidence not previously raised at the hearing.

Section 1719, RECONSIDERATION, REHEARING, AND REARGUMENT, is amended by amending § 1719.2 to read as follows:

1719.2 An original copy of the Petition shall be filed with the Board, and a copy shall be served on each party and intervenor.

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 44 (Dietetics) 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 dietitians to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 44, DIETETICS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4406, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 4406.4 is amended to read as follows:

4406.4 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, thirty (30) hours of approved continuing education, which shall include the following:

(a) Two (2) hours of LGBTQ continuing education; and

(b) 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 4406.5 is amended to read as follows:

4406.5 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)), who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year that the applicant was in inactive status, up to a maximum of thirty (30) hours, provided further that 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 4406.6 is amended to read as follows:

4406.6 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year after that the applicant was not licensed, up to a maximum of thirty (30) hours, provided further that 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.

Section 4499, DEFINITIONS, is amended as follows:

Subsection 4499.1 is amended as follows:

The following definition is added before the definition of "Nutritionist":

Director – The Director of the Department of Health, or the Director's designee.

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, pursuant to Sections 6 and 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.05 & 7-1671.13 (2018 Repl.)); Section 4902(d) of the Department of Health Functions Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7–731(d) (2018 Repl.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of her intent to adopt the following amendments to Chapters 50 (Registration, Licensing, and Enforcement of Cultivation Centers and Dispensaries), 51 (Registration and Permit Categories), 52 (Registration Limitations), 53 (General Registration Requirements), 54 (Registration Applications), 55 (Registration Changes), 56 (General Operating Requirements), 57 (Prohibited and Restricted Activities), 59 (Records and Reports), and 99 (Definitions), and add a new Chapter 64 (Testing Laboratories), to Subtitle C (Medical Marijuana) of Title 22 (Health) of District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to implement regulations governing the registration, regulation, and operation of medical marijuana testing laboratories in the District of Columbia.

The Director also gives notice of the intent to finalize these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon the Council's approval of the rulemaking. If the Council does not disapprove of the rules during the thirty (30) day period of review, the rulemaking shall be deemed approved.

Chapter 50, REGISTRATION, LICENSING, AND ENFORCEMENT OF CULTIVATION CENTERS AND DISPENSARIES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

The title of Chapter 50 is amended to read as follows:

CHAPTER 50 REGISTRATION, LICENSING, AND ENFORCEMENT OF CULTIVATION CENTERS, DISPENSARIES, AND TESTING LABORATORIES

Section 5000, MEASURING DISTANCES, is amended by amending § 5000.1 to read as follows:

5000.1 In establishing the distance between one (1) or more places, (such as the actual distance of a cultivation center, dispensary, or testing laboratory from a school or recreation center, as defined in the Act), the distance shall be measured linearly by the Department and shall be the shortest distance between the property lines of the places.

Section 5002, PERMISSIBLE ACTIVITIES AND LIMITATIONS ON CULTIVATION CENTERS AND DISPENSARIES, is amended as follows:

The title of § 5002 is amended to read as follows:

5002 PERMISSIBLE ACTIVITIES AND LIMITATIONS ON CULTIVATION CENTERS, DISPENSARIES, AND TESTING LABORATORIES

A new § 5002.3 is added to read as follows:

5002.3 A testing laboratory registered to operate in the District may:

(a) Possess medical marijuana and medical marijuana products for the purpose of testing the contents; and

(b) Collect samples of medical marijuana and medical marijuana products from a cultivation center, and transport the samples from the cultivation center to the testing laboratory for the purpose of testing the samples.

Section 5003, NON-TRANSFERABILITY OF LOCATIONS AND OWNERSHIP, is amended to read as follows:

5003 LOCATIONS AND OWNERSHIP

5003.1 An application for a dispensary, cultivation center, or testing laboratory registration shall identify the proposed location of the dispensary, cultivation center, or testing laboratory by street mailing address, including suite or unit number if applicable. No post office box numbers shall be permitted. An applicant shall not be permitted to alter, change, or substitute the proposed location of the dispensary, cultivation center, or testing laboratory after the application has been submitted.

5003.2 A registration for a dispensary, cultivation center, or testing laboratory shall be issued for the specific location identified on the application, and is valid only for the owner, premises, and name designated on the registration and the location for which it is issued.

5003.3 [Repealed].

5003.4 An application for a dispensary, cultivation center, or testing laboratory registration shall clearly identify the individual applicant, partnership or limited liability company applicant, or corporate applicant as required under this subtitle. An applicant shall not be permitted to change the proposed ownership or controlling interest of the entity after the application has been submitted.

5003.5 A registration for a dispensary, cultivation center, or testing laboratory and the authorization to apply for the registration upon approval by the Department, shall be issued for the specific individual applicant, partnership or limited liability company applicant, or corporate applicant as identified in the application.

5003.6 [Repealed].

5003.7 A dispensary, cultivation center, or testing laboratory registration shall not be leased, or subcontracted, in whole or in part.

Chapter 51, REGISTRATION AND PERMIT CATEGORIES, is amended as follows:

Section 5101, RENEWAL PERIODS, is amended by amending §§ 5101.3 and 5101.4 to read as follows:

5101.3 In addition to the initial application, the Mayor shall provide all Advisory Neighborhood Commissions (ANCs) located in the affected ward thirty (30) days for public comment once every three (3) years on an applicant for a dispensary, cultivation center, or testing laboratory's renewal, beginning with the third renewal.

5101.4 The notice to the ANCs set forth in § 5101.3 of this chapter on a third year renewal application shall be provided to the ANCs not later than ninety (90) days before a registration is renewed. The Department shall renew the registration or inform the applicant in writing of his intent not to renew the registration within sixty (60) days following the conclusion of the ANC thirty (30) day comment period.

Section 5102, EXTENSION OF EXPIRATION DATES OF PROTESTED REGISTRATIONS, is amended by amending § 5102.1 to read as follows:

5102.1 Unless a registration is otherwise summarily suspended under this subtitle, the registration of a cultivation center, dispensary, or testing laboratory that has received written notice of the Department's intent not to renew the registration shall continue in effect until such time as the Department has taken final action on the registration.

Section 5107, NOTICE TO ADVISORY NEIGHBORHOOD COMMISIONS, is amended by amending §§ 5107.1 and 5107.2 to read as follows:

5107.1 Upon the initial selection of a completed application by the panel, a third year renewal, or an application to transfer the location of a dispensary, cultivation center, or testing laboratory to a new location, the Director shall give written notice through the mail of the registration application to all ANCs in the affected ward. Notice shall be given by the Director to all ANCs in the affected ward at least ninety (90) days prior to the approval of a location for a dispensary, cultivation center, or testing laboratory, and shall state that the ANCs must submit their comments to the Director not later than thirty (30) days after receiving the notice.

5107 .2 The written notice shall contain the legal and trade name of the applicant, the street address of the establishment for which registration is sought, the type of registration sought, and a description of the nature of the operation the applicant has proposed, including the proposed hours of operation.

Section 5108, POSTED NOTICE TO PUBLIC, is amended by changing the title to read as follows:

5108 POSTED NOTICE TO THE PUBLIC

And by amending § 5108.1 to read as follows:

5108.1 The Director shall post two (2) notices indicating that an application for a cultivation center, dispensary, or testing laboratory registration has been filed in conspicuous places on the outside of the establishment's proposed location for the duration of the ANCs thirty (30) day comment period.

Section 5109, COMMENTS FROM ANCS LOCATED IN THE AFFECTED WARD, is amended by amending § 5109.1 to read as follows:

5109.1 Comments submitted by an ANC located in the affected ward for consideration shall relate to the ANC's concerns or support regarding the proposed location including but not limited to:

(a) The potential adverse impact of the proposed location to the neighborhood;

(b) An overconcentration or lack of cultivation centers, dispensaries, or testing laboratories in the affected ward; and

(c) Its proximity to substance abuse treatment centers, day care centers, and halfway houses.

Section 5110, NON-TRANSFERABLE REGISTRATION CARDS, is amended by amending §§ 5110.1 and 5110.2 to read as follows:

5110.1 All persons required to register with the Department shall receive and wear on their person, while working in a restricted access area at a cultivation center, dispensary, or testing laboratory, a non-transferable uniform registration identification card from the Department. It shall be a violation of this subtitle for a person to not wear their non-transferable registration identification card while working in a restricted access area of a cultivation center, dispensary, or testing laboratory.

5110.2 The non-transferable registration card shall be presented by a manager, director, officer, member, incorporator, agent and employee of a cultivation center,

dispensary, or testing laboratory to law enforcement or a Department investigator to confirm that the person is authorized to cultivate, dispense, distribute, possess, test, or transport medical marijuana, or manufacture, possess, or distribute paraphernalia.

Chapter 52, REGISTRATION LIMITATIONS, is amended as follows:

Section 5200, LIMITATION ON THE NUMBER OF DISPENSARIES AND CULTIVATION CENTERS, is amended as follows:

The title of § 5200 is amended to read as follows:

5200 LIMITATION ON THE NUMBER OF DISPENSARIES, CULTIVATION CENTERS, AND TESTING LABORATORIES

Subsections 5200.3 and 5200.4 are amended to read as follows:

5200.3 The number of testing laboratories registered to operate in the District of Columbia shall not exceed two (2).

5200.4 Nothing in this subtitle shall require the Department to issue all of the available registrations to operate a dispensary, cultivation center, or testing laboratory.

Section 5201, REGISTRATION APPLICATIONS NEAR SCHOOLS AND RECREATION CENTERS, is amended by amending § 5201.1 to read as follows:

5201.1 A dispensary, cultivation center, or testing laboratory shall not locate within three hundred feet (300 ft.) of a preschool, primary or secondary school, or recreation center.

Chapter 53, GENERAL REGISTRATION REQUIREMENTS, is amended as follows:

Section 5300, DENIAL OF REGISTRATION FOR VIOLATIONS OF LAW, is amended by amending § 5300.1 to read as follows:

5300.1 The Director may deny registration to an applicant if evidence shows that the applicant has permitted conduct at the cultivation center, dispensary, or testing laboratory which is in violation of this subtitle.

Section 5301, CERTIFICATE OF OCCUPANCY AND PERMITS, is amended by amending § 5301.1 to read as follows:

5301.1 A registration may not be issued for a cultivation center, dispensary, or testing laboratory unless the applicant obtains a valid certificate of occupancy for the premises in which the business for which the registration is sought is located, and is also the holder of all other licenses and permits required by law or regulation

for that business. A registration for a cultivation center, dispensary, or testing laboratory shall not be issued for any premises located within a residentially zoned district.

Section 5302, REGISTRATION APPROVAL BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY, is amended by amending § 5302.1 to read as follows:

5302.1 The Director is authorized, in its discretion, to approve the granting of a registration for a cultivation center, dispensary, or testing laboratory, subject to all other requirements of the Act or this subtitle, to an applicant prior to the issuance of a certificate of occupancy for the building in which the registered premises shall be located, if the Director finds to his or her satisfaction the following:

(a) That an applicant for registration has entered into a *bona fide* agreement with the owner of a building proposed to be constructed or remodeled;

(b) That, under the *bona fide* agreement, the applicant has agreed to lease, purchase, or otherwise occupy all or a portion of the building for the applicant's use in carrying on the business which would be authorized by the registration;

(c) That the agreement provides that all or the portion of the proposed building to be occupied for business purposes registered under this chapter is to be constructed or remodeled in accordance with specifications set forth in the agreement;

(d) That the agreement describes the quarters as reasonably adequate and appropriate for the business to be carried on under the authority of the registration;

(e) A zoning determination letter issued by DCRA, which reflects that the zoning of the premises to be registered will allow the issuance of the registration; and

(f) That the applicant shall not engage in the purchase, sale, possession, or testing of medical marijuana unless and until a certificate of occupancy and all other business licenses have been issued for the business.

Section 5303, FAILURE TO OPEN OR OPERATE, is amended to read as follows:

5303 FAILURE TO OPEN OR OPERATE

5303.1 A registration for a dispensary, cultivation center, or testing laboratory shall be returned to the Director if the dispensary, cultivation center, or testing laboratory fails to open for business within one hundred twenty (120) days after the

registration has been issued, except that the Director may grant an extension at his or her discretion for good cause shown.

5303.2 A registration for a dispensary, cultivation center, or testing laboratory shall be returned to the Director if the dispensary, cultivation center, or testing laboratory fails to operate for any reason for more than one hundred twenty (120) consecutive days after it has opened for business.

Chapter 54, REGISTRATION APPLICATIONS, is amended as follows:

Section 5401, OPEN APPLICATION PERIOD AND REQUIRED LETTER OF INTENT, is amended to read as follows:

5401 OPEN APPLICATION PERIOD AND REQUIRED LETTER OF INTENT

5401.1 Applications for a new cultivation center, dispensary, or testing laboratory registration shall only be accepted by the Director during the open application period as specified by the Director by publishing a Notice in the *D.C. Register*; such period shall not be extended.

5401.2 Prior to the submission of a formal application for a new cultivation center, dispensary, or testing laboratory registration, the prospective applicant shall submit a Letter of Intent to the Director or a designee. The Director shall only accept Letters of Intent during the time period specified by the Director by Notice in the *D.C. Register*; such period shall not be extended.

5401.3 The purpose of the Letter of Intent is to formally notify the Director that an application for a cultivation center, dispensary, or testing laboratory registration will be forthcoming.

5401.4 The Letter of Intent shall include at least the following:

(a) The individual's name, or the organization, corporation, company name of the prospective applicant, and if the applicant is an organization, the full name and title of the primary contact;

(b) The mailing address, which shall not be a post office box number, daytime telephone number, and email address of the applicant or primary contact person if not the same person;

(c) The type of registration the prospective applicant may apply for;

(d) A statement, not to exceed one hundred (100) words, defining the prospective applicant's intent to submit an application for a cultivation center, dispensary, or testing laboratory; and

(e) The dated signature of the prospective applicant.

5401.5 At the start of each open application period for new cultivation center, dispensary, or testing laboratory registrations, the Director shall publish a notice in the *D.C. Register* setting forth the process for submission of the applications, which shall include:

(a) The opening and ending dates for the submission of Letters of Intent to the Director by all individuals and entities who intend to apply for cultivation center, dispensary, or testing laboratory registrations;

(b) The opening and ending dates for the submission of applications for a cultivation center, dispensary, or testing laboratory registration by those individuals and entities that have timely submitted Letters of Intent to the Director, meeting the requirements set forth in § 5401.4 of this chapter;

(c) A statement that only the individuals and entities that timely submit Letters of Intent to the Director, meeting the requirements set forth in § 5401.4 of this chapter, shall be permitted to submit an application for a cultivation center, dispensary, or testing laboratory registration;

(d) The address for submission to the Director; and

(e) The process for obtaining application materials from the Director.

5401.6 The Notice required in § 5401.5 of this chapter shall appear, at a minimum, in the *D.C Register* and on the Department's website.

5401.7 Applicants shall file a separate Letter of Intent and a separate application for each registration sought.

5401.8 An applicant may apply for more than one (1) cultivation center registration or testing laboratory registration, but may apply for only one (1) dispensary registration.

5401.9 An applicant for a testing laboratory shall not apply for or have a cultivation center or dispensary registration.

5401.10 Only the individuals and entities that timely submitted Letters of Intent to the Director, and received a letter of acceptance from the Department, shall be permitted to submit an application for a cultivation center, dispensary, or testing laboratory registration.

Section 5402, SELECTION PROCESS, is amended to read as follows:

5402 SELECTION PROCESS

5402.1 For cultivation center and dispensary registration applicants, a six (6) member panel shall be convened consisting of one (1) representative from the Department, District Department of the Environment (DDOE), Office of the Attorney General (OAG), Department of General Services Protective Services Division (PSD), DCRA, and a consumer representative or patient advocate, selected by the Director, to evaluate and score each application.

5402.2 For testing laboratory applicants, a seven (7) member panel shall be convened consisting of one (1) representative from the Department, DDOE, OAG, PSD, DCRA, Department of Forensic Science (DFS), and a consumer representative or patient advocate, selected by the Director, to evaluate and score each application.

5402.3 For cultivation center and dispensary registration applicants, each panel member shall score each application on a two hundred and fifty (250) point base scale. An applicant's overall score is based upon the quality of the applicant's submission, and the ANC comments submitted in accordance with § 5109 of this subtitle, by discarding the highest and lowest panel member scores, adding up the four (4) remaining scores, and dividing that total by four (4).

5402.4 For testing laboratory applicants, each panel member shall score each application on a two hundred and fifty (250) point base scale. An applicant's overall score is based upon the quality of the applicant's submission, and the ANC comments, by discarding the highest and lowest panel member scores, adding up the five (5) remaining scores, and dividing that total by five (5).

5402.5 Each applicant may also be considered to receive bonus points as follows:

(a) An applicant for a cultivation center, dispensary, or testing laboratory registration shall receive twenty (20) bonus points if the applicant submits proof of being a certified business enterprise at the time of submission of its application for a registration;

(b) A dispensary applicant may also submit an educational materials plan, which shall be worth up to twenty (20) additional bonus points;

(c) A cultivation center applicant may also submit an environmental plan, which shall be worth up to twenty (20) additional bonus points; and

(d) A testing laboratory applicant may also submit an environmental plan, which shall be worth up to twenty (20) additional bonus points.

5402.6 The maximum points for each criterion are indicated in § 5403 of this subtitle. To be considered eligible for further review, an application must have at least one hundred and fifty (150) points prior to the ANC review. The panel shall set forth through consensus comments the basis of the scoring decision for each criterion.

5402.7 Prior to seeking ANC review, the panel shall calculate a provisional score based upon the then available points and bonus points. Each applicant's provisional score shall be calculated by discarding the highest and lowest panel member scores, adding up the remaining scores, and dividing that total by the number of scores that remain. The provisional scores shall be ranked from highest to lowest and the Panel shall provisionally select not more than the twenty (20) highest ranking cultivation center applicants, and not more than the ten (10) highest ranking dispensary applicants, for ANC review. The provisional selection decision shall be made in writing to the successful applicants. Notice shall also be provided by the Director to applicants that are not selected. The Notice shall advise the applicants of the following:

(a) The applicant's total score;

(b) Whether or not the applicant achieved the requisite one hundred and fifty (150) points needed to move forward in the selection process;

(c) The summary of the panel's consensus comments that formed the basis for the applicant's score;

(d) Whether the panel's consensus comments were adopted by the Director and are the findings of fact which are the basis of and support the Director's rationale for the decision. If the application was denied, the Notice shall also address whether the consensus comments were adopted by the Director and are the findings of fact which are the basis of and support the Director's rationale for the decision to deny the applicant's registration application, or whether the denial was based upon other reasoning. If based upon another reason, that reason shall be clearly articulated in the notice letter; and

(e) The applicant's right to judicial review in the D.C. Superior Court.

5402.8 The applications provisionally selected by the panel shall be placarded by the Director with notice given to each ANC in the affected Ward, and shall state that the ANCs must submit their comments to the Director not later than thirty (30) days after receiving the notice.

5402.9 The ANC comments received during the comment period shall then be forwarded to the panel, which shall have thirty (30) days to evaluate and score the ANC comments. Only the official comments of the ANC that were voted upon and approved by the ANC as a whole shall be accepted by the panel for scoring. All affected ANCs that do not timely submit comments shall be scored by the panel as if the ANCs submitted neutral comments. The ANC comments shall be worth up to fifty (50) points of the total scoring for each provisionally selected applicant.

5402.10 The panel shall prepare a report of the final proposed selections based upon the applicant scores, and then submit it to the Director. The report shall assign a numerical rank for each applicant based on the application's final score, include a narrative of the basis for each of the panel's final proposed selections that includes the consensus comments that formed the basis of the scoring decision for each criterion, and shall include not more than the ten (10) highest scoring cultivation center applicants, not more than the five (5) highest scoring dispensary applicants, and not more than the five (5) highest scoring testing laboratory applicants.

5402.11 In the event that two (2) or more applicants for a cultivation center registration receive the same total score, the panel shall give priority in rank to the applicant that received the highest score in the security plan category. In the event that the same two (2) applicants receive the same score in the security plan category, the panel shall give priority in rank to the applicant that received the highest score in the cultivation plan category.

5402.12 In the event that two (2) or more applicants for a dispensary registration receive the same total score, the panel shall give priority in rank to the applicant that received the highest score in the security plan category. In the event that the same two (2) applicants receive the same score in the security plan category, the panel shall give priority in rank to the applicant that received the highest score in the product safety and labeling plan category.

5402.13 In the event that two (2) or more applicants for a testing laboratory registration receive the same total score, the panel shall give priority in rank to the applicant that received the highest score in the laboratory testing plan category. In the event that the same two (2) applicants receive the same score in the laboratory testing plan, the panel shall give priority rank to the applicant that received the highest score in the security plan category.

5402.14 Except as provided by § 6000 of this subtitle, the Director shall adopt the panel's report and findings and select the highest scoring applicant for a cultivation center, dispensary, or testing laboratory registration. The selection decision shall be made in writing to the successful applicants. Notice shall also be provided by the Director to applicants that are not selected. The Notice shall advise the applicants of the following:

(a) The applicant's total score;

(b) Whether or not the applicant was selected and deemed eligible for registration;

(c) Whether the applicant(s) that was selected and deemed eligible for registration was the highest scoring applicant(s) or otherwise set forth the ranking of the selected applicant(s);

(d) The summary consensus comments that formed the basis for the applicant's score;

(e) Whether the panel's consensus comments were adopted by the Director and are the findings of fact which are the basis of and support the Director's rationale for the decision. If the application was denied, the Notice shall also address whether the consensus comments and final ranking were adopted by the Director and are the findings of fact which are the basis of and support the Director's rationale for the decision to deny the applicant's registration application, or whether the denial was based upon other reasoning. If based upon another reason, that reason shall be clearly articulated in the notice letter; and

(f) The applicant's right to judicial review in the D.C. Superior Court.

5402.15 In the event that a selected cultivation center, dispensary, or testing laboratory application is subsequently denied by the Director pursuant to § 6000.2 of this subtitle, the applicant who received the next highest score from the panel who was not initially accepted shall be selected.

5402.16 An applicant submitting a cultivation center or dispensary registration application shall be required to submit the eight thousand dollar ($8,000) nonrefundable application fee at the time the cultivation center or dispensary application is filed with the Director.

5402.17 An applicant submitting a testing laboratory registration application shall be required to submit the three thousand five hundred dollar ($3,500) nonrefundable application fee at the time the testing laboratory application is filed with the Director.

Section 5403, SELECTION CRITERIA, is amended as follows:

Subparagraph 5403.1(a)(2)(B) is amended to read as follows:

5403.1

…

(a) Dispensary Criteria:

…

(2) Proposed Staffing Plan and Knowledge of District and federal law relating to marijuana (Up to twenty (20) points):

…

(B) Measure 2: The applicant shall provide an operations manual that demonstrates compliance with the District's medical marijuana rules. The operations manual shall also contain information demonstrating the applicant's knowledge of the District and federal laws and regulations relating to medical marijuana. The applicant shall also submit a notarized written statement on a form provided by the Mayor indicating that they have read the Act and this subtitle and have knowledge of District and federal law relating to marijuana. (up to ten (10) points);

A new Subparagraph 5403.1(a)(9) is added to read as follows:

5403.1

…

(a) Dispensary Criteria:

…

(9) Certified Business Enterprise (twenty (20) bonus points):

(A) Measure 1: The applicant shall provide documentation, at the time the application is submitted, that it is registered as a certified business enterprise (CBE) by the Department of Small and Local Business Development.

Subparagraph 5403.1(b)(2)(B) is amended to read as follows:

5403.1

…

(b) Cultivation Center Criteria:

…

(2) Proposed Staffing Plan and Knowledge of District and federal law relating to marijuana (Up to twenty (20) points):

…

(B) Measure 2: The applicant shall provide an operations manual that demonstrates compliance with the District's medical marijuana rules. The operations manual shall also contain information demonstrating the applicant's knowledge of the District and federal laws and regulations relating to medical marijuana. The applicant shall also submit a notarized written statement on a form provided by the Mayor indicating that they have read the Act and this subtitle and have knowledge of District and federal law relating to marijuana. (up to ten (10) points);

A new Subparagraph 5403.1(b)(9) is added to read as follows:

5403.1
…

(b) Cultivation Center Criteria:

(9) Certified Business Enterprise (twenty (20) bonus points)

(A) Measure 1: The applicant shall provide documentation, at the time the application is submitted, that it is registered as a certified business enterprise (CBE) by the Department of Small and Local Business Development.

A new Paragraph 5403.1(c) is added to read follows:

5403.1
…

(c) Testing Laboratory Criteria:

(1) Suitability of the Proposed facility (Up to fifty (50) points)

(A) Measure 1: The applicant demonstrates that the proposed facility is suitable for testing medical marijuana in an environmentally safe manner, and is adequate in size to accommodate testing and sample retention. (up to twenty-five (25) points); and

(B) Measure 2: The applicant demonstrates that the proposed facility is suitable to meet the cultivation centers' needs for testing a variety of medical marijuana products in a timely manner, and maintaining documented chain of custody (up to twenty-five (25) points);

(2) Proposed Staffing Plan (Up to forty (40) points):

(A) Measure 1: The applicant fully describes a staffing plan that will provide and ensure that personnel meets the requisite qualifications set forth in the regulations, and has demonstrated knowledge, experience, training, and certification to perform in the designated positions and roles and to conduct the required analytical processes, operations, and testing; ensure quality control and quality assurance, adequate staffing and experience during business hours, and adequate security and theft prevention; and maintain chain of custody, and confidential information. (up to twenty (20) points); and

(B) Measure 2: The applicant shall provide an operations manual that demonstrates compliance with the District's medical marijuana rules. The operations manual shall also fully describe a plan to provide and ensure that a system is in place to evaluate and document personnel's competency in performing authorized tests, and to evaluate and document that personnel demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples. (up to twenty (20) points).

(3) Laboratory testing plan (Up to fifty (50) points)

(A) Measure 1: Applicant demonstrates knowledge, experience, training, and applicable certifications in laboratory testing techniques. (up to twenty (20) points);

(B) Measure 2: Applicant demonstrates knowledge of and fully describes plan to provide and ensure quality assurance, quality control, proficiency testing, analytical processes, chain of custody, sample retention, space, recordkeeping, results reporting, and corrective action protocols (up to twenty (20) points); and

(C) Measure 3: Applicant fully describe the method(s) used to test medical marijuana and medical marijuana products, and report testing results; this includes but is not limited to SOPS (up to ten (10) points);

(4) Security Plan (Up to thirty (30) points): The applicant shall submit a security plan which shall include the following:

(A) Measure 1: The applicant's security plan fully demonstrates the applicant's ability to prevent the theft or diversion of medical marijuana and how the plan will assist with MPD and Department enforcement. Specifically, it shall evidence compliance with all items and include all submittals required in § 5405.2 and § 5610 of this subtitle. (up to ten (10) points);

(B) Measure 2: The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, and security and other policies and procedures will discourage unlawful activity (up to ten (10) points);

(C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical marijuana, including when the location is closed for business, and its security measures, and the steps taken to ensure that medical marijuana is not visible to the public. (up to five (5) points); and

(D) Measure 4: The security plan describes how it intends to prevent the diversion of medical marijuana and includes the applicant's after action plan for any incidents that may trigger enforcement under District of Columbia law or regulations. The plan shall also describe the applicant's plan to coordinate with and dispose of unused or surplus medical marijuana with MPD. (up to five (5) points);

(5) Knowledge of District and federal law relating to marijuana. (Up to ten (10) points:

(A) Measure 1: The applicant shall demonstrate knowledge of the District and federal laws and regulations relating to medical marijuana. The applicant shall also submit a notarized written statement on a form provided by the Mayor indicating that they have read the Act and this title and have knowledge of District and federal law relating to marijuana. (up to ten (10) points);

(6) Applicant's business plan and services to be offered (Up to twenty (20) points):

(A) Measure 1: The applicant shall provide a business plan that describes how the testing laboratory will operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed testing laboratory that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project. (up to five (5) points);

(B) Measure 2: The applicant or its directors, officers, members, or incorporators demonstrate experience in business management and/or having medical industry or laboratory experience. (up to ten (10) points); and

(C) Measure 3: The business plan demonstrates a start-up timetable which provides an estimated time from registration of the testing laboratory to full operation, and the assumptions used for the basis of those estimates. (up to five (5) points);

(7) Advisory Neighborhood Commission comments (Up to fifty (50) points);

(A) Measure 1: The ANCs' concerns or support regarding the potential adverse impact of the proposed location to the neighborhood. (up to twenty (20) points);

(B) Measure 2: The ANCs' concerns or support regarding an overconcentration or lack of testing laboratories and the number of cultivation centers in the affected ward. (up to ten (10) points); and

(C) Measure 3: The ANCs' concerns or support regarding the proposed location's proximity to substance abuse treatment centers, day care centers, and halfway houses. (up to twenty (20) points);

(8) Environmental Plan (Up to twenty (20) bonus points):

(A) Measure 1: The applicant demonstrates an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the testing of medical marijuana. (up to ten (10) bonus points); and

(B) Measure 2: The applicant describes any plans for: (1) the use of alternative energy; (2) the treatment of waste water and runoff; (3) scrubbing or treatment of exchanged air; and (4) the co-location of testing laboratories. (Up to ten (10) bonus points)

(9) Certified Business Enterprise (up to twenty (20) bonus points)

(A) Measure 1: The applicant provides documentation that they are registered as a certified business enterprise (CBE) by the Department of Small and Local Business development, at the time they submit an application. (Twenty (20) bonus points).

Section 5404, APPLICATION FORMAT AND CONTENTS, is amended to read as follows:

5404 APPLICATION FORMAT AND CONTENTS

5404.1 The business application of a person or entity applying for a cultivation center, dispensary, or testing laboratory registration shall include:

(a) In the case of an individual applicant, the trade name of the business, if applicable, and the name and address of the individual; in the case of a partnership or limited liability company applicant, the trade name of the business, if applicable, and the names and addresses of each member of the partnership or limited liability company; and in the case of a corporate applicant, the legal name, trade name, place of incorporation, principal place of business, and the names and addresses of each of the corporation's principal officers, directors, and shareholders holding, directly or beneficially, one percent (1%) or more of its common stock;

(b) The name and address of the owner of the establishment for which the registration is sought and the premises where it is located;

(c) Whether registration is sought for a cultivation center, dispensary, or testing laboratory;

(d) A certified surveyor’s report setting forth the proximity of the cultivation center, dispensary, or testing laboratory to the nearest public or private, preschool, primary or secondary school or recreation center, and the name of the school or recreation center;

(e) The size and design of the cultivation center, dispensary, or testing laboratory;

(f) A detailed description of the nature of the proposed operation, including the following:

(1) The location of all restricted access areas; and

(2) The hours during which the cultivation center, dispensary, or testing laboratory plans to operate;

(g) An affidavit that complies with D.C. Official Code § 47-2863;

(h) Documents or other written statements or evidence establishing to the satisfaction of the Director that the person applying for the registration meets all of the qualifications set forth in § 5400.1 of this subsection;

(i) The applicant shall sign a written statement on a form provided by the Director attesting that the applicant assumes any and all risk or liability

that may result under District of Columbia and federal laws from the operation of a medical marijuana cultivation center, dispensary, or testing laboratory. The applicant shall further acknowledge that it understands that the medical marijuana laws and enforcement thereof by the District of Columbia and the Federal government are subject to change at any time and that the District of Columbia shall not be liable as a result of these changes;

(j) A notarized affidavit attesting to the fact that the applicant is the true and actual owner of the business for which the registration is sought; the applicant intends to carry on the business for the entity identified in the application and not as the agent of any other individual, partnership, association, or corporation not identified in the application; and the registered establishment will be managed by the applicant in person or by a registered manager approved by the Director;

(k) The applicant shall sign a written statement on a form provided by the Director attesting that the applicant understands and is aware that a cultivation center's, dispensary's, or testing laboratory's registration may be revoked at any time for the convenience of the District pursuant to § 6002 of this subtitle; and

(l) The applicant shall submit a written and detailed plan for closure of its cultivation center, dispensary, or testing laboratory.

5404.2 The applicant shall sign a notarized statement certifying that the application is complete and accurate. Any person who knowingly makes a false statement on an application, or in any accompanying statement under oath that the Department may require, shall be guilty of the offense of making false statements. The making of a false statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Director, constitute sufficient cause for denial of the application or revocation of the registration. The making of false statements shall also constitute the basis for a criminal offense under D.C. Official Code § 22-2405.

5404.3 An applicant for a dispensary, cultivation center, or testing laboratory registration shall advise the Department, in the application, as to the source of the funds used to acquire or develop the business for which the registration is sought, and shall provide documentation concerning the source of such funds and copies of closing documents in connection with the purchase of a registered business upon request of the Department.

5404.4 [Repealed].

5404.5 An applicant for a cultivation center, dispensary, or testing laboratory registration shall also file with the Department plans and specifications for the interior of the

building if the building to be occupied is in existence at the time of the application. If the building is not in existence, the applicant shall file a plot plan and a detailed sketch for the interior and the architect's drawing of the building to be constructed.

5404.6 The application for an operator of a cultivation center, dispensary, or testing laboratory registration shall specifically recite verbatim each of the following notices:

(a) **Limitation of Liability** – The District of Columbia shall not be liable to registrant, its employees, agents, business invitees, licensees, customers, clients, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of or resulting from registrant's participation in the District of Columbia's medical marijuana program, including but not limited to the following: arrest and seizure of persons and/or property, prosecution pursuant to federal laws by federal prosecutors, interruption in registrant's ability to operate its medical marijuana cultivation center, dispensary and/or testing laboratory; any fire, robbery, theft, mysterious disappearance or any other casualty; the actions of any other registrants or persons within the cultivation center, dispensary, or testing laboratory. This Limitation of Liability provision shall survive expiration or the earlier termination of this registration if such registration is granted;

(b) **Indemnification, Hold Harmless and Defense Obligations** – Registrant hereby indemnifies and holds the District of Columbia, its officers, directors, employees, affiliates and agents ("Indemnified Parties") harmless and shall defend the Indemnified Parties (with counsel satisfactory to District of Columbia) from and against any and all losses, costs, damages, liabilities, expenses, claims and judgments (including, without limitation, attorney's fees and court costs) suffered by or claimed against the Indemnified Parties, directly or indirectly, based on, arising out of or resulting from:

(1) Registrant's establishment and operation of a cultivation center, dispensary, or testing laboratory in the District's medical marijuana program;

(2) The negligence or willful misconduct of registrant or its employees, contractors, agents, licensees, guests or invitees;

(3) Any breach or default by registrant in the performance or observance of its covenants or obligations under this registration; or

(4) Any violations of law by of registrant or its employees, contractors, agents, licensees, guests or invitees; and

(c) **Federal Prosecution** - The United States Congress has determined that marijuana is a controlled substance and has placed marijuana in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing marijuana in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical marijuana program will not excuse any registrant from any violation of the federal laws governing marijuana or authorize any registrant to violate federal laws.

5404.7 As part of the registration process, every applicant for a cultivation center, dispensary, or testing laboratory registration shall sign a written statement attesting to the following:

(a) The applicant acknowledges receipt and advisement of the notices set forth in § 5404.6 of this subtitle;

(b) The applicant agrees to and accepts the limitation of liability against the District, and the requirement to indemnify, hold harmless, and defend the District, as set forth in § 5404.6 of this subtitle;

(c) The applicant assumes any and all risk or liability that may result under District of Columbia or federal laws arising from the possession, use, cultivation, administration, dispensing, or testing of medical marijuana;

(d) The applicant understands that the medical marijuana laws and enforcement thereof by the District of Columbia and the Federal government are subject to change at any time; and

(e) The applicant chooses to sign this attestation willingly and without reservation and is fully aware of its meaning and effect.

5404.8 Execution of the attestation set forth in § 5404.7 of this subtitle shall be a required element of each application for a cultivation center, dispensary, or testing laboratory registration.

5404.9 The Director shall not permit any applicant for a cultivation center, dispensary, or testing laboratory to make any additions, changes, alterations, amendments, modifications, corrections, or deletions to the application package once it has been submitted to the Department; however, an applicant may be permitted to modify the location of the premises identified on the application pursuant to § 6001.9 of this subtitle.

Section 5407, CULTIVATION CENTER AND DISPENSARY REGISTRATION ISSUANCE, is amended to read as follows:

5407 CULTIVATION CENTER, DISPENSARY, AND TESTING LABORATORY REGISTRATION ISSUANCE

5407.1 A registration for a cultivation center, dispensary, or testing laboratory shall not be issued by the Department until all approvals or assessments required under this subtitle have been obtained from MPD or its designee, DCRA, and the Department.

Section 5408, DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AND AGENT REGISTRATION REQUIREMENTS, is amended by amending § 5408.2 to read as follows:

5408.2 An applicant for a non-profit or for-profit corporation, partnership, or limited liability company shall identify all of its directors, officers, members, or incorporators on its registration application. An applicant for a dispensary, cultivation center, or testing laboratory may submit simultaneously registration applications for individual directors, officers, members, incorporators and agents at the time its dispensary, cultivation center, or testing laboratory registration application is filed.

Section 5411, CRIMINAL BACKGROUND CHECKS, is amended by amending § 5411.2 to read as follows:

5411.2 No director, officer, member, incorporator, agent, manager, or employee of a dispensary, cultivation center, or testing laboratory who has access to the medical marijuana at the dispensary, cultivation center, or testing laboratory shall have a felony conviction. However, an individual shall not be disqualified solely for a felony conviction of possession with intent to distribute marijuana that occurred before July 17, 2014.

Section 5412, REGISTRATION PROHIBITED IN RESIDENTIAL USE DISTRICT, is amended by amending § 5412.1 to read as follows:

5412.1 No registration shall be issued to a cultivation center, dispensary, or testing laboratory located in a residential-use district as defined in the Zoning Regulations and shown in the official atlases of the Zoning Commission for the District.

Section 5414, RENEWAL PROCESS, is amended by amending § 5414.1 to read as follows:

5414.1 The Director shall provide all ANCs in the affected ward with a thirty (30) day comment period prior to renewing a cultivation center, dispensary, or testing laboratory application for a third time. If proper notice has been given to all

ANCs in the affected ward, and no objection to the renewal is filed, the Director shall approve the registration application unless the Director finds the applicant's record of compliance warrants denying the renewal application or there is another legal basis for denial.

Section 5417, DENIED OR WITHDRAWN APPLICATIONS, is repealed.

Section 5418, LIMITATIONS ON SUCCESSIVE APPLICATIONS AFTER DENIAL, is amended by amending § 5418.1 to read as follows:

5418.1 A second and each subsequent registration application for a cultivation center, dispensary, or testing laboratory that has had its registration revoked by the Director shall not be considered for the same person or persons within five (5) years of the Director's revocation.

Chapter 55, REGISTRATION CHANGES, is amended as follows:

Section 5500, TRADE NAMES AND CORPORATE NAMES, is amended to read as follows:

5500 TRADE NAMES AND CORPORATE NAMES

5500.1 No dispensary, cultivation center, or testing laboratory registered under the Act shall utilize any name other than that of an individual, including a corporate or trade name, without first obtaining approval from the Department for use of the corporate or trade name.

5500.2 A dispensary, cultivation center, or testing laboratory registered under the Act may file a written request with the Department to add an additional trade name at a location currently authorized for the sale or testing of medical marijuana. The Department, in its discretion, may approve the use of an additional trade name. Any additional trade name approved by the Department shall appear on the establishment's written registration.

5500.3 A dispensary, cultivation center, or testing laboratory registered under the Act shall not use or display a trade name, corporate name, or sign bearing the words "pharmacy", "apothecary", "drug store", or other phrase that implies that the practice of any health profession occurs on the premises.

5500.4 Any trade name requested by an applicant shall not be identical or confusingly similar to one currently used under a previously issued or existing registration.

5500.5 The Mayor shall provide written notice to MPD of any Department approved trade name changes. Such notice shall contain both the previous and current Department approved trade name.

5500.6 [Repealed].

Chapter 56, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 5600, INSTRUCTION TO REGISTRANTS, is amended by amending § 5600.1 to read as follows:

5600.1 The Department shall develop and furnish to registrants, at the time of issuance of registration, written information describing the laws and regulations applicable to the dispensary, cultivation center, or testing laboratory's day-to-day operations.

Section 5602, HOURS OF OPERATION AND SALE, is amended by amending §§ 5602.2 and 5602.3 to read as follows:

5602.2 A registered cultivation center or testing laboratory shall not be open to the public.

5602.3 In the event that a registered cultivation center and registered dispensary are located in the same building, the portion of the building occupied by the cultivation center shall be closed to the public.

New §§ 5602.4 through 5602.9 are added to read as follows:

5602.4 A cultivation center may operate its business twenty-four (24) hours a day.

5602.5 A testing laboratory may operate on any day and at any time except between the hours of 9:00 p.m. and 5:00 a.m.

5602.6 A registered cultivation center or its contracted agent may deliver to medical marijuana dispensaries on any day and at any time except between the hours of 9:00 p.m. and 7:00 a.m.

5602.7 A registered testing laboratory or its contracted agent may collect medical marijuana samples from a cultivation center on any day and at any time except between the hours of 9:00 p.m. and 5:00 a.m.

5602.8 A registered cultivation center or testing laboratory shall permit only a registered director, officer, member, incorporator, agent, manager, employee, or government or law enforcement official on the registered premises.

5602.9 The Department may further limit the hours of operation for a cultivation center, dispensary, or testing laboratory on a case-by-case basis as a condition of registration in response to written comments received from an ANC in the affected ward, or as the result of the dispensary, cultivation center, or testing laboratory's failure to comply with the Act, or this subtitle.

Section 5603, LOCKING AND SECURING OF MEDICAL MARIJUANA DURING NON-OPERATING HOURS, is amended by amending §§ 5603.1 and 5603.2 to read as follows:

5603.1 A registered dispensary, cultivation center, or testing laboratory shall keep all medical marijuana located on the premises in a separate storage area which is securely closed and locked during all hours when the establishment is prohibited from operating or is closed. The storage area shall have a volumetric intrusion detection device(s) installed and connected to the facility intrusion detection system.

5603.2 A cultivation center, dispensary, or testing laboratory shall be required to install and use a safe for overnight storage of any processed marijuana, transaction records, and cash on the registered premises. The safe shall be a UL listed burglar-proof safe with a minimum rating of TL-30. Safes weighing less than seven hundred fifty pounds (750 lb.) shall be installed in a steel clad concrete block or otherwise securely anchored to a fixed part of the facility structure.

Section 5605, DESTRUCTION AND DISPOSAL OF UNUSED OR SURPLUS MEDICAL MARIJUANA AND REPORTING THEFT, is amended to read as follows:

5605 DESTRUCTION AND DISPOSAL OF UNUSED OR SURPLUS MEDICAL MARIJUANA AND REPORTING THEFT

5605.1 A cultivation center, dispensary, or testing laboratory shall destroy or dispose of unused or surplus medical marijuana and its by-products by providing it to MPD for destruction.

5605.2 All unused or surplus medical marijuana and its by-products shall be weighed and documented and submitted to MPD on a form provided by MPD prior to being delivered to MPD by the cultivation center, dispensary, or testing laboratory for destruction.

5605.3 A cultivation center or dispensary that has had its registration renewal denied, or revoked, or is going out of business may obtain approval from the Department by submitting a written request to sell and transport medical marijuana to another cultivation center or dispensary. The Department shall notify MPD of such approval prior to any medical marijuana being transported to another cultivation center or dispensary.

5605.4 A cultivation center, dispensary, or testing laboratory shall report any stolen or lost medical marijuana by filing a police report, by calling 911, or in person with the Police District where the registered business resides either in person or in writing within twenty-four (24) hours of becoming aware of the theft or loss.

5605.5 For purposes of this section, “unused or surplus medical marijuana” shall be defined as any harvested or unharvested marijuana, both processed and

unprocessed, which is possessed by a cultivation center, dispensary, or testing laboratory and includes:

(a) Any marijuana plants possessed by a cultivation center in excess of the authorized plant limitation;

(b) Any marijuana that has spoiled or is unusable for medical purposes;

(c) Any marijuana possessed by a dispensary in excess of the amount needed to supply all of the dispensary's qualified patients for a one (1) month period;

(d) Any marijuana that has or appears to have been tampered with; and

(e) Any marijuana that has completed testing at a testing laboratory, or unused sample materials.

5605.6 The Department, in its discretion, may allow a dispensary to possess a surplus of medical marijuana for a period of time, if it is shown that the surplus is needed to adequately serve the patient population.

Section 5606, NOTICE OF CRIMINAL CONVICTION OF DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AGENT OR EMPLOYEE, is amended by amending § 5606.1 to read as follows:

5606.1 A registered dispensary, cultivation center, or testing laboratory shall immediately notify the Department in writing if the registration holder discovers that any director, officer, member, incorporator, agent, or employee has at any time prior to or during his or her employment been convicted of a felony. For purposes of this section, "immediately" shall mean notifying the Department within seven (7) days of discovering the criminal conviction.

Section 5610, ELECTRONIC RECORDING SECURITY AND ALARM SYSTEM, is amended to read as follows:

5610 ELECTRONIC RECORDING SECURITY AND ALARM SYSTEM

5610.1 A dispensary, cultivation center, or testing laboratory shall be required to operate and maintain in good working order a twenty-four (24) hour, seven (7) days a week, a closed circuit television (CCTV) surveillance system on the premises that complies with the following minimum standards:

(a) Visually records and monitors all building entrances and exits, all parking lot areas, rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas, and including all areas where medical marijuana is cultivated, stored,

dispensed, tested, or destroyed. Fixed cameras shall be installed to provide a consistent recorded image of these areas. The cultivation center, dispensary, or testing laboratory shall instruct the company or individuals installing the surveillance cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions;

(b) Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of six hundred (600) lines per inch (analog) or D1 (IP) and a minimum light factor requirement of seven tenths (0.7) LUX. The installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image;

(c) The recording device shall be a digital video recorder that meets the following minimum standards:

(1) Displays a date and time stamp on all recorded video; and

(2) Can produce a video disc (CD/DVD) directly from the DVR unit using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and include any required player software on the disc;

(d) A display monitor with a minimum screen size of twelve inches (12 in.) shall be connected to the electronic recording security system at all times;

(e) Electronic recording security systems are required to be maintained in good working order at all times. The owner of a cultivation center, dispensary, or testing laboratory shall instruct each manager, employee, or agent overseeing the functioning of the video recording security system to immediately report any malfunctioning or technical problems with the system;

(f) Security recordings shall meet the following minimum requirements:

(1) The recorded image resolution shall be at least D1; and

(2) The recorded image frame rate shall be at least three (3) frames per second during alarm or motion based recording.

(g) Security recordings shall be retained by the cultivation center, dispensary, or testing laboratory for a minimum of thirty (30) days. The recording system for the security cameras must be located in a locked, tamper-proof compartment. A cultivation center, dispensary, or testing laboratory shall be prohibited from taping over existing security video from the last thirty (30) days; and

(h) Upon request, the recording shall be turned over to MPD or the Department.

5610.2 A dispensary, cultivation center, or testing laboratory shall install, maintain, and use a professionally monitored robbery and burglary alarm system; which meets the following requirements:

(a) The control panel shall be a UL listed burglar alarm control panel;

(b) The system shall report to a UL listed central monitoring station;

(c) A test signal shall be transmitted to the central station every twenty-four (24) hours;

(d) At a minimum, the system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls or walls shared with other facility tenants, roof hatches, skylights, and storage room(s) that contain safe(s);

(e) The system shall include at least one (1) holdup alarm for staff use; and

(f) The system shall be inspected, and all devices tested annually by a qualified alarm vendor.

5610.3 A dispensary, cultivation center, or testing laboratory shall maintain for a period of three (3) years reports of incidents that triggered an alarm. Such reports shall be made available to the Department during any inspection of the facility. A dispensary, cultivation center, or testing laboratory shall notify the Department by electronic means within twenty-four (24) hours of any incident in which a theft, burglary, robbery, or break in occurred, whether or not items were actually removed from the facility. The facility manager shall follow up the initial notice with a written report describing in detail the factual circumstances surrounding the incident and include an inventory of all stolen items, if applicable.

Section 5613, TEMPORARY SURRENDER OF REGISTRATION— SAFEKEEPING, is amended by amending §§ 5613.1, 5613.3, and 5613.4 to read as follows:

5613.1 A registered cultivation center, dispensary, or testing laboratory that discontinues its operations for any reason shall surrender its registration to the Department for safekeeping within three (3) calendar days of discontinuing its operations. The Department shall hold the registration for one hundred twenty (120) days or until the establishment resumes business whichever occurs first. If the registrant has not initiated proceedings to resume operations within one hundred twenty (120) days, the Department shall deem the registration abandoned and cancel the registration.

…

5613.3 This section shall not relieve a registered cultivation center, dispensary, or testing laboratory from the responsibility for renewing the registration upon its expiration.

5613.4 If a cultivation center, dispensary, or testing laboratory notifies the Department that the establishment has ceased to do business under the registration or if the Department cancels the registration under this section, the registration shall be marked as "cancelled."

Section 5614, CO-LOCATION AND INTEGRATION, is amended to add new §§ 5614.3 and 5614.4 to read as follows:

5614.3 Nothing in this title shall preclude two (2) or more testing laboratories from locating in the same building, provided that they maintain:

(a) Separate books, equipment, staff, and records; and

(b) Their own secure and distinct registered premises that is separated, at minimum, by a fixed boundary.

5614.4 A testing laboratory shall not be located in the same building as a cultivation center or dispensary.

Section 5615, POINT-OF-SALE SYSTEM, is amended to read as follows:

5615 SEED-TO-SALE TRACKING SYSTEM

5615.1 The Department may require a dispensary, cultivation center, and testing laboratory to purchase and participate in a seed-to-sale tracking system as determined by the Department for purposes of:

(a) Tracking, in real-time, all medical marijuana plants and products from cloning or seed through cultivation, testing, transportation, and sale or destruction;

(b) Tracking and verifying all purchases and sales; and

(c) Tracking and verifying all District of Columbia and non-resident patient purchases to confirm and ensure the identity of the patients, the validity of the patient’s authorization to purchase, and ensuring that the patients do not purchase more than four ounces within a thirty day period.

Section 5617, OUTDOOR LIGHTING REQUIREMENTS, is amended by amending § 5617.1 to read as follows:

5617.1 A cultivation center, dispensary, or testing laboratory shall be required for security purposes to have sufficient lighting outside of the registered business each day between sunset and sunrise that adequately illuminates the cultivation center, dispensary, or testing laboratory and its immediate surrounding area, including storage areas, parking lots, entry areas such as the front façade, and any adjoining public sidewalk.

Section 5618, MINIMUM STAFFING LEVELS, is amended by adding a new § 5618.3 to read as follows:

5618.3 A testing laboratory shall be staffed with at least two (2) persons when employees are present inside of the testing laboratory.

Section 5619, LIMITED ACCESS AREAS, is amended by amending §§ 5619.1 through 5619.3 to read as follows:

5619.1 Medical marijuana shall only be grown, cultivated, stored, weighed, displayed, packaged, sold, possessed for sale, or tested only in a limited access area under the control of the cultivation center, dispensary, or testing laboratory. A cultivation center, dispensary, or testing laboratory shall permit only those persons registered with the Department to enter the limited access area.

5619.2 A limited access area, including all areas of ingress and egress, shall be designated by the cultivation center, dispensary, or testing laboratory on its application. The limited access area shall be either a building, room, or other contiguous area upon the registered premises.

5619.3 A cultivation center, dispensary, or testing laboratory shall post a sign provided by the Department at all areas of ingress and egress identifying the limited access area.

Section 5621, TRANSPORT OF MEDICAL MARIJUANA, is amended to read as follows:

5621 TRANSPORT OF MEDICAL MARIJUANA

5621.1 A cultivation center shall obtain from the Department a transport permit to transport medical marijuana within the District of Columbia to registered dispensaries. An original transport permit shall be required for each vehicle being designated by the cultivation center or its contracted agent to be authorized to deliver medical marijuana to registered dispensaries.

5621.2 A testing laboratory shall obtain from the Department a transport permit to transport medical marijuana within the District of Columbia from a cultivation center to the testing laboratory. An original transport permit shall be required for each vehicle being designated by the testing laboratory or its contracted agent to

be authorized to transport medical marijuana from a cultivation center to a testing laboratory.

5621.3 A cultivation center, testing laboratory, or its contracted agent shall not transport medical marijuana within the District of Columbia without an original transport permit. A cultivation center or testing laboratory shall permit only an employee, director, officer, member, incorporator, or agent registered with the Department or its contracted agent to transport medical marijuana to a registered dispensary.

5621.4 Upon demand by an MPD officer or Department investigator, the registered person in charge of the transportation for the cultivation center or testing laboratory, or its contracted agent shall exhibit to the MPD officer or Department investigator an original transport permit.

Chapter 57, PROHIBITED AND RESTRICTED ACTIVITIES, is amended as follows:

Section 5704, PLANT LIMITATIONS, is amended by amending § 5704.1 to read as follows:

5704.1 A cultivation center shall be permitted to possess and cultivate up to one thousand (1,000) living marijuana plants at any one (1) time for the sole purpose of producing medical marijuana in a form permitted under this subtitle. A dispensary shall not be permitted to possess or sell marijuana plants. It shall be a violation of this subtitle for a dispensary to possess or sell marijuana plants or for a cultivation center to sell marijuana plants to a dispensary.

Chapter 59, RECORDS AND REPORTS, is amended as follows:

Section 5900, CULTIVATION CENTER BOOKS AND RECORDS, is amended by amending paragraphs 5900.1(e) and (f), and adding a new paragraph 5900.1(g) to read as follows:

5900.1 Each registered cultivation center shall keep and maintain upon the registered premises true, complete, legible, and current books and records, including the following:

…

(e) The quantity and form of medical marijuana maintained at the cultivation center on a daily basis;

(f) The amount of plants being grown at the cultivation center on a daily basis; and

(g) The results of the testing laboratory analysis for five (5) years from the date of the test.

A new Chapter 64, TESTING LABORATORIES, is added to read as follows:

CHAPTER 64 TESTING LABORATORIES

6400 APPLICABILITY

6400.1 The provisions of this chapter shall apply to an individual or entity that is registered by the Department, or applying for a registration, to test medical marijuana and medical marijuana products.

6400.2 The provisions of this chapter do not apply to the in-house testing by a cultivation center of its own cultivated crop or products. However, a cultivation center shall not sell any of its cultivated crop or products until the crop or products have been tested and certified by an independent testing laboratory registered by the Department to test medical marijuana and medical marijuana products.

6401 GENERAL PROVISIONS

6401.1 A testing laboratory shall not be owned or operated, in whole or in part, by a director, officer, member, incorporator, agent, or employee of a cultivation center or dispensary.

6401.2 No owner, member, manager, employee, or agent of a testing laboratory shall have an ownership interest in, or a direct or indirect financial interest in, a dispensary or cultivation center.

6401.3 A testing laboratory registration shall be valid for one (1) year, and may be renewed as set forth in § 5101.1 of this subtitle.

6401.4 A testing laboratory shall not handle, test, or analyze medical marijuana in the District of Columbia unless the laboratory has been issued a medical marijuana registration by the Department.

6401.5 Medical marijuana products shall be sold only after a representative sample has been tested by a registered testing laboratory and the test results have been uploaded to the District of Columbia's electronic tracking system, which verify the medical marijuana sample has received passing results.

6401.6 No testing laboratory shall operate without a registration issued by the Department.

6401.7 A testing laboratory shall not cultivate, process, manufacture, distribute, provide, or sell medical marijuana in any form.

6401.8 A testing laboratory shall not permit the consumption of medical marijuana in any form on the premises.

6401.9 A testing laboratory shall not share a facility with a cultivation center or dispensary.

6401.10 A testing laboratory shall not falsify, change, modify, or otherwise alter in any way the results of quantitative or other analyses performed on medical marijuana samples or the corresponding certificates of analysis.

6401.11 A testing laboratory shall not employ any sampling methods that do not ensure that a random sample is collected for analysis, or that could provide results that are not representative of a batch or lot from which a sample is taken.

6401.12 A testing laboratory shall not prepare medical marijuana samples in such a manner as to provide results that are not representative of a batch or lot from which a sample is taken.

6401.13 A testing laboratory shall not store medical marijuana in quantities greater than that which is necessary to perform required analysis.

6401.14 A testing laboratory shall not transport medical marijuana in quantities greater than that which is necessary to perform required analysis.

6401.15 A testing laboratory shall not perform analysis on any medical marijuana that has not been obtained from a cultivation center or dispensary registered by the Department.

6401.16 A testing laboratory shall not perform analysis on any medical marijuana that has not been identified in the inventory tracking system.

6401.17 A testing laboratory shall not endorse, advertise, or make claims on behalf of any cultivation center, dispensary, brand or strain of medical marijuana, or brand or type of medical marijuana product.

6401.18 A testing laboratory shall not publish or otherwise release to the public the results of any tests performed pursuant to this subtitle, except aggregated data obtained as part of a research plan that has been approved by the Department.

6401.19 A testing laboratory shall comply with all applicable public health, fire, safety laws and regulations.

6402 TESTING LABORATORY REGISTRATION APPLICATION REQUIREMENTS AND SELECTION PROCESS

6402.1 An applicant for a testing laboratory registration shall meet the general qualifications set forth in § 5400 of this subtitle.

6402.2 An applicant for a testing laboratory registration shall be independent from all other persons and entities involved in the medical marijuana industry in the District of Columbia, including but not limited to:

(a) A medical marijuana dispensary;

(b) A medical marijuana cultivation center;

(c) A provider of health care who currently provides or has provided medical marijuana recommendations within the most recent five (5) years; or

(d) Any other person or entity that may benefit from the cultivation, manufacture, dispensing, sale, purchase, or use of medical marijuana.

6402.3 Applications for a new testing laboratory registration shall only be accepted by the Director during the open application period as specified by the Director by publishing a Notice in the *D.C. Register*; such period shall not be extended.

6402.4 Prior to the submission of a formal application for a new testing laboratory registration, the prospective applicant shall submit a Letter of Intent to the Director or a designee, following the process set forth in § 5401 of this subtitle. The Director shall only accept Letters of Intent during the time period specified by the Director by Notice in the *D.C. Register*, such period shall not be extended.

6402.5 Applications for a new testing laboratory registration shall be selected pursuant to the selection process and selection criteria set forth in Chapter 54 of this subtitle.

6402.6 In addition to the requirements in § 5404 of this subtitle, an application for a testing laboratory shall also contain the following:

(a) A proposed staffing plan;

(b) A proposed security plan containing the criteria set forth in § 6402.7;

(c) A written statement regarding the suitability of the proposed facility;

(d) A laboratory testing plan that demonstrates the applicant's knowledge, experience, training, and applicable certifications in laboratory testing techniques, and ability to provide and ensure quality assurance, quality control, proficiency testing, analytical processes, chain of custody, sample retention, space, recordkeeping, results reporting, and corrective action protocols;

(e) A proposed plan and timeline for obtaining accreditation;

(f) A notarized written statement from the applicant that he or she has read the Act and this subtitle and has knowledge of the District and federal laws and regulations relating to medical marijuana.

6402.7 An applicant for a testing laboratory registration shall file a written security plan with the Department. The written security plan shall address, at a minimum, the following elements:

(a) Evidence that the space will comply with all security system requirements set forth in § 5610 of this subtitle;

(b) A site plan showing the entire structure the testing laboratory, including the street(s), parking lot(s), other tenants within the facility, and any other entities that physically border the testing laboratory;

(c) A floor plan of the testing laboratory detailing the location of the following:

(1) All entrances and exits to the testing laboratory;

(2) The location of any windows, skylights, and roof hatches;

(3) The location of all cameras, and their field of view;

(4) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;

(5) The location of the digital video recorder and alarm control panel; and

(6) Restricted and public areas;

(d) The type of security training provided for, and completed by, establishment personnel, including:

(1) Conflict resolution training and other security training to be provided by staff; and

(2) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department;

(e) How the applicant intends to use and maintain an incident log;

(f) The number and location of cameras used by the establishment;

(g) Security measures taken by the applicant to prevent individuals from entering the limited access area portion of the registered premises;

(h) The applicant's closing procedures after the cessation of business each day;

(i) The applicant's plan to prevent theft or the diversion of medical marijuana, including maintaining all medical marijuana in a secure, locked room that is accessible only to authorized persons;

(j) The type of alarm system and outdoor lighting to be used by the applicant; and

(k) The applicant's procedures for obtaining, transporting, posting test results, and disposing of medical marijuana samples.

6402.8 Upon receipt of a written security plan for an initial testing laboratory application, the Director shall forward the security plan electronically to MPD or its designee for an assessment. MPD or its designee shall complete its assessment of the security plan within twenty-one (21) days of receipt from the Director. The Department shall not issue a testing laboratory registration until MPD or its designee completes its security plan assessment and submits that assessment in writing to the Department.

6402.9 After completion of the MPD or the designee assessment, the entire application package shall be submitted to the panel.

6402.10 For purposes of this subsection, the Chief of Police may select a designee from outside of the MPD.

6403 [RESERVED]

6404 ACCREDITATION, CERTIFICATION AND INSPECTION

6404.1 A testing laboratory registrant shall be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a nonprofit, impartial organization that operates in conformance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

6404.2 A testing laboratory registrant shall obtain the accreditation required by § 6404.1 of this subtitle within six (6) months after being issued a registration by the Department.

6404.3 The Department may suspend or revoke the registration of a testing laboratory that fails to obtain the accreditation required by § 6404.1 of this subtitle within six (6) months after being issued a registration by the Department.

6404.4 A registered testing laboratory shall remain in good standing with a Department approved proficiency testing program.

6404.5 The Department shall conduct unannounced compliance inspections of registered testing laboratories on at least an annual basis.

6404.6 The Department shall conduct investigations within seventy-two (72) hours of receiving a complaint against a registered testing laboratory.

6405 RECORDS RETENTION

6405.1 A testing laboratory shall create, and maintain for not less than five (5) years, and make them immediately available to the Department upon request, records of the testing it conducted on medical marijuana and medical marijuana products, which shall include:

(a) The time, date, and location the sample was obtained;

(b) A description of the sample, including the amount;

(c) What tests were conducted on each sample;

(d) The results of the tests; and

(e) The time, date, and method of disposal or destruction of the sample after testing was completed, and the amount of sample disposed of or destroyed.

6405.2 A testing laboratory shall maintain the following records for not less than five (5) years, and make the records immediately available to the Department upon request:

(a) Test results;

(b) Quality control and quality assurance records;

(c) Standard operating procedures;

(d) Chain-of-custody records;

(e) Proficiency testing records;

(f) Analytical data to include printouts generated by the instrumentations;

(g) Accession numbers;

(h) Specimen type;

(i) Raw data of calibration standards and curves, controls and subject results;

(j) Final and amended reports;

(k) Acceptable reference range parameters;

(l) The identity of the analyst; and

(m) The date of the analysis.

6406 LABORATORY PERSONNEL QUALIFICATIONS AND DUTIES

6406.1 All testing laboratory personnel shall be registered with the Department.

6406.2 All testing laboratory personnel shall:

(a) Pass a criminal background check pursuant to § 5411 of this subtitle; and

(b) Sign an attestation stating that they do not have any conflicts of interest with any other registered medical marijuana facility or personnel.

6406.3 A testing laboratory shall be staffed with at least the following personnel who shall meet the following requirements and perform the following duties:

(a) Laboratory Director:

(1) Shall have earned a Doctor of Medicine degree (M.D.), Doctor of Osteopathic Medicine degree (D.O.), or doctorate degree in chemical, physical, biological or clinical laboratory sciences from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education, and have at least two (2) years of post-degree laboratory experience;

(2) Shall be responsible for the overall operation of the testing laboratory, including but not limited to:

(A) Ensuring that the testing laboratory achieves and maintains quality standards;

(B) Analytical operation;

(C) Quality of the results;

(D) Supervising all laboratory personnel;

(E) Recordkeeping;

(F) Reporting results and data; and

(G) Ensuring compliance with all regulatory requirements; and

(3) May also serve in any other personnel role;

(b) Technical Supervisor:

(1) Shall have earned at least:

(A) A master's degree in medical technology, clinical laboratory science, or chemical, physical or biological science from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education, and have at least two (2) years of post-degree training and experience in high-complexity testing; or

(B) A bachelor's degree in medical technology, clinical laboratory science, or chemical, physical or biological science from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education, and have at least four (4) years of post-degree training and experience in high-complexity testing;

(2) Shall be responsible for, including but not limited to:

(A) Supervising laboratory personnel (with the exception of The Laboratory Director);

(B) Ensuring appropriate testing methods are performed;

(C) Ensuring equipment is operational, clean, and certified;

(D) Verifying and ensuring the accuracy of test results; and

(E) Training and competency assessments of laboratory personnel; and

(3) May also serve in the roles of Quality Assurance Manager, Testing Personnel and Collection Specialist;

(c) Quality Assurance Manager:

(1) Shall have earned at least:

(A) A master's degree or bachelor's degree in clinical laboratory science, medical technology, or chemical, physical or biological science from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education, and have at least one (1) year of post-degree training and experience in high-complexity testing; or

(B) An associate's degree in medical laboratory technology from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education, and have at least two (2) years of post-degree training and experience in high-complexity testing;

(2) Shall be responsible for, but not limited to:

(A) Implementing standard operating procedures (SOPs) for the testing laboratory;

(B) Ensuring that SOPs are followed; and

(C) Conducting quality assurance assessments;

(3) May also serve in the roles of Testing Personnel and Collection Specialist, if he or she meets the qualifications;

(d) Testing Personnel:

(1) Shall have earned at least a master's degree or bachelor's degree in clinical laboratory science, medical technology, or chemical, physical or biological science from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education;

(2) Shall be responsible for testing medical marijuana samples as set forth in § 6409 of this subtitle, and providing accurate results; and

(3) May also serve in the role of the Collection Specialist.

(e) Collection Specialist:

(1) Shall have earned at least:

(A) A master's degree or bachelor's degree in clinical laboratory science, medical technology, or chemical, physical or biological science from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education; or

(B) An associate's degree in medical laboratory technology from a college or university that at the time of the awarding of the degree was accredited by an accrediting body recognized by the United States Department of Education;

(2) Shall be responsible for:

(A) The selection and collection of representative samples from cultivation centers;

(B) Maintaining chain of custody; and

(C) Ensuring aseptic sampling techniques are used; and

(3) Shall not serve in any other personnel role unless he or she meets the educational and training requirements for that role as set forth in this subtitle.

6407 STANDARD OPERATING PROCEDURE REQUIREMENTS

6407.1 A testing laboratory shall have a written manual of standard operating procedures, with detailed instructions for performing each testing method the testing laboratory uses and the minimum standards for each test. The written manual of standard operating procedures must be available to each employee at the testing laboratory at all times.

6407.2 A testing laboratory shall establish, maintain, implement, and comply with the policies and procedures contained in its manual of standard operating procedures. At a minimum, a facility's standard operating procedures shall include policies and procedures that:

(a) Designate areas in the facility that are compartmentalized based on function, including any areas to which access is restricted, and including areas that segregate samples awaiting analysis from those samples being analyzed or prepared for analysis, to prevent cross-contamination;

(b) Provide best practices for safe, secure, and proper testing of medical marijuana;

(c) Establish training and safety policies and procedures to ensure that any person involved in analytical testing of medical marijuana:

(1) Has been fully trained in the safe operation and maintenance of any and all instrumentation that will be used in the testing of medical marijuana, with supporting documentation of the training;

(2) Has been fully trained in the safe use, handling, and storage of any and all chemicals that will be used in the testing of medical marijuana, in accordance with OSHA protocols, with supporting documentation of the training;

(3) Has direct access to applicable safety data sheets and labels; and

(4) Has been fully trained regarding compliance with the District's laws and regulations;

(d) Ensure the chain of custody for all medical marijuana will be documented in the inventory tracking system;

(e) Ensure the facility will be maintained with adequate lighting, ventilation, temperature, sanitation, equipment, and security for the testing of medical marijuana, including requiring that the testing laboratory shall:

(1) Keep the facility free of debris, dust, rodents, insects, birds, and animals of any kind, and any other potential contaminants;

(2) Use chemicals, cleaning solutions, and other sanitizing agents generally accepted for laboratory use, and store them in a manner that protects against contamination;

(3) Maintain a cleaning and equipment maintenance log at the facility, including any preventive and routine maintenance plans and corresponding records, and whether the maintenance is performed by laboratory staff or by service contract with third-parties or the original equipment manufacturer;

(4) Routinely calibrate its scales, balances, or other weight and/or mass measuring devices using "National Institute of Standards and Technology" (NIST)-traceable reference weights, at least once each calendar year; and

(5) Standardize all analytical test instrumentation using reference materials traceable to reference material producers accredited to ISO/IEC 17034 "General Requirements for the Competence of Reference Material Producers" or the national metrology institute (NMI), where available;

(f) Address the analysis, storage, sample inventory tracking, and transportation of plant material, medical marijuana extract, and medical marijuana products; and

(g) Address the following:

(1) Sample Collection;

(2) Sample preparation for each matrix that will be tested;

(3) Reagent, solution, and reference standard preparation;

(4) Instrument setup, if applicable;

(5) Standardization of volumetric reagent solutions, if applicable;

(6) Data acquisition;

(7) Calculation of results;

(8) Identification criteria;

(9) Quality control frequency;

(10) Quality control acceptance criteria; and

(11) Corrective action protocol.

6407.3 The Laboratory Director shall approve, sign, and date each standard operating procedure and each revision to any standard operating procedure.

6407.4 A testing laboratory shall establish and maintain procedures to document a clear and unbroken chain of custody at all stages from sampling to destruction, which shall include:

(a) Documenting each person handling the original samples, aliquots, and extracts;

(b) Documenting any transfer of samples, aliquots, and extracts to another testing facility for additional testing or transfer at the request of the marijuana cultivation facility that provided the testing sample;

(c) Maintaining a current list of authorized persons and restricting entry to the marijuana testing facility to those authorized persons;

(d) Securing the marijuana testing facility during non-working hours;

(e) Using a secured area to log in and aliquot samples; and

(f) Documenting the disposal of samples, aliquots, and extracts.

6407.5 A testing laboratory shall establish and maintain sample requirement procedures that include:

(a) Issuing instructions for the minimum sample requirements and storage requirements;

(b) Documenting the condition of the external package and integrity seals utilized to prevent contamination of or tampering with the sample;

(c) Documenting the condition and amount of sample provided at the time the sample is received at the marijuana testing facility;

(d) Securing short-term and long-term storage areas when not in use; and

(e) Ensuring samples are stored appropriately.

6407.6 A testing laboratory shall document the chain of custody of each sample in the Department's medical marijuana inventory tracking system.

6408 [RESERVED]

6409 TESTING REQUIREMENTS AND METHODOLOGIES

6409.1 Each testing laboratory shall:

(a) Follow the most current version of the "*Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control*" monograph published by the American Herbal Pharmacopoeia;

(b) Follow the most current version of "*Recommendations for Regulators -- Cannabis Operations"* published by the American Herbal Products Association;

(c) Follow most current version of the "*Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals – An Aid to the Interpretation of ISO/IEC 17025:2005 (2015")* published by AOAC International;

(d) Adopt and follow most current version of the minimum good laboratory practices which must, at a minimum, satisfy the *"OECD Series on Principles of Good Laboratory Practice (GLP) and Compliance Monitoring"* published by the Organization for Economic Co-operation and Development;

(e) Maintain internal standard operating procedures; and

(f) Maintain a quality control and quality assurance program.

6409.2 A testing laboratory shall use, when available, testing methods that have undergone validation by the "Official Methods of Analysis of AOAC International," the Performance Tested Methods Program of the Research Institute of AOAC International, the "Bacteriological Analytical Manual" of the Food and Drug Administration, the International Organization for Standardization, the United States Pharmacopeia, the "Microbiology Laboratory Guidebook" of the Food Safety and Inspection Service of the United States Department of Agriculture or an equivalent third-party validation study approved by the Department.

6409.3 A testing laboratory shall test and analyze a statistically representative sample from each batch of medical marijuana or medical marijuana products for, at minimum:

(a) Moisture content;

(b) Water activity;

(c) Cannabinoid potency, including, at minimum, the levels of the following:

(1) Delta-9-tetrahydrocannabinolic acid (THCA);

(2) Delta-9-tetrahydrocannabinol (THC);

(3) Cannabidiolic acid (CBDA);

(4) Cannabidiol (CBD); and

(5) Cannabinol (CBN);

(d) Foreign matter contamination;

(e) Microbial contamination;

(f) Mycotoxin contamination;

(g) Heavy metal contamination, including, at minimum, arsenic, cadmium, lead, and mercury;

(h) Pesticide and fertilizer residue,

(i) Residual solvents;

(j) Cannabinoid and Terpene Profile;

(k) Product Assessment (for edible products);

(l) Homogeneity (for edible products); and

(m) Any other items requested by or approved by the Department.

6409.4 All samples shall be personally selected and collected by the testing laboratory personnel on site at the cultivation center.

6409.5 The samples personally selected and collected by the testing laboratory shall include, at a minimum:

(a) One (1) testable sample of the final product of flower, from each harvest for every strain of medical marijuana grown by the cultivation center; and

(b) One (1) testable sample of each type of product produced from each batch of medical marijuana, such as but not limited to, the following:

(1) Tincture;

(2) Topical;

(3) Shatter;

(4) Oils;

(5) Edibles;

(6) Wax;

(7) Kief; and

(8) Hash.

6409.6 A testing laboratory shall timely upload into the tracking system the test results for each batch of medical marijuana or medical marijuana product tested.

6409.7 The testing laboratory may retest or reanalyze the sample or a different sample from the same batch by following its standard operating procedures to confirm or refute the original result, upon request by the cultivation center or upon request by the Department at the cultivation center's expense.

6409.8 A testing laboratory shall implement an acceptable method of testing, such as, but not limited to:

(a) Gas Chromatography;

(b) Gas Chromatography Mass Spectrometry;

(c) Immunoassays;

(d) Thin Layer Chromatography;

(e) High Performance Liquid Chromatography; and

(f) Liquid Chromatography Mass Spectroscopy.

6409.9 A testing laboratory using Gas Chromatography shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Document the conditions of the gas chromatograph, including the detector response;

(b) Perform and document preventive maintenance as required by the manufacturer;

(c) Document the performance of new columns before use;

(d) Use an internal standard for each qualitative and quantitative analysis that has similar chemical and physical properties to that of the compound identified;

(e) Establish criteria of acceptability for variances between different aliquots and different columns; and

(f) Document the monitoring of the response (area or peak height) of the internal standard to ensure consistency overtime of the analytical system.

6409.10 A testing laboratory using Gas Chromatography Mass Spectrometry shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Perform and document preventive maintenance as required by the manufacturer;

(b) Document the changes of septa as specified in the standard operating procedure;

(c) Document liners being cleaned or replaced as specified in the standard operating procedure;

(d) Maintain records of mass spectrometer tuning;

(e) Establish written criteria for an acceptable mass spectrometer tune;

(f) Document corrective actions if a mass spectrometer tune is unacceptable;

(g) Monitor analytic analyses to check for contamination and carry-over;

(h) Use selected ion monitoring within each run to assure that the laboratory compares ion ratios and retention times between calibrators, controls and samples for identification of an analyte;

(i) Use an internal standard for qualitative and quantitative analysis that has similar chemical and physical properties to that of the compound identified and is isotopically labeled when available or appropriate for the assay;

(j) Document the monitoring of the response (area or peak height) for the internal standard to ensure consistency overtime of the analytical system;

(k) Define the criteria for designating qualitative results as positive;

(l) Ensure that when a library is used to qualitatively match an analyte, the relative retention time and mass spectra from a known standard or control shall be run on the same system before reporting the results; and

(m) Evaluate the performance of the instrument after routine and preventive maintenance (such as clipping or replacing the column or cleaning the source) prior to analyzing subject samples.

6409.11 A testing laboratory using Immunoassays shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Perform and document preventive maintenance as required by the manufacturer;

(b) Validate any changes or modifications to a manufacturer's approved assays or testing methods when the sample being tested is not included in the list of samples approved for assaying or testing by the manufacturer; and

(c) Define acceptable separation or measurement units (absorbance intensity or counts per minute) for each assay, which shall be consistent with the manufacturer's instructions.

6409.12 A testing laboratory using Thin Layer Chromatography shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Apply unextracted standards to each thin layer chromatographic plate;

(b) Include in its standard operating procedures the preparation of mixed solvent systems, spray reagents and designation of their lifetimes;

(c) Include in its standard operating procedures the storage of unused thin layer chromatographic plates;

(d) Evaluate, establish, and document acceptable performance for new thin layer chromatographic plates before placing them into service;

(e) Verify that the spotting technique used precludes the possibility of contamination and carry-over;

(f) Measure all appropriate R_f values for qualitative identification purposes;

(g) Use and record sequential color reactions, when applicable;

(h) Maintain a copy of the developer TLC plates for each bath of samples analyzed; and

(i) Analyze an appropriate matrix blank with each batch of samples analyzed.

6409.13 A testing laboratory using High Performance Liquid Chromatography shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Perform and document preventive maintenance as required by the manufacturer;

(b) Monitor and document the performance of the HPLC instrument each day of testing;

(c) Document the performance of new columns before use;

(d) Create standard operating procedures for acceptability when eluting solvents are recycled;

(e) Use an internal standard for each qualitative and quantitative analysis that has similar chemical and physical properties to that of the compound identified when available or appropriate for the assay; and

(f) Document the monitoring of the response (area or peak height) of the internal standard to ensure consistency overtime of the analytical system.

6409.14 A testing laboratory using Liquid Chromatography Mass Spectroscopy shall perform and maintain records of the following, which shall be readily available to the staff operating the equipment:

(a) Perform and document preventive maintenance as required by the manufacturer;

(b) Maintain records of mass spectrometer tuning;

(c) Document corrective actions if a mass spectrometer tune is unacceptable;

(d) Use an internal standard with each qualitative and quantitative analysis that has similar chemical and physical properties to that of the compound identified and is isotopically labeled when available or appropriate for the assay;

(e) Document the monitoring of the response (area or peak height) of the internal standard to ensure consistency overtime of the analytical system;

(f) Compare two transitions and retention times between calibrators, controls and samples within each run;

(g) Document and maintain records when changes in source, source conditions, eluent, or column are made to the instrument; and

(h) Evaluate the performance of the instrument when changes in source, source conditions, eluent, or to a column are made prior to reporting test results.

6409.15 A testing laboratory shall determine if the following pesticides are within the acceptable limit using the following chart:

Table A. Insecticide Critical Limits in Parts Per Million (PPM)	
Insectide	**Critical Limit**
Acetamiprid	0.2
Abamectin	0.5
Aldicarb	0.4
Bifenazate	0.2
Carbofuran	0.2
Chlorantraniliprole	0.2
Chlorpyrifos	0.2
Cyfluthrin	1.0
DDVP (Dichlorvos)	0.1
Diazinon	0.2
Dimethoate	0.2
Fenpyroximate	0.5
Fipronil	0.4
Flonicamid	1.0
Imidacloprid	0.4
Malathion	0.2
Methiocarb	0.2
Methomyl	0.4
Naled	0.5
Oxamyl	1.0
Permethrin	0.5
Phosmet	0.2
Piperonyl butoxide	1.0
Pyrethrins	1.0
Spinosad	0.2
Spiromesifen	0.2
Spirotetramat	0.2
Thiacloprid	0.2
Thiamethoxam	0.2

6409.16 A testing laboratory shall determine if the following plant growth regulators are within the acceptable limit using the following chart:

Table B. Plant Growth Regulator Critical Limits in Parts Per Million (PPM)	
Plant Growth Regulator	**Critical Limit**
Ancymidol	0.2
Carbaryl	0.2
Daminozide (Alar)	0.1
Ethephon	1.0
Flurprimidol	0.2
Paclobutrazol	0.4

6409.17 A testing laboratory shall determine if the following fungicides are within the acceptable limit using the following chart:

Table C. Fungicide Critical Limits in Parts Per Million (PPM)	
Fungicide	**Critical Limit**
Azoxystrobin	0.2
Bifenthrin	0.2
Boscalid	0.4
Fludioxonil	0.4
Imazalil	0.2
Kresoxim-methyl	0.4
Metalaxyl	0.2
Myclobutanil	0.2
Propiconazole	0.4
Trifloxystrobin	0.2

6409.18 A testing laboratory shall determine if the following acaricides are within the acceptable limit using the following chart:

Table D. Acaricide Critical Limits in Parts Per Million (PPM)	
Acaricide	**Critical Limit**
Clofentezine	0.2
Etoxazole	0.2

6409.19 A testing laboratory shall determine if the following ovicide is within the acceptable limit using the following chart:

Table E. Ovicide Critical Limits in Parts Per Million (PPM)	
Ovicide	**Critical Limit**
Hexythiazox	1.0

6409.20 A testing laboratory shall determine if the following residual solvents are within the acceptable limit using the following chart:

Table F. Residual Solvents Critical Limits in Parts Per Million (PPM)	
Solvent	**Critical Limit**
Benzene	2
Butanes	5000
Ethanol	5000
Heptanes	5000
Hexanes	290
Propanes	5000
Toluene	< 890
Total Xylenes	< 2170

6409.21 A testing laboratory shall determine if the following microbial impurities are within the acceptable limit using the following chart:

Table G. Microbiological Impurity Critical Limits in Colony Forming Units (CFU/g)	
Microbiological Impurity	**Critical Limit**
E. coli	< 100
Salmonella spp.	0
Total Aerobic Microbial Count	100,000
Total Yeast and Mold Count	10,000

6409.22 A testing laboratory shall determine if the following heavy metals are within the acceptable limit using the following chart:

Table H. Heavy Metal Critical Limits in Parts Per Million (PPM)	
Heavy Metal	**Critical Limit**
Arsenic	0.4
Barium	60.0
Cadmium	0.4
Chromium	0.6
Lead	< 1.0
Mercury	0.2
Selenium	26.0
Silver	1.4

6409.23 A testing laboratory shall determine if the Water Activity (A_w) of a sample is within an acceptable limit. For purposes of this section, the A_w of a sample shall be acceptable if it is below $0.65A_w$.

6409.24 A testing laboratory shall determine if an edible is a potentially hazardous food by using the following charts:

Table I. Interaction of pH and A_w for control of spores in food heat-treated to destroy Vegetative cells and subsequently packaged			
A_w values	pH values		
	4.6 or less	> 4.6 – 5.6	> 5.6
≤0.92	Non-PHF*/non-TCS food**	Non-PHF/non-TCS food	Non-PHF/non-TCS food
> 0.92 - .95	Non-PHF/non-TCS food	Non-PHF/non-TCS food	PA***
> 0.95	Non-PHF/non-TCS food	PA	PA
* PHF means Potentially Hazardous Food ** TCS Food means Time/Temperature Control for Safety Food *** PA means Product Assessment required			

TABLE J. INTERACTION OF pH AND A_W FOR CONTROL OF VEGETATIVE CELLS AND SPORES IN FOOD NOT HEAT-TREATED BUT NOT PACKAGED				
A_W values	pH values			
	< 4.2	4.2 – 4.6	> 4.6 – 5.0	> 5.0
< 0.88	non-PHF*/non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non- TCS food	non-PHF/ non –TCS food
0.88 – 0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90 – 0.92	non-PHF/non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/non-TCS food	PA	PA	PA
* PHF means Potentially Hazardous Food ** TCS FOOD means Time/Temperature Control for Safety Food *** PA means Product Assessment required				

6410 RESULT REPORTING

6410.1 A testing laboratory shall issue results for each sample tested which shall address the following:

(a) Whether the chemical profile of the medical marijuana sample conforms to the accepted variety for the following compounds:

(1) Delta-9-tetrahydrocannabinol (THC);

(2) Delta-9-tetrahydrocannabinolic acid (THCA);

(3) Cannabidiol (CBD);

(4) Cannabidiolic acid (CBDA);

(5) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopeia (AHP);

(6) Cannabigerol (CBG); and

(7) Cannabinol (CBN);

(b) That the presence of the following contaminants do not exceed the levels as provided in § 6409 of this subtitle;

(1) Heavy metals; and

(2) Pesticide residue;

(c) The presence of microbial impurities, including but not limited to:

(1) The total aerobic microbial count (TAMC);

(2) The total combined yeast and molds count (TYMC);

(3) Pseudomonas aeruginosa (P. aeruginosa);

(4) Aspergillus spp;

(5) Staphylococcus aureus (S. aureus);

(6) Aflatoxin B_1, B_2, G_1 and G_2; and

(7) Ochratoxin A;

(d) Whether the batch is within specification for the characteristics of:

(1) Odor;

(2) Appearance;

(3) Fineness; and

(4) Moisture content.

6410.2 The testing laboratory shall enter results into the Department's electronic tracking system within twenty-four (24) hours from the date of the test.

6410.3 The level of contaminants in medical marijuana and medical marijuana products shall not exceed the standards provided in this subtitle, and if any of the standards

are exceeded, the cultivation center shall not sell or otherwise transfer any portion of the batch of medical marijuana or medical marijuana products to a dispensary.

6410.4 In the event the testing laboratory results determine that the sample does not meet the standards required in this subtitle, the cultivation center may seek approval from the Department to reprocess the batch and/or harvest. If written approval is granted by the Department, the cultivation center may:

(a) Reprocess the batch and/or harvest according to their SOPs; and

(b) Have the reprocessed product tested by the same testing laboratory.

6410.5 Upon receiving notification in the tracking system that the batch failed to pass testing, a cultivation center shall immediately quarantine the non-conforming batch until any reprocessing and testing is performed; or until the batch is destroyed by MPD.

6410.6 For purposes of this section, quarantine means that the batch shall be separated from all other inventory and the quarantine status shall be indicated in the tracking system. The quarantine shall be lifted only by the Department in writing, and only upon receipt of test results in the inventory tracking system documenting that the batch conforms to the required testing standards.

6410.7 The testing laboratory shall notify the Department of results that do not meet the standards and specifications set forth in this subtitle within twenty-four (24) hours of completion of analysis.

6410.8 A cultivation center shall release a batch and/or harvest for sale only if the results from the laboratory testing facility have determined that the sample has met the standards and specifications set forth in this subtitle.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, is amended as follows:

Subsection 9900.1 is amended by adding the following new definitions to appear in alphabetical order:

Acaricide – A substance poisonous to ticks or mites.

Batch –

(a) A quantity of usable medical marijuana from a harvest lot; or

(b) A quantity of cannabinoid concentrate or extract or cannabinoid product from a process lot.

Chain of custody – Procedures employed by a testing laboratory to record the possession of samples from the time of sampling through destruction.

Fungicide – A chemical that destroys fungus.

Ovicide – A substance that kills eggs.

Pesticide – A substance used to destroy insects or other organisms harmful to plants.

Plant Growth Regulator – A substance used to alter the plants' characteristics.

Potentially Hazardous Food- food that contains moisture or protein that is capable of supporting the rapid and accelerating growth of infectious or toxigenic microorganisms.

Product Assessment – Test to determine if an edible is a Potentially Hazardous Food.

TCS Food – A food that requires time and temperature control in order to ensure food safety.

Testable Sample – A representative sample that is large enough in quantity to perform all of the required tests.

Testing Laboratory – An entity that is not owned or operated by a director, officer, member, incorporator, agent, or employee of a cultivation center or dispensary, and is registered by the Department to test medical marijuana and medical marijuana products that are to be sold.

Water Activity – The available water ratio for microorganisms or bacteria to grow, expressed on a scale of 0 to 1, where 1 is pure water.

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.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation ("DDOT"), pursuant to the authority set forth in Sections 5(3)(A) (providing for a safe transportation system); 6(b) (transferring to DDOT the traffic management function previously delegated to the Department of Public Works (DPW) under Section III (H) of Reorganization Plan No. 4 of 1983); and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW, including authority delegated pursuant to Section IV(A) of that plan which, in turn, incorporated the authority set out in IV(G) of Reorganization Plan No. 2 of 1975) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D), 50-921.05(b), and 50-921.06 (2014 Repl. & 2018 Supp.)), hereby gives notice of the intent to adopt amendments to Chapter 22 (Moving Violations) and Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations ("DCMR").

This proposed rulemaking amends Title 18 DCMR to improve bicycle and passenger safety and further pursue the District's Vision Zero goal for transportation safety by: clarifying rules related to restricted and bicycle lanes; clarifying that a person may only stop or stand at certain locations at the direction of a police officer or traffic control device; and prohibiting parking but allow stopping and standing to unload passengers or freight at other specific locations.

Final rulemaking action may be taken thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 22, MOVING VIOLATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 2220, RESTRICTED LANES, is amended as follows:

Subsection 2220.7 is added to read as follows:

2220.7 Notwithstanding the provisions set forth in §§ 2220.1 – 2220.6 of this section, no vehicle may enter a bicycle lane for any purpose other than when necessary to execute safely the following maneuvers:

(a) To turn into a private road;

(b) To turn into an alley or driveway, provided the turn shall be made as close as practicable to the alley or driveway, but no further than five (5) feet from the alley or driveway;

(c) To turn onto an intersecting roadway, provided the turn shall be made as close as practicable to the intersecting roadway, but no further than twenty-five (25) feet from the intersection;

(d) To enter a legal parking space or a legal area for stopping or standing a vehicle; or

(e) To follow the directions of a police officer.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows:

Section 2405, STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED, is amended as follows:

Subsection 2405.1 is amended to read as follows:

2405.1 Notwithstanding any other parking regulation, no person shall stop, stand, or park a motor vehicle or trailer in any of the following places, except when necessary to avoid conflict with other traffic, or at the direction of a police officer or traffic control device:

(a) Within an intersection;

(b) On a crosswalk;

(c) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(d) Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to or from such structures, or within a highway tunnel;

(e) On any median, channelizing island, or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow or white lines;

(f) In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrians or other lawful traffic upon any sidewalk;

(g) On the sidewalk; provided, that a motor-driven cycle may be parked on the sidewalk if it:

(1) Is outside of the Central Business District, as defined by Subsection 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1);

(2) Is not attached to any tree, tree box, or planting area; and

(3) Does not block the path of pedestrians and maintains an ADA compliant clearance from any other obstruction, as defined in Section 4.3 of the ADA Accessibility Guidelines;

(h) On the streetcar guideway or adjacent to a streetcar platform, as defined by Subsection 1699.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 1699.1); or

(i) In a bus lane.

Subsection 2405.2 is amended to remove the following phrase from the introductory paragraph:

"except when necessary to avoid conflict with other traffic,"

Subsection 2405.3 is amended to remove the following phrase from the introductory paragraph:

"otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight"

A new Subsection 2405.7 is added to reads as follows:

2405.7 Notwithstanding the provisions set forth in §§ 2405.1 – 2405.6 of this section, no vehicle may stop, stand, or park in a bicycle lane; provided that stopping is permitted only when necessary to enter into a legal parking space or to follow the directions of a police officer.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Dan Emerine, Manager, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington D.C. 20003. An interested person may also send comments electronically to: publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Housing Finance Agency (Agency), pursuant to Section 306 of the District of Columbia Housing Finance Agency Act of 1979, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2703.06 (2012 Repl.)) (Act), and 10-B DCMR § 3508.1, hereby gives notice of its adoption, on an emergency basis, of the following amendments to Chapter 35 (Housing Finance Agency), of Title 10 (Planning and Development), Subtitle B (Planning and Development) of the District of Columbia Municipal Regulations (DCMR).

Chapter 35 is amended to apply the Eviction with Dignity Act of 2018, as it amends in Section 501 and Section 502 of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3505.01 &-42-3505.02 (2012 Repl.)) to Agency housing projects.

Emergency action is necessary for the immediate preservation of health, safety, and welfare of tenants who are facing eviction, and landlords who are facilitating the eviction process. Implementing this amendment on an emergency basis will aid in making the eviction process more sensitive to the safety and welfare of District residents.

The emergency and proposed rulemaking was adopted on January 22, 2019, and became effective on the date of adoption. The emergency rules shall remain in effect for one hundred and twenty (120) days from the date of adoption, or until May 22, 2019, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 35, HOUSING FINANCE AGENCY, of Title 10-B DCMR, PLANNING AND DEVELOPMENT, is amended as follows:

Section 3510, PROCEDURES FOR EVICTIONS AND PROTECTIONS FROM RETALIATORY ACTION, is amended to read as follows:

3510 PROCEDURES FOR EVICTIONS AND PROTECTIONS FROM RETALIATORY ACTION

3510.1 Tenants of Housing Projects shall be protected from eviction as well as retaliatory action in accordance with Section 501 and Section 502 of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3505.01 & 42-3505.02).

Comments on this proposed rulemaking shall be submitted in writing to Brittney Jordan, Assistant General Counsel, District of Columbia Housing Finance Agency, 815 Florida Avenue, N.W., Washington, D.C. 20001, via email bjordan@dchfa.org, online at www.dcregs.dc.gov, or by telephone to (202) 442-8742, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of these rules may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-005
February 1, 2019

SUBJECT: Appointment — National Capital Planning Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 1 of An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924, 43 Stat. 463, D.C. Official Code § 2-1002 (2016 Repl.), it hereby **ORDERED** that:

1. **LINDA ARGO** is appointed as a citizen member of the National Capital Planning Commission, replacing Geoff Griffiths, for a term to end January 2, 2023.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-006
February 5, 2019

SUBJECT: Reappointment – Board of Review for Anti-Deficiency Violations

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with the District Anti-Deficiency Act of 2002, effective April 4, 2003, D.C. Law 14-285, D.C. Official Code § 47-355.07 (2015 Repl. and 2018 Supp.), it is hereby **ORDERED** that:

1. **BARRY KREISWIRTH** is reappointed as a member of the Board of Review for Anti-Deficiency Violations, for a term to end June 3, 2021.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA
OFFICE OF THE MAYOR
OFFICE ON AGING

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2020 DC Office on Aging Day Care Competitive Grant

The Government of the District of Columbia, Office on Aging (DCOA) is soliciting applications to operate a Day Care (DC) service. According to the Administration on Community Living (ACL), "Adult Day Centers are designed to provide care and companionship for seniors who need assistance or supervision during the day. The program offers relief to family members or caregivers and allows them the freedom to go to work, handle personal business or just relax while knowing their relative is well cared for and safe." This Request for Application (RFA) seeks to identify a qualified applicant to provide seniors (60 years and older) with a socially stimulating day care experience in a safe, caring, and healthy environment with professional staff.

DCOA seeks to award a grant to provide a full range of geriatric day care services preferably in underserved areas in Wards 5, 7, or 8. The service scope for this RFA includes providing: 1) therapeutic services to functionally-impaired District residents 60 years and older, in order to avoid or forestall institutionalization; 2) respite for family members and caregivers, engaging them in prevention health and education activities; 3) specialized services to easily access resources and support services needed to effectively navigate long-term care options to remain independent and connected to the community and; 4) resource information on services and supports, e.g., Elderly and Persons with Disabilities (EPD) Waiver, that prevent institutionalization when they are no longer able to function in the day care setting.

The successful applicant(s) will design services to meet a variety of evolving needs of the city's diverse elderly population, especially older individuals with the greatest economic and social needs, and other underserved populations. The target population is seniors ages 60 years old and over with or without a disability residing within the District of Columbia who are:

- underserved and low-income seniors;
- continent or have the ability to participate in its management;
- ambulatory with or without a supportive devise;
- able to have needs met by the day care; and
- able to safely participate without program care or with participant's caregiver in attendance.

Provider may serve only individuals whose needs can be met by the day care center staff within its qualifications. Services will also be available to family members and caregivers of the primary population.

The award period will be three (3) years beginning October 1, 2019, through September 30, 2022, with two (2) possible continuation years based on the Office on Aging's determination of satisfactory progress during the initial period of the grant.

In fiscal year 2020 there is a total of $606,892 available for program management, contingent on available funding. There is no match requirement; however, the applicant's local share investment in the program will be considered during the scoring process. Applicants must show proof they have at least three months operating reserves on-hand at program inception.

Applicants responding to this RFA shall be responsible for:

1. delivering services to the target population;
2. employing qualified staff and maintaining documentation of adequate licensure, certification training, and competence to perform the duties as assigned; and
3. determining necessary DOH and DCRA certifications.

Applicants must have the demonstrated ability to provide required services, monitor participants' health and functioning at a basic level, and determine whether the program can continue to meet participants' health and functional needs. DCOA considers caregiver support services to be an integral part of the program offerings and determinant for positive health outcomes for the care recipients. The applicant shall develop program activities that comprises the following core services to the target populations as listed.

1. Supervised Day Care
2. Counseling
3. Congregate Meals
4. Health Promotion
5. Recreation/Socialization
6. Coordinated Transportation
7. Caregiver Services
8. Comprehensive Assessment
9. Case Management

In addition to these core services, extended day respite care is an optional activity funded under this grant. Applications with evidenced-based and innovative activities and approaches will be favorably reviewed.

Non-profit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For-profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit-making that accrues back to their organization in their grant application.

The RFA will be released on February 1, 2019. Deadline for submission is March 29, 2019, 2:00 p.m. A Pre-Application Conference will be held on February 19, 2019, 2:00 p.m. at 500 K Street, NE, Washington, DC in the first floor conference room.

Applications are available for pickup from the D.C. Office on Aging, 500 K Street, NE, Washington, DC 20002 between 9:00 a.m. and 4:00 p.m. Monday through Friday. Electronic posting will be on the DCOA website, www.dcoa.dc.gov and the Office of Partnerships and Grants Development website, www.opgd.dc.gov no later than February 8. Inquiries should be directed to Eric Manuel at eric.manuel@dc.gov or Jennifer Adu at Jennifer.Adu@dc.gov or by calling (202) 724-8821.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 13, 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-AUD-00090; BB DC 1, LLC, t/a Bareburger, 1647 20th Street NW License #102759, Retailer CR, ANC 2B
Failed to File Quarterly Statements

Show Cause Hearing (Status) **9:30 AM**
Case # 18-AUD-00089; Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A
Failed to File Quarterly Statements

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00236; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street NW, License #100537, Retailer CR, ANC 2F
Operating After Hours, Cover Charge Endorsement

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CIT-00609; Darien DC, LLC, t/a Bidwell, 1309 5th Street NE License #92990, Retailer CT, ANC 5D
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00222; Oki, LLC, t/a Oki Bowl Ramen an Sake Bar, 1817 M Street NW, License #107646, Retailer DR, ANC 2B
No ABC Manager on Duty, Substantial Change in Operation Without Board Approval

Show Cause Hearing* **10:00 AM**
Case # 18-CMP-00117; 6220 Georgia, LLC, t/a Victor Liquors, 6220 Georgia Ave NW, License #88173, Retailer A, ANC 4A

Board's Calendar
February 13, 2019
Failed to Follow Security Plan

Show Cause Hearing* **10:00 AM**
Case # 18-CMP-00203; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street NW, License #100537, Retailer CR, ANC 2F
Summer Garden Endorsement, Operating After Board Approved Hours

Show Cause Hearing* **11:00 AM**
Case # 18-CMP-00041; The Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT ANC 1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing* **11:00 AM**
Case # 18-CC-00104; L Street Market, Inc., t/a 7th L Street Market, 700 L Street SE, License #88611, Retailer B, ANC 6B
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Show Cause Hearing* **1:30 PM**
Case # 18-CMP-00088; Jaime T. Carillo, t/a Don Jaime, 3209 Mt. Pleasant Street NW, License #21925, Retailer CT, ANC 1D
Failed to File and Maintain Invoices and Delivery Slips, Failed to Obtain Importation Permit

Protest Hearing* **1:30 PM**
Case # 18-PRO-00081; Wyoming Cube & Bale, LLC, t/a Sandbox Restaurant 3251 Prospect Street NW, License #110062, Retailer CR, ANC 2E
Application for a New License

Protest Hearing* **1:30 PM**
Case # 18-PRO-00083; Greenleaf Buzzard, LLC, t/a Buzzard Point Fish House 2100 2nd Street SW, License #111655, Retailer CR, ANC 6D
Application for a New License

Board's Calendar
February 13, 2019

Show Cause Hearing* **4:30 PM**

Case # 18-CMP-00051; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C

Failed to Comply with Board Order No. 2017-439

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Offical Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, FEBRUARY 13, 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 4C. SMD 4C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Ruta Del Vino***, 800 Upshur Street NW, Retailer CR, License No. 101091.

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2. Review Application for Entertainment Endorsement to provide live entertainment with Dancing and Cover Charge. ***Proposed Hours of Live Entertainment:*** Friday 7pm to 10pm, Saturday 8pm to 12am (No entertainment Sunday-Thursday). ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Chinatown Garden Restaurant***, 618 H Street NW, Retailer CR, License No. 025796.

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3. Review Application for Change of Hours of Live Entertainment. ***Approved Hours of Live Entertainment:*** Sunday 8am to 1am, Monday No Entertainment, Tuesday-Thursday 8pm to 1am, Friday-Saturday 9pm to 2am. ***Proposed Hours of Live Entertainment:*** Sunday-Thursday 6pm to 1am, Friday-Saturday 6pm to 2am. ANC 2B. SMD 2B09. The Establishment has a pending Show Cause hearing. No conflict with Settlement Agreement. ***Jo Jo Restaurant & Bar***, 1518 U Street NW, Retailer CR, License No. 060737.

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4. Review Request to Renew Storage Facility Permit originally issued March 13, 2012 and most recently renewed on January 25, 2018, for a facility located at 4221 Connecticut Avenue NW, Suite E. ANC 3F. SMD 3F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Domaine DC, LLC***, 4221 Connecticut Avenue NW, Suite E, Storage Facility Permittee.

***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.**

DC COMMISSION ON THE ARTS AND HUMANITIES
NOTICE OF FUNDING AVAILABILITY

FY 2019 Grant Opportunity – LiftOff

The DC Commission on the Arts and Humanities (CAH) announces the availability of the fiscal year 2019 LiftOff grant program. LiftOff supports professional development and capacity building of arts and humanities nonprofit organizations with budgets under $250,000. Grantees will receive funding to support infrastructure.

CAH's mission is to provide grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizational applicants must be registered in the District, headquartered with a land address in DC and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming guidelines.

The Request for Applications (RFA) will be available electronically beginning February 22, 2019 on the CAH website at http://dcarts.dc.gov/. Applicants must apply online. The deadline for applications is March 22, 2019. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

For more information, please contact:

Heran Sereke-Brhan
Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (Eye) St. SE
Washington, DC 20003
(202) 724-5613 or Heran.Sereke-Brhan2@dc.gov

DC INTERNATIONAL PUBLIC CHARTER SCHOOL

INVITATION FOR BID

Automated Driveway Gate

RFP for Automated Metal Gate: DCI invites written proposals from qualified firms interested replacing and automated DCI's external driveway gate. To come view the gate, please come to the parking lot entrance of our building @ 3 pm on Friday, February 8th. The parking lot entrance is located at the corner of 14th St NW and Aspen St NW. Please email bid to rfp@dcinternationalschool.org. Proposals are due no later than 12:00PM on Monday, February 11th.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING
COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting
Washington, DC – The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, February 21, 2019 from 6:30 pm to 8:00 pm at One Judiciary Square, 441 4th Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes, hear from DC Policy Center on the Funding Landscape of OST Programs in DC, and discuss items from the four strategic priorities committees about the strategic plan.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, February 19th at 5:00 pm.
Below is the draft agenda for the meeting.

I. Call to Order
II. Public Comment
III. Announcement of a Quorum
IV. Approval of the Agenda
V. Approval of Minutes
VI. Updates: Office of Out of School Time Grants and Youth Outcomes
VII. Presentation DC Policy Center
VIII. Strategic Priorities Committee Reports and Discussion
IX. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission's purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: February 21, 2019
Time: 6:30 p.m. – 8:00 p.m.
Location: One Judiciary Square
Room 1107 South
441 4th Street, NW
Washington, DC 20001
Contact: Debra Eichenbaum
Grants Management Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 478-5913
Debra.eichenbaum@dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

REQUEST FOR PUBLIC COMMENT

Request for U.S. Department of Education Waiver under the Elementary and Secondary Education Act

The Office of the State Superintendent of Education announces an opportunity for the public to submit comment on a written request submitted to the U.S. Department of Education on January 29, 2019 to waive Section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) (also known as the Tydings Amendment) to extend the availability of federal fiscal year 2017 School Improvement funds authorized under section 1003 of the Elementary and Secondary Education Act of 1965, from September 30, 2019 to September 30, 2020.

The full waiver request is also included as part of this posting.

The public is encouraged to comment on this proposal. Comments must be submitted by Monday, March 11, 2019 on or before 4 p.m.

How to Submit Public Comment:

Submit written comment in one of the following ways:

a. Email: Christina.Parrish@dc.gov
b. Postal mail: Attn: Christina Parrish, Office of the State Superintendent of Education, 1050 First Street NE, 5th Floor, Washington, DC 20002
c. Hand Delivery/Courier: Same as the postal address above.

January 29, 2019

Frank Brogan, Assistant Secretary
Office of Elementary and Secondary Education
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-6132

Re: Waiver Request for FFY17 1003 School Improvement Funds

Dear Mr. Brogan:

The District of Columbia Office of the State Superintendent of Education (OSSE) is requesting a waiver of Section 421(b) of the General Education Provisions Act (GEPA) (20 U.S.C. § 1225(b)) (also known as the Tydings Amendment) to extend the availability of federal fiscal year (FFY) 2017 School Improvement funds authorized under section 1003 of the Elementary and Secondary Education Act of 1965, from September 30, 2019 to September 30, 2020.

Background
The development of its State Plan under the Every Student Succeeds Act provided OSSE with an opportunity to review the progress of school improvement initiatives under No Child Left Behind and determine how to best leverage OSSE's role and the funding available to meet the needs of the lowest performing schools. OSSE's current approach focuses funds on a fewer schools than in the past over a longer duration. We are confident in the potential impact of this design to improve student outcomes. However, there are short-term challenges that contribute risk to our FFY17 balance of 1003 funds being fully obligated by September 30, 2019.

In DC, just over half of our students are served by our largest local educational agency (LEA), the District of Columbia Public Schools (DCPS), and the remaining students are served by more than 60 public charter schools. Charter schools in DC are approved, monitored, and closed, as applicable, by the DC Public Charter School Board (DC PCSB).

Challenge: School Closures
OSSE's current grant design focuses funds specifically on schools identified in the bottom 5 percent of performance as Comprehensive Support and Improvement Schools to provide a substantial, sustained amount of funds to schools for meaningful school improvement. DC's School Report Card, released in early December 2018, designated a total of 10 schools, 8 of which were DCPS schools and 2 of which were charter schools.

Both charter schools designated in the bottom 5 percent will close at the end of the 2018-19 school year. In December 2018, DC PCSB announced the closure of one school and its takeover by a different charter operator. On January 9, 2019, the second charter announced the school will cease operations after the 2018-19 school year. These charter decisions were outside of OSSE's purview. In effect, there are now fewer schools spending funds this year, which puts further pressure on one LEA to spend a large amount of funds in a truncated year.

Challenge: Leadership transitions at our largest LEA

A new chancellor was recently appointed for DCPS – the third leader in 18 months. The leadership transitions at DCPS have necessitated additional time to allow the LEA to align its approach prior to initiating community engagement efforts for identified schools. OSSE recognizes that this additional time is important. Ensuring that leadership and staff at the LEA have a clear approach to school improvement for each school, that is informed by data and input from the school staff and the community, is critical to implementation success. In addition, OSSE believes there is a risk of DCPS not being able to fully spend its funds by the end of the fiscal year because of the length of time required for the LEA to fully execute its procurements.

Summary

OSSE has fewer schools than anticipated that will be spending 1003 grant funds this year. In the long-term, our goal is meaningful, systemic school improvement. If approved, this waiver would ensure critical funds continue to be available to support our lowest-performing schools. Extending the Tydings period would enable DC to continue to spend FFY17 funds in the 2019-20 school year when school improvement plan implementation is fully underway.

Next Steps

OSSE thoughtfully developed its approach to required templates for schools receiving 1003 grant funds. To provide guidance while also leaving room for flexibility, OSSE named three critical levers – People, Instruction, and Structures – that each School Improvement Plan must address and that funding is available to support. School Improvement Plans must include evidence-based strategies and interventions for each area. Each plan must also describe the overall vision and goals for the school, how the LEA will determine whether the school is making progress, and how stakeholders will be involved in an ongoing manner. Schools will be completing these plans by May 2019.

Managing plan development aligned to these parameters in the 2018-19 school year and then monitoring the implementation and continuous improvement of these plans beginning in late 2018-19 and into the 2019-20 school year is central to OSSE's vision to support student outcome gains in our lowest achieving schools. As with all 1003 funds, OSSE will require each LEA that receives the FFY 2017 funds to expend them in accordance with their approved school improvement plans and aligned to 1003 requirements. Throughout the grant period, OSSE will continually review obligations and drawdowns and communicate with grantees as needed based on balances.

Finally, in accordance with ESEA § 8401(b)(3), OSSE is providing the public with the opportunity to review and comment upon this waiver request. At the end of the thirty day public notice period, OSSE will inform the U.S. Department of Education of any comment received and whether OSSE wishes to revise its waiver request based on the comment.

Thank you for your consideration of this request for the waiver. My team and I are available to discuss this request further by phone. Please contact me with questions at [redacted] or [redacted]

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there are vacancies in four (4) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D10, 3F07, 7E07 and 7F07

Petition Circulation Period: **Monday, February 11, 2019 thru Monday, March 4, 2019**
Petition Challenge Period: **Thursday, March 7, 2019 thru Wednesday, March 13, 2019**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections
1015 - Half Street, SE, Suite 750
Washington, DC 20003

For more information, the public may call **727-2525**.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective candidates to provide:

- Financial support: Friendship Public Charter School, Inc. is seeking an experienced vendor /company to provide legal services, financial analysis and related services to support bank or bond financing for major capital projects.

The full scope of work will be posted in a competitive Request for Proposal that can be found on FPCS website at http://www.friendshipschools.org/procurement/. Proposals are due no later than 4:00 P.M., EST, **Wednesday, February 20th, 2019.** No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org

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FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS
EXTENSION

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- General Contractor/Construction Company services to build a Middle School, approximately 35,594 square foot multi-level facility at Friendship Public Charter School- Southeast Elementary site in ward 8- Anacostia DC. Friendship has engaged an Architect to develop construction documents and specifications to meet the programmatic needs. The selected contractors will be required to construct the approved designs no later than July 31, 2020 in time for the 2020/2021 school year.

The competitive Request for Proposal can be found on FPCS website at http://www.friendshipschools.org/procurement. Proposals are due no later than 4:00 P.M., EST, Friday, February 22, 2019. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

HEALTH BENEFIT EXCHANGE AUTHORITY

NOTICE OF PUBLIC MEETING

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, February 13, 2019 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 730 599 017. The Executive Board meeting is open to the public. If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH (DC HEALTH)

NOTICE OF PAYMENT ADJUSTMENT

The Director of the Department of Health, pursuant to the authority set forth in section 9(c) of the District of Columbia Health Professional Recruitment Program Act of 2005 ("Act"), effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.08(c)), hereby gives notice of the adjustment to the rate of repayment to participants in the District of Columbia Health Professional Recruitment Program established by section 3 of the Act. The payment amounts are being increased to reflect the rate of inflation since September 2017 based on the change in the Consumer Price Index (CPI). Section 8(c) of the Act authorizes the Director to increase the dollar amount of the total loan repayment annually to adjust for inflation. From September 2017 to September 2018, the CPI has increased by 2.27%, therefore the new repayment amounts shall be as follows:

For physicians and dentists starting in fiscal year 2019:
The maximum repayment amount is **$151,841.29**, distributed as follows:
For the 1st year of service, 18% of total debt, not to exceed $27,331.43;
For the 2nd year of service, 26% of total debt, not to exceed $39,478.74;
For the 3rd year of service, 28% of total debt, not to exceed $42,515.56;
and
For the 4th year of service, 28% of total debt, not to exceed $42,515.56.

For all other health professionals starting in fiscal year 2019:
The maximum repayment amount is **$83,510.61**, distributed as follows:
For the 1st year of service, 18% of total debt, not to exceed $15,031.91;
For the 2nd year of service, 26% of total debt, not to exceed $21,712.76;
For the 3rd year of service, 28% of total debt, not to exceed $23,382.97; and
For the 4th year of service, 28% of total debt, not to exceed $23,382.97.

The new loan repayment rates stated herein shall be effective upon publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 19-01: Capital Traction Company Union Station
3600 and 3601 M Street NW
Square 1203, Lot 47: Square 1202, Lot 840; and part of the 36th Street right-of-way
Designated January 24, 2019
Affected Advisory Neighborhood Commission: 2E
Applicants: Prospect Street Citizens Association and D.C. Preservation League

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

Construction Management Services

KIPP DC is soliciting proposals from qualified vendors for Construction Management Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on February 27, 2019. Questions can be addressed to kevin.mehm@kippdc.org

THE CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Literacy Service Provider

The Children's Guild District of Columbia Public Charter School seeks qualified service provider to supply services in the area of literacy, literacy interventions, and differentiated small groups to increase student reading proficiency.

The Children's Guild DC Public Charter has been working to develop teacher capacity around literacy, literacy interventions, and differentiated small groups to increase student reading proficiency. The Children's Guild DC Public Charter (TCGDC) opened in the fall of 2015. TCGDC served approximately 300 students, of which 40% were students with disabilities. Entering students demonstrated significant weaknesses in reading. The school utilized the EngageNY curriculum but found that literacy rates were low. The school recognizes the need for more robust literacy strategies that include more tiered interventions. Units of study are driven by the themes in EngageNY but intensive work must be done in the classroom to build literacy skills. In addition, TCGDC recognizes that students need tiered interventions to eliminate gaps in reading. Tier One interventions include differentiated groupings using materials such as the Ready curriculum, which is closely tied to the Common Core State Standards. In addition, the iReady online program can serve as a tier two intervention that tailors instruction to the student needs. The next step for TCGDC is to implement a tier 3 intervention with highly trained staff to address specific deficiencies in reading and reading comprehension.

The qualifications for this position would be a consulting team that has provided professional development on engaging and effective literacy strategies in the past. Experts in the field who can provide practical, classroom tested resources that can impact instruction immediately is what this partnership would require. Lastly we need a team that follows common core state standards and can model the instructional strategies for teachers and providing on-going support.

The working hours would be 8:30-4:00. The case load would be to implement professional development to about 115 staff members with intense support to about 20-25 classroom teachers. The schedule would include observing classroom teachers and modeling for those teachers. The next day schedule would include professional development and modeling of literacy interventions and strategies.

Please contact procurement@childrensguild.org to receive additional information on the RFP.

All bids must be submitted electronically no later than 2/15/19 at 3 pm. Please email all bids to Procurement@childrensguild.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, February 21, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	AWTP Status Updates 1. BPAWTP Performance	Vice-President, Wastewater Ops
3.	Status Updates	Senior VP Chief Engineer, Engineering
4.	Project Status Updates	Director, Engineering & Technical Services
5.	Action Items - Joint Use - Non-Joint Use	Senior VP Chief Engineer, Engineering
6.	Water Quality Monitoring	Senior Director, Water Ops
7.	Action Items	Senior VP Chief Engineer Senior Director, Water Ops Director, Customer Care
8.	Emerging Items/Other Business	
9.	Executive Session	
10.	Adjournment	Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Order No. 17109-D of Appeal No. 17109 of Kalorama Citizens Association, pursuant to 11 DCMR § 3100[1] from the administrative decision of David Clark, Director, Department of Consumer and Regulatory Affairs, from the issuance of Building Permits Nos. B455571 and B455876, dated October 6 and 13, 2003, respectively, to Montrose, LLC, to adjust the building height to 70 feet and to revise penthouse roof structure plans to construct an apartment building in the R-5-D District at 1819 Belmont Road, N.W., Washington, D.C. (Square 2551, Lot 45), and from the issuance of the original Building Permit No. B449218, dated March 11, 2003.

HEARING DATES: February 17, March 9 and 16, April 6 and 20, 2004

DECISION DATES: June 22, 2004, December 7, 2004, and February 1, 2005, December 6, 2005, July 20, 2010, April 5, 2011, and October 28, 2014

DECISION AND ORDER AFTER REMAND

On November 10, 2003, the Kalorama Citizens Association ("KCA") filed this appeal with the Office of Zoning ("OZ") alleging that Building Permits Nos. B455571, B455876, and B449218, all pertaining to construction at 1819 Belmont Road, N.W. ("Subject Property"), were issued erroneously by the Department of Consumer and Regulatory Affairs ("DCRA"). The Board of Zoning Adjustment ("BZA" or "Board") held a properly noticed hearing on the appeal, as well as several decision meetings, and at the final decision meeting on February 1, 2005, decided to partially grant and partially deny the appeal.

The Board's decision was memorialized in Board Order No. 17109, dated November 8, 2005, which granted the appeal on the grounds that the height of the building with the roof deck exceeded the height limitations of the Height Act of 1910, approved June 1, 1910, (36 Stat. 452: D.C. Official Code §§ 6-601.01 – 6-601.09), but denied the appeal with respect to the penthouse setback requirements under both the Height Act and the Zoning Regulations, and with respect to

[1] This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraph, are to provisions that were in effect on the dates that the Board deliberated on this appeal ("the 1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text. Also all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board's decision reflected in this order.

the floor area ratio ("FAR") calculations. The permitted FAR for an apartment house in the R-5-D zone was 3.5. The Zoning Administrator calculated the proposed building's FAR at 3.49. The Board concluded that the Zoning Administrator had properly excluded a portion of the building's lower level from FAR based upon the use of the perimeter wall method and properly excluded the building's sixth level from the FAR computation because the space provided structural headroom of less than six feet, six inches, which would be a relevant finding if the space was an attic.

KCA appealed to the District of Columbia Court of Appeals ("Court") that part of Order No. 17109 pertaining to FAR. The Court of Appeals affirmed in part and remanded. *Kalorama Citizens Ass'n v. D.C. Bd. of Zoning Adjustment*, 934 A.2d 393 (D.C. 2007). The Court affirmed the Board's decision as to the FAR calculations for the lower level and found that the potential habitability of the sixth level irrelevant to determining whether that space was an attic. *Kalorama Citizens Ass'n*, 934 A.2d at 406. However, the Court found that the Board had inadequately explained its implicit conclusion that the sixth level of the building is an "attic." Because the Zoning Regulations do not contain a definition for the term "attic," the Court concluded that, pursuant to 11 DCMR § 199.2(g), the Board must determine whether the space falls within one of the three sub-definitions of "attic" set forth in Webster's Unabridged Dictionary ("Webster's Dictionary"). Because the affected Advisory Neighborhood Commission ("ANC") had specifically asserted that the sixth level did not fall within the definition of "attic," the Court found that the Board's failure to analyze that definition meant that the Board had not given great weight to the ANC.

The Board did not hold a further hearing on the issue, but requested legal memoranda from the parties. At a Special Public Meeting held July 20, 2010, the Board deliberated on the remanded issue and concluded that the space denoted as "attic space" on the original plans contained in the record met the third sub-definition of "attic." Since the Board had already concluded that the space provided structural headroom of less than six feet, six inches, the Board reaffirmed its conclusion that the space was properly excluded from the FAR computation and therefore again denied that portion of the appeal. Board Order No. 17109-C formally stated the Board's decision ("Order C").

KCA petitioned the Court of Appeals to review Order C. After KCA briefed the issues, the Board requested that the Court remand the case back to it so it could reconsider its decision and to conduct further proceedings as may be appropriate. By Order dated May 10, 2012, the Court granted that request. The Board deliberated at a public meeting on October 28, 2014, and again reaffirmed its conclusion that the attic space was properly excluded from the FAR computation.

The Board members participating in this remand did not personally hear the evidence in this case. Therefore, the Board sent this Proposed Order to the parties to afford them an opportunity to present written exceptions, pursuant to D.C. Official Code § 2-509(d) (2012 Repl.). Exceptions were received from the Appellant KCA jointly with ANC 1C and are discussed in the conclusions of law.

This Order, No. 17109-D, reflects the Board's Findings of Fact and Conclusions of Law only on the two issues remanded by the Court – the attic issue and ANC great weight – and incorporates by reference Order No. 17109. This Order, therefore, will not restate all facts concerning the Subject Property, but only those relevant to the remand issues, and if a relevant factual finding also appeared in Order No. 17109, it is so noted herein.

FINDINGS OF FACT

1. As part of Exhibit 29, the Appellant submitted a portion of the revised plans approved by DCRA, which the Appellant referred to as "Exhibit 6" of that exhibit and which hereinafter will be referred to as "the Plans." The Plans depict a five-story building plus basement, with each story approximately 10 feet high. The Plans also depict a sixth level of the building that is six feet, five and one-quarter inches high to the "ceiling". (Exhibit 29, sheet labeled "1819 BELMONT RD., NW 10-14-03 NORMAN SMITH ARCHITECTURE 202.462.5886 SCHEMATIC BUILDING SECTION" "SCHEMATIC BUILDING SECTION SHOWING REVISED PARAPET AND BUILDING," stamped "Complies with Zoning Regulations," and signed by "Faye O", hereinafter the "Revised Building Section Drawing"). The Revised Building Section Drawing is appended to and made a part of this order.

2. The Revised Building Section Drawing denotes the sixth level as an "attic."

3. The sixth level of the subject building provides less than six feet, six inches of structural headroom. (*See*, Finding of Fact No. 31 in Order No. 17109.)

4. The Revised Building Section Drawing shows the undersides of the "collar ties" forming a flat plane that is six feet, five and one-quarter inches above that level's floor.

5. "Collar tie" is defined by Webster's Dictionary as "a board used to prevent the roof framing from spreading or sagging."

6. The project architect testified, and the Board finds, that the collar ties are part of a structural system comprised of the roof rafters, bearing walls, and collar ties, and that the function of the collar ties in that system was to prevent north-south racking of the building. (Transcript ("Tr.") of April 6, 2004 at 141-142.)

7. Between the collar ties are openings where there is nothing between the floor of the sixth level and the underside of the roof. (Tr. of April 6, 2004 at 138-139, 146.) The Board is aware that the Revised Building Section Drawing labels the underside of the collar ties as a "ceiling." However, the testimony of the project architect explained that this was intended to refer to a "ceiling plane," by which he meant that the collar ties are spaced at 48 inches and are surrounded by drywall that "goes across and down and back up." (Tr. of April 6, 2004 at 139.) The Board interprets this testimony to mean that the spaces between the collar ties were open to the floor below, and the drywall "went down and back up" to enclose the collar ties themselves, leaving open spaces in between.

8. Because of the openings between the collar ties on the sixth level, the sixth level is immediately below the roof of the building.

9. The collar ties depicted in the Revised Building Section Drawing are part of the roof framing. The collar ties are located at the top of the building and brace the building against racking in a north-south direction. (*See*, Finding of Fact No. 32 in Order No. 17109.)

10. Because of the openings between the collar ties, the sixth level of the building is at least partially within the roof framing of the building.

CONCLUSIONS OF LAW

The remaining issue in this appeal is whether the Zoning Administrator erred in excluding the building's sixth level from the building's gross floor area for the purpose of calculating its floor area ratio. If the area had been included, the building would have exceeded the permissible FAR.

The Zoning Regulations in place at the time that the building permits were issued defined floor area ratio as "a figure that expresses the total gross floor area as a multiple of the area of the lot." (11 DCMR § 199.1.) The calculation of "gross floor area" of a building includes only attic space that provides "structural headroom of six feet, six inches (6 ft., 6 in.) or more." (11 DCMR § 199.1, definition of "Gross floor area.") In Order No. 17109, the Board stated its determination that the sixth level does not provide structural headroom of at least six feet, six inches. (Order No. 17109, at 14.) In that Order, however, the Board failed to specifically find whether the sixth level was an "attic." This omission prompted a remand from the Court of Appeals with instructions that the Board determine whether the sixth level fell within one of the three sub-definitions of attic in Webster's Dictionary. The Board now holds that the sixth level is an attic and specifically falls within the third sub-definition.

Subsection 199.2 of the Zoning Regulations directs the Board to Webster's Dictionary for words not defined by the Regulations themselves. (11 DCMR § 199.2.) "Attic" is not defined by the Regulations, so the Board turns to the tripartite definition of *attic* in Webster's Dictionary set out below:

a. a low story or wall above the main order or orders of a façade in the classical styles;

b. a room or rooms behind an attic;

c. the part of a building immediately below the roof and wholly or partly within the roof framing: a garret or storage space under the roof.

(Webster's Unabridged Third New International Dictionary.)

Sub-definition (b) does not provide any illumination of the question before the Board and is somewhat difficult to interpret as it uses the word being defined in the definition.

Sub-definition (a) is more helpful, and may or may not apply to the sixth level of the subject building. There is some question as to its precise meaning, and as to the nature of a "façade in the classical styles."

Sub-definition (c), however, provides the Board with an understandable, workable definition of "attic" within which the sixth level of the subject building clearly falls. Sub-definition (c) has two parts to it, both of which apply to the sixth level here.

First, an attic is "the part of the building immediately below the roof." There are open spaces between the collar ties. In these open spaces, there is no obstruction from the floor of the sixth level to the underside of the roof. The sixth level is therefore immediately below the roof, satisfying the first part of sub-definition (c).

The Board is aware that the project architect first testified that the collar ties were covered by a "finished ceiling." He later clarified that he was talking about a "plane, because the collar ties are spaced at 48 inches on center, and so the drywall, the wall board, goes across and down, and back up." (Tr. of April 6, 2004 at 139.)

Second, an attic is also "wholly or partly within the roof framing." The building's collar ties were not proposed for ornamental purposes, but are structural members of the building's skeleton.[2] The Board is persuaded by the project architect's testimony that the collar ties are part of a structural system comprised of the roof rafters, the bearing walls, and the collar ties, with the collar ties functioning in that system to prevent north–south racking of the building. Since the collar ties are located at the very top of the building and perform this structural function, the Board considers them part of the roof framing. Between the collar ties are openings. In these openings there is nothing between the floor of the sixth level and the underside of the roof. The portion of these openings that is between the underside of the roof and the collar ties is within the roof framing. Thus, the sixth level is at least partly "within the roof framing," thereby satisfying the second part of sub-definition (c).

The third part of sub-definition (c) comes at the end, after a colon, and essentially provides two examples of what the first two parts of the definition try to define. It is not necessary that the sixth level actually fit either category.

The Board is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. ANC 1C filed a submission with the Board on December 2, 2003 supporting the appeal on both the height and FAR grounds asserted. (Exhibit 20.) As to the issue of FAR, the ANC advised the Board that:

[2] Board Order No. 17109, at 14, states that "structural" is defined by Webster's Dictionary as "of or relating to the load bearing members or scheme of a building, as opposed to the screening or ornamental elements."

> Regardless of how the plans label it, the portion of the upper story that the developers describe as an "attic" is not an attic under the legally controlling definition of the term, nor is it an "attic" under any other conventional or commonly accepted sense of the term. Rather, all signs seem to point toward a future resident's ability to use this space as a habitable room, and the room should therefore be subject to the FAR limitations of 11 DCMR § 402.4.

The Board agrees with the ANC that the labelling of the space as an attic does not make it one, but for the reasons stated above, disagrees that the area is not an attic under the applicable definition. As noted, the Court of Appeals agreed with the Board that the potential habitability of the six-level space is not a relevant consideration as to whether that space is an attic. Therefore, the Board need not respond to the ANC's assertion to the contrary.

The Parties' Exceptions

Because a majority of the Board members participating in this remand did not personally hear the evidence in this case, a Proposed Decision and Order on Remand ("Proposed Order") was provided to the parties on July 27, 2017 to afford them an opportunity to present written exceptions, pursuant to D.C. Official Code § 2-509(d) (2016 Supp.).

Exceptions were submitted by KCA and ANC 1C on September 18, 2017. (Exhibit 124.) The exceptions fell into two categories. Their first set of exceptions related to the Board's description of the procedural history of the case. The second set related to the Board's conclusion that the sixth level is an attic. They were that: (1) there are no open spaces between the collar ties where the underside of the roof is open to the floor of the sixth level; and (2) that the collar ties are not part of the roof framing.

Procedural Exceptions

KCA and ANC 1C had two exceptions to a sentence in the Board's summary of the procedural history of the case in the Proposed Order. The sentence read: "*After the parties briefed the issues, the Board requested that the Court remand the case back to it for additional deliberations on the issues and so it could better articulate its reasoning*."

First, they pointed out that the sentence contains a misstatement regarding the procedural history of the case that should be corrected. They correctly asserted that only KCA filed a brief before the Court of Appeals, not the other parties, and that the Board's motion requesting the remand asked that the Court "remand this case for it to reconsider its decision, which is the subject of the petition for review."

The Board has revised the sentence accordingly.

Second, the KCA and ANC 1C asserted that, "the Assistant Attorney General apparently concluded that the record would not support the Board's Order [Order C], and acted accordingly (citing in the motion just one of the deficiencies that KCA had noted in its brief, namely, that the

order was based on plans that had later been revised)." The Board concludes that this is purely speculation on the part of KCA and ANC 1C, is unrelated to the accuracy of the statement in the draft order, and goes to the final decision that is the Board's to make in this case.

KCA and ANC 1C exceptions to the conclusion that the sixth level space is an attic

KCA and ANC 1C made two exceptions to the Board's conclusion in the Proposed Order that the sixth level is an attic. First, they contend there are no open spaces between the collar ties where the underside of the roof is open to the floor of the sixth level. Second, they contend the collar ties are not part of the roof framing. The Board does not agree with either contention, for the reasons discussed below.

Openings between the collar ties

Whether the sixth level of the building is an attic turns on a determination of whether there are open spaces between the collar ties where the underside of the roof is open to the floor below, as the Board concluded in the Proposed Order. KCA and ANC 1C claim instead that the ceiling of the sixth level is completely enclosed by ceiling panels.

The Board concludes that they are partially open, based on the Revised Building Section Drawing and the testimony of the project architect at the April 6, 2004 hearing, as stated in Findings of Fact 7-8 of the Proposed Order:

> 7. The Revised Section Drawing labels the underside of the collar ties as a "ceiling." However, between the collar ties are openings where there is nothing between the floor of the sixth level and the underside of the roof. (Tr. of April 6, 2004 at 138-139, 146.)
>
> 8. Because of the openings between the collar ties on the sixth level, the sixth level is immediately below the roof of the building.

KCA and ANC 1C believe the record shows the collar ties were covered by a flat ceiling, based on the same drawing and testimony cited by the Board in its Proposed Order, and the fact that the architect testified at one point that there is a "ceiling panel" at the line shown as the "ceiling" in the drawing. (Tr. of April 6, 2004 at 138.) However, the project architect then went on to qualify this earlier statement by further explaining at the April 6, 2004 hearing that the "finished ceiling" is actually a "ceiling plane," that he further explains by stating:

> Well, I use the word "plane," because the collar ties are spaced at 48 inches on center, and so the drywall, the wall board goes around and down and back up. But to answer your question, there is a finished – yes, there is a finished ceiling surface.

(Tr. of April 6, 2004 at 139.)

The Board understands this to mean that the spaces in between the collar ties were open to the floor below, and the wall board went "down and up" to enclose the collar ties themselves, leaving open spaces in between.

Accordingly, the Board concluded in the Order:

> First, an attic is "the part of the building immediately below the roof." There are open spaces between the collar ties. In these open spaces, there is no obstruction from the floor of the sixth level to the underside of the roof. The sixth level is therefore immediately below the roof, satisfying the first part of sub-definition (c). The Board is aware that project architect first testified that the collar ties were covered by a "finished ceiling." He later clarified that he was talking about a "plane, because the collar ties are spaced at 48 inches on center, and so the drywall, the wall board, goes across and down, and back up." (Tr. of April 6, 2004 at 139.)

The Board stands by its prior interpretation of this evidence and is not persuaded by the exceptions to change it. The Board has changed Finding of Fact 7 and its discussion in the conclusions of law in this Order to further clarify its reasoning in light of the KCA and ANC 1C exceptions.

Are the collar ties part of the roof framing?

Whether the sixth level is an attic also turns on whether the collar ties are part of the roof framing.

The Board concluded that the collar ties were part of the roof framing, based on the Revised Building Section Drawing and the testimony of the project architect at the April 6, 2004 hearing, as stated in Findings of Fact 5-6, and 9 of the proposed order:

> 5. "Collar tie" is defined by Webster's Dictionary as "a board used to prevent the roof framing from spreading or sagging."
>
> 6. The project architect testified, and the Board finds, that the collar ties are part of a structural system comprised of the roof rafters, bearing walls and collar ties, and that the function of the collar ties in that system was to prevent north-south racking of the building. (Tr. of April 6, 2004 at 141-142.)
>
> . . .
>
> 9. The collar ties depicted in the Revised Building Section Drawing are part of the roof framing. The collar ties are located at the top of the building and brace the building against racking in a north-south direction. (*See*, Finding of Fact No. 32 in Order No. 17109.)

Accordingly, the Board concluded in the Order:

> Second, an attic is also "wholly or partly within the roof framing." The building's collar ties were not proposed for ornamental purposes, but are structural members

> of the building's skeleton.[3] The Board is persuaded by the project architect's testimony that the collar ties are part of a structural system comprised of the roof rafters, the bearing walls, and the collar ties, with the collar ties functioning in that system to prevent north–south racking of the building. Since, the collar ties are located at the very top of the building and perform this structural function, the Board considers them part of the roof framing. Between the collar ties are openings. In these openings there is nothing between the floor of the sixth level and the underside of the roof. The portion of these openings that is between the underside of the roof and the collar ties is within the roof framing. Thus, the sixth level is at least partly "within the roof framing," thereby satisfying the second part of sub-definition (c).

KCA and ANC 1C argued that the collar ties are not part of the roof framing because they do not directly hold up the roof, and they are not directly attached to the roof rafters. The roof rafters hold up the roof and the collar ties are located below them and their function is to prevent racking in a north-south direction. They also dispute that they are at the top of the building because they are below the roof rafters and roof.

The Board interprets the testimony of the project architect to mean that the collar ties performed a structural function at the very top of the building and that the "roof framing" includes not just the structural members that directly hold up the roof, but also includes the other components of the structural system that perform other structural functions at the top of the building, including in this case, the collar ties that prevent north-south racking. The Board therefore concludes that the collar ties are a part of the roof framing.

The Board stands by its prior interpretation of this evidence and is not persuaded by the exceptions to change it. The Board has changed its discussion in the conclusions of law in this Order to further clarify its reasoning in light of the exceptions.

CONCLUSIONS

On remand, the Board concludes that the sixth level of the subject building is an attic. Having already concluded that the space has less than six feet, six inches of structural headroom, the area was properly excluded by the Zoning Administrator from the calculation of the gross floor area of the building. The Court of Appeals has affirmed the Board's finding upholding the Zoning Administrator's FAR calculations as to the building's lower-level. Therefore, the building does not exceed the maximum floor area ratio permitted in this R-5-D zone district. Accordingly, the Board affirms its denial of Appeal No. 17109 with respect to the FAR calculations.

[3] Board Order No. 17109, at 14, states that "structural" is defined by Webster's Dictionary as "of or relating to the load bearing members or scheme of a building, as opposed to the screening or ornamental elements."

VOTE AFTER REMAND TO AFFIRM REMANDED PORTION OF APPEAL:

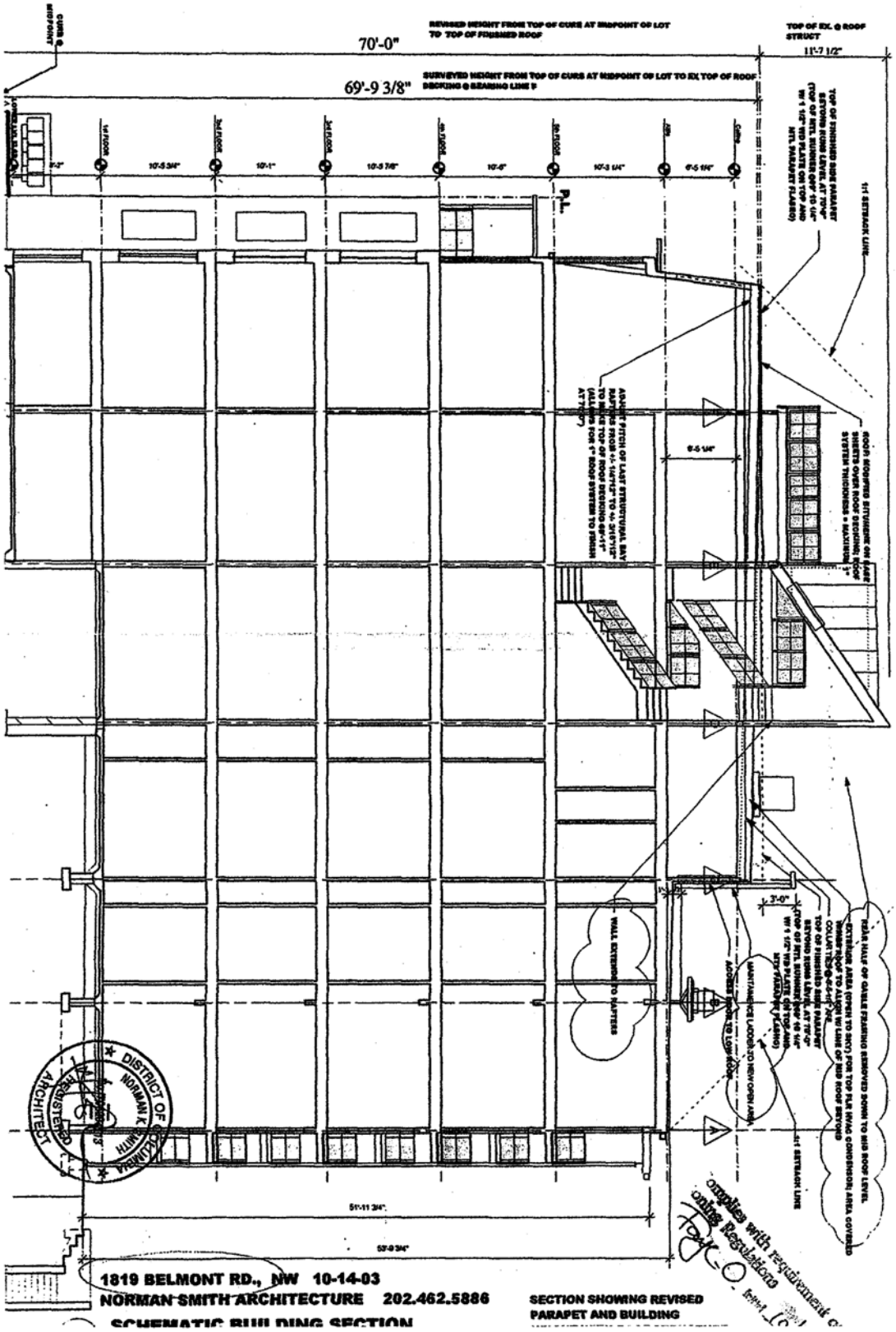
4-0-1 (Lloyd J. Jordan, Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle to Affirm; one Board member not participating or voting).

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 24, 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.

TAB A - Revised Building Section Drawing


70'-0"
69'-9 3/8"
1819 BELMONT RD., NW 10-14-03
NORMAN SMITH ARCHITECTURE 202.462.5886
SECTION SHOWING REVISED PARAPET AND BUILDING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Order No. 18990-A in Application No. 18990 of Diana Kurnit and Jonathan Brumer, as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 223 to allow a replacement rear deck addition at a one-family semi-detached dwelling, not meeting the lot occupancy requirements of § 403, the side yard requirements of § 405, and the nonconforming structure requirements of § 2001.3 in the R-2 District, at premises 5330 42nd Street, N.W. (Square 1664, Lot 30).[1]

HEARING DATES:	May 12, 2015 and June 16, 2015
DECISION DATE:	June 16, 2015
FINAL ORDER ISSUANCE DATE:	November 9, 2015
RECONSIDERATION DECISION DATE:	December 8, 2015

ORDER DENYING RECONSIDERATION

By order dated November 9, 2015 ("Order"), the Board of Zoning Adjustment (the "Board") granted an application submitted by Diana Kurnit and Jonathan Brumer (the "Applicant") for a special exception to allow construction of a deck located within the rear yard of a one-family semi-detached dwelling. (Exhibit 49.) The parties to the proceeding were the Applicant; Advisory Neighborhood Commission ("ANC") 3E; and Jane Waldmann ("Party in Opposition"), the owner of the adjacent property at 5332 42nd Street ("5332 Property").

On November 23, 2015, the Party in Opposition filed a motion for reconsideration of the Board's decision. (Exhibit 52.) In the motion, the Party in Opposition alleges the following errors in the Board's Order: (1) that the Order referenced 26 letters of support from neighbors, almost all of whom will not be impacted by the new deck; (2) that the Order erroneously stated that the Applicant had attempted to address the concerns of the Party in Opposition; (3) that the

[1] This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was heard and decided by the Board of Zoning Adjustment ("the 1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text ("the 2016 Regulations"). The repeal of the 1958 Regulations has no effect on the validity of the Board's decision or the validity of this order.

Applicant's statement to the Board concerning the maintenance of green space and an existing tree by locating the stairs on the south side of the deck instead of the north side were erroneous; (4) that the record does not support that the Applicant is replacing a prior deck because the new deck is larger; (5) that the Party in Opposition enclosed her deck in 1986 whereas the correct date is 2002; (6) that the location of the stairs on the north side of the deck would require removal of an existing crepe myrtle; (7) that the new deck will not generate noise; (8) that the Party in Opposition's fence provides privacy for her own porch; and (9) that the Conclusions of Law were incorrect and in violation of 11 DCMR § 223.2(a) as the light and air of the neighboring property owned by the Party in Opposition will be impacted by the deck, and in violation of § 223.2(b) as the location of the stairway will not provide more privacy to the 5332 Property. The Party in Opposition sought as relief, either locating the stairs to the north of the deck along the shared property line, or moving the north edge of the deck south, to create a four-foot space between the northernmost end of the deck and the 5332 Property.

The Applicant filed a statement in opposition to the motion for reconsideration dated November 26, 2015, (Exhibit 52), contending the following: (1) The ANC voted 5-0 in favor of the application even after hearing the objections of the Party in Opposition, (2) the Office of Planning provided support for the application, (3) 26 letters of support were provided from nearby property owners, (4) the Party in Opposition conceded at the hearing that her own porch blocked light and air from her basement, and (5) the case was presented to the Board twice. The Applicant went on to note that the Findings of Fact which the Party in Opposition stated were not being supported by the record, were in fact all supported by the record, and to the extent any Findings of Fact were incorrect, the errors were inconsequential. Similarly, the Applicant argued that the Party in Opposition's objections to the Conclusions of Law were without basis. Finally, the Applicant contended that the motion failed to establish that the relief sought by the Party in Opposition is necessary to ensure that light and air available to neighboring properties will not be unduly affected; privacy and use and enjoyment of neighboring properties will not be unduly compromised; or the addition, along with the original building, when viewed from the street or other public way, shall not visually intrude upon the character, scale and pattern of housing along the street frontage.

At a public meeting on December 8, 2015, the Board voted to deny the motion for reconsideration.

CONCLUSIONS OF LAW

Pursuant to 11 DCMR § 3126.2, any party may file a motion for reconsideration or rehearing of any decision of the Board within ten days after a final written order is issued. In this instance, the Board waives the 10-day filing deadline, as the Party in Opposition represents it was given the incorrect date for submitting their motion for reconsideration. The Board may waive the filing deadline under §3100.5 "for good cause shown" if it "will not prejudice the rights of any party and is not otherwise prohibited by law." The Board found that the standard is met in this case and waived the filing deadline.

A motion for reconsideration must state specifically all respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought. (11 DCMR § 3126.4.)

The Board finds that the instant motion does not provide a sufficient basis to reconsider its decision to grant the application in this case. The Board finds the issues raised in the motion were addressed at the hearing where the Party in Opposition was permitted to testify and to cross-examine. The multiple errors in fact cited by the Party in Opposition in her motion were either raised at the hearing or, if in error, were inconsequential. Therefore, the Board finds that there are neither errors nor new issues raised that have not already been addressed by the Board and sufficient evidence supports the Board's findings.

For all of these reasons, the Board hereby **ORDERS** that the motion for reconsideration is **DENIED**.

VOTE 3-0-2 (Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen (by absentee ballot) voting to DENY; Frederick L. Hill not participating; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 28, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19804 of 716 Upshur LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion provisions 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 716 Upshur Street, N.W. (Square 3135, Lot 91).

HEARING DATE: September 19, 2018; October 31, 2018
DECISION DATE: November 28, 2018

DECISION AND ORDER

This self-certified application (the "Application") was submitted on May 17, 2018 by 716 Upshur LLC, (the "Applicant") the owner of the property located at 716 Upshur 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 building housing a principal dwelling into a three-unit apartment house. Following a public hearing, the Board voted to approve the Application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated July 16, 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-08. Pursuant to 11-Y DCMR § 402.1, on July 16, 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 August 3, 2018 (65 DCR 8031).

Party Status. The Applicant and ANC 4C were automatically parties in this proceeding. There were no additional requests for party status.

Applicant's Case. The Applicant provided evidence and testimony to show that the Application satisfied all requirements for approval of the requested zoning relief.

OP Report. The Office of Planning issued two reports. In its first report dated September 7, 2018, OP recommended approval of the Applicant's initial design for the conversion and waiver

from the U § 320.2(e) in order to extend 26.17 feet past the farthest rear wall of the adjoining buildings. (Exhibit 39.) Following the initial hearing on September 19, 2018, the Applicant revised the Application and presented Concepts B and C for the Office of Planning to review. (Exhibit 58.) OP submitted a supplemental report recommending approval of the proposed Concepts A and B. (Exhibit 60.)

DDOT Report. By memoranda August 27, 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 36.)

ANC Report. Through an undated resolution, the ANC indicated that at its duly noticed public meeting held September 12, 2018, the ANC voted to oppose the application because the Commission and the applicant "have been unable to reach an agreement regarding the additional benefits that the Commission seeks to support this special exception and waiver from 11-U 320.2 (e)." The resolution was accepted by the Office of Zoning's Interactive Zoning Information System on November 13, 2018 and assigned Exhibit No. 68. Although there was testimony and written a submission concerning other votes that the ANC may have made, the only writing that qualifies to receive great weight is the resolution.

Persons in Opposition. Thirteen letters and a petition in opposition were submitted to the record.

Persons in Support. Seven letters in support were submitted to the record.

FINDINGS OF FACT

1. The Subject Property is located at 716 Upshur Street, N.W. (Square 3135, Lot 91).

2. The Subject Property is improved with a building housing a principal dwelling unit.

3. The Subject Property has a lot area of 2,726 square feet, and a lot width of 19.12 feet.

4. Abutting the Subject Property to the west is 718 Upshur Street, N.W., which is currently improved with an attached building.

5. Abutting the Subject Property to the east is 714 Upshur Street, N.W. which is also improved with an attached building.

6. Abutting the Subject Property to the north and south are Upshur Street, N.W. and a public alley, 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") from one housing a principal dwelling unit to a three-unit apartment house.

9. Accordingly, the Applicant requested special exception relief pursuant to 11-U DCMR § 320.2.

10. The Applicant's original plans showed an addition that extended 26.17 feet past the rear walls of the adjoining principal buildings. The Board requested the Applicant revise the original plans in order to mitigate concerns over light, air, and privacy raised by the adjacent neighbors at 714 Upshur Street, N.W.

11. In advance of the hearing on October 31, 2018, the Applicant provided revised plans showing three design options. (Exhibit 58.) Concept A depicted the originally proposed design. Concept B reduced the extent of rear addition and redesigned the rear façade, but would still extend at least ten feet beyond the wall of an adjacent property and require a waiver of 11-U DCMR § 320.2(e). Option C reduced the rear addition and would comply with the ten-foot rear extension requirement of 11-U DCMR § 320.2(e). The Applicant reduced the roof deck area in both Concepts B and C. (Exhibit 58.)

12. At the hearing on October 31, 2018, the Board requested that the Applicant revise Concept B so that it would have a smaller rear deck.

13. The Applicant submitted revised plans on November 2, 2018 that reflected the requested changes to the deck. (Exhibit 65.)

14. The Applicant now proposes 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 setback three 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.

15. 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. The Inclusionary Zoning set-aside requirement of 11-U DCMR § 320.2(b) applies to residential conversions proposing four or more units.

16. There is an existing residential building, existing on the lot prior to May 12, 1958.

17. At 2,726 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).

18. No adjacent property has a solar system installed on its roof.

19. The adjacent property at 718 Upshur has a chimney, but the adjacent property owner has signed a chimney agreement with the Applicant.

20. The rear addition extends 21.12 feet past the rear walls of the shorter of the adjoining properties at the cellar and ground floor. On the second and third floors, the proposed addition is set back 13.20 feet from the rear. The Applicant requested a waiver from 11-U DCMR § 320.2(e), which states that an addition may not extend further than ten feet past the furthest rear wall of any adjacent principal residential building.

21. The light and air available to neighboring properties will not be unduly affected by the addition, as any additional impact would primarily be on the roof of the adjacent buildings and, at most, for a few hours in the winter.

22. The proposed addition will not unduly compromise the privacy and use of enjoyment of neighboring properties. The Applicant made significant changes to the plans after the first hearing and reduced the size of the roof deck in order to mitigate any privacy concerns. The proposed roof deck will not extend further than the rear wall of the existing building. The Applicant also revised the plans to show a shorter rear deck limited to 7.92 feet past the primary mass of the building.

23. 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 Upshur Street or the alley. The proposed changes to the front façade are repairs. The third-floor addition will be set back three feet from the front façade and will not be visible from the street. There are a number of rear additions in the subject alley and a variety of rear setbacks, and the addition will not intrude upon the view from the alley.

24. 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 Upshur Street and the adjacent alley.

25. The Applicant requested a waiver from U § 320.2(e) which states "an addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any adjoining principal residential building on an adjacent property."

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 for a residential conversion of this type is limited to a determination of whether an applicant has complied with the requirements of 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 a 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 an 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 at least 2kW) on an adjacent property; (h) A rooftop 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 § 320.2(i), the applicant must 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 shall not be in conflict with 11-U DCMR § 320.2(i).

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 14.) The Inclusionary Zoning set-aside requirements do not apply, as the Applicant is not proposing more than three units. (Finding of Fact 15.) There is an existing residential Building on the Subject Property and it has over 2,700 square feet of land area (Findings of Fact 16-17.) The Applicant requested a waiver from U § 320.2(e) which states "an addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any adjoining principal residential building on an adjacent property." After a number of revisions, the final plans show the addition extending 21.12 feet past the rear walls of the shorter of the adjoining properties at the cellar and ground floor. On the second and third floors, the proposed addition is set back 13.20 feet from the rear. In order to meet the waiver requirements, the project must not be in conflict with U § 320.2(i). No adjacent property has a solar energy system installed on its roof. (Finding of Fact 18.) The adjacent property to the west has a chimney, but the adjacent property owner has signed an agreement with the Applicant to allow the Applicant to raise the chimney if required by building code. (Finding of Fact 19.) The Applicant requested a waiver from Subtitle U § 320.2(e); the Board finds that the waiver is not in conflict with U § 320.2(i), based on the Findings of Fact and for the reasons discussed below.

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 neighboring properties shall not be unduly affected by the addition, as any additional impact would primarily be on the roof of the adjacent buildings and at most for a few hours in the winter. (Exhibit 58, pp. 26-28.)

The proposed addition will not compromise the privacy or enjoyment of the adjacent properties. The Applicant made significant changes to the plans after the first hearing and reduced the roof deck in order to mitigate any privacy concerns. The proposed roof deck will not extend further than the rear wall of the existing building. At the hearing on October 31, 2018, the Office of Planning testified that the reduction of the roof deck should mitigate concerns with privacy, such that the addition will not compromise the privacy or enjoyment of the adjacent properties. (Finding of Fact 22.)

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 setback three feet from the front façade and will not be visible from the street. The proposed changes to the front façade are repairs. There are a number of rear additions in the subject alley and a variety of rear setbacks and, therefore, the addition will not intrude upon the view from the alley. (Finding of Fact 23.)

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).

As noted, the ANC submitted an undated resolution that indicated that at its duly noticed public meeting held September 12, 2018, the ANC voted to oppose the application because the Commission and the applicant "have been unable to reach an agreement regarding the additional benefits that the Commission seeks to support this special exception and waiver from 11-U 320.2 (e)." (Exhibit 68.) The ANC expressed no issues or concerns with respect to the requested relief, only its disappointment at being unable to obtain satisfactory terms for its support. This is not a legally relevant or legitimate concern in the context of the Board's consideration of the special exception criteria.

While the majority of concerns from the persons in opposition are not legally relevant, the Board requested the Applicant revise the original plans in order to mitigate concerns over light, air, and privacy raised by the adjacent neighbors who lived at 714 Upshur Street, N.W. At the hearing on October 31, 2018, the Board again requested that the Applicant revise Concept B so that it would have a smaller rear deck. The Applicant submitted revised plans on November 2, 2018 which reflected the requested changes to the deck. (Exhibit 65.)

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 this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 65 – APPLICANT'S SUPPLEMENTAL FILING - AND WITH THE FOLLOWING CONDITION:**

1. Prior to the issuance of any building permit authorized by this Order, the Applicant shall obtain the issuance of a building permit for 718 Upshur Street, N.W. to raze the chimney

or otherwise ensure the compliance of the project approved by this order with the requirements of Subtitle U § 320.2(f).

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull 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 29, 2019

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

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19808 of Marc Rogers, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone at premises 1740 40th Street, S.E. (Square 5523, Lot 31).

HEARING DATES: October 3, November 14, and November 28, 2018
DECISION DATE: November 28, 2018

DISMISSAL ORDER

This application was submitted to the Board of Zoning Adjustment ("Board" or "BZA") on May 20, 2018 by Marc Rogers (the "Applicant"). The Applicant requested a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone. The hearing for this application was originally scheduled for October 3, 2018 and was postponed at the Applicant's request to November 14, 2018. At the rescheduled public hearing, the Applicant did not appear when the case was called, and the Board rescheduled the hearing on its own motion to November 28, 2018. Again, the Applicant did not appear at the November 28, 2018 hearing. The Board voted to dismiss the application at that time.

Notice of Public Hearing. Pursuant to 11-Y DCMR § 402.1, notice of the original hearing date was sent to the Applicant, all owners of property within 200 feet of the subject site, Advisory Neighborhood Commission ("ANC") 7E, the Single Member District Commissioner for ANC 7E 02, adjacent ANC 7B, and the D.C. Councilmember for Ward 7.

ANC Report. Neither ANC 7E nor ANC 7B submitted a written report.

OP Report. The Office of Planning ("OP") submitted a timely report to the record recommending approval of the relief requested, but raising the issue that relief may not be needed. OP recommended that the Applicant confirm with the Zoning Administrator whether relief is necessary. (Exhibit 35.)

DDOT Report. The District Department of Transportation ("DDOT") submitted a report, raising objections to the relief requested on the grounds that (1) the Applicant has alley access and can create a vehicle parking space at the rear of the site, and (2) the proposed curb cut will reduce on-street vehicle parking and impact an existing tree. (Exhibit 36.)

FINDINGS OF FACT

1. On May 20, 2018, Marc Rogers (the "Applicant") filed a request for a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone at premises 1740 40th Street S.E. (Square 5523, Lot 31).

2. The Office of Zoning ("OZ") originally scheduled this application for public hearing on October 3, 2018.

3. At the public hearing of October 3, 2018, the Applicant requested a postponement of his case and related case Application No. 19809. (BZA Hearing Transcript ("Tr.") of October 3, 2018 at pp. 47-48.)

4. The Board, in the Applicant's presence, granted his request and postponed the public hearing to November 14, 2018.

5. The Board also requested that the Applicant work with the Office of Planning and the Zoning Administrator to determine whether relief was necessary for the proposed parking space.

6. At the public hearing of November 14, 2018, the Applicant did not appear when the case was called on two occasions during the hearing session. (Tr. of November 14, 2018 at pp. 43 and 300.)

7. On its own motion, the Board postponed the hearing to November 28, 2018, to allow OZ staff to contact the Applicant.

8. OZ advised the Board that it contacted the Applicant by email and informed the Applicant that, if a representative is not present when the case is called at the November 28, 2018 hearing, the case may be dismissed.

9. At the public hearing of November 28, 2018, neither the Applicant nor his representative appeared when the case was called. (Tr. of November 28, 2018 at p. 91.)

10. At that time, the Board voted to dismiss the application without hearing the merits of the case.

CONCLUSIONS OF LAW

Pursuant to 11-Y DCMR § 600.4, the Board shall not dismiss an application on the grounds of a procedural deficiency "unless, after due notice of the deficiency and expiration of a reasonable time as fixed by the Board, the deficiency has not been corrected, except that the Board may

immediately dismiss an application or appeal if the applicant or appellant fails to appear at a hearing without explanation." Because the Applicant failed to appear at the scheduled public hearing of November 14, 2018 after having received notice and again on November 28, 2018 without explanation notwithstanding the efforts of the Office of Zoning to contact him, the Board dismissed this application without hearing its merits.

The Board is required to give "great weight" to the recommendation of OP. (D.C. Official Code § 6-623.04 (2012 Repl.).) In this case, OP provided a recommendation as to the relief requested; however, the Board did not reach the merits of this case and therefore could not afford great weight to that recommendation.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC in its written report. (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) (2012 Repl.)).) In this case, neither ANC 7E nor the adjacent ANC 7B submitted a written report.

Accordingly, it is **ORDERED** that the application is **DISMISSED**.

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter G. May to DISMISS).

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 25, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19809 of Shamori Jennings, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone at premises 1736 40th Street, S.E. (Square 5523, Lot 32).

HEARING DATES: October 3, November 14, and November 28, 2018
DECISION DATE: November 28, 2018

DISMISSAL ORDER

This application was submitted to the Board of Zoning Adjustment ("Board" or "BZA") on May 20, 2018 by Shamori Jennings (the "Applicant"). The Applicant requested a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone. The hearing for this application was originally scheduled for October 3, 2018 and was postponed to November 14, 2018 based on the Applicant's inability to attend. At the public hearing on November 14, the Applicant did not appear when the case was called, and the Board rescheduled the hearing on its own motion to November 28, 2018. Again, the Applicant did not appear at the November 28, 2018 hearing. The Board voted to dismiss the application at that time.

Notice of Public Hearing. Pursuant to 11-Y DCMR § 402.1, notice of the original hearing date was sent to the Applicant, all owners of property within 200 feet of the subject site, Advisory Neighborhood Commission ("ANC") 7E, the Single Member District Commissioner for ANC 7E 02, adjacent ANC 7B, and the D.C. Councilmember for Ward 7.

ANC Report. Neither ANC 7E nor ANC 7B submitted a written report.

OP Report. Office of Planning ("OP") submitted a timely report to the record recommending approval of the relief requested. (Exhibit 38.)

DDOT Report. The District Department of Transportation ("DDOT") submitted a report, raising objections to the relief requested on the grounds that (1) the Applicant has alley access and can create a vehicle parking space at the rear of the site, and (2) the proposed curb cut will reduce on-street vehicle parking and impact an existing tree. (Exhibit 39.)

FINDINGS OF FACT

1. On May 20, 2018, Shamori Jennings (the "Applicant") filed a request for a variance from the parking location requirements of Subtitle C § 710.2, to permit a parking space in the front yard of an existing principal dwelling unit in the R-2 Zone at premises 1736 40th Street S.E. (Square 5523, Lot 32).

2. The Office of Zoning ("OZ") originally scheduled this application for public hearing on October 3, 2018. Notice of the hearing was provided to the Applicant by mail, in a letter dated August 1, 2018. (Exhibit 33.)

3. At the public hearing of October 3, 2018, Marc Rogers, the applicant in related Application No. 19808 indicated that he was speaking on behalf of the Applicant and requested a postponement of the public hearing of both applications, based the Applicant's inability to attend the hearing session. (BZA Hearing Transcript ("Tr.") of October 3, 2018 at pp. 47-48.)

4. The Board granted his request and announced in Mr. Rogers' presence that it postponed the public hearing to November 14, 2018. Since Mr. Rogers represented that he was acting as agent for the Applicant, no other notice of the postponed hearing was given.

5. At the public hearing of November 14, 2018, the Applicant did not appear when the case was called on two occasions during the hearing session. (Tr. of November 14, 2018 at pp. 43 and 300.)

6. On its own motion, the Board postponed the hearing to November 28, 2018, to allow OZ staff to contact the Applicant.

7. OZ advised the Board that it contacted the Applicant by email and informed the Applicant that, if a representative is not present when the case is called at the November 28, 2018 hearing, the case may be dismissed.

8. At the public hearing of November 28, 2018, neither the Applicant nor his representative appeared when the case was called. (Tr. of November 28, 2018 at p. 92.)

9. At that time, the Board voted to dismiss the application without hearing the merits of the case.

CONCLUSIONS OF LAW

Pursuant to 11-Y DCMR § 600.4, the Board shall not dismiss an application on the grounds of a procedural deficiency "unless, after due notice of the deficiency and expiration of a reasonable time as fixed by the Board, the deficiency has not been corrected, except that the Board may immediately dismiss an application or appeal if the applicant or appellant fails to appear at a

hearing without explanation." Because the Applicant failed to appear at the scheduled public hearing of November 14, 2018, even though he had notice to do so through his agent, and again on November 28, 2018 without explanation notwithstanding the efforts of the Office of Zoning to contact him, the Board dismissed this application.

The Board is required to give "great weight" to the recommendation of OP. (D.C. Official Code § 6-623.04 (2012 Repl.).) In this case, OP provided a recommendation as to the relief requested; however, the Board did not reach the merits of this case and therefore could not afford great weight to that recommendation.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC in its written report. (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) (2012 Repl.).) In this case, neither ANC 7E nor the adjacent ANC 7B submitted a written report.

Accordingly, it is **ORDERED** that the application is **DISMISSED**.

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter G. May to DISMISS).

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 25, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19852 of Clay St NE LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.2, the side yard requirements of Subtitle D § 307.1, and the nonconforming structure requirements of Subtitle C § 202.2, to permit an existing two-story rear addition to an existing principal dwelling unit in the R-2 Zone at premises 4521 Clay Street, N.E. (Square 5134, Lot 834).

HEARING DATE: October 31, 2018
DECISION DATE: October 31, 2018

DECISION AND ORDER

On August 3, 2018, Clay St NE LLC, the property owner of the subject premises (the "Owner" or the "Applicant") submitted an application (the "Application") for special exception relief to permit an existing two-story rear addition to an existing principal dwelling unit in the R-2 Zone at premises 4521 Clay Street, N.E. (Square 5134, Lot 834) (the "Subject Property"). Following a public hearing, the Board of Zoning Adjustment ("Board") voted to approve part of the Application and deny part of the Application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated August 30, 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 7; Advisory Neighborhood Commission ("ANC") 7D, the ANC for the area within which the Subject Property is located; the single-member district ANC 7D05; the Applicant; and the owners of all property within 200 feet of the Subject Property. Notice was published in the *D.C. Register* on September 7, 2018 (65 DCR 9196) The hearing was scheduled for October 31, 2018.

Party Status. There were no requests for party status. Accordingly, the parties to the Applicant are the Applicant and ANC 7D.

OP Report. In its report dated October 19, 2018, the Office of Planning ("OP") recommended approval of the requested relief for part of the Addition and denial for a small side deck. In its report, OP highlighted the portion of the building in which it would not recommend approval in red and the portion it did recommend approval of in green. (Exhibit 39.) While it did not

recommend approval for the side yard relief for the side deck, OP did recommend approval for the portion of the building that extended the existing nonconforming side yard. In its report, the Office of Planning noted that the rear addition respects the rear yard itself and the rear deck would not impact light, air, or privacy. Further it noted that the rear addition and second story would maintain the existing east side yard of 3.33 feet, bringing it no closer to the side lot line than previously existed. "However, the deck along the east side lot line is not in character with other single-family dwellings in this zone and could have an undue impact on the privacy of the adjacent property to the east. Therefore, OP does not support the retention of the deck as constructed further into the east side yard, even though the neighbor to the east (4603 Clay Street, N.E.) submitted a letter in support of the full application." (Exhibit 39.)

DDOT Report. By memoranda dated October 12, 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 36.)

ANC Report. ANC 7D, an automatic party to this proceeding, submitted a report in support of the Application. In its report, dated September 10, 2018, the ANC indicated that it had voted 5-0-0 to support the Application. (Exhibit 35.)

Persons in Support. The Board received a letter in support from the adjacent neighbor to the east at 4603 Clay Street, N.E., Margaret Cherry. (Exhibit 32.) The letter indicated that the Addition did not impact her light, air, or privacy. The Board also received a petition in support from 13 neighbors in the surrounding area. (Exhibit 31.) The petition indicated that the neighborhood was supportive of the Addition, that it would not impact the character of the neighborhood, and that it would not have a negative impact on the adjacent neighbors' light, air, or privacy.

Persons in Opposition. The Board received a letter in opposition from the adjacent neighbor to the west, Derrick Figures, who lives at 4519 Clay Street, N.E. (Exhibit 30.) The majority of the concerns raised by the neighbor were not relevant to the Application or special exception criteria.

FINDINGS OF FACT

The Subject Property and Nearby Properties

1. The Subject Property is located at 4521 Clay Street, N.E. (Square 5134, Lot 834).

2. The Subject Property is a small rectangular lot measuring 2,594 square feet in land area.

3. The Subject Property is located in the R-2 Zone District.

4. The Subject Property is currently improved with a detached building used as a principal dwelling.

5. Abutting the Subject Property to the east and west and south are other detached dwellings.

6. Abutting the Subject Property to the north is Clay Street.

7. The Subject Property has no alley access and is therefore not required to provide parking pursuant to Subtitle C § 702.3(a) which provides an exemption for "detached single dwelling unit(s) . . . within the R and RF zones, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum."

8. The R-2 Zone requires a minimum side yard of at least eight feet. (11-D DCMR § 307.1.) Before the Addition, the Subject Property had two existing non-conforming side yards measuring 0.23 feet to the east and 5.44 feet to the west. Subtitle D § 307.5 states: "For a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)." Accordingly, the existing nonconforming side yard on the western side lot line is permitted to be extended by the Addition.

The BZA Application and Background

9. The original improvements on the Subject Property consisted of a one story, detached building historically used as a principal dwelling (the "Building").

10. The Applicant is requesting special exception relief for an already-constructed second story addition and a rear two-story addition (the "Addition" or the "Project").

11. The contractor started construction using preliminary plans prepared by an architect, who is no longer involved with the Project.

12. Subsequently, another architectural firm, AYS Engineers, PLC, prepared drawings and a building permit was issued based on the second set of drawings (B1705878).

13. However, the contractor continued construction using the previous preliminary drawings. The contractor maintains he never received or saw the permit drawings.

14. During inspection, the Project failed the wall check due to non-compliance with the permit drawings and a zoning hold was then placed on the Subject Property on or around February 14, 2018.

15. The Applicant submitted its request for special exception relief with the Office of Zoning on August 3, 2018.

The Required Zoning Relief

16. The R-2 Zone limits lot occupancy to 40%. (11-D DCMR § 304.1.) With the Addition, the Subject Property has a lot occupancy of 46.2%. Accordingly, the Applicant requires relief from the lot occupancy requirements of Subtitle D § 304.1.

17. The R-2 Zone requires a minimum rear yard of 20 ft. (11-D DCMR § 306.4.) With the Addition the Subject Property's rear yard will be 16.75 feet. Accordingly, the Applicant requires relief from the rear yard requirements of Subtitle D § 306.4.

18. As the existing nonconforming side yard on the eastern lot line is not five feet or more, the Applicant is requesting relief from Subtitle C § 202.2 in order to increase the existing nonconforming side yard.

19. Relief from the requirements of Subtitle C § 202.2 and Subtitle D §§ 304.1, 306.4, and 307.1 is available as a special exception under Subtitle D § 5201.

Impacts of the Addition

20. The Building is separated from the adjacent buildings by large side yards of more than five feet. Additionally, the rears of the properties are already shaded by larger trees, the shadows of which lessen the perceived impact of the Addition. The Addition is approximately three feet shy of meeting the rear yard requirements. At most there would be only a very slight difference in impact on light and air between a matter-of-right setback and the proposed setback. The rear yard relief is only for the rear deck, not the Addition to the Building itself.

21. Although the Subject Property is separated from the building to the east by an eight-foot side yard on the property to the east, the proposed deck along the east side lot line is not in character with other one-family dwellings in this zone and could have an undue impact on the privacy of the adjacent property to the east.

22. The Addition, together with the existing Building, does not visually intrude upon the character, scale, or pattern of houses on Clay Street, N.E. The block has a mix of one-story and two-story dwellings and, as demonstrated by the photos included with this Application and the Addition is not out of character with the neighborhood.

23. However, the deck along the east side lot line is not in character with other residential buildings with principal dwelling unit in this zone and would have an undue impact on the privacy of the adjacent property to the east.

Additional Considerations

24. The Applicant provided plans, photographs, elevations, and drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

25. The original building had a lot occupancy of approximately 21.3%. The Addition increased the lot occupancy to 46.2%, and therefore, the Project does not exceed the 50% lot occupancy requirement for special exception relief in the R-2 Zone District.

26. The Board did not provide directives for protection of adjacent and nearby properties.

27. The Applicant did not request to introduce or expand a nonconforming use.

28. The Applicant did not request to introduce or expand nonconforming height or number of stories.

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief under Subtitle D § 5201 of the Zoning Regulations from the rear yard requirements of the R-2 Zone in Subtitle D § 301.4, the rear yard requirements in the R-2 Zone of Subtitle D § 306.2, the side yard requirements of the R-2 Zone of Subtitle D § 307.1, and the limitations on enlargements and additions to nonconforming structures as set forth in Subtitle C § 202.2.

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 provides that a special exception may be granted if it 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 under 11-D DCMR § 5201 is limited to a determination of whether an applicant has complied with the requirements of 11-D DCMR § 5201 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 Subtitle D § 5201, a special exception may be granted if the application meets both the specific and general special exception requirements.

Specific Special Exception Requirements

The specific requirements of Subtitle D §§ 5201.3-5201.6 are as follows:

5201.3 (a): The light and air available to neighboring properties shall not be unduly affected

The Applicant provided evidence in the form of photographs and plans demonstrating that the Building is separated from the adjacent buildings by large side yards of more than five feet. Additionally, the rears of the properties are already shaded by larger trees, the shadows of which lessen the perceived impact of the Addition. The Addition is approximately three feet shy of meeting the rear yard requirements. (Finding of Fact No. 20.) At most there would be only a very slight difference in impact on light and air between a matter-of-right setback and the proposed setback.

The adjacent neighbor to the east (Exhibit 32) and the petition in support (Exhibit 31) stated that the Addition would not unduly affect the light and air available to the neighboring properties.

In its report, the Office of Planning found that the light and air available to neighboring properties would not be unduly affected by the proposed addition. The report noted that the rear yard relief was only related to the rear deck which did not impact light and air and that the Addition itself respected the rear yard setback. (Exhibit 39.)

The Board concluded that the proposed Addition will not unduly affect the light and air available to neighboring properties.

5201.3 (b): The privacy of use and enjoyment of neighboring properties shall not be unduly compromised

The Applicant provided evidence in the form of plans and elevations demonstrating that because the Subject Property has a side yard of approximately 5.5 feet, which separates it from the building to the west and the Subject Property is also separated from the building to the east by an eight-foot side yard on the property to the east, the Addition would not impact the privacy of use and enjoyment. (Finding of Fact No. 21.)

The Board concurs with the Office of Planning and finds that, while the Addition and rear deck would not compromise the privacy and use of enjoyment of adjacent neighbors, the raised side deck further encroaches into the existing side yard and would impact the privacy and use of enjoyment of the adjacent neighbors.

5201.3(c): The addition or accessory structure, together with the original building, 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 frontage

The Addition, together with the existing Building, does not visually intrude upon the character, scale, or pattern of houses on Clay Street, N.E. The block has a mix of one-story and two-story dwellings and, as demonstrated by the photos included with this Application, the Addition is not out of character with the neighborhood. (Finding of Fact No. 22; Exhibits 13A-13B.) However, for the reasons stated in the OP Report, the Board finds that the deck along the east side lot line is not in character with other one-family dwellings in this zone.

5201.3 (d): In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

The Applicant provided graphical representations such as plans, photographs, elevations, shadow studies, and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways. (Finding of Fact No. 24; Exhibits 11, 13A-13B.)

5201.3 (e): The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of fifty percent (50%)

The original building had a lot occupancy of approximately 21.3%, and the Addition increased the lot occupancy to 46.2%. Therefore, the Project does not exceed the 50% lot occupancy requirement for special exception relief in the R-2 Zone District. (Finding of Fact No. 25.)

5201.4: The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The Board did not require any special treatment for the protection of adjacent and nearby properties. (Finding of Fact No. 26.)

5201.5: This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The Applicant did not request to permit the introduction or expansion of a nonconforming use as a special exception. (Finding of Fact No. 27.)

5201.6: This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The Applicant did not request to permit the introduction or expansion of nonconforming height or number of stories as a special exception. (Finding of Fact No. 28.)

General Special Exception Requirements

The Application must also satisfy the general special exception criteria of Subtitle X § 901.2, which states that the Board is authorized to grant special exception relief where, in the judgement 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 Maps."

As discussed below, the Application, with the exception of the side deck, meets the general special exception criteria.

In harmony with the general purpose and intent of the Zoning Regulations

The R-2 Zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings. (11-D DCMR § 300.5.) Accordingly, the proposal, with the exception of the side deck, is in harmony with the general purpose and intent of the zoning regulations and zoning maps, as the Applicant is providing an update to an existing detached dwelling.

Will not tend to affect adversely the use of neighboring property

The second prong of the general special exception requirements is that the requested relief will not tend to affect adversely the use of neighboring property.

As noted above, the Board found that, except for the side deck, the proposed Addition would not adversely affect the use of neighboring properties, as the Addition would not impact light, air, or privacy of the adjacent property owners, and would not be out of character with the surrounding area.

Great Weight to OP and ANC

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 in part and denied in part. 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). The Court of Appeals has also clarified that "the statute does not require the BZA to give 'great weight' to the ANC's recommendation but requires the BZA to give great weight to any issues and concerns raised by the ANC in reaching its decision." *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). In this case, ANC 7D submitted a written report indicating that it voted 5-0-0 to support the Applicant's request for special exception relief and raising no issues or concerns. (Exhibit 35.)

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concurs with the ANC that the Applicant has satisfied the burden of proof with respect to the Addition to the Building and the rear deck for special exception relief pursuant to 11-D DCMR § 5201; however, the Board found that the Applicant has failed to meet its burden of proof for the side deck, for the reasons discussed in more detail above. Further, in its written report, the ANC did not raise any issues and concerns to which the Board could give "great weight."

The Board's denial of the side yard relief was only related to the side deck, not the Addition and extension of the existing Building which simply extended the nonconforming side yard upwards and to the rear. The Office of Planning provided a diagram in its report in Exhibit 39 that specifies which areas of the Addition it would recommend approval for (in green) and those in which it recommended denial (the side deck, in red). Accordingly, it is **ORDERED** that the application is **GRANTED** in part and **DENIED** in part.

VOTE: **5-0-0** (Carlton E. Hart, Frederick L. Hill, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull to GRANT in part, and DENY in part).

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 24, 2019

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

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

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

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19893 of Eldridge Nichols and Lauren Santabar, 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 setback requirements of Subtitle E § 306.1, to construct a rear deck addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 1210 Maryland Avenue N.E. (Square 1005, Lot 80).

HEARING DATE: Applicant waived right to a public hearing
DECISION DATE: January 30, 2019 (Expedited Review Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated September 21, 2018, from the Zoning Administrator, certifying the required relief. (Exhibit 3.)

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. The Board provided proper and timely notice of the public meeting on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 10, 2019, at which a quorum was present, the ANC voted 7-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 38.)

Six neighbors submitted letters in support of the application. (Exhibit 17.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of

Subtitle E § 304.1, and the rear yard setback requirements of Subtitle E § 306.1, to construct a rear deck addition to an existing attached principal dwelling unit in the RF-1 Zone. The Board received no requests for party status in this case. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201, 304.1, and 306.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; Lesylleé M. White not present, not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 30, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19900 of Christopher and Katelyn Kimber, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2 and the lot occupancy requirements of Subtitle E § 304.1, to construct a three-story rear addition to an existing, attached, principal dwelling unit in the RF-1 Zone at premises 1215 Carrollsburg Place, S.W. (Square 651, Lot 69).[1]

HEARING DATE: January 16, 2019
DECISION DATE: January 16, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 2 and 2A.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6D, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 10, 2018, at which a quorum was present, the ANC voted 4-0-2 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a report, dated January 7, 2019, in support of the application. (Exhibit 45.) The District Department of Transportation ("DDOT") submitted a report, dated January 4, 2019, expressing no objection to the approval of the application. (Exhibit 43.)

Fourteen letters of support for the application were submitted to the record by neighbors (Exhibits 27-34 and 37-42.) Vanessa Ruffin-Colbert testified in support of the application; however, she raised concerns about the height of the parapet and stormwater management.

[1] The caption has been revised to include relief from the nonconforming structure provisions of Subtitle C § 202.2. This relief was requested by the Applicant in its application, but was not included in the caption as originally advertised.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a three-story rear addition to an existing, attached, principal dwelling unit in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 3.**

VOTE: **3-0-2** (Frederick L. Hill, Lesylleé M. White, and Michael G. Turnbull to APPROVE; Lorna L. John and Carlton E. Hart not present, not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 24, 2019

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

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

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

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

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

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC MEETINGS

DATES AND TIMES:
Monday, February 4, 2019 at 3:00 p.m.
Monday, February 11, 2019 at 3:00 p.m.
Monday, February 25, 2019 at 3:00 p.m.
Monday, March 4, 2019 at 3:00 p.m.
Monday, March 11, 2019 at 3:00 p.m.
Monday, March 18, 2019 at 3:00 p.m.
Monday, March 25, 2019 at 3:00 p.m.
Monday, April 1, 2019 at 3:00 p.m.
Monday, April 8, 2019 at 3:00 p.m.
Monday, April 15, 2019 at 3:00 p.m.
Monday, April 22, 2019 at 3:00 p.m.
Monday, April 29, 2019 at 3:00 p.m.
Monday, May 6, 2019 at 3:00 p.m.
Monday, May 13, 2019 at 3:00 p.m.
Monday, May 20, 2019 at 3:00 p.m.
Monday, June 3, 2019 at 3:00 p.m.
Monday, June 10, 2019 at 3:00 p.m.
Monday, June 17, 2019 at 3:00 p.m.
Monday, June 24, 2019 at 3:00 p.m.
Monday, July 1, 2019 at 3:00 p.m.
Monday, July 8, 2019 at 3:00 p.m.
Monday, July 15, 2019 at 3:00 p.m.
Monday, July 22, 2019 at 3:00 p.m.
Monday, July 29, 2019 at 3:00 p.m.

TELE-CONFERENCE NUMBER: **(712) 770-4708**
TELE-CONFERENCE ACCESS CODE: **344154**

The Board of Zoning Adjustment (the "Board" or "BZA") hereby provides notice to hold a public meeting via telephone conference on the dates and times listed above, for the purpose of considering whether to hold a closed meeting in order to seek legal advice from counsel on cases scheduled for hearing and decision on its upcoming agenda, as permitted by § 405(b)(4) of the Open Meetings Act (D.C. Official Code § 2-575(b)(4)) or in order to deliberate upon, but not vote upon, cases scheduled for hearing and decision on its upcoming agenda, as permitted by § 405(b)(13) of the Open Meetings Act (D.C. Official Code § 2-575(b)(13).

Members of the public wishing to listen to the Board's deliberation and decision as to whether to convene a closed meeting for these stated purposes may call **(712) 770-4708** and enter access code **344154**. No public testimony will be taken on the tele-conference. If the Board determines

to hold a closed meeting, under the provisions of the Open Meetings Act cited above, the Board will close the public meeting and convene its closed meeting on a separate tele-conference line.

It is recommended that members of the public check the BZA hearing and meeting calendar at the Office of Zoning website to confirm that the date and time of the public meeting tele-conference have not been modified: https://app.dcoz.dc.gov/Calendar/Calendar.aspx

Do you need assistance to participate?

Amharic
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0312 ወይምበኤሜል Zelalem.Hill@dc.gov ይገ ናኙ። እነ ኝህ አገ ልግሎቶች የ ሚሰጡ በነ ጻ ነ ው።

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

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

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

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

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

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

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

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