VOL. 67 – NO. 13 MARCH 27, 2020

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-254, Supporting Essential Workers Unemployment Insurance Amendment Act of 2020
- D.C. Council enacts Act 23-255, Credit Union Act of 2020
- D.C. Council enacts Act 23-262, Office of Resilience and Recovery Establishment Act of 2020
- Alcoholic Beverage Regulation Administration suspends on-premises alcohol sales and consumption at licensed establishments for the duration of the public emergency and public health emergency
- Office of the City Administrator establishes emergency regulations that allow for temporary suspension of specific requirements of the Construction Codes for construction directly related to the public emergency and public health emergency
- Office of Victim Services and Justice Grants announces availability of funding for the Fiscal Year 2021 Show Up, Stand Out (SUSO) Program

The Mayor of the District of Columbia extends the Public Emergency and Public Health Emergency in response to the Coronavirus (COVID-19) through April 24. 2020 (Mayor's Order 2020-050)

The Mayor delegates authority to various government agencies to execute actions authorized by the COVID-19 Response Emergency Amendment Act of 2020 (Mayor's Order 2020-052)

The Mayor requires temporary closure of on-site operation of all non-essential businesses in the District (Mayor's Order 2020-053)

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

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Legal Effect of Publication - Certification

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

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-67

"Community Harassment Prevention Second Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-524 on first and second readings November 5, 2019, and November 19, 2019, respectively. Following the signature of the Mayor on December 5, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-176 and was published in the December 13, 2019 edition of the D.C. Register (Vol. 66, page 16183). Act 23-176 was transmitted to Congress on December 12, 2019 for a 60-day review, in accordance with Section 602(c)(2) 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 23-176 is now D.C. Law 23-67, effective March 11, 2020.

Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

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

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To approve, on an emergency basis, Modification No. M029 and proposed Modification No. M030 to Contract No. DCRL-2016-C-0005 with Georgia Avenue Family Support Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCRL-2016-C-0005 with Georgia Avenue Family Support Collaborative Approval and Payment Authorization Emergency Act of 2020".

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 Modification No. M029 and proposed Modification No. M030 to Contract No. DCRL-2016-C-0005 with Georgia Avenue Family Support Collaborative to provide community-based child welfare services and authorizes payment in the not-to-exceed amount of $1,629,522.50 for services received and to be received under these modifications.

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 that 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

ENROLLED ORIGINAL

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To approve, on an emergency basis, modifications to Contract No. NFPHCSUPP-20-C-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc., to provide food and nutrition services to the Not-for-Profit Hospital Corporation, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHCSUPP-20-C-1 Modifications between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc., Approval and Payment Authorization Emergency Amendment Act of 2020".

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 the modifications to Contract No. NFPHCSUPP-20-C-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc., to provide food and nutrition services to the Not-for-Profit Hospital Corporation and authorizes payment in the not-to-exceed amount of $2,218,174.14 for the services received and to be received under the modifications.

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To authorize the issuance of tax increment financing bonds to support the development project on a portion of the land known as Reunion Square, located to the east of Martin Luther King Jr. Avenue, S.E., to the north of Chicago Street, S.E., to the west of Railroad Avenue, S.E., and to the south of W Street, S.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Reunion Square Tax Increment Financing Emergency Act of 2020".

Sec. 2. Definitions.

For the purposes of this act, the term:

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

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

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

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08), and any amounts to be made available to the Washington Metropolitan Transit Authority pursuant to section 7101 of the Revised Revenue Contingency List Act of 2017, effective December 13, 2017 (D.C. Law 22-33; 64 DCR 7652), and section 2(b)(2)(A) of the Stable and Reliable Source of WMATA Revenues Act of 1982, effective April 30, 1982 (D.C. Law 4-103; D.C. Official Code § 9-1111.15(b)(2)(A)).

(5) "Available Tax Increment," with respect to any series of bonds, means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Reunion Square TIF Area in any fiscal year of the District minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Reunion Square TIF Area in the base year.

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

(7) "Bonds" means the District of Columbia Class A Bonds, Class B Bonds, and any other revenue bonds, notes, or other obligations, in one or more series, authorized to be issued pursuant to this act. Unless otherwise specified, the term "Bonds" shall include Refunding Bonds.

(8) "Chairman" means the Chairman of the Council of the District of Columbia.

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

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

(11) "Council" means the Council of the District of Columbia.

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

(13) "Development Costs" has the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)) and may include any costs for District tenant improvements in the Project.

(14) "Development Sponsor" means Four Points, LLC, Curtis Investment Group, Blue Sky Housing, LLC, and any other entity that undertakes the development of the Project with the approval of the Mayor.

(15) "District" means the District of Columbia.

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

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

(18) "Project" means the financing, refinancing, or reimbursing of Development Costs incurred within the Reunion Square TIF Area.

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

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

(21) "TIF" means tax increment financing.

Sec. 3. Creation of the Reunion Square TIF Fund.

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

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

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

Sec. 4. Creation of the Reunion Square TIF Area.

(a) There is created a TIF area designated as the Reunion Square TIF Area. The Reunion Square TIF Area is defined as Square 5784, Lots 899 -900, and 1101.

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

(c) (1) The base year for determination of Available Sales Tax Revenues from locations within the Reunion Square TIF Area shall be the tax year preceding the year in which this act becomes effective.

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

(A) $121, 881 in base year 2020;
(B) $129, 803 in base year 2021;
(C) $138,240 in base year 2022;
(D) $147, 226 in base year 2023; and
(E) $151,643 in base year 2024 and each base year thereafter through 2054.

(d) The Reunion Square Street TIF Area shall terminate on the earlier of:

(1) Twenty-five years after the issuance of the last Bonds issued pursuant to this act;

(2) The date on which the Bonds are paid in full or are defeased and are no longer outstanding; or

(3) September 30, 2025, if no Bonds are issued.

Sec. 5. Class A Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Class A Bonds in an aggregate principal amount not to exceed $16.9 million to fund the Project. The Class A Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 7(a).

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

Sec. 6. Class B Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Class B Bonds in an aggregate principal amount not to exceed $8.1 million to reimburse Development Costs of the Project and financing costs incurred by the District and to fund capitalized interest and required reserves. The Class B Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 7(b).

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

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

Sec. 7. Payment and security.

(a) For the Class A Bonds:

(1) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on the Class A Bonds, and the payment of ongoing administrative expenses related to the bond financing shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, Available Tax Increment and any other taxes or fees deposited in the Reunion Square TIF Fund, income realized from the temporary investment of the monies in the Reunion Square TIF Fund prior to

payment to the Class A Bondholders, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

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

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

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

(b) For the Class B Bonds:

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

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

(A) The payment of debt service on the Class A Bonds from monies deposited in the Reunion Square TIF Fund or income realized from the temporary investment of those monies; and

(B) Any reasonable reserves required by the District.

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

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

Sec. 8. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. Issuance of the bonds.

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

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

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

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

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

Sec. 10. Financing and Closing Documents.

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

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

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

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

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

Sec. 11. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District (other than the

Available Tax Increment, the Available Increment, and any other taxes or fees allocated to the Reunion Square TIF Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

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

Sec. 12. District officials.

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

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

Sec. 13. Maintenance of documents.

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

Sec. 14. Information reporting.

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

Sec. 15. Expiration of issuance authority.

The authority to issue the Bonds shall expire on September 30, 2025, if no Bonds have been issued; provided, however, that the expiration of the authority shall have no effect on any Bonds issued prior to the expiration date or on the District's ability to issue Refunding Bonds on a future date.

ENROLLED ORIGINAL

Sec. 16. 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. 17. 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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to provide students with an excused absence of at least 2 hours to vote in person in any election held under the District of Columbia Election Code of 1955, or, if the student is not registered to vote in the District, in any election run by the jurisdiction in which the student is registered to vote, and to allow the educational institution to specify the hours during which the student may take leave, including by requiring that the student take leave during a period designated for early voting instead of on the day of the election.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Leave to Vote Emergency Amendment Act of 2020".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Leave to vote.

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

"(1) "Educational institution" means any school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor in the District.

"(2) "Student" means any person who is enrolled in an educational institution who is eligible to vote.

"(b) Upon the request of a student, an educational institution shall provide the student an excused absence of at least 2 hours to vote in person in any election held under this act, or, if the student is not registered to vote in the District, in any election run by the jurisdiction in which the student is registered to vote. An educational institution may specify the hours during which the student may take the leave, including by requiring that the student take the leave during any period designated for early voting instead of on the day of the election.".

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to establish an Extreme Risk Protection Order Implementation Working Group, to provide for its membership, and to specify its duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extreme Risk Protection Order Implementation Working Group Emergency Amendment Act of 2020".

Sec. 2. Title X of the Firearms Control Regulations Act of 1975, effective May 10, 2019 (D.C. Law 22-314; D.C. Official Code § 7-2510.01 *et seq.*), is amended by adding a new section 1013 to read as follows:

"Sec. 1013. Extreme Risk Protection Order Implementation Working Group.

"(a) There is established an Extreme Risk Protection Order Implementation Working Group ("Working Group"), which shall be composed of the following individuals:

"(1) District government members, or their designees:

"(A) The Chairperson of the Council's Committee on the Judiciary and Public Safety;

"(B) The Deputy Mayor for Public Safety and Justice;

"(C) The Deputy Mayor for Health and Human Services;

"(D) The Attorney General for the District of Columbia;

"(E) The Chief of the Metropolitan Police Department;

"(F) The Executive Director of the Office of Neighborhood Safety and Engagement;

"(G) The Director of the Department of Youth Rehabilitation Services;

"(H) The Chief Medical Examiner;

"(I) The Director of the Department of Forensic Sciences;

"(J) The Director of the Office of Victim Services and Justice Grants;

"(K) The Executive Director of the Criminal Justice Coordinating Council; and

"(L) The Director of the Department of Behavioral Health; and

"(2) Community members and organizations, or their designees:

"(A) Everytown for Gun Safety;
"(B) Moms Demand Action for Gun Sense in America, D.C. Chapter;
"(C) The Giffords Law Center to Prevent Gun Violence;
"(D) The Coalition to Stop Gun Violence;
"(E) Brady: United Against Gun Violence;
"(F) The D.C. Appleseed Center for Law & Justice;
"(G) The D.C. Coalition Against Domestic Violence;
"(H) The D.C. Behavioral Health Association; and
"(I) One representative from each of the District's violence interruption contractors with the Office of Neighborhood Safety and Engagement and the Office of the Attorney General's Cure the Streets program.

"(b) The Working Group may also request the participation of other subject matter experts, as well as designees of the following:

"(1) The Chief Judge of the Superior Court of the District of Columbia; and

"(2) The United States Attorney for the District of Columbia.

"(c) The Chairperson of the Council's Committee on the Judiciary and Public Safety and the Deputy Mayor for Public Safety and Justice shall serve as the co-chairs of the Working Group.

"(d) The duties of the Working Group shall include:

"(1) Improving public awareness of extreme risk protection orders;

"(2) Improving the coordination of District and federal agencies regarding the filing, adjudication, and execution of extreme risk protection orders;

"(3) Facilitating the education of behavioral and mental health professionals about extreme risk protection orders;

"(4) Advancing the development of District government policies and procedures to govern extreme risk protection orders, such as written directives of the Metropolitan Police Department; and

"(5) Reviewing and incorporating best practices from other jurisdictions concerning extreme risk protection order laws, policies, and procedures.

"(e) This section shall expire on July 15, 2021.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on an emergency basis, the District of Columbia Housing Finance Agency Act to extend the District of Columbia Housing Finance Agency's Reverse Mortgage Insurance and Tax Payment Program, and to include condominium fees and homeowners association fees as approved uses of the financial assistance provided by the program.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the "Reverse Mortgage Insurance and Tax Payment Program Emergency Amendment Act of 2020".

Sec. 2. Section 307a of the District of Columbia Housing Finance Agency Act, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2703.07a), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "property taxes and property insurance debts" and inserting the phrase "property taxes, property insurance debts, condominium fees, and homeowners association fees" in its place.

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

"(3) The program shall run for 24 months, with a 6-month planning period and an 18-month implementation period, subject to available funds.".

(b) Subsection (e) is repealed.

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

(1) Subparagraph (A) is amended by striking the phrase "pay property taxes or insurance premiums" and inserting the phrase "pay property taxes, insurance premiums, condominium fees, or homeowners association fees" in its place.

(2) Subparagraph (B) is amended by striking the phrase "balances of property taxes and insurance premiums" and inserting the phrase "balances of property taxes, insurance premiums, condominium fees, and homeowners association fees" in its place.

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend the District of Columbia Unemployment Compensation Act to provide that a furlough-excepted federal employee is eligible for financial assistance benefits during a federal government shutdown, and to create the Supporting Essential Workers Special Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supporting Essential Workers Unemployment Insurance Amendment Act of 2020".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 51-102) is amended by striking the phrase "Act. The" and inserting the phrase "Act, except those benefits paid from the Supporting Essential Workers Special Fund pursuant to section 10a. The" in its place.

(b) New sections 10a and 10b are added to read as follows:

"Sec. 10a. Applicability to certain federal employees.

"(a) Subject to the availability of funds in the Supporting Essential Workers Special Fund ("Fund") and notwithstanding any other provision of this act, the Director shall provide benefits to an eligible furlough-excepted federal employee in accordance with this section; provided, that the Director does so in a manner that is consistent with federal law.

"(b)(1) An individual's weekly benefit amount payable pursuant to this section shall be equal to one twenty-sixth (computed to the next higher multiple of $1) of the individual's total wages paid by a federal government employer during the quarter in which the individual earned the highest wages over the last 4 quarters; provided, that to qualify for the benefit, an individual must have worked for a federal government employer during the quarter immediately preceding the claim for benefits.

"(2) The maximum weekly benefit amount payable pursuant to this section shall be equal to the maximum benefit amount payable under section 7(b)(3)(C).

"(c)(1) The Director shall award benefits to claimants under this section on a weekly or biweekly basis in the order the Director determines claimants are eligible.

"(2) The Director shall continue to pay benefits to a claimant for the duration of the claimant's eligibility, except that the Director may cease paying a claimant's benefits if the Director determines that sufficient funds in the Fund do not exist.

"(d) If a furlough-excepted federal employee receives benefits pursuant to this section and subsequently receives earnings from the employee's federal employer in excess of the benefits received, attributable to the period for which the benefits were paid, the furlough-excepted federal employee shall promptly repay to the District a sum equal to the amount of benefits received from the District. The Director may, for good cause, waive this requirement.

"(e)(1) Within 15 days after the applicability date of this section, the Director shall issue rules, 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.*), to implement this section, which shall include rules establishing criteria that a furlough-excepted federal employee must satisfy to be eligible for benefits pursuant to this section.

"(2) Notwithstanding sections 109 and 110, the Director may not require a furlough-excepted federal employee to:

"(A) Demonstrate that the furlough-excepted federal employee:

"(1) Is available for work; or

"(2) Has performed a work search; or

"(B) Attend a training, retraining, or job counseling course.

"(f) No federal funds may be used for the payment of benefits pursuant to this section or for the payment of administrative costs to implement the provisions of this section.

"(g) Nothing in this section shall impose any employer obligation under this act on a federal employer.

"(h) Except as provided in this section and rules issued pursuant to this section, the provisions of this act shall apply to claims for benefits filed pursuant to this section.

"(i) For the purposes of this section, the term "furlough-excepted federal employee" means a federal employee:

"(1) Who performs services as an excepted employee of the federal government during a lapse in federal appropriations for which the employee does not receive earnings;

"(2) Whose earnings are funded through federal appropriations that have lapsed; and

"(3) Who was notified by the employee's federal government employer of his or her status as an excepted employee before the employee performed services during a lapse in federal appropriations.

"Sec. 10b. Supporting Essential Workers Special Fund.

"(a) There is established as a special fund the Supporting Essential Workers Special Fund ("Fund"), which shall be administered by the Director in accordance with subsection (c) of this section.

"(b) The Fund shall consist of:

"(1) Money allocated to or deposited in the Fund by the Mayor;

"(2) Funds appropriated for the Fund; and

"(3) Repayments made by furlough-excepted federal employees to the District.

"(c) The Fund shall be used to:

"(1) Pay benefits to furlough-excepted federal employees;

(2) Pay for personnel and non-personnel costs necessary for the administration of the provisions of section 10a; and

"(3) Repay any contingency funds the Mayor allocates to or deposits into the Fund in accordance with subsection (b)(1) of this section.

"(d)(1) The money deposited into the Fund but not expended in a given fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitations.".

Sec. 3 Applicability.

(a) New section 10a within section 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 of new section 10a within section 2 in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

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

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To provide for the establishment, organization, operation, and supervision of cooperative, nonprofit thrift and credit associations to be known as credit unions and to define their powers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Credit Union Act of 2020".

TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Board" means a board of directors unless the context indicates a different meaning.

(2) "Capital" means share accounts, membership shares, reserves, undivided earnings, and other forms of capital that are approved by the Commissioner.

(3) "Charitable donation account" means an account owned by a credit union that is held in a segregated custodial account or special purpose entity and is specifically identified as a charitable donation account, whereby, no less frequently than every 5 years and upon termination of the account, at least 51% of the total return on assets in the account is distributed to one or more charitable organizations or nonprofit entities.

(4) "Commissioner" means the Commissioner of the Department of Insurance, Securities and Banking.

(5) "Corporate credit union" means a credit union whose field of membership consists primarily of other credit unions.

(6) "Credit union" means a cooperative, not-for-profit association organized for the purposes of encouraging thrift among its members, creating a source of credit at fair and reasonable rates of interest for its members, and providing an opportunity for its members to use and control their own money on a democratic basis to improve their economic and social condition.

(7) "Credit union service organization" means an organization, corporation, or association providing services associated with the general purposes of a credit union or engaging in activities incidental to the operations of a credit union.

(8) "Deposit" means a balance held by a District credit union and established by a District credit union member or non-member, another credit union, or a government unit in accordance with standards specified by the District credit union, including balances designated as deposits, deposit certificates, checking accounts, or accounts by other names.

(9) "Deposit account" means a debt owed by the District credit union to the account holder; the ownership of which does not confer membership or voting rights and does not represent an interest in the capital of the District credit union upon dissolution or conversion of the credit union into another type of institution.

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

(11) "District credit union" means a credit union organized under this act.

(12) "Federal credit union" means a credit union organized and operating under the laws of the United States.

(13) "Field of membership" means the people who meet the criteria of a credit union and are eligible to become members of that credit union.

(14) "Fixed asset" includes structures, office furnishing, office machines, land, computer hardware and software, automated terminals, and heating and cooling equipment.

(15) "Foreign credit union" means a credit union organized and operating under the laws of another state, territory, or other foreign jurisdiction.

(16) "Government unit" means any board, agency, department, authority, instrumentality, or other unit or organization of the District, federal, state, county, municipal, or other level of government.

(17)(A) "Insolvent" means the condition that results when the total amount of a credit union's shares exceeds the present cash value of the credit union's assets after providing for liabilities, unless the Commissioner determines that:

(i) The circumstances leading to the deficient share to asset ratio no longer exist;

(ii) The likelihood of further depreciation of the share to asset ratio is not probable;

(iii) The return of the share to asset ratio to normal limits within a reasonable time for the credit union concerned is probable; and

(iv) The probability of a further potential loss to the insurance fund is negligible.

(B) For the purposes of this paragraph, the term:

(i) "Cash value of the credit union's assets" means the recorded value of any asset account; provided, that accepted accounting principles and practices are followed and the applicable provisions of law, regulations, and the credit union's bylaws are met.

(ii) "Liabilities" means recorded liabilities that are due and payable, excluding member and nonmember shares.

(18) "Insuring organization" means an organization that provides aid and financial assistance to credit unions that are in the process of liquidation or are incurring financial

difficulty by protecting share and deposit accounts in the credit unions against loss, either without limit or up to a specified level for each account.

(19) "Loan" means the extension of credit under either an open-end or a closed-end agreement.

(20) "Low-income area" means:

(A) An area that wholly consists of, or is wholly located within, an enterprise community or empowerment zone, as designated pursuant to section 13301 of the Internal Revenue Code of 1986, approved August 10, 1993 (107 Stat. 543; 26 U.S.C. § 1391);

(B) An area where 20% of the population is living at or below 80% of the area median family income;

(C) An area in a metropolitan area where the median family income is at or below 80% of that metropolitan area median family income or the national metropolitan area median family income, whichever is greater;

(D) An area outside of a metropolitan area, where the median family income is at or below 80% of the statewide non-metropolitan area family income or the national non-metropolitan area median family income, whichever is greater;

(E) An area where the unemployment rate is 1.5 times the national average;

(F) An area meeting the criteria for economic distress that may be established by the Community Development Financial Institutions Fund, established by section 104 of the Community Development Banking and Financial Institutions Act of 1994, approved September 23, 1994 (108 Stat. 2166; 12 U.S.C. § 4703); or

(G) Other area approved by the Commissioner.

(21) "Member" means a person who has met the membership criteria of a credit union and has been accepted into membership of that credit union.

(22) "Membership share" means the balance required by the board of directors of a credit union to establish membership in the credit union.

(23) "Net worth" means the retained earnings balance of the credit union, based on generally accepted accounting principles, and other forms of capital approved by the Commissioner through rulemaking.

(24) "NCUA" means the National Credit Union Administration Board established under Title II of the Federal Credit Union Act, approved October 19, 1970 (84 Stat. 994; 12 U.S.C. § 1781 *et seq.*)

(25) "Officer" means the chair, vice chair, treasurer, secretary, and any other individual appointed by the board of directors of the credit union to serve as an officer of the credit union.

(26) "Official" means any member of the board of directors of a credit union, a member of a committee of a credit union, or an individual appointed by the board of directors of a credit union to serve as an officer of the credit union.

(27) "Organization" means any corporation, association, partnership, limited liability company, limited liability partnership, joint venture, trust, or other legal entity.

(28) "Participation loan" means a loan made by multiple lenders to a member.

(29) "Person" means any natural person or organization.

(30) "Predominantly" means more than one half.

(31) "Service facility" means the place of business of a credit union where the credit union may transact business authorized by the credit union's board.

(32) "Share" means a balance held by a credit union and established in accordance with standards specified by the credit union, including shares, share accounts, share certificates, share draft accounts, custodial accounts, individual retirement accounts established pursuant to United States tax law, payable on death accounts, trust accounts, money market accounts, share checking accounts, business share accounts, or other similar accounts as the District credit union may adopt. "Share" does not include membership shares.

(33) "Supplemental capital" means capital approved by the Commissioner that is subordinate to shares, other liabilities, and share insurance.

TITLE II. CREDIT UNION ORGANIZATION.

Sec. 201. District credit union charter application procedures.

(a) An organizing group consisting of 7 or more persons within the credit union's field of membership, the majority of whom are residents of the District, may apply to organize and charter a District credit union by filing a written charter application with the Commissioner. The application shall be prepared and filed by the organizers in accordance with the forms and procedures prescribed by the Commissioner by rule.

(b) The charter application required in subsection (a) of this section shall include:

(1) The name of the District credit union, which shall include the phrase "credit union" and the location of the District credit union's principal office;

(2) The initial field of membership of the District credit union;

(3) The term of the existence of the organization, which may be perpetual;

(4) The par value of shares of the District credit union, each of which shall be $5 or more in value;

(5) The charter statement for the District credit union;

(6) The names, addresses, and taxpayer identification numbers of each organizer of the District credit union and the number of shares subscribed to by each organizer;

(7) The name, address, and taxpayer identification number of each member of the initial board of directors of the District credit union and each member of the supervisory committee of the District credit union, selected pursuant to subsection (c) of this section, and the number of shares, if any, subscribed to by each;

(8) Articles of incorporation, which the Commissioner shall have the authority to approve, prepared in accordance with the rules set forth by the Commissioner;

(9) Bylaws prepared by the organizers of the District credit union, which shall be consistent with this act for the general governance of the District credit union and comply with the form the Commissioner prescribes by rule; and

(10) Any other information the Commissioner requires by rule.

(c)(1) The organizers shall select an odd number of directors, not fewer than 5 and not more than 15, who are eligible for membership and who agree to become members and serve on the board of directors.

(2) The organizers of the District credit union may select 3 or 5 people to serve on a supervisory committee. People chosen to serve on a supervisory committee shall be people who are eligible for membership in the District credit union, agree to become members of the credit union, and agree to serve on the supervisory committee.

(3) The persons selected to serve on the board of directors and a supervisory committee shall execute an agreement of service, on a form the Commissioner prescribes by rule, to serve in these capacities until the first annual meeting or until the election of their respective successors, whichever is later.

(d) The organizers of the District credit union shall apply for insurance on share and deposit accounts pursuant to section 208 prior to, or at the same time as, the time when the organizers file the charter application with the Commissioner.

(e) The organizers shall forward to the Commissioner the chartering fee, the duplicate charter statement, bylaws, agreements of service, articles of incorporation, and proof of application for insurance on share and deposit accounts.

(f) The Commissioner shall issue the applicant, in a time period prescribed by the Commissioner by rule, a certification letter in a form that enables the applicant to obtain necessary routing, transit, and bank identification numbers and to secure the necessary contractual arrangements required of a full-service financial institution.

Sec. 202. Certificate of charter.

(a) The following procedures shall apply upon the filing of a complete charter application pursuant to section 201:

(1) The Commissioner shall prepare a periodic bulletin listing all pending charter applications. The bulletin shall be published in the District of Columbia Register and be available from the Commissioner.

(2) The Commissioner shall accept public comment on the application prior to deciding whether to grant final approval of the application, according to procedures established by the Commissioner by rule. Public comments shall be accepted for 30 days from the date of publication of notice of the application by the Commissioner pursuant to paragraph (1) of this subsection. Any result from the public comment period held under this section may not extend the approval or disapproval time frame as required in paragraph (3) of this subsection.

(3)(A) The Commissioner shall, pursuant to subsection (b) of this section, approve or disapprove the charter application, and provide the reasons for approving or disapproving the application, within 90 days after receipt of the application. The Commissioner may extend this 90-day period for up to an additional 60 days.

(B) No application required by this section shall be complete unless it is accompanied by an application fee in an amount to be established by the Commissioner and made payable to the District Treasurer.

(C) No credit union shall commence operation until the organizers have submitted evidence that the required insurance has been acquired.

(b)(1) A charter application may be approved, and a certificate of charter may be issued, if the charter application, the charter statement, and bylaws conform to this act and the Commissioner determines that:

(A) The characteristics of the field of membership set forth in the proposed bylaws are favorable to the economic viability of the proposed District credit union;

(B) The reputation and character of the initial board of directors and supervisory committee provide assurance that the District credit union's affairs will be properly administered;

(C) The applicant has provided a viable plan for conducting business that demonstrates a likelihood for success; and

(D) The District credit union has obtained share insurance.

(2) The Commissioner may disapprove the charter application and not issue a certificate of charter for a new District credit union if the Commissioner finds that:

(A) There are no grounds for the likelihood of economic success for the District credit union;

(B) The leadership of the proposed District credit union is not qualified; or

(C) The proposed District credit union has failed to obtain share insurance.

(c) If a certificate of charter is issued, the Commissioner shall return a copy of the bylaws and one of the duplicate originals of the certificate of charter of the District credit union to the organizers of the District credit union or their representatives. The original charter statement and bylaws shall be preserved in the permanent files of the District credit union.

(d) If a certificate of charter is denied, the Commissioner shall notify the organizers of the District credit union and set forth the reasons for the denial. The District credit union organizers may appeal the Commissioner's decision to the District of Columbia Court of Appeals in accordance with section 110 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

(e) The filing of an appeal under this section shall not stay the effect of the denial or any other action of the Commissioner to the appealing party, unless the District of Columbia Court of Appeals determines, after giving the appealing party notice and an opportunity to be heard, that failure to grant a stay would be detrimental to the interests of policyholders, shareholders, creditors, or the public.

(f) The organizers may not transact any District credit union business until a certificate of charter has been issued and received.

Sec. 203. Form of charter statement and bylaws.

(a) The bylaws shall include the following provisions:

(1) The name of the District credit union;

(2) The field of membership of the District credit union;

(3) Qualifications for membership in the District credit union, including the minimum number of shares, the payment of an entrance or membership fee, if any, required for membership, and the policies for expelling a member;

(4) The number of directors, the length of terms a director may serve, and the permissible term length of any interim director;

(5) The qualifications for eligibility to serve on the District credit union's board;

(6) The number of District credit union employees that may serve on the board, if any;

(7) The frequency of regular meetings of the board and the manner in which members of the board are to be notified of those meetings;

(8) The powers and duties of board officers;

(9) The timing of the annual membership meeting;

(10) The manner in which vacancies shall be filled, which shall be either until a successor is elected at the next membership meeting or for the remainder of the unexpired term;

(11) The manner in which members may call a special membership meeting;

(12) The manner in which members are to be notified of membership meetings;

(13) The number of members constituting a quorum at a membership meeting and at a meeting of the board of directors;

(14) Provisions, if any, for the indemnification of directors, officers, employees, and others by the District credit union, if not included in the articles of incorporation; and

(15) Any other provision required by the Commissioner by rule.

(b) The Commissioner may provide a model District credit union charter statement and model District credit union bylaws consistent with this act, which may be used by District credit union organizers in preparing a District credit union charter application.

Sec. 204. Amendment of charter and bylaws.

(a) The charter may be amended by the members at any regular or special meeting if the call of the meeting includes the proposed amendment and a quorum of members and at least 2/3 of the board of directors are present at the meeting. The amendment shall be approved by at least 2/3 of the members present and voting.

(b) The bylaws may be amended by a 2/3 vote of the board of directors at any regular or special meeting if the call of the meeting includes the proposed amendment and a quorum is present.

(c)(1) Amendments to the charter and any other amendments prescribed by the Commissioner by rule shall be submitted to the Commissioner. The Commissioner shall have the power to disapprove the proposed amendments within 30 days of submission. The amendment shall be deemed approved if the Commissioner does not disapprove the proposed amendment within 60 days after receiving it.

(2) If the Commissioner disapproves the proposed amendment, the District credit union may appeal the decision to the District of Columbia Court of Appeals in accordance with

section 110 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

Sec. 205. Name of District credit union.

(a) The name of a District credit union shall include the phrase "credit union". No District credit union may adopt a name identical to the name of any other federal or foreign credit union doing business in the District, or a name similar to the name of any federal or foreign credit union doing business in the District that will be misleading or cause confusion.

(b) No person, other than a District credit union, a federal credit union, a foreign credit union, an association of credit unions, or an organization or corporation whose membership or ownership is limited to credit unions or credit union organizations may:

(1) Use a name or title containing the phrase “credit union” or any derivation thereof;

(2) Represent itself as a credit union; or

(3) Conduct business as a credit union.

Sec. 206. Service facilities.

(a) A District credit union may change its principal office upon written notice to the Commissioner and the members of the District credit union.

(b) A District credit union may, upon written notification to the Commissioner, maintain service facilities, including automated teller machines, at locations other than its principal office.

(c) A District credit union may join with one or more other credit unions or financial organizations in the operation of automated teller machines or other service facilities.

Sec. 207. Fiscal year.

The fiscal year of each District credit union chartered under this act shall end on December 31.

Sec. 208. Application for share and deposit insurance.

(a) Each District credit union shall apply for insurance on its shares and deposits, as provided by NCUA or comparable insurance approved by the Commissioner. Any District credit union insured by NCUA shall comply with all federal requirements that apply to credit unions insured by NCUA, notwithstanding any contrary provisions of this act.

(b)(1) A District credit union that has lost its commitment for share and deposit insurance shall, within 30 days of having lost that commitment, begin to liquidate, merge with an insured credit union, or apply in writing to the Commissioner for additional time to obtain another insurance commitment.

(2)The Commissioner may grant extensions of time to obtain a new insurance commitment upon satisfactory evidence that the District credit union is not operating in an unsafe or unsound manner and that the District credit union has made, or is making, a substantial

effort to obtain a new insurance commitment, including substantial effort to achieve conditions necessary to obtain such a commitment.

(c) No person shall be granted a certificate of charter by the Commissioner to form a District credit union unless the person has obtained a commitment for insurance for its share and deposit accounts.

(d) The Commissioner may make reports of condition and examination findings available to, and may accept any report of examination made on behalf of, the appropriate insuring organization.

(e) A District credit union shall not be subject to this section if that District credit union's debt and equity capital consist primarily of funds from other credit unions and membership shares issued by another District credit union.

Sec. 209. Conducting business outside the District of Columbia.

(a) A District credit union may conduct business outside of the District upon approval from the Commissioner. The Commissioner shall approve a District credit union's request to conduct business outside of the District if:

(1) The non-District jurisdiction permits the District credit union to conduct business in that jurisdiction; and

(2) The Commissioner does not identify any safety or soundness implications with the expanding operations.

(b)(1) If the laws or regulations governing credit unions in a non-District jurisdiction permit a District credit union operating in that jurisdiction to exercise additional powers not expressly permitted under this act, a District credit union conducting business in that non-District jurisdiction may request permission from the Commissioner to exercise those additional powers in the District. The Commissioner shall approve the exercise of additional power unless there are demonstrable safety and soundness implications.

(2) The District credit union may exercise the additional power referenced in this subsection in the District if the Commissioner approves the District credit union's request to exercise additional power within 60 days after receiving a completed request. The request shall be deemed disapproved if the Commissioner does not act within 60 days after receiving a completed request.

(c) The Commissioner may enter into supervisory agreements or other agreements with credit union regulators in other states or jurisdictions to prescribe the applicable rules governing the powers and authorities of foreign branches and other facilities of District credit unions.

Sec. 210. Foreign credit unions.

(a) The Commissioner shall allow a foreign credit union to conduct business as a credit union in the District if the following conditions are met:

(1) The jurisdiction in which the foreign credit union is organized authorizes it to do business in the District;

(2) District credit unions are permitted to do business in the jurisdiction in which the foreign credit union is organized;

(3) The foreign credit union has substantially the same characteristics, and operates in a similar manner, as a District credit union; and

(4) The foreign credit union submits any applicable fee.

(b) The Commissioner may, at any time, revoke a foreign credit union's authority to do business in the District if the Commissioner determines that a foreign credit union:

(1) Is not established under laws similar to this act;

(2) Is not financially solvent;

(3) Does not insure its accounts to the same extent as District credit unions established under this act;

(4) Is not examined and supervised by a regulatory agency of the jurisdiction in which it is organized;

(5) Is in violation of its charter as determined by its chartering jurisdiction;

(6) Does not charge interest in compliance with the provisions of section 702 when making loans in the District;

(7) Does not comply with the consumer protection laws, regulations, and rules applicable to District credit unions established pursuant to this act;

(8) Fails to provide the Commissioner with a copy of the report of examination of its regulatory agency or submit to an annual examination by the Commissioner;

(9) Fails to designate or maintain an agent for the service of process in the District;

(10) Fails to comply with District laws, regulations, and orders;

(11) Engages in, or is likely to engage in, a pattern of unsafe or unsound practices;

(12) Will likely have a substantially adverse impact on the financial, economic, or other interests of residents of the District; or

(13) Is prohibited from operating in the jurisdiction in which it is organized.

(c) The Commissioner may cooperate with credit union regulators in other states or jurisdictions to implement this section and may share information received in administering this act with those regulators.

(d) The Commissioner may enter into supervisory agreements or other agreements with foreign credit unions and their regulators to prescribe the applicable rules governing the powers of District branches and service facilities of foreign credit unions. An agreement made pursuant to this subsection may address items such as corporate governance, operations, and conflict of law and may prescribe the procedures to coordinate, among applicable regulators, the application, supervision, and examination processes with respect to foreign credit unions.

(e) The Commissioner may adopt rules for the periodic examination and investigation of the operations of a foreign credit union operating in the District. The cost of examination and supervision shall be assessed to the foreign credit union.

(f)(1) A foreign credit union from a jurisdiction that allows credit unions to exercise additional powers not allowed in the District may request permission from the Commissioner to

exercise those additional powers in the District. The Commissioner may approve the exercise of those additional powers in the District if there are no demonstrable safety and soundness implications and the exercise of the additional power by the foreign credit union is in the best interest of the District.

(2) Upon approval by the Commissioner, District credit unions established under this act may exercise any additional powers approved for a foreign credit union to exercise pursuant to this section.

TITLE III. CREDIT UNION POWERS.

Sec. 301. General Powers.

A District credit union may:

(1) Enter into contracts or other agreements, as necessary, to provide the services authorized by this act;

(2) Sue and be sued;

(3) Acquire, lease as lessor or lessee, hold, assign, pledge, mortgage, sell, or otherwise dispose of real or personal property or assets, either in whole or in part;

(4) Borrow from any source; except, that a District credit union shall notify the Commissioner in writing of its intention to borrow in excess of 50% of the District credit union's net worth, shares, and deposits;

(5) Purchase the assets of another credit union or sell all, or substantially all, of its assets to another credit union;

(6) Offer related financial services, including electronic fund transfers, safe deposit boxes, negotiable instruments, leasing, and correspondent arrangements with or to other financial institutions and their members;

(7) Hold membership in other District credit unions, federal credit unions, or foreign credit unions, and in credit union-related trade associations and organizations;

(8) Engage in activities and programs as requested by a government unit;

(9) Act as fiscal agent for, and receive payments on, share and deposit accounts from a government unit;

(10) Make reasonable contributions to any nonprofit civic, charitable, or service organization;

(11) Require the payment of an entrance fee, annual membership fee, or both, of any person admitted to membership pursuant to the District credit union's bylaws;

(12) Receive deposits from its members in the form of shares and deposits and honor requests for withdrawals or transfers of all or any part of share and deposit accounts in any manner approved by the board of directors;

(13) Lend funds to its members;

(14) Discount and sell any obligations owed to the District credit union;

(15) Invest surplus funds as provided in this act;

(16) Invest in shares of other credit unions and make deposits in other financial institutions and trust companies;

(17) Invest in credit union service organizations;

(18) Issue certificates of indebtedness to members that are subordinated to all other claimants on the District credit union;

(19) Assess fees and charges to members;

(20) Declare dividends on shares, interest on deposit accounts, and pay interest refunds to borrowers;

(21) Receive savings from non-members in the form of shares, if the District credit union serves predominantly low-income members;

(22) Receive deposits from, or lend funds to, other District credit unions, federal credit unions, or foreign credit unions;

(23) Sell insurance products, subject to applicable insurance laws;

(24) Purchase and maintain insurance:

(A) On behalf of:

(i) A current or former director, officer, employee, or agent of the District credit union; or

(ii) A person who is or was serving at the request of the District credit union as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise; or

(B) To protect against any liability asserted against a person identified in subparagraph (A) of this paragraph in any capacity arising out of that person's status related to the District credit union, regardless of the District credit union's power to indemnify that person against liability.

(25) Offer services permitted for state-chartered banks and national banks, savings and loans, mutual savings banks, and their subsidiaries and affiliates, including electronic fund transfers, safe deposit boxes, trust services, the issuance of negotiable instruments, and leasing and correspondent arrangements with other financial institutions;

(26) Receive payments on share, share draft, and share certificate accounts;

(27) Enter into lease agreements, lease contracts, and lease-purchase agreements with members;

(28) Indemnify or limit the personal liability of officials in accordance with the District credit union's articles of incorporation and bylaws;

(29) Act as agent for any electric, electric distribution, gas, water, telephone, or other utility company operating within the District in receiving money due for utility services furnished by it;

(30) Exercise the powers granted to corporations and nonprofit corporations; except, that, in the event of a conflict between laws governing corporations and nonprofit corporations and this act, the provisions of this act shall govern;

(31) Offer debt cancellation and debt suspension contracts;

(32) Receive supplemental capital from members and non-members; and

(33) Exercise other powers that will not impair the safe and sound operation of the District credit union and that are approved by the Commissioner by rule.

Sec. 302. Incidental powers.

A District credit union may exercise all incidental powers as permitted by law and within the purposes stated in this act, which are convenient, suitable, or necessary to enable the District credit union to carry out the purposes of this act.

Sec. 303. Parity.

The Commissioner may authorize District credit unions to exercise, and the Commissioner may establish conditions or limitations for the exercise of, any of the powers conferred upon federal credit unions and upon foreign credit unions operating in the District.

TITLE IV. CREDIT UNION MEMBERSHIP.

Sec. 401. Membership.

(a) The board of directors of a District credit union shall determine the membership of the District credit union, which shall consist of persons who have been duly admitted as members.

(b) Each person otherwise eligible for membership to become or remain a member of a District credit union shall purchase and maintain a share, share draft, or share certificate account in the minimum amount required by the District credit union.

(c) A member may make an initial installment on the purchase of a membership share and complete the purchase by no more than 6 months from the payment of the first installment.

(d) If the balance in any of a member's accounts is less than the minimum balance required for a membership share, the member shall restore the balance to the minimum within 6 months of having fallen below the minimum balance, or the membership may be terminated pursuant to section 407.

(e) In the case of a joint account, each joint account holder may apply for membership, and, if the District credit union's bylaws so provide, each member may maintain the joint account only so long as the balance is at least equal to the membership share amount for each member. A joint account does not entitle the joint account holder to a vote.

(f) Each member is entitled to one vote, regardless of the number of shares held by that member.

Sec. 402. Organizations that qualify for District credit union membership.

Any incorporated or unincorporated organization, and the organization's employees, may be admitted to membership in a District credit union in the same manner and under the same conditions as individuals.

Sec. 403. Service to low-income consumers.

(a) A District credit union, including a District credit union in the process of incorporating under this act, may submit an application to the Commissioner to be designated as a low-income credit union.

(b)(1) The Commissioner may approve an application for designation as a low-income credit union if the Commissioner determined that 50% or more of the members to be served by the District credit union:

(A) Reside within a recognizable geographic area primarily located in a low-income area; or

(B) Are qualified to receive benefits from any program designed to revitalize the local economy or assist the economically disadvantaged.

(2) For purposes of this subsection, the following shall be deemed to satisfy the requirements of this subsection:

(A) Natural persons enrolled as full-time or part-time students in a college, university, high school, or vocational school; and

(B) Members of the United States military on active duty and stationed overseas.

(c) The Commissioner shall develop the application specified in subsection (a) of this section by rule.

(d) The Commissioner shall approve or disapprove an application to be designated as a low-income credit union within 60 days of receiving a complete application; except, that where the application is submitted as part of the charter application, as described in section 202, the application to be designated as a low-income credit union shall be approved or disapproved in the same time period and manner prescribed in section 202(a)(3) and (b).

(e) In addition to the powers granted under this title, a low-income credit union may receive funds from non-members and supplemental capital from members and non-members.

(f)(1) The Commissioner shall regulate the offer and sale of supplemental capital. Regulations promulgated by the Commissioner shall address issues of safety and soundness, including the maturity of the supplemental capital, terms of sale, terms of capital, total amount of supplemental capital that may be outstanding at one time, redemption, and eligibility of the investors. In addition, supplemental capital:

"(A) Shall be established as an uninsured supplemental capital or other form of non-share account;

(B) May not be insured by the National Credit Union Share Insurance Fund ("NCUSIF") or any other governmental or private entity; and

(C) May not be pledged or provided by the accountholder as a security on a loan or other obligation with the low-income credit union or any other party.

(2) A supplemental capital holder's claim against a low-income credit union shall be subordinate to all other claims against the low-income credit union, including those of shareholder's creditors, the NCUSIF, and an approved insurer.

(g) The supplemental capital authorized in this section shall not limit the authority of the Commissioner to approve other forms of equity capital.

Sec. 404. School service facilities.

(a) For the purposes of this section, the term:

(1) "School" means any accredited educational institution.

(2) "Student" means an individual enrolled in a school.

(3) "Student service facility" means a District credit union facility that provides in-school financial services and offers financial education to students.

(b) A District credit union may, upon agreement with a school's governing body, open and maintain a student service facility.

Sec. 405. Retention of membership.

Unless the District credit union's bylaws state otherwise, a person who has become a member of a District credit union in accordance with this act may remain a member of that District credit union until that person chooses to withdraw from the membership of the District credit union, or is terminated under section 407.

Sec. 406. Liability of members.

The members of a District credit union shall not be personally or individually liable for the payment of the District credit union's debts solely by virtue of their membership in the District credit union.

Sec. 407. Termination of membership.

(a)(1) For the purposes of this section, the term "cause" includes a loss to the District credit union, a violation of the membership agreement or any policy or procedure adopted by the board, or inappropriate behavior such as physical or verbal abuse of a District credit union member or staff.

(2) All members shall be given written notice of all policies and procedures that have been adopted by the board.

(b) The board of directors may expel a member for cause by a majority vote of a quorum of the board of directors, pursuant to a written policy adopted by the board. A person expelled by the board shall have the right to request a hearing before the board to reconsider the expulsion.

(c) Consistent with section 401(d), a District credit union may terminate the membership of any member who withdraws his or her shares to less than one par share.

(d) A person whose membership has been terminated, whether by withdrawal or expulsion, shall have no further rights in the District credit union but is not released from any obligation owed to the District credit union.

(e) A person who has been expelled as provided by this act may not be readmitted to membership except upon approval by a majority vote of the board after application and proof that the expelled person remains within the District credit union's field of membership, has adequately explained, addressed, or remedied the conditions leading to expulsion, and will abide by the terms and conditions of membership. Only one application for readmission may be submitted within a 12-month calendar period.

Sec. 408. Suspension of services.

A District credit union may, for cause, as defined in section 407, suspend certain services to a District credit union member under a policy adopted by the District credit union's board of directors. Members whose service is suspended may maintain a share account and continue to vote at annual and special meetings.

Sec. 409. Meetings of members.

(a) The annual meeting, and any special meetings, of the members of the District credit union shall be held in accordance with the District credit union's bylaws.

(b) There shall be no voting by proxy, except on the election of the board of directors, proposals for merger, or proposals for voluntary dissolution. All voting on the election of directors shall be by ballot, but when there is no contest, written ballots need not be cast. A member may vote by absentee ballot, mail ballot, or other method if the bylaws so provide.

(c) A member who is less than 18 years of age may not vote or hold office in the District credit union.

(d) An organization having membership in a District credit union may be represented and have its vote cast by an officer of the organization or a designated agent authorized by the organization's governing body. A copy of the authorization shall be provided to the District credit union before a vote is cast by a designated agent of the organization.

Sec. 410. Special membership meetings.

A District credit union's bylaws may prescribe the manner in which a special meeting of the members may be called by the members or the board of directors, or both.

TITLE V. CREDIT UNION GOVERNANCE.

Sec. 501. Authority and duty of a board of directors.

(a) The business and affairs of a District credit union shall be managed by the board of directors of the District credit union. The duties of the board of directors of a District credit union include the following duties:

(1) The board of directors shall:

(A) Set the par value of shares, if any, of the District credit union;

(B) Set the minimum number of shares, if any, required for membership;

(C) Designate those persons or positions authorized to execute or certify documents or records on behalf of the District credit union;

(D) Authorize the purchase of adequate fidelity and insurance coverage for officers, directors, committee members, and employees, and for losses caused by persons outside the District credit union for which the District credit union may be liable;

(E) Authorize the employment and compensation of the chief executive officer;

(F) Approve an annual operating budget for the District credit union;

(G) Authorize the conveyance or lease of real property;

(H) Review and approve the annual audit;

(I) Appoint any committees the board considers necessary;

(J) Establish conditions under which a member may be removed for cause, as defined in section 407; and

(K) Perform any other duties, or authorize any other actions, that are not inconsistent with this act or the District credit union's bylaws.

(2) The board of directors shall:

(A) Establish policies under which the District credit union may borrow, lend, and invest money to carry on the functions of the District credit union;

(B) Act upon applications for membership in the District credit union;

(C) Establish the loan policies under which loans may be approved;

(D) Determine the amount that may be loaned to a member together with the terms and conditions of the loan;

(E) Declare dividends on shares and set the rate of interest on deposits; and

(F) Approve the charge-off of District credit union losses.

(b) The duties listed in subsection (a)(1) of this section shall not be delegated by the District credit union's board of directors. The duties listed subsection (a)(2) of this section may be delegated to a committee, officer, or employee of the District credit union with appropriate reporting to the board.

Sec. 502. Election of a board of directors.

(a)(1) A board of directors shall:

(A) Consist of an odd number of directors;

(B) Be at least 5 in number; and

(C) Be elected by and from natural person members.

(2) A District credit union's bylaws shall set forth the qualifications for nomination to the board.

(b) All members of the board of directors shall hold office for the terms provided for in the bylaws. Terms may be staggered so that an approximately equal number of terms expire each year.

(c) A director shall hold office for the term for which the director was elected and until a successor is elected and qualified.

Sec. 503. Appointment of committees.

(a) The board of directors shall appoint an audit committee of no fewer than 3 members of the District credit union, who may, but need be, members of the board of directors. The board shall appoint the audit committee at an organizational meeting held within 30 days of each annual election of directors for the terms provided in the bylaws.

(b) The board of directors may appoint other committees necessary or convenient to the operation of the District credit union.

(c) Unless specifically prohibited by the bylaws, committee members may participate in and act at any meeting of the committee through the use of communications equipment; provided, that all persons participating in the meeting can speak with and hear each other at the same time. Participation in a meeting in this manner shall constitute attendance.

(d) Unless specifically prohibited by the bylaws, any action required by this act to be taken at a committee meeting, or any other action that may be taken at a committee meeting, may be taken without a meeting if all members of the committee sign a consent to the action in a writing that sets forth the action. Consent shall be evidenced by one or more written approvals, which describe the action taken and bear the signature of one or more committee members.

Sec. 504. Vacancies.

(a) A seat on a District credit union's board of directors or on one of the District credit union's committees will be considered vacant if a board or committee member:

(1) Resigns from his or her position on the board or committee;

(2) Is removed from the board or committee;

(3) Is unable to carry out his or her duties as a board or committee member; or

(4) Is made ineligible by operation of law.

(b) The board of directors shall fill any vacancies occurring on the board or on any board-appointed committee from among the District credit union's natural person members.

Sec. 505. Compensation of officials.

(a)(1) A District credit union may compensate an officer, director, or committee member for the member's services to the District credit union.

(2) Life, health, accident, and similar insurance protection provided by a District credit union to an officer, director, or committee member shall not be considered compensation.

(b) A District credit union may reimburse directors, officers, and committee members for necessary expenses incidental to the performance of the official business of the District credit union.

Sec. 506. Limited liability of directors and officers.

(a) No director or officer of a District credit union shall be liable, and no cause of action may be brought against a director or officer of a District credit union, for damages resulting from:

(1) The exercise of judgment or discretion in connection with the duties or responsibilities of the director or officer unless the act or omission involved willful or wanton conduct; or

(2) An act or omission in rendering official service unless the act or omission involved willful or wanton conduct.

(b) For the purposes of this section, the term "willful or wanton conduct" means a course of action that shows an actual or deliberate intention to cause harm or violate a statute, or, if not

intentional, shows an utter indifference to, or conscious disregard for, the safety of others or their property.

(c) Nothing in this section is intended to bar any cause of action against a District credit union or to change the liability of a District credit union arising out of an act or omission of any director, officer, or person exempt from liability for negligence under this section.

(d) In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) One or more officers or employees of the District credit union whom the director reasonably believes to be reliable and competent in the matters presented;

(2) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) A committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

(e) A director may not rely on information, opinions, reports, or statements described in subsection (d) of this section if the director has knowledge concerning the matter in question that makes reliance on the information, opinion, report, or statement unwarranted.

(f) A director is not liable for any action taken as a director or for any failure to take any action if the director performed the duties of the director's office in compliance with this section.

Sec. 507. Conflicts of interest.

Directors, committee members, and officers shall disclose all existing and potential conflicts of interest to the board of directors. No director, committee member, officer, or employee of a District credit union shall, in any manner, directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his or her pecuniary interest or the pecuniary interest of any corporation, partnership, or association in which he or she is directly or indirectly interested.

Sec. 508. Officers.

(a) The board of directors, at their organizational meeting, shall elect from their own number, a chairperson of the board, a treasurer, and a secretary. The board may also elect any other officers of the board that are specified in the bylaws.

(b) The term of an officer shall be for one calendar year, or until a successor is chosen and has been duly qualified, unless otherwise provided in the bylaws.

(c) The duties of the officers shall be prescribed in the bylaws.

(d) Notwithstanding any other provision of this act, a District credit union may use any title it chooses for officials holding the positions described in this section, provided that the titles are not misleading.

Sec. 509. Meetings of directors.

(a) The board of directors shall meet on a regular basis and at least quarterly.

(b) Unless specifically prohibited by the bylaws, directors may participate in, and act at, any meeting of the board through the use of communications equipment through which all persons participating in the meeting can speak with and hear each other at the same time. Participation in the meeting in this manner shall constitute attendance.

(c) Unless specifically prohibited by the bylaws, any action required by this act to be taken at a meeting of the board of directors, or any other action that may be taken at a meeting of the board of directors, may be taken without a meeting if a consent, in writing, setting forth the action is signed by all the directors entitled to vote with respect to the subject matter thereof. Consent shall be evidenced by one or more written approvals, which describe the action taken.

Sec. 510. Audits.

(a) Unless the District credit union has been audited by a licensed public accountant or other qualified person or firm, the audit committee shall make, or cause to be made, a comprehensive annual audit of the books and affairs of the District credit union. The audit committee shall submit a report of each annual audit to the board of directors and a summary of that report to the members of the District credit union at the next annual meeting of the District credit union.

(b) The audit committee shall make, or cause to be made, any supplementary audits, examinations, and verifications of members' accounts that it considers necessary or that are required by the Commissioner or the board of directors of the District credit union. The audit committee shall submit reports of these supplementary audits to the board of directors.

Sec. 511. Suspension and removal powers.

(a) The board of directors may suspend any member of the District credit union's board of directors for cause, as defined in section 407, by a 2/3 vote of a quorum of the board. The board member shall be suspended until the next members' meeting, which shall be held no fewer than 7 days and not more than 60 days after the suspension. The suspended board member shall be notified of the details of the member's suspension and shall have a right to request a hearing before the board to reconsider the suspension prior to the next membership meeting.

(b) Any suspended board member may be removed by a majority vote of a quorum of members at a properly called membership meeting. The suspended board member shall be notified of the details of the board member's removal. At the membership meeting, the suspended board member shall have the right to appear and be heard. The suspension shall be acted upon by the members and the suspended board member shall be removed from or restored to office.

(c) The board of directors may, by a 2/3 vote of a quorum of the board, suspend or remove any officer from his or her office for cause, as defined in section 407. The officer affected will be notified of the suspension or removal and shall have the right to request a hearing before the board of directors for reconsideration of the board's decision.

TITLE VI. MEMBER ACCOUNTS.

Sec. 601. Shares and membership shares.

(a) Shares and membership shares shall be subscribed to and paid for in the manner prescribed in the bylaws.

(b) The par value of shares and membership shares shall be as prescribed in the bylaws.

(c) Membership shares may not be pledged as security on any loan.

(d) A District credit union may limit the number of shares that may be owned by a single member.

(e) Shares may be subscribed to, paid for, and transferred in the manner prescribed in the bylaws.

(f) The board of directors may establish different classes of share accounts, classified in relation to different rights, restrictions, and dividend rates.

(g) Notwithstanding any other provision of law, funds deposited in a share account, share certificate, or any other program offered by the District credit union for the purpose of promoting consumer savings shall not constitute consideration or a thing of value for the purposes of a promotional contest or raffle under District law.

Sec. 602. Dividends.

(a) The board of directors may, after making provisions for required reserves, declare dividends to be paid on share accounts and membership shares, if any, from the net earnings or undivided earnings, as provided in the bylaws. The board may authorize the intervals and periods for dividend payments.

(b) Dividends may be paid at various rates with due regard to the conditions that pertain to each type of account, such as minimum balance, notice, and time requirements.

(c) Dividends need not be paid on membership shares, but if a dividend is paid, it may be added to the membership share held by each member.

(d) Dividends shall not be declared or paid at a time when the District credit union is insolvent, its net assets are less than its stated capital, or when the payment thereof would render the District credit union insolvent or reduce its net assets below its stated capital.

Sec. 603. Deposit Accounts.

(a) A District credit union may accept deposit accounts from its members, other District credit unions, federal credit unions, foreign credit unions, and government units, subject to the terms, rates, and conditions established by the board of directors and applicable local and federal laws and regulations.

(b) Interest may be paid on deposit accounts at various rates with due regard to the conditions that pertain to each type of account, such as minimum balance, notice, and time requirements.

(c) A District credit union may engage in savings or account programs established by federal, state, or local governments.

(d) A District credit union designated as a low-income credit union may accept non-member deposits.

Sec. 604. Withdrawals.

(a) Funds in share and deposit accounts may be withdrawn for payment to the account holder or to third parties, in the manner and in accordance with the procedures that are established by the board of directors, subject to any regulations the Commissioner prescribes.

(b) Share, membership share, and deposit accounts shall be subject to any withdrawal notice requirement imposed by the bylaws.

(c) A membership share may only be redeemed or withdrawn after termination of membership in the District credit union, and at a value proportionate to its current value.

Sec. 605. Accounts for minors.

Payments on share and deposit accounts may be received from a minor with consent from the minor's parent or guardian. The minor may withdraw funds from these accounts, including the dividends and interest thereon. If shares are issued in the name of a minor, the redemption of any part or all of the shares, or a withdrawal of funds by payment to the minor of the shares or funds, and any declared dividends or interest, releases the District credit union from all obligations to the minor as to the shares redeemed or funds withdrawn.

Sec. 606. Joint accounts.

(a) A member may designate any person or persons to own a share account with the member, in joint tenancy with the right of survivorship, as a tenant in common, or under any other form of joint ownership permitted by law and allowed by the District credit union.

(b) Payment may be made, in whole or in part, to any of the joint owners, if an agreement permitting the payment was signed and dated by all persons when the shares were issued or thereafter. Payment made pursuant to this section shall discharge the District credit union from all claims for amounts paid, whether or not the payment is consistent with the beneficial ownership of the account.

(c) If more than one joint owner seeks District credit union membership through a joint account, each prospective member shall meet any membership requirements described in the District credit union's bylaws.

Sec. 607. Payable on death accounts.

Notwithstanding any other provision of law, a District credit union may establish share and deposit accounts payable to one or more persons during their lifetimes, and upon the death of every included account holder to one or more payable on death payees. A transfer to a payable on death payee is effective by reason of the account contract and shall not be considered a testamentary transfer.

Sec. 608. Trust accounts.

(a) Share and deposit accounts may be owned by one or more members in trust for one or more beneficiaries or by one or more nonmembers in trust for one or more beneficiaries who are members.

(b) Payment of part or all of a trust account to the party in whose name the account is held shall, to the extent of the payment, discharge the liability of the District credit union to that party and the beneficiary, and the District credit union shall be under no obligation to verify the application of the payment.

Sec. 609. Trust services.

A District credit union may accept and execute trusts pursuant to the laws of the District.

Sec. 610. Liens.

(a) The District credit union shall have a lien on the membership share, shares, deposits, and accumulated dividends and interest of a member in the member's individual, joint, trust, or payable on death account for any obligation owed to the District credit union by the member or for any loan co-signed or guaranteed by the member; except, that a District credit union shall not have a lien on any funds in an Individual Retirement Account or an account established pursuant to the Internal Revenue Code of the United States.

(b) The District credit union shall have a right of immediate set-off with respect to every deposit and share account. The District credit union may refuse to allow withdrawals from any share or deposit account while the member has any outstanding obligation to the District credit union.

Sec. 611. Reduction in membership shares.

(a) The board of directors of a District credit union may propose a reduction in membership shares when the losses of the District credit union resulting from a depreciation in value of its loans, investments, or otherwise exceed the District credit union's undivided earnings and reserves so that the estimated value of the District credit union's assets is less than its liabilities, and the board of directors determines that the District credit union may be subject to involuntary liquidation. The District credit union may, by a majority vote of those voting on the proposition, order a reduction in the membership shares, and of each of its shareholders, to divide the loss in proportion to the shares held by shareholders in their respective membership share accounts ("order of reduction").

(b) If the District credit union thereafter realizes a greater amount from its assets than what was fixed by the order of reduction, the excess shall be proportionately restored to the shareholders whose assets were reduced, but only to the extent of the reduction.

(c) Deposit accounts and regular share accounts shall not be subject to a reduction in shares pursuant to this section.

Sec. 612. Share and deposit insurance.

(a) A District credit union shall apply for and obtain insurance on its members' share and deposit accounts as provided by NCUA or comparable insurance approved by the Commissioner.

(b) No District credit union shall be granted a charter by the Commissioner unless the District credit union has applied for and obtained insurance of its members' share and deposit accounts as provided by this section or received a written commitment to insure or guarantee member accounts.

(c) A District credit union with debt and equity capital consisting primarily of funds received from other credit unions and any membership share issued by a District credit union shall not be subject to the requirements of this section.

(d) A District credit union that has been denied a commitment of insurance or guarantee of its members' share and deposit accounts or that has had that insurance or guarantee revoked, cancelled, or terminated shall, within 30 days of the effective date of the revocation, cancellation, or termination, commence steps to liquidate, merge with an insured credit union, or apply in writing to the Commissioner for an extension of time to obtain an insurance commitment.

(e) The Commissioner may grant one or more extensions of time in which to obtain the insurance commitment upon satisfactory evidence that the District credit union has made, or is making, a substantial effort to satisfy the conditions precedent to the issuance of an insurance commitment.

(f) To permit NCUA or an authorized share guaranty corporation to assess the financial condition and performance of a District credit union, the Commissioner may provide NCUA or an authorized share guaranty corporation with any and all reports of examination conducted by the Commissioner, and copies of orders and notices issued by the Commissioner, regarding any District credit union under the Commissioner's supervision.

(g) NCUA or an authorized share guaranty corporation shall provide to the Commissioner copies of any reports of examinations conducted by NCUA or the authorized share guaranty corporation on a District credit union.

(h) In addition to the primary guaranteed amount, an authorized share guaranty corporation or other insurance company may provide an excess coverage guarantee for the benefit of those District credit unions that voluntarily elect to obtain an additional guarantee.

(i) The Commissioner may appoint NCUA or any official of an authorized share guaranty corporation as the liquidating agent of a District credit union. This appointment is limited to actions arising under sections 901 and 1005.

Sec. 613. Authority to withhold payment.

(a) Nothing contained in this act shall be deemed to require a District credit union to make any payment from an account to a depositor, shareholder, trust, or payable-on-death account beneficiary, or any other person claiming an interest in any funds in an account, if the District credit union has actual knowledge of the existence of a dispute between the depositors, shareholders, beneficiaries, or other persons concerning their respective rights of ownership to the funds contained in, proposed to be withdrawn from, previously withdrawn from, the account,

or if the District credit union is otherwise uncertain as to who is entitled to the funds pursuant to the account agreement.

(b) The District credit union may, without liability, notify in writing, all depositors, shareholders, beneficiaries, or other persons claiming an interest in the account of the District credit union's uncertainty as to who is entitled to the funds or of the existence of a dispute and may, without liability, refuse to disburse any funds contained in the account to any depositor, shareholder, trust, payable on death account beneficiary of the account, or other persons claiming an interest in the account until:

(1) Each of the depositors, shareholders, and beneficiaries has consented to the requested payment in writing; or

(2) The payment is authorized or directed by a court of proper jurisdiction.

TITLE VII. LOANS.

Sec. 701. Purpose and conditions of loans.

A District credit union may issue loans to members for the purposes and on the conditions prescribed by the board of directors. The board of directors shall establish written policies with respect to granting loans and extending lines of credit, including the terms, conditions, and acceptable forms of security.

Sec. 702. Interest rate.

Notwithstanding the provisions of any other law in connection with extensions of credit, a District credit union may elect to contract for and receive interest for extensions of credit subject only to the provisions of this act and rules promulgated pursuant to this act.

Sec. 703. Other loan-related charges.

(a) Notwithstanding the provisions of any other law in connection with extensions of credit, a District credit union may elect to contract for and receive fees and other charges for extensions of credit in connection with making, closing, disbursing, extending, collecting, renewing, or enforcing a debt in the event of a member's delinquency or breach of any obligation under the District credit union's loan contract, subject only to the provisions of this act and rules promulgated pursuant to this act.

(b) A contingency or hourly arrangement established under an agreement and entered into by a District credit union with an attorney or collection agency to collect a loan of a member who is in default shall be prima facie presumed reasonable.

Sec. 704. Loan limit.

The board of directors may place a limit on the aggregate amount to be loaned to, or co-signed by, any one member. The aggregate of loans to any one member shall not exceed 5% of the District credit union's capital or 1% of shares and deposits, whichever is greater. This limit shall not apply to loans that are fully secured by shares or deposits in the District credit union.

Sec. 705. Lines of credit.

(a) A District credit union may approve lines of credit to members and loan advances may be granted to members within the limit of the approved lines of credit. The terms and conditions upon which a line of credit is extended to any member may be different from the terms and conditions established for another member. Where a line of credit has been approved, no additional credit application is required as long as the aggregate indebtedness does not exceed the approved limit.

(b) Lines of credit shall be subject to periodic review by the District credit union, in accordance with the written policies adopted by the board of directors.

Sec. 706. Participation loans.

(a) A District credit union may participate in loans to District credit union members jointly with other credit unions, credit union organizations, or other organizations pursuant to written policies established by the board of directors.

(b) If the aggregate amount of participation loans exceeds the District credit union's lending limitations, the District credit union may originate the participation loans only on a non-recourse basis. An interest in a participation loan may be negotiated to another credit union, credit union organization, or other approved organization.

(c) A member benefiting from the proceeds of a participation loan need not be a member of every credit union participating in the loan.

Sec. 707. Other loan programs.

(a) A District credit union may participate in any guaranteed loan program of the federal or District government under the terms and conditions specified in the law under which the type of program is provided.

(b) A District credit union may purchase the conditional sales contracts, notes, and similar instruments that evidence the indebtedness of its members, persons within its field of membership, or members of another credit union, subject to applicable law.

(c) A District credit union may finance for any person the sale of the District credit union's property, including property obtained as a result of defaults on obligations owed to the District credit union.

(d) A District credit union may issue student loans to its members in accordance with District law or scholarship programs that are subject to a federal or District law providing a 100% repayment guarantee.

Sec 708. Loans to officials.

(a) A District credit union may make loans to its officers, directors, and members of its committees, provided that the loan complies with all requirements of this act and is not on terms or conditions more favorable than those extended to other borrowers.

(b) A District credit union may permit officers, directors, and members of its committees to act as co-makers, cosigners, or guarantors of loans to other members, subject to the requirements of subsection (a) of this section.

TITLE VIII. INVESTMENTS.

Sec. 801. Authorized investments.

(a) A District credit union may invest in:

(1) Securities, obligations, or other instruments issued by, or fully guaranteed as to principal and interest by, the United States or any agency or instrumentality thereof;

(2) Trusts established for investing directly or collectively in the United States or any agency or instrumentality thereof;

(3) Securities, obligations, or other instruments of the District, any state, the Commonwealth of Puerto Rico, and the several territories organized by Congress;

(4) Securities, obligations, and other instruments that are backed by the full faith and credit of a political subdivision of a state or of a territory organized by Congress;

(5) Shares, deposits, share certificates, certificates of deposit, obligations, or other accounts of insured financial institutions organized under District or federal law;

(6) Shares, deposits, or loans to insured District credit unions, federal credit unions, foreign credit unions, or corporate credit unions;

(7) Deposits in, loans to, or shares of any Federal Reserve Bank or of any central liquidity facility established under District or federal law;

(8) Shares, stocks, deposits in, loans to, or other obligations of any credit union service organization in a total amount not exceeding 10% of the District credit union's capital and deposits;

(9) Shares of a cooperative society organized under the laws of the District, another state, or the United States in which the District credit union has some type of membership relationship in a total amount not to exceed 10% of the capital and deposits of the District credit union;

(10) Stocks of corporations, not to exceed 5% of the credit union's capital and deposits;

(11) Bonds or other obligations of corporations organized in the District, any state, the Commonwealth of Puerto Rico, or a territory organized by Congress; provided, that these investments are limited to bonds or other obligations rated among the 3 highest ratings established by one or more national rating service of corporate securities designated by the issuer;

(12) Participation loans with other District credit unions, federal credit unions, foreign credit unions, credit union-owned organizations, or other organizations existing primarily to serve credit unions or their members;

(13) Fixed assets, subject to rules promulgated by the Commissioner;

(14) Shares, obligations, and loans to a credit union trade association, or an organization owned by a credit union trade association organized under District law or the laws

of the United States in a total amount not to exceed 10% of the capital and deposits of the District credit union;

(15) Mortgages, securities, obligations, bonds, and stock of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or other government sponsored enterprises as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974, approved July 12, 1974 (104 Stat. 1388; 2 U.S.C. § 622(8));

(16) Participations or obligations that have been subjected by one or more government agencies to a trust or trusts for which an executive department, agency, or instrumentality of the United States has been named to act as trustee;

(17) Common trust or mutual funds whose investment portfolios consist of securities permitted for purchase by credit unions; and

(18) A charitable donation account pursuant to a policy adopted by the board of directors.

(b)(1) In addition to the investments authorized in subsection (a) of this section, a District credit union may seek, by written application, the Commissioner's approval for:

(A) An investment that is not authorized in subsection (a) of this section but is for purposes identified in this act; or

(B) An investment of a type that is authorized by subsection (a) of this section but that exceeds the monetary threshold in subsection (a) of this section for that type of investment.

(2) The Commissioner shall approve an application for a District credit union investment described in paragraph (1) of this subsection, if the Commissioner determines that:

(A) The investment will benefit the members of the District credit union; and

(B) The investment does not create any safety or soundness implications for the District credit union.

(c) If the status or form of the District credit union's investment changes during the life of the investment, the District credit union may continue to hold and maintain the investment regardless of the change.

(d) This section does not apply to funds invested in the District credit union's employee benefits plan. A District credit union investing to fund an employee benefits plan obligation shall not be subject to the investment limitations of this section if the investment is directly related to the District credit union's obligation under the employee benefit plan and the District credit union holds the investment only for so long as it has an actual or potential obligation under the plan.

TITLE IX. CHANGE IN CORPORATE STATUS

Sec. 901. Voluntary Liquidation.

(a) A District credit union may, by a 2/3 vote of the board of directors and in the manner described in this section, elect to voluntarily dissolve and liquidate its affairs.

(b) The board shall notify the Commissioner of its vote to voluntarily dissolve and liquidate its affairs no later than 10 days after the vote. The notification shall be in writing and set forth the reasons for the proposed liquidation and a plan for liquidation, including any suspension of:

(1) Payments on accounts;
(2) Withdrawals of funds;
(3) Transfers to loan accounts;
(4) Investments;
(5) New loans; or
(6) Other similar financial transactions.

(c) Upon documentation that the District credit union has complied with this section, the Commissioner shall certify that the District credit union has complied with this section and shall forward a copy of the certification to the District credit union.

(d) The terms and conditions of a liquidation plan approved under this section shall go into effect immediately upon approval by the District credit union's members, pursuant to subsection (e) of this section.

(e) Voluntary liquidation requires approval by a vote of 2/3 of the members present, either in person, by mail ballot, or by electronic means, at a regular meeting that specifically included the liquidation issue on the notice or by a special meeting called specifically to vote on the liquidation issue with a minimum of 25% of the total membership voting. When authorization for liquidation is to be obtained at a meeting of the members, notice in writing shall be given to each member, by first-class mail, at least 10 days, but not more than 30 days, prior to the meeting.

(f) If liquidation is approved, the board of directors shall appoint a liquidating agent or committee for the purpose of conserving and collecting the assets, closing the affairs of the District credit union, and distributing the assets as required by this act.

(g) A liquidating District credit union shall continue in existence for the purpose of discharging its debts, collecting on loans, distributing its assets, and doing all acts necessary to terminate operations. The liquidating District credit union may sue and be sued for the purpose of enforcing debts and obligations until the liquidating District credit union's affairs are fully concluded.

(h) The liquidating agent or committee shall distribute the assets of the District credit union or the proceeds of any disposition of the assets in the sequence described in section 1005(b).

(i)(1) The liquidating agent shall execute a certificate of dissolution when the liquidating agent or committee determines that all assets from which there is a reasonable expectancy of recovery have been liquidated and distributed as set forth in this section. The certificate of dissolution shall be executed on a form prescribed by the Commissioner and filed, together with all pertinent books and records of the liquidating District credit union, with the Commissioner.

(2) The liquidating agent or committee shall, within 3 years after issuance of a certificate of dissolution, discharge the debts of the District credit union, collect and distribute its assets, and do all other acts required to windup its business.

(j)(1) The Commissioner may issue a cease and desist order against the liquidating agent or committee and appoint a new liquidating agent to complete the liquidation under the Commissioner's direction and control if the Commissioner determines that the liquidating agent or committee has failed to make reasonable progress toward liquidating the District credit union's affairs and distributing its assets, or has violated this act.

(2) The Commissioner shall fill any vacancy caused by the resignation, death, illness, removal, desertion, or incapacity to function of the Commissioner's appointed liquidating agent.

(k) Any funds that represent unclaimed dividends and shares in liquidation at the end of the liquidation shall remain in the hands of the board of directors, the liquidating agent, or committee, and shall be deposited by them, together with all the District credit union's books and papers, with the Commissioner. The Commissioner shall deposit the funds with the D.C. Treasurer.

Sec. 902. Voluntary merger of credit unions.

(a) A District credit union may, with the written approval of the Commissioner and subject to all applicable local and federal laws and regulations, merge with one or more other District credit unions, foreign credit unions, or federal credit unions. A District credit union merging with another District credit union may do so regardless of whether the credit unions serve the same field of membership.

(b)(1) When a District credit union merges with one or more other District credit unions, the entities shall either designate one of them as the continuing credit union, or they shall structure a new credit union and designate it as the new credit union. All participating credit unions, other than the continuing or new credit union, shall be designated as merging credit unions.

(2) When a District credit union merges with one or more foreign credit unions or federal credit unions, the District credit union shall be subject to all applicable local and federal laws and regulations governing the chartering jurisdiction.

(c) To merge, participating credit unions shall prepare a merger plan. The merger plan which has been approved by a majority of the directors of all of the participating credit unions shall be submitted to the appropriate regulatory authorities for preliminary approval by the regulatory authority. If the merger plan includes the creation of a new credit union, all documents required by this act for the chartering of a new District credit union shall be submitted as part of the merger plan. Each participating credit union, except the continuing credit union, shall also submit in writing to the Commissioner:

(1) The time and place of the meeting of the board of directors at which the merger plan was agreed upon;

(2) The vote of directors in favor of the adoption of the merger plan; and

(3) A copy of the resolution or other action by which the merger plan was agreed upon.

(d)(1) Each merging District credit union shall conduct a membership vote on its participation in the plan at a special meeting called for that purpose, by mail ballot, or by electronic means. Members shall be provided written notice of the meeting, which shall state the purpose of the meeting, at least 10 days but not more than 30 days prior to the meeting.

(2) If a majority of the voting members approve the merger plan, the District credit union shall submit a record of that fact to the Commissioner, indicating the vote by which the members approved the merger plan and copies of the notices provided to members, including copies of the membership meeting notice and mail or electronic ballot if the vote was conducted by mail or electronic means.

(e) The Commissioner shall approve a merger plan after determining that the requirements of subsection (d) of this section have been met. If the merger plan includes the creation of a new District credit union, the new District credit union shall be approved pursuant to Title II of this act. The Commissioner shall notify all participating credit unions of the Commissioner's action on the merger plan.

(f) Each merging credit union shall cease operations within 90 days of approval of a merger plan by the Commissioner. All property, property rights, and members' interests in each merging credit union shall vest in the continuing or new credit union, as applicable, without deed, endorsement, or other instrument of transfer. All debts, obligations, and liabilities of each merging credit union shall be deemed to have been assumed by the continuing or new credit union. The rights and privileges of the members of each merging credit union shall remain intact. If a person is a member of more than one of the participating credit unions that person shall be entitled to only one set of membership rights in the continuing or new credit union.

(g) If the continuing or new credit union is chartered by another state or territory of the United States, it shall be subject to the requirements of section 210.

Sec. 903. Credit union conversion.

(a) A District credit union may be converted to a federal credit union or a foreign credit union, subject to rules issued by the Commissioner and applicable laws governing the prospective chartering jurisdiction.

(b) A federal credit union or a foreign credit union may convert to a District credit union incorporated under this act if the converting federal or foreign credit union complies with all requirements of its current chartering jurisdiction and the requirements of the Commissioner and files proof of such compliance with the Commissioner.

Sec. 904. Bank to credit union conversion.

(a) A locally regulated or federally regulated bank may convert its charter to a District credit union charter under this act, subject to applicable local and federal laws and regulations governing the bank.

(b) The Commissioner shall prescribe procedures by which a locally regulated or federally regulated bank may convert to a District credit union charter, and those procedures shall include the following:

(1) The converting bank shall prepare and submit to the Commissioner a conversion plan that provides how the converting bank will:

(A) Comply with the membership requirements under this act, including the possible divestiture of customers who do not meet membership limitations;

(B) Convert its board to a voluntary, non-paid structure if the District credit union does not provide for the compensation of its directors;

(C) Divest its board of stock options;

(D) Divest its capital stock;

(E) Phase out all impermissible investments; and

(F) Comply with District credit union business loan limitations.

(2) A converting bank shall perform a complete policy review to address appraisal restrictions, lending restrictions, investment restrictions, corporate structure restrictions, and power structure to ensure compliance with this act and the Commissioner's rules.

(c) The conversion plan shall be adopted by not less than a majority of the board of directors of the converting bank.

(d) Upon approval of a plan of conversion by the board of directors of a converting bank, the conversion plan and certified copy of the resolution of the board of directors approving the conversion plan shall be submitted to the Commissioner for approval.

(e) The Commissioner may authorize a District credit union resulting from a charter conversion under this act to:

(1) Windup any activities that the converting bank legally engaged in at the effective time of the charter conversion but that otherwise are not permitted for District credit unions; or

(2) Retain, for a transitional period, any assets that the converting bank legally held at the effective time of the charter conversion that otherwise may not be held by District credit unions.

(f) The terms and conditions for the windup of activities under subsection (e)(1) of this section, and the retention of assets under subsection (e)(2) of this section shall be at the Commissioner's discretion; except, that the transitional period during which activities under subsection (e)(1) of this section may be carried out or assets retained under subsection (e)(2) of this section shall not exceed 10 years after the effective date of the charter conversion.

TITLE X. SUPERVISION AND REGULATION OF CREDIT UNIONS.

Sec. 1001. Supervision and regulation of credit unions.

The Commissioner shall be responsible for the supervision and regulation of District credit unions. The Commissioner is the District's credit union regulatory authority, whose purpose shall be to protect members' financial interests, the interests of the general public, and to ensure that District credit unions remain viable and competitive.

Sec. 1002. Deposit of fees in the Securities and Banking Trust Fund.

(a) The Commissioner shall deposit into the Securities and Banking Trust Fund ("Fund") all funds received from, or in connection to the regulation of, District credit unions and foreign credit unions authorized to operate in the District and from the federal government, to the extent consistent with federal law.

(b) Money in the Fund shall be available for expenses incurred in the supervision, examination, and regulation of credit unions under this act.

(c) The Commissioner shall establish fees and assessments related to the supervision and regulation of credit unions through rulemaking.

Sec. 1003. Powers of Commissioner.

(a) The Commissioner may prescribe rules to implement any provision of this act, including defining any term not defined in the act.

(b) The Commissioner may restrict withdrawals from share or deposit accounts, or both, of any District credit union, if the Commissioner determines that circumstances exist making a restriction necessary for the proper protection of shareholders or depositors.

(c) The Commissioner may issue a cease and desist order if the Commissioner has reasonable cause to believe that a District credit union or a foreign credit union operating in the District is engaged in, or is about to engage in, an unsafe or unsound practice or is violating, or has violated, a material provision of any law, rule, or condition imposed in writing by the Commissioner or written agreement made with the Commissioner.

(d) The Commissioner may suspend from office, or prohibit from participation in the conduct of the affairs of a District credit union, a District credit union director, committee member, or officer, if the Commissioner determines that:

(1) The District credit union director, committee member, or officer has:

(A) Committed any violation of a law, regulation, or a cease and desist order;

(B) Engaged or participated in any unsafe or unsound practice in connection with the District credit union; or

(C) Committed or engaged in any act, omission, or practice that constitutes a breach of that person's fiduciary duty as a director, officer, or committee member; and

(2) The conduct described in paragraph (1) of this subsection has resulted in, or will result in, substantial financial loss or other damage that seriously prejudices the interests of the District credit union's members.

(e) The Commissioner may prohibit a foreign credit union director, committee member, or officer from participation in the operation of a foreign credit union in the District, if the Commissioner determines that:

(1) The foreign credit union director, committee member, or officer has:

(A) Committed any violation of a law, regulation, or a cease and desist order;

(B) Engaged or participated in any unsafe or unsound practice in connection with the foreign credit union; or

(C) Committed or engaged in any act, omission, or practice that constitutes a breach of that person's fiduciary duty as a director, officer, or committee member; and

(2) The conduct described in paragraph (1) of this subsection has resulted in, or will result in, substantial financial loss or other damage that seriously prejudices the interests of the foreign credit union's members.

(f) The Commissioner shall have the power to subpoena witnesses and compel their attendance, to require the production of evidence, to administer oaths, and to examine any person under oath in connection with any hearing conducted by the Commissioner.

(g) The Commissioner may suspend the operations of a District credit union or foreign credit union operating in the District, appoint a conservator to take possession or control of the business and assets of a District credit union, and may involuntarily merge or involuntarily liquidate a District credit union, in accordance with this act.

(h) The Commissioner may suspend the declaration of dividends and the payment of interest if the Commissioner has reasonable cause to believe that the District credit union or foreign credit union operating in the District is insolvent.

(i) The Commissioner shall not hold liable under this act any District credit union, foreign credit union operating in the District, or other person for acts or omissions made in reliance on any rule, interpretation, or opinion issued by the Commissioner.

(j) The Commissioner may exercise all rights, authorities, and duties set forth in this act.

Sec. 1004. Involuntary merger of credit union.

(a) Notwithstanding any other provision of law, if the Commissioner determines that an emergency requiring expeditious action exists with respect to a District credit union, other alternatives are not reasonably available, and the public interest, including the interests of the members of the District credit union, would best be served by taking the following action, the Commissioner may:

(1) Initiate the involuntary merger of a District credit union that is insolvent or is in danger of insolvency with any other District credit union;

(2) If authorized under, and to the extent consistent with, applicable federal or state law:

(A) Initiate actions designed to result in the involuntary merger of a District credit union that is insolvent or is in danger of insolvency with any federal or foreign credit union; or

(B) Authorize a District credit union, federal credit union, or foreign credit union to purchase any of the assets of, or assume any of the liabilities of, a District credit union that is insolvent or in danger of insolvency; or

(3) Authorize a financial institution whose deposits or accounts are insured to purchase any of the assets of, or to assume any of the liabilities of, a District credit union that is

insolvent or in danger of insolvency; except, that before exercising this authority, the Commissioner shall attempt to effect a merger with, or purchase and assumption, by another District credit union, federal credit union, or foreign credit union as provided in paragraphs (1) and (2) of this subsection.

(b) For purposes of the authority contained in this section, insured share and deposit accounts of the District credit union undergoing an involuntary merger may, upon consummation of the purchase and assumption, be converted to insured deposits or other comparable accounts in the acquiring institution.

Sec. 1005. Involuntary liquidation.

(a)(1) If the Commissioner determines that a District credit union is bankrupt or insolvent, the Commissioner may issue a notice of involuntary liquidation, revoke the District credit union's charter, and appoint a liquidating agent.

(2) The District credit union may request the appropriate court to stay execution of the action authorized by this subsection.

(b) In the event of liquidation, the assets of the District credit union or the proceeds from any disposition of assets shall be applied and distributed in the following priority:

(1) Secured creditors up to the value of their collateral;

(2) Costs and expenses of liquidation;

(3) Wages due the employees of the District credit union;

(4) Taxes owed to any government unit;

(5) Debts, other than taxes, owed to the United States;

(6) General creditors, and secured creditors to the extent their claims exceed the value of their collateral;

(7) Costs and expenses incurred by creditors in successfully opposing the release of the District credit union from certain debts as allowed by the Commissioner;

(8) Shareholders or depositors, to the extent of uninsured share or deposit accounts; and

(9) Members, to the extent of membership shares.

Sec. 1006. Conservatorship.

(a) If the Commissioner determines that a District credit union is engaging in a materially unsafe or unsound practice, the Commissioner may, at the Commissioner's sole discretion and without advance notice:

(1) Appoint an insuring organization or any other person as conservator, that shall immediately take possession and control of the business and assets of the District credit union, represent the best interests of the District credit union members, and be vested with the full power of management of the District credit union.

(2) Petition the Superior Court of the District of Columbia to appoint a receiver for the District credit union, in accordance with section 219 of the 21st Century Financial

Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-1401.19).

(3) For the purposes of this section, the term "materially unsafe and unsound practice" means a practice where:

(A)(i) Immediate action is necessary to conserve the assets of a District credit union or to protect the interests of the members of the District credit union; or

(ii) A District credit union, by resolution of its board of directors, has consented to the Commissioner's action; and

(B)(i) The Commissioner receives written notification from the appropriate authority that a director or an officer of the District credit union has been convicted of a criminal offense under 18 U.S.C. § 1956 or 1957;

(ii) There is a willful violation by a District credit union or a director or officer of the District credit union of a cease and desist order issued by the Commissioner; or

(iii) A District credit union or a director or officer of the District credit union has engaged in the concealment of books, papers, records, or assets of the District credit union, or has refused to submit books, papers, records, or other sources of information relating to the affairs of the District credit union for inspection to any examiner or lawful agent of the Commissioner.

(b) A District credit union may apply to the appropriate court for an order requiring the Commissioner to show cause why the Commissioner or the conservator designee should not be enjoined from continuing possession and control not later than 15 days after the date on which the conservator takes possession and control of the business and assets of a District credit union pursuant to subsection (a) of this section.

(c) Except as provided in subsection (b) of this section, the conservator may maintain possession and control of the business and assets of the District credit union and may operate the District credit union until:

(1) The Commissioner permits the District credit union's officials to continue business, subject to terms and conditions the Commissioner imposes; or

(2) The District credit union is involuntarily merged or involuntarily liquidated in accordance with section 1005.

(d) The Commissioner may appoint any person that the Commissioner considers necessary to assist the conservator in carrying out the duties of the conservator under this section.

(e) A conservator or receiver may terminate or adopt any executory contract to which the credit union may be a party, including leases of real or personal property, within 6 months after obtaining knowledge of the existence of the contract or lease. Any provision in the contract or lease that provides for damages, other than actual direct compensatory damages determined as of the date of appointment of the conservator or receiver, shall not be binding on the conservator, receiver, or District credit union.

(f) All expenses incurred by a conservator in exercising the authority of that office under this section with respect to any District credit union shall be paid out of the assets of the District credit union; except, that the Commissioner may waive all or a part of these expenses.

Sec. 1007. Examinations.

(a) The Commissioner shall examine or cause to be examined each District credit union on a regular basis. A District credit union and any of its officers and agents shall give full access to all books, papers, securities, records, and other sources of information (collectively "sources of information") under their control to the Commissioner or the Commissioner's agents, unless the disclosure of these sources of information is prohibited by law.

(b) A report of the examination conducted pursuant to subsection (a) of this section ("examination report") shall be forwarded by the Commissioner or the Commissioner's designee to the District credit union's chair of the board within 30 days after completion. The examination report shall contain comments relative to the management of the affairs of the District credit union and the general condition of District credit union's assets. The board of directors of the District credit union shall meet to consider and respond to matters contained in the examination report within 30 days of receipt of the report.

(c) All information contained in or related to the examination report prepared by, or on behalf of, the Commissioner shall be deemed the confidential property of the Department. No officer, employee, or agent of the Department or the District credit union may disseminate the contents of an examination report for any reason other than the business of the Department or the District credit union. Violation of this subsection constitutes a misdemeanor and upon conviction thereof the misdemeanant shall be fined not more than $ 1,000 for each violation. The contents of the examination report shall not be subject to subpoena.

(d) The Commissioner may accept an examination of the credit union made by the NCUA in lieu of making an examination of a District credit union. The cost of any examination under this subsection shall be borne by the District credit union; except, that the costs of any regular or special examination shall not be assessed more than once annually.

(e) The Commissioner shall adopt rules that ensure consistency and due process in the examination process. The Commissioner may also establish guidelines and provide formal guidance, interpretive letters, or other written materials that:

(1) Define the scope of the examination process; and

(2) Clarify examination items to be resolved.

Sec. 1008. Records.

(a) A District credit union shall maintain all books, records, accounting systems, and procedures that accurately reflect its operations and which enable the Commissioner to readily ascertain the true financial condition of the District credit union and whether it is complying with this act. These books, records, accounting systems, and procedures shall be maintained at the District credit union's principal place of business in accordance with the District credit union's record retention policy.

(b) The Commissioner shall prescribe the minimum retention requirements for District credit union records by rule.

Sec. 1009. Records of the Department.

(a) Information from the records of the Department related to District credit unions shall only be disclosed as required by law.

(b) A copy of any document on file with the Department that is certified by the Commissioner as being a true copy may be introduced as evidence in any court in the District as if it were the original.

(c) The following documents are confidential and privileged and not subject to public disclosure:

(1) Examination reports, as defined in section 1007, and related information from insurers or other regulators;

(2) Business plans and other proprietary information of a District credit union, and its subsidiaries or affiliates;

(3) Reports of investigations; and

(4) Notices related to enforcement actions and consent orders.

(d) Examination reports furnished by the Commissioner remain the property of the Department. No person to whom an examination report is furnished, or any officer, director, or employee thereof may disclose or make public the examination report or information contained in the examination report except information that is already in the public domain. Violation of this subsection constitutes a misdemeanor punishable by a fine of not more than $1,000 for each violation, by imprisonment for not more than one year, or both.

(e) Upon notice to the Commission, a party in a civil action in which an examination report or information discussed in this section is sought to be discovered or used as evidence may petition the court for an in-camera review of the examination report or information. The court may permit discovery and introduction of only those portions of the examination report or information that are relevant and otherwise unobtainable by the requesting party.

Sec. 1010. Conflicts of interest.

(a) In addition to any general conflict of interest statute applicable to District employees, no employee of the Department shall be an officer, director, committee member, employee, or attorney for any credit union, or receive, directly or indirectly, any payment or gratuity from any credit union, or be indebted to any credit union, or engage in the negotiation of loans for others with any credit union.

(b) An employee of the Department may be a member of a credit union on the same terms as are available to other credit union members and may do business at another financial institution on the same terms as other customers.

TITLE XI. TAX EXEMPTION; COMPLIANCE REVIEW.

Sec. 1101. Tax exemption.

(a) Credit unions organized under District law, their property, their franchises, capital, reserves, surpluses, and other funds, and their income shall be exempt from all taxation imposed by the District; except, that real property and tangible personal property of a District credit union shall be subject to District taxation to the same extent as other similar property is taxed.

(b) The participation by a District credit union in any government program providing unemployment, social security, old age pension, or other benefits shall not be deemed a waiver of the taxation exemption granted under this section.

Sec. 1102. Compliance review documents.

(a) Compliance review documents are privileged and confidential and are nondiscoverable and nonadmissible in a civil action; except, that a District credit union may provide access to compliance review documents to an affiliate, regulatory agency, or share insurer. The delivery of compliance review documents to an affiliate, regulatory agency, or share insurer shall not constitute a waiver of the privilege granted in this section.

(b) This section shall not be construed to limit the discovery or admissibility in any civil action of any documents other than compliance review documents.

(c) For the purposes of this section, the term "compliance review documents" includes documents used to evaluate and seek to improve the District credit union's loan policies or underwriting standards, asset quality, or financial reporting to a government unit, or comply with federal or state statutory or regulatory requirements.

TITLE XII. GENERAL PROVISIONS.

Sec. 1201. 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. 1202. 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 a 30-day period of Congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Code § 1-206(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend the District of Columbia Public Space Rental Act to authorize the use of certain public space by a legitimate theater as a sidewalk café; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal Regulations to allow a legitimate theater to operate a sidewalk café, and reconcile the general requirements for a sidewalk café permit and the application procedures for a sidewalk café permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legitimate Theater Sidewalk Café Authorization Amendment Act of 2020".

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section 201b to read as follows:

"Sec. 201b. Legitimate theater sidewalk café authorization.

"(a) The Mayor shall allow the use by a legitimate theater of public space abutting the legitimate theater as a sidewalk café; provided, that the applicant:

"(1) Meets the administrative procedures for a sidewalk café as set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 300 *et seq.*); and

"(2) Obtains the necessary licenses and license endorsements required by the Alcoholic Beverage Control Board to sell, serve, or permit the consumption of alcoholic beverages in a sidewalk café pursuant to D.C. Official Code § 25-113a(c).

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

"(1) "Legitimate theater" shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 399.1).

"(2) "Sidewalk café" shall have the same meaning as in section 399.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 399.1).".

Sec. 3. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 300 *et seq.*), is amended as follows:

(a) Section 301.3 is amended by striking the phrase "restaurant, grocery store, brewery, winery, or distillery" both times it appears and inserting the phrase "legitimate theater,

restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop" in its place.

(b) Section 303.13(h) is amended by striking the phrase "abutting restaurant" and inserting the phrase "abutting legitimate theater, restaurant," in its place.

(c) Section 399.1 is amended by adding a new definition to read as follows:

"Legitimate theater - a building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance.".

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide real property tax relief for property located at Lot 0825, Square 0158, owned by the National League of American Pen Women.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "The National League of American Pen Women Real Property Tax Exemption Amendment Act of 2020".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1099.09. National League of American Pen Women; Lot 0825, Square 0158.".

(b) A new section 47-1099.05 is added to read as follows:

"§ 47-1099.09. National League of American Pen Women; Lot 0825, Square 0158.

"(a) The real property located at 1300 17th Street, N.W., known for tax and assessment purposes as Lot 0825, Square 0158 ("Property") shall be exempt from real property taxation as long as the National League of American Pen Women is the owner and operator of the Property and is used for the purposes and activities of the National League of Pen Women, subject to the provisions of §§ 47-1007, 47-1009, but not § 47-1005.

"(b) The tax exemption provided by this section shall begin as of October 1, 2016.".

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against Lot 0825, Square 0158 beginning with the tax year beginning October 1, 2016, through the end of the month following the effective date of this act be forgiven and that any payments made for this period be refunded to the person who made the payments.

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.

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend section 47-1064 of the District of Columbia Official Code to provide that certain provisions relating to a payment in lieu of taxes and real property taxation shall be of no further force and effect upon the transfer of any portion of the real property in Lots 826 and 831, in Square 491 to John Hopkins University.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom Forum, Inc. Real Property Tax Exemption and Equitable Real Property Amendment Act of 2020".

Sec. 2. Section 47-1064 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by adding a new paragraph (4) to read as follows:

"(4) Paragraphs (1) and (2) of this subsection shall be of no further force and effect when any portion of the properties is transferred to Johns Hopkins University.".

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

"(c) An exemption provided under subsection (a) as to the properties shall expire upon the first day of the month following the date of recordation of the deed conveying such property; provided, that the deed is timely recorded under § 47-1431(a).".

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

ENROLLED ORIGINAL

1973 (87 Stat. 813, D.C. 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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on a temporary basis, Title 25 of the District of Columbia Official Code to authorize games of skill, require a game of skill endorsement, limit games of skill to manufacturers who are holders of on-site consumption permits and restaurants, nightclubs, taverns, hotels, and multipurpose facilities, prohibit a game of skill or an electronic gaming device on an outdoor public or private space, establish the requirements for applying for a game of skill endorsement, require the Alcoholic Beverage Control Board to seek guidance from the Office of the Attorney General for the District of Columbia concerning a proposed game of skill before approving a request for a game of skill endorsement, create operating requirements for licensees, require the installation of security cameras, prohibit persons who are under 18 years of age from playing a game of skill, require licensees to post a warning sign in the area where game of skill terminals are located, and set standards for game of skill advertisements and signage on licensed premises; and to amend An Act To establish a code of law for the District of Columbia to make it unlawful to install or operate a game of skill terminal or electronic gaming device at a location not licensed under Title 25 of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Games of Skill Consumer Protection Temporary Amendment Act of 2020".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1)Section 25-101 is amended as follows:

(A) A new paragraph (22B) is added to read as follows:

"(22B) "Game of skill" means a mechanical or electronic game that rewards the winning player or players with cash, a gift card, or a voucher that can be redeemed for cash. The mechanical or electronic gaming device shall not be considered a game of skill if one or more of the following apply:

"(A) The ability of any player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of persons playing the game;

"(B) The outcome of the game can be controlled by a source other than an individual playing the game;

"(C) The success of any player is or may be determined by a chance event that cannot be altered by player actions;

"(D) The ability of any player to succeed at the game is impacted by game features not visible or known to a reasonable player; or

"(E) The ability of a player to succeed at the game is impacted by the exercise of skill that no reasonable player could exercise.".

(B) A new paragraph (53A) is added to read as follows:

"(53A) "Voucher" means a ticket issued by a video game of skill that allows a player to redeem it for cash winnings.".

(2) Section 25-113a is amended by adding a new subsection (e) to read as follows:

"(e)(1) The licensee under a manufacturer's license class A or B holding an on-site sales and consumption permit, or an on-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, C/X, or DX, shall obtain a game of skill endorsement from the Board in order to offer a game of skill on the licensed premises.

"(2)(A) No game of skill terminals or electronic gaming devices shall be placed on outdoor public or private space; except, that the Board, in its discretion, may allow for the placement of a game of skills terminal or an electronic gaming device on outdoor public or private space if, in the Board's determination, the activity is:

"(i) Not visible from a public street and sidewalk;

"(ii) Adequately secured against unauthorized entrance; and

"(iii) Accessible only by patrons from within the establishment.

"(B) Subparagraph (A) of this paragraph shall not apply to licensees operating a passenger-carrying marine vessel in accordance with D.C. Official Code § 25-113(h).".

(b) Section 25-401 is amended by adding new subsections (e) and (f) to read as follows:

"(e) An applicant for a game of skill endorsement shall submit to the Board with its application:

"(1) A detailed analysis of the game, including diagrams, an overview of the game and its methodology, method of play, and the minimum and maximum of prize winnings;

"(2) A diagram of where the game of skill terminals and electronic gaming devices will be placed on the licensed premises; and

"(3) The name of the manufacturer and distributor of the game of skill terminals or electronic gaming devices and documentation reflecting that the distributor is registered to do business and pays taxes in the District of Columbia.

"(f) The Board shall seek guidance from the Office of the Attorney General concerning the legality of a proposed game of skill before approving an applicant's request for a game of skill endorsement.".

(c) Section 25-508 is amended as follows:

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

"25-508. Minimum fees for endorsements, permits, and manager's license.".

(2) The text is amended by adding the following phrase at the end:

"Games of Skill endorsement $200".

(d) Chapter 7 is amended as follows:

(1) The table of contents is amended as follows:

(A) A new section designation 25-714 is added to read as follows:

"25-714. Warning signs for game of skill terminals and electronic gaming devices.".

(B) A new section designation 25-786 is added to read as follows:

"25-786. Games of skill operating requirements.".

(2) A new section 25-714 is added to read as follows:

"§ 25-714. Warning sign for game of skill terminals and electronic gaming devices.

"All licensees possessing a game of skill endorsement shall post a notice, which shall be maintained in good repair, in a place clearly visible at the point of entry to the game of skill terminals and electronic gaming devices that states the minimum age required to play a game of skill and the contact information for the District of Columbia's gambling hotline.".

(3) Section 25-763 is amended by adding a new subsection (g) to read as follows:

"(g) Exterior signs advertising games of skill shall be prohibited on the licensed establishment.".

(4) Section 25-765 is amended by adding a new subsection (c) to read as follows:

"(c) Advertisements related to a game of skill shall not be placed on the interior or exterior of any window or on the exterior of any door that is used to enter or exit the licensed establishment.".

(5) A new section 25-786 is added to read as follows:

"§ 25-786. Games of Skill operating requirements.

"A licensee with a game of skill endorsement shall:

"(1) Not allow or permit a person under 18 years of age to play a game of skill and shall designate an employee to regularly monitor the designated area where games of skill are played to ensure that no person under 18 years of age is playing or attempting to play a game of skill;

"(2) Verify that the person playing a game of skill is lawfully permitted to do so by checking the person's government-issued identification document upon entry into either the licensed establishment or the designated area where the games of skill are located and where the person seeks to cash out his or her winnings, if any; except, that the failure of a licensee to verify a person's identification shall not be a violation of this paragraph if the person whose identification was not checked is 18 years of age or older;

"(3) Not allow or permit a person that appears intoxicated or under the influence of a narcotic or other substance to operate or play a game of skill;

"(4) Not allow or permit the manufacturer or distributor of a game of skill terminal or electronic gaming device to share in the profits of alcohol sales made by the licensee, unless approved by the Board as an owner of the license;

"(5) Not allow or permit the placement of a game of skill terminal or electronic gaming device on an outdoor public or private space that has not been approved by the Board;

"(6) Not allow or permit the placement of a game of skill terminal or electronic gaming device outside of the designated areas contained on the applicant's diagram provided as part of the license application or outside the areas approved by the Board;

"(7) Not have more than 3 game of skill terminals or electronic gaming devices on the licensed premises; and

"(8) Install security cameras that are operational and record for 30 days in the areas designated for games of skill, near the cash register or terminal where cash winnings are processed, and where the licensee's money is stored.

(e) Section 25-801 is amended by adding a new subsection (h) to read as follows:

"(h) An ABRA investigator may request and check the identification of any patron who has played, is playing, or is attempting to play a game of skill. An ABRA investigator is also authorized to seize fake identifications used by patrons under 18 years of age or records related to games of skill.".

Sec. 3. Section 865 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1704), is amended as follows:

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

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

"(b) It shall be unlawful to install or operate a game of skill terminal or an electronic gaming device in the District of Columbia except as permitted by D.C. Official Code § 25-113a(e). Whoever shall install or operate a game of skill terminal or an electronic gaming device at a location not licensed under Title 25 of the D.C. Official Code shall be punished by imprisonment for a term of 180 days or fined not more than the amount set forth in D.C. Official Code § 22-3571.01, or both.".

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.

(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

ENROLLED ORIGINAL

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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on a temporary basis, Title III of the CleanEnergy DC Omnibus Amendment Act of 2018 to revise the timeline for phase-in of smaller buildings into the Building Energy Performance Standards Program implemented by the Department of Energy and Environment, to require the Department of Energy and Environment to establish new building energy performance standards every 6 years instead of every 5 years, to clarify language requiring buildings to comply with the building energy performance standards, and to provide that the strategic energy management plan for District buildings shall be delivered by September 30, 2020; and to amend the District of Columbia Traffic Act, 1925 to provide that the rules revising the calculation of the vehicle excise tax shall be issued by January 1, 2021, and to provide that changes to the vehicle excise tax shall be revenue neutral or revenue positive.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "CleanEnergy DC Omnibus Temporary Amendment Act of 2020".

Sec. 2. Title III of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 8-1772.21) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase "January 1, 2023" and inserting the phrase "January 1, 2027" in its place.

(B) Paragraph (3) is amended by striking the phrase "January 1, 2026" and inserting the phrase "January 1, 2033" in its place.

(2) Subsection (b)(1)(A) is amended by striking the phrase "every 5 years" and inserting the phrase "every 6 years" in its place.

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

"(c) All buildings below the energy performance standard for their property type, established pursuant to subsections (b)(1) and (2) of this section, shall have 5 years from the date the performance standards are established to meet the building energy performance requirements established by DOEE.".

(b) The lead-in language in section 303 (D.C. Official Code § 8-1772.22) is amended to read as follows:

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"By January 1, 2020, the Department of General Services ("DGS") shall develop a draft strategic energy management plan for reducing energy and water use across the DGS portfolio of buildings. A final version of the plan shall be delivered no later than September 30, 2020. The plan shall include timelines and cost estimates for implementing:".

Sec. 3. Section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase "January 1, 2020" and inserting the phrase "January 1, 2021" in its place.

(b) Subparagraph (E) is amended to read as follows:

"(E) Changes to the vehicle excise tax made pursuant to this paragraph shall be revenue neutral or revenue positive.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the district of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication of 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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2020

To amend, on temporary basis, the Warehousing and Storage Eminent Domain Authority Act of 2019 to expand the lots that the Mayor is authorized to acquire by the exercise of eminent domain 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 Amendment Act of 2020".

Sec. 2. Section 3 of the Warehousing and Storage Eminent Domain Authority Act of 2019, effective September 11, 2019 (D.C. Law 23-18; 66 DCR 9722), is amended to read as follows:

"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, 41, and 0802 in Square 3942 and Parcels 0143/107 and 0143/110 for warehousing and storage purposes.".

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.

(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

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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
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2020

To establish an Office of Resilience and Recovery within the Office of the City Administrator to develop short- and long-term action plans and strategies that promote adaptation and resilience of the District's economy, communities, infrastructure, and natural resources in response to shocks and chronic stresses, including natural or man-made challenges that threaten the District, monitor the District's resilience readiness, and provide guidance and assistance to District agencies and community organizations to develop and implement resilience measures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Resilience and Recovery Establishment Act of 2020".

Sec. 2. Establishment of the Office of Resilience and Recovery.

(a) There is established an Office of Resilience and Recovery ("ORR") within the Office of the City Administrator. ORR shall develop short- and long-term action plans and strategies to promote the adaptation and resilience of the District's economy, communities, infrastructure, and natural resources in response to shocks and chronic stresses, including natural or man-made challenges that threaten the District, monitor the District's resilience readiness, and provide guidance and assistance to District agencies and community organizations to develop and implement resilience measures.

(b) ORR shall be headed by a Chief Resilience Officer ("CRO"), appointed by the Mayor with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)). The CRO shall be a full-time position, for which annual compensation shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*). The CRO shall have such staff as is appropriated in an approved budget and financial plan or provided through federal or private grants.

(c) The CRO shall:

(1) Lead the District's efforts to build and implement the District's resilience action plans and strategies;

(2) Review and update the District's resilience action plans and strategies, including the Resilient DC initiative, annually;

(3) Provide guidance and assistance to District agencies and community organizations to develop and implement resilience measures;

(4) Publish an annual progress report by October 1 to be submitted to the Mayor and Council that provides an update on the District's progress in the areas of sustainability and resiliency;

(5) Develop and track metrics to measure the District's resilience readiness;

(6) Develop strategies to build partnerships between the District and the private sector that promote and further the District's resilience readiness, including climate adaption to prevent and recover from natural disasters;

(7) Respond to recommendations and policy statements from the Commission on Climate Change and Resiliency, established by section 3 of the Commission on Climate Change and Resiliency Establishment Act of 2016, effective February 18, 2017 (D.C. Law 21-185; D.C. Official Code § 8-181.02);

(8) Collaborate with other Chief Resilience Officers to achieve common goals, leverage experiences, and share strategies;

(9) Develop a communications strategy for the District's resilience efforts, including creating an online campaign to build public awareness of climate adaption and resilience planning; and

(10) Perform other relevant duties as the Mayor may assign.

Sec. 3. Rules.

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

Sec. 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 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
March 23, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 24, 2020

To establish an Office on Caribbean Affairs to monitor the delivery of District services, and to make policy recommendations to the Mayor and Council regarding housing, health, education, employment, social services, public safety, and business opportunities for the District's Caribbean community.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office on Caribbean Affairs Establishment Act of 2020".

Sec. 2. Establishment of the Office on Caribbean Affairs.

(a) There is established an Office on Caribbean Affairs ("OCA"), which shall monitor the delivery of District services and make policy recommendations to the Mayor and Council regarding housing, health, education, employment, social services, public safety, and business opportunities for the District's Caribbean community.

(b) OCA shall be headed by an Executive Director, who shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)). The Executive Director shall be a full-time position, for which annual compensation shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*). The Executive Director shall have such staff as is appropriated in an approved budget and financial plan or provided through federal or private grants.

Sec. 3. Duties of the Executive Director.

(a) The Executive Director shall:

(1) Serve as an advocate for the needs of the District's Caribbean community, as those needs relate to housing, health, education, employment, social services, public safety, and expanding business opportunities;

(2) Assist community organizations in developing and submitting grant applications;

(3) Provide information and technical assistance on programs and services for the Caribbean community to the Mayor, the Council, Advisory Neighborhood Commissions, other District government agencies, and the community;

(4) Respond to recommendations and policy statements from the Mayor's Advisory Commission on Caribbean Community Affairs ("MACCCA"), established by Mayor's Order 2012-127;

(5) File with the Mayor and Council, no later than December 31 annually, an annual report on the operations of the Office of Caribbean Affairs ("OCA") based on the previous fiscal year;

(6) Identify areas for service improvement and make recommendations to the Mayor and MACCCA for improving services; and

(7) Ensure the necessary control, evaluation, audit, and reporting on programs funded through OCA.

(b) The Executive Director may:

(1) Accept volunteer services and funds from the public and private sectors to supplement the budget of OCA in carrying out its duties and responsibilities;

(2) Apply for, receive, and expend gifts or grants of money to carry out the duties and responsibilities of OCA; and

(3) Issue grants, in accordance with the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), to organizations that provide housing, education, health, workforce development, employment, criminal justice reform, and economic opportunity-related services to the District's Caribbean community.

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).

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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

UNSIGNED
Mayor
District of Columbia
March 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2020

To amend the Human Rights Act of 1977 to recognize the right to choose or refuse contraception or sterilization, to decide whether to carry a pregnancy to term, to give birth, or to have an abortion, to prohibit the District government from interfering with reproductive health decisions and from imposing a penalty on an individual for a self-managed abortion, miscarriage, or an adverse pregnancy outcome, and to prohibit employment discrimination against health care professionals based on the health care professional's participation in, or willingness to participate in, an abortion or sterilization procedure.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Strengthening Reproductive Health Protections Amendment Act of 2020".

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) Title I is amended as follows:

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

(A) Designate the existing paragraph (27A) as paragraph (27B).

(B) A new paragraph (27A) is added to read as follows:

"(27A) "Reproductive health decision" includes a decision by an individual, an individual's dependent, or an individual's spouse related to:

"(A) The use or intended use of a particular drug, device, or medical service, including contraception or fertility control; or

"(B) The planned initiation or termination of a pregnancy.".

(2) Section 105 (D.C. Official Code § 2-1401.05) is amended as follows:

(A) Subsection (a) is amended by striking the sentence "This section shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.".

(B) Subsections (b) and (c) are repealed.

(3) A new section 105a is added to read as follows:

"Sec. 105a. Government noninterference in reproductive health decisions.

"(a) The District shall recognize the right of every individual to choose or refuse contraception or sterilization.

"(b) The District shall recognize the right of every individual who becomes pregnant to decide whether to carry a pregnancy to term, to give birth, or to have an abortion.

"(c) The District shall not:

"(1) Deny, interfere with, or restrict, in the regulation or provision of benefits, facilities, services, or information, the right of an individual, including an individual under District control or supervision, to:

"(A) Choose or refuse contraception or sterilization; or

"(B) Choose or refuse to carry a pregnancy to term, to give birth, or to have an abortion;

"(2) Interfere with or restrict in the regulation or provision of benefits, facilities, services, or information, the decision of a health care practitioner acting within the scope of the health care practitioner's license to participate in a consenting individual's prenatal care, labor, delivery, or abortion; or

"(3) Penalize an individual for:

"(A) Seeking, inducing, or attempting to induce, the individual's own abortion; or

"(B) Any act or omission during the individual's pregnancy based on the potential or actual impact on the individual's health or pregnancy.

"(d) For the purposes of this section, the term "health care practitioner" means an individual, groups of individuals, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in the District to an individual.".

(b) Title II is amended as follows:

(1) Section 211(a)(1) (D.C. Official Code § 2-1402.11(a)(1)) is amended as follows:

(A) Designate the existing text as subparagraph (A).

(B) The newly designated subparagraph (A) is amended by striking the semicolon and inserting the phrase "; and" in its place.

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

"(B) To fail to treat an employee affected by pregnancy, childbirth, a pregnancy-related or childbirth-related medical condition, breastfeeding, or a reproductive health decision, the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as an employee not so affected but similar in the employee's ability or

inability to work, including the requirement that an employer shall treat an employee temporarily unable to perform the functions of the employee's job because of the employee's pregnancy-related condition in the same manner as it treats other employees with temporary disabilities; provided, that this subparagraph shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision;".

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

"PART J - Health Care Professionals.

"Sec. 291. Definitions.

"For the purposes of this part:

"(1) "Health care professional" means a physician, advance practice clinician, nurse, nurse's aide, medical assistant, hospital employee, clinic employee, nursing home employee, pharmacist, pharmacy employee, medical researcher, medical or nursing school faculty, student, or employee, counselor, social worker, or any other individual involved in providing health care.

"(2) "Health care provider" means:

"(A) An individual, group of individuals, partnership, institution, corporation, organization, or board engaged in providing health care in any manner; or

"(B) An individual, group of individuals, partnership, institution, corporation, organization, or board engaged, or authorized, in the credentialing or licensing of a health care professional.

"Sec. 292. Prohibited discrimination.

"(a) It shall be an unlawful discriminatory practice for a health care provider to do any of the following against a health care professional based on the health care professional's participation in an abortion or sterilization procedure, participation in abortion or sterilization training outside the course and scope of the health care professional's employment with that health care provider, or willingness to participate in an abortion or sterilization procedure:

"(1) Fail or refuse to hire the health care professional;

"(2) Discharge the health care professional from employment or a medical training program;

"(3) Transfer the health care professional;

"(4) Discriminate against the health care professional with respect to:

(A) Compensation or promotion;

(B) Residency or other medical training opportunity;

(C) Staff privileges, admitting privileges, or staff appointments; or

(D) Licensure or board certification;

"(5) Take adverse administrative action against the health care professional;

"(6) Harass the health care professional; or

"(7) Otherwise penalize, discipline, or take adverse or retaliatory action against the health care professional.".

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.

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
March 23, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 24, 2020

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to amend the comparators that determine what is competitive compensation for District government employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Collective Bargaining Fair Compare Amendment Act of 2020".

Sec. 2. Section 1103(a)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(a)(1)), is amended by striking the phrase "compensation prevailing in the Washington, D.C., Standard Metropolitan Statistical Area (SMSA); provided, that compensation levels may be examined for public and/or private employees outside the area and/or for federal government employees when necessary to establish a reasonably representative statistical basis for compensation comparisons, or when conditions in the local labor market require a larger sampling of prevailing compensation levels" and inserting the phrase "compensation of public sector employees in jurisdictions with costs of living and working conditions comparable to the District or of employees in the federal government; provided, that compensation for Legal Service attorneys shall be fixed in accordance with section 858" 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 Mayor, action by the Council to override veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
March 17, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-378

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To approve modifications to the Urban Renewal Plans for the Shaw School Urban Renewal Area and the Downtown Urban Renewal Area, as approved by the National Capital Planning Commission on December 5, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Urban Renewal Plan for the Shaw School Urban Renewal Area and Downtown Urban Renewal Area Termination Approval Resolution of 2020".

Sec. 2. (a) Pursuant to section 50l(b) of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.3l(b)), the Mayor may propose changes to active urban renewal plans by submitting the modifications to the National Capital Planning Commission ("NCPC") for a 30-day review period and to the Council with a proposed resolution for a 45-day review period, during which period if the Council does not approve or disapprove the proposed resolution it is deemed approved.

(b) The Council finds that:

(1) On November 1, 2019, the Mayor, through the Office of Planning, referred 2 proposed modifications to terminate the Urban Renewal Plan for the Shaw School Urban Renewal Area ("Shaw School Urban Renewal Plan") and the Urban Renewal Plan for the Downtown Urban Renewal Area ("Downtown Urban Renewal Plan") to NCPC.

(2) On December 5, 2019, NCPC approved the proposed modifications.

(3) The Shaw School Urban Renewal Plan and the Downtown Urban Renewal Plan ("plans") predate Home Rule and have largely been fulfilled. Moreover, they impose suburban-style design and regulatory standards in the urban settings of Shaw and Downtown and do not reflect the current ways in which residents live, work, and move through the District. The plans continued application is inconsistent with current planning efforts of the District of Columbia and NCPC.

(4) Termination of Shaw School Urban Renewal Plan and the Downtown Urban Renewal Plan, which are currently set to expire in 2028, is necessary to eliminate this impediment to the current planning efforts of the District of Columbia and NCPC.

ENROLLED ORIGINAL

(c) The Council approves the proposed modifications to the Shaw School Urban Renewal Plan and Downtown Urban Renewal Plan, as approved by NCPC on December 5, 2019, as follows:

(1) Section 670.00 of the Shaw School Urban Renewal Plan is amended to read as follows:

"670.00 The Plan shall terminate effective March 17, 2020.".

(2) Section 670.10 of the Downtown Urban Renewal Plan is amended to read as follows:

"670.10 The Plan shall terminate effective March 17, 2020.".

(3) Section 670.11 of the Downtown Urban Renewal Plan is repealed.

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. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To confirm the reappointment of Ms. Bobbi Strang to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Bobbi Strang Confirmation Resolution of 2020".

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

Ms. Bobbi Strang
Central Avenue, S.E.
Washington, D.C. 20019
(Ward 7)

as a member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), for a term to end January 12, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2019-LRSP-01A with Spring Flats Family, LLC for program units at Spring Flats Family Apartments, located at 1125 Spring Road, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2019-LRSP-01A Approval Resolution of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the long-term subsidy contract, Contract No. 2019-LRSP-01A, with Spring Flats Family, LLC to provide an operating subsidy in support 9 affordable housing units in an initial amount not to exceed $312,180 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2018-LRSP-07A with Spring Flats Senior 4, LLC for program units at Spring Flats Senior Apartments, located at 1125 Spring Road, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2018-LRSP-07A Approval Resolution of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the long-term subsidy contract, Contract No. 2018-LRSP-07A, with Spring Flats Senior 4, LLC to provide an operating subsidy in support 14 affordable housing units in an initial amount not to exceed $414,456 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-383

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To declare the existence of an emergency with respect to the need to amend the Business Improvement District Act of 1996 to allow the Board of the Adams Morgan Business Improvement District to set its tax rate.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adams Morgan Business Improvement District Amendment Emergency Declaration Resolution of 2020".

Sec. 2. (a) Section 206 of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56) created the Adams Morgan Business Improvement District ("BID") and established the assessment rate for taxable properties located in the BID.

(b) In 2019, the Council enacted emergency and temporary legislation to enable the Board of the BID to submit a new tax rate to the Mayor for review and approval. The temporary legislation, the Adams Morgan Business Improvement District Temporary Amendment Act of 2019, effective August 24, 2019 (D.C. Law 23-14; 66 DCR 8063) ("temporary legislation"), became law on August 24, 2019, and is set to expire on April 5, 2020.

(c) It is important that the provisions of the temporary legislation continue in effect, without interruption, until permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Adams Morgan Business Improvement District Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To declare the existence of an emergency with respect to the need to establish a Ward 8 Senior Housing Fund to fund initiatives that create or maintain affordable housing for Ward 8 residents age 55 or older.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ward 8 Senior Housing Fund Establishment Emergency Declaration Resolution of 2020".

Sec. 2. (a) The availability of affordable housing in Washington, D.C. has fallen dramatically in recent years. Affordable housing stock has trended downward while rents have trended upward, a pressure that is particularly felt by low-income tenants.

(b) The District brought legal action against Curtis Investment, Inc., which owns, operates, and leases residential real estate in Ward 8, including Wheeler Park (3211-3221 Wheeler Road, S.E.) and Oxon Run Manor (207 Mississippi Ave., S.E.), because of allegations that Curtis discriminated against housing assistance participants in leasing rental housing. Specifically, Curtis had posted advertisements for a residential property in the District that expressly stated that it does not accept vouchers and other housing assistance.

(c) Ward 8 is facing an affordable housing emergency, particularly for senior citizens that prefer to age in place or need new housing that can accommodate their fixed incomes.

(d) Because the settlement the District is receiving in the Curtis matter involves affordable housing and a great number of Ward 8 residents, it is imperative that the Council capture a portion of this settlement to be used for Ward 8 senior housing.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Ward 8 Senior Housing Fund Establishment Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2020

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2019-C-0015 with Milberg Phillips Grossman LLP and Evangelista Worley LLC to provide outside legal services, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCCB-2019-C-0015 Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2019-C-0015 with Milberg Phillips Grossman LLP and Evangelista Worley LLC to provide outside legal services and to authorize payment for the goods and services received and to be received under the contract.

(b) By letter contract dated September 30, 2019, the Office of the Attorney General engaged Milberg Phillips Grossman LLP and Evangelista Worley LLC to provide outside legal services for a period of 180 days from the execution of the letter contract. The District's liability for payment to the contractor was to occur only when the contractor obtained monetary recovery during performance of the definitized contract.

(c) The Office of the Attorney General now desires to definitize Contract No. DCCB-2019-C-0015 for 5 years in the not-to-exceed amount of $33 million.

(d) Council approval is necessary to allow the District to receive and continue to receive the benefit of the vital services that Milberg Phillips Grossman LLP and Evangelista Worley LLC provide under Contract No. DCCB-2019-C-0015.

(e) These critical services can only be obtained through an award of the multiyear contract to Milberg Phillips Grossman LLP and Evangelista Worley LLC.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2019-C-0015 Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-206

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To recognize and celebrate, Donnell Floyd, Sr., King of the Go-Go Beat as he retires from nearly 40 years in the Go-Go industry.

WHEREAS, Donnell Floyd, Sr. is a born and raised Washingtonian;

WHEREAS, Donnell Floyd, Sr. affectionally known as D. Floyd is a globally renowned saxophonist and began his go-go career with the Chance Band while still a student at Duke Ellington School of the Arts, where he later joined Rare Essence in 1983;

WHEREAS, he performed with Rare Essence for 18 years before moving on to lead several other bands including 911, Familiar Faces, and the Go-Go Coalition;

WHEREAS, D. Floyd forged the District's premier grown and sexy band known as Team Familiar and performed in venues throughout the District of Columbia Metropolitan Area;

WHEREAS, D. Floyd is known for his aggressive vocal style and is responsible for classic hits as "Lock It," "Workin the Walls," "Mirinda," "King of the GoGo Beat," "Overnight Scenario," "Body Snatchers," "I Gave My Whole Life," and "Wait A Minute";

WHEREAS, he was the co-leader of Kolossal Records that released local hits and worked on behalf of the music as the vice chair of the Go-Go Coalition;

WHEREAS, D. Floyd worked with the God Father of Go-Go, the late Chuck Brown as a band member for 3 years and played sax on the front line; and

WHEREAS, for nearly 40 years in the Go-Go industry D. Floyd has decided to retire.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Donnell Floyd, Sr. Ceremonial Resolution of 2019."

Sec. 2. The Council of the District of Columbia honors D. Floyd for his contribution to the Go-Go genre and nearly 40 years of music.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-207

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare January 2020 as "National Mentoring Month" in the District of Columbia.

WHEREAS, mentors and mentoring programs are a valuable asset to all communities in the District of Columbia and across the United States and promote positive social attitudes and relationships;

WHEREAS, National Mentoring Month was launched in 2002 by MENTOR: The National Mentoring Partnership (MENTOR) and the Harvard T.H. Chan School of Public Health to focus national attention on the need for mentors as well as celebrate mentoring and the positive effect it has on so many lives;

WHEREAS, National Mentoring Month has been recognized via proclamation by both President George W. Bush and President Barack Obama;

WHEREAS, mentors have a significant impact on academic success and according to research and data reported by MENTOR, students who meet regularly with their mentors are 52% less likely than their peers to skip a day of school and 37% less likely to skip a class;

WHEREAS, youth who have a mentor are more likely to attend and be more engaged in school, finish high school and continue onto college, and form more positive social attitudes and relationships;

WHEREAS, National Mentoring Month continues to be important because it recognizes the vital role that mentors play in the lives of so many young people and the value mentors add to our communities; and

WHEREAS, recognizing January as National Mentoring Month reaffirms the District's commitment to supporting mentors and mentoring programs in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Mentoring Month Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and supports "National Mentoring Month", urges citizens to volunteer their time and energies with mentoring programs, and celebrates and honors the importance of quality mentoring programs in the District and around the United States.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-208

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To recognize Janett Gasaway on the occasion of her birthday.

WHEREAS, Janett Gasaway is a native Washingtonian and a longtime resident of the Hillcrest neighborhood of Ward 7;

WHEREAS, Janett Gasaway was educated in the District of Columbia public schools and is a proud graduate of McKinley Technology High School;

WHEREAS, Janett Gasaway showed her dedication, commitment and work ethic while serving in the government of the District of Columbia for a significant portion of her professional career;

WHEREAS, Janett Gasaway worked for in the executive office of Marion S. Barry, Jr. Mayor of the District of Columbia, and was a close friend of Effi Barry;

WHEREAS, Janett Gasaway has been a Lieutenant Colonel and an officer in the Potomac River Power Squadron, where she served as Secretary;

WHEREAS, Janett Gasaway's close-knit family exhibits a shared high esteem for the value of hard-work, including her late brother the Hon. James E. Proctor, Jr., who was leading member of the House of Delegates in Maryland, and her husband Howard Gasaway, Sr., a former high-ranking administrator in the District of Columbia Department of Parks and Recreation where they met;

WHEREAS, Janett Gasaway cherishes family, having grown up with 2 sisters and 2 brothers, and raised a daughter and a son; and

ENROLLED ORIGINAL

WHEREAS, Janett Gasaway's birthday celebration includes an event with family and friends at home of the Seafarers Yacht Club of Washington, D.C., the oldest black yacht club in the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Janett Gasaway Birthday Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia extends its best wishes and celebrates Janett Gasaway on the noteworthy occasion of her birthday.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-209

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To posthumously honor the life of Barbara Whiting-Wright.

WHEREAS, Barbara Whiting-Wright was a native of Yorktown, Virginia, born on July 28, 1936;

WHEREAS, Barbara Whiting-Wright graduated from Hampton University, formerly Hampton Institute, in Hampton, Virginia, with a degree in business administration in 1957 and from Howard University School of Law in Washington, D.C. in 1963, the only woman in her graduating class;

WHEREAS, Barbara Whiting-Wright started her legal career in 1964 as a lawyer at the United States Customs Service where she was one of only a few women and the very first African American woman lawyer in the agency;

WHEREAS, Barbara Whiting-Wright and a group of African American women lawyers began organizing the Greater Washington Area Chapter of the National Bar Association's Women Lawyers Division (GWAC) in the fall of 1974;

WHEREAS, Barbara Whiting-Wright served as the very first President of GWAC from 1974-1976;

WHEREAS, Barbara Whiting-Wright, until the time of her death, served as an active Board Member on the Board of Directors of the GWAC Foundation, GWAC's charitable arm that provides funding for various community outreach and service projects throughout the D.C. metropolitan area, including the Legal Intern Placement Program (L.I.P.P.), that provided monthly stipends to minority law students, with financial need, completing summer internships;

WHEREAS, Barbara Whiting-Wright's extraordinary vision and leadership helped the GWAC grow into one of the most preeminent National Bar Association affiliate organizations, with many notable law school graduate, attorney and judge members throughout the years;

ENROLLED ORIGINAL

WHEREAS, Barbara Whiting-Wright incorporated the Howard University School of Law Alumni Dinner Committee Scholarship Fund in 1978, and served as Chair of the Inaugural Thurgood Marshall Award of Excellence Dinner for the Howard University School of Law Alumni Association of the Greater Washington Area in 1992;

WHEREAS, Barbara Whiting-Wright worked tirelessly to serve and help pave the way for others through her many volunteer efforts, in addition to shattering the glass ceiling in her professional life;

WHEREAS, Barbara Whiting-Wright remained dedicated to serving others, constantly giving of her time and leadership;

WHEREAS, Barbara Whiting-Wright gave life to what it means to be an agent for social change, and to empower others, particularly African American women lawyers and minority law students; and

WHEREAS, Barbara Whiting-Wright, of all her many accomplishments, was most proud of being a mother to her son, noted actor, Jeffrey Wright; grandmother to Elijah and Juno Wright; and sibling to her sister, Naomi Whiting.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Barbara Whiting-Wright Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia posthumously recognizes and celebrates the accomplishments, service and life of Barbara Whiting-Wright.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-210

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To celebrate the 35th Annual Tuxedo Ball and to recognize the event for all it has done for African Americans and recognizing Black achievement in the United States.

WHEREAS, the Tuxedo Ball was first held in 1984 and was started to recognize and celebrate the tradition of Black achievement in the United States by bringing together the children and grandchildren of successful African Americans;

WHEREAS, the mission of the Tuxedo Ball is to reaffirm and pass on values of excellence in achievement, family accomplishment, dignity, a legacy of leadership, as well as a commitment to extol the characteristics of their part of the black culture as it has existed for over 150 years;

WHEREAS, the Tuxedo Ball provides exposure to strategies, educational opportunities, and coping skills to young African Americans, which will allow them to process situations in the workplace, in educational settings and in society at large;

WHEREAS, the Tuxedo Ball provides young African Americans opportunities to interact with professionals who are leaders in their fields and seeks to empower them to enter the competitive workforce with the skill sets that are needed for success;

WHEREAS, every year the Tuxedo Ball is preceded by 2 seminars, one addressing psychological issues and the other addressing life and career issues in politics, professions, or academia, with the purpose of teaching young African Americans the issues they may face and how to cope with them;

WHEREAS, the Tuxedo Ball is a four-course family dinner dance with a live band and an award ceremony that recognizes African Americans for excellence in their professions or as Tuxedo Ball Scholars for their well-rounded excellence in leadership, talent, or academics;

ENROLLED ORIGINAL

WHEREAS, previous awardees have included African Americans such as Dennis Hightower, Isabel Stewart, Rosalie Gordon-Mills, Ernest Drew Jarvis III, Roland Burris, Wayne Frederick, and many more;

WHEREAS, in 2008 the Tuxedo Ball was featured on CNN in the documentary, "Black in America, Part II – The Black Elite" which was produced by Soledad O'Brien;

WHEREAS, the 35th Annual Tuxedo Ball will take place at the Omni Shoreham Hotel in Washington, D.C. and is being organized by Dr. Carlotta Miles; and

WHEREAS; the Tuxedo Ball is known for bringing African American families and students together from all over the United States to celebrate their achievements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "35th Annual Tuxedo Ball Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes the Tuxedo Ball as it celebrates its 35th year and celebrates the remarkable achievements of the African American community.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-211

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To recognize the International Day to End Violence Against Sex Workers, and to declare Tuesday December 17, 2019, as "International Day to End Violence Against Sex Workers" in the District of Columbia.

WHEREAS, sex workers, or people who offer sexual services in exchange for something of value, are disproportionately targeted for violence around the globe and in the District of Columbia;

WHEREAS, criminalization of sex work and the accompanying stigma lead to sex workers being viewed as less worthy of having their human rights respected and protected, as exemplified by the comments of Gary Ridgeway, the Green River Killer, after admitting to the murders of over 70 women in Washington State, "I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught";

WHEREAS, sex workers organized the first International Day to End Violence Against Sex Workers on the date of Ridgeway's conviction, to draw attention to the impunity with which people commit violence against sex workers, and the obstacles sex workers face when attempting to report violence;

WHEREAS, studies in the U.S. have revealed that as many as 80% of street-based sex workers have faced violence in the course of their work;

WHEREAS, research in the District of Columbia has found that more than half of sex workers who reached out to police for help received negative reactions, and 1 in 10 had been subject to physical or sexual violence at the hands of law enforcement;

WHEREAS, this violence disproportionately affects people involved in commercial sex who are marginalized in other ways, such as women, people of color, transgender individuals, migrants, and young people;

ENROLLED ORIGINAL

WHEREAS, two women were murdered this year in an area where commercial sex occurs and there are surely countless other acts of violence against sex workers in D.C. this year which have not been reported;

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, and ending violence in our communities is a high priority;

WHEREAS, the International Day to End Violence Against Sex Workers is commemorated on December 17 around the world; and

WHEREAS, in the District of Columbia, a memorial event has been planned by community members and organizations to recognize International Day to End Violence Against Sex Workers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "International Day to End Violence Against Sex Workers Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes the human rights of sex workers, including their right to be free from violence, and declares Tuesday, December 17, 2019 as "International Day to End Violence Against Sex Workers" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To recognize, honor and congratulate Brookland Middle School for winning the 2019 District of Columbia State Interscholastic Athletic Association, (DCIAA), Stripes Championship;

WHEREAS, Brookland Middle School is located in Ward 5 on Michigan Ave, NE and is dedicated to preparing students to become lifelong learners who demonstrate curiosity and express themselves creatively;

WHEREAS, Brookland Middle School's Athletic Director and Head Coach, Osiris Walcott and Principal Kerry Richardson, Jr., have been successful in leading the team to a championship;

WHEREAS, Brookland Middle School dedicated countless hours throughout the season to practice in order to accomplish this goal;

WHEREAS, Brookland Middle School's 2019 championship team was led by its dedicated coaching staff, including Head Coach Osiris Walcott, Assistant Coach Kobi Williams, and Assistant Coach De'Andre Schumpert;

WHEREAS, Brookland Middle School's 2019 competing winning record is recorded for 7 wins and 0 losses;

WHEREAS, Brookland Middle School defeated McKinley Middle School in the 2019 DCIAA Stripes Championship with the score ending 34-6 on Wednesday, November 6th, 2019;

WHEREAS, Brookland Middle School 2019 DCIAA Stripes Division Championship winning team members include:

DaJuan Addison 8th

Jeffery Allen 8th

Jahlil Anderson 6th

ENROLLED ORIGINAL

Mahik Brooks 8th

Jawuan Carter 8th

Doran Clausell 7th

Alex Gomez 8th

Malahkai Howard 7th

Cameron Johnson 7th

Landon Lowery 8th

Daniel Marks 8th

Yasir Matin 7th

Michael McNeil 7th

Chidiire Nwokwu 7th

Christopher Palmer 7th

Nasir Riddick 7th

Jael Robinson 6th

Xavier Rollins 6th

Allante Stubbs 8th

Malachi Williams 8th

Mikai Williams 7th;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Brookland Middle School 2019 District of Columbia State Interscholastic Athletic Association, (DCIAA), Championship Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia recognizes and congratulates Brookland Middle School Football Team for winning the 2019 DCIAA Stripes Division Championship.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-217

COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To celebrate the retirement of Robert Lonon, Sr. from the Albright Community Meeting and all of the work he has done in his community, and in Ward 4.

WHEREAS, Robert Lonon, Sr. was born on August 15, 1935 and was raised in Washington, D.C. in the Georgetown area;

WHEREAS, Robert Lonon, Sr. attended Morgan Elementary School, Frances Junior High School, and Phelps Vocational High School;

WHEREAS, through his upbringing and family culture, Robert Lonon, Sr. was exposed to leadership and hard work which would enable him to make a difference in his community;

WHEREAS, Robert Lonon, Sr. served in the United States Army as a Parra Trooper in Germany and was also a competitive boxer while serving;

WHEREAS, Robert Lonon, Sr. attended D.C. Teachers College, now the University of the District of Columbia, where he earned a Bachelor of Science in American History and a minor in Math;

WHEREAS, on May 16, 1959 Robert Lonon, Sr. married the late Betteye J. Lonon and the couple had 5 children, Robert Lonon, Jr., Richard Lonon, Rene Lonon, Terry Lonon, and Tracy Lonon;

WHEREAS, Robert Lonon, Sr. moved to Tewkesbury Street NW, in Ward 4, where he has lived for over 60 years with his family;

WHEREAS, after working as a math teacher, Robert Lonon, Sr. took a job with the United States Postal Office where he worked for 43 years and retired on March 30, 2001;

WHEREAS, Robert Lonon, Sr. helped his wife, Betteye J. Lonon organize coat drives every second Saturday of each month and helped to provide clothes for those in need in the community;

WHEREAS, in his community, Robert Lonon, Sr. coached softball, basketball, and flag football and would often host community gatherings;

ENROLLED ORIGINAL

WHEREAS, in 2000 Robert Lonon, Sr. was nominated to organize the Albright Community Meeting which still holds monthly meetings today regarding issues in the community;

WHEREAS, Robert Lonon, Sr. has been recognized on multiple occasions for his work in the community including awards from the 4th District Metropolitan Police Department Commander Hilton Burton, Advisory Neighborhood Commissioner Leopold Wilburn, and Advisory Neighborhood Commission – District 4B;

WHEREAS, on December 12, 2019 Robert Lonon, Sr. retired from the Albright Community Meeting and was honored for his 2 decades of work with the group he helped establish; and

WHEREAS, Robert Lonon, Sr. has inspired the future generations of his family and community to pursue outreach activities and become leaders in their communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Robert Lonon, Sr. Retirement Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council honors Robert Lonon, Sr. for his commitment to Ward 4 and the District of Columbia and for the positive impact he has had.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To recognize the Hillcrest Community Civic Association on the occasion of its 30th anniversary.

WHEREAS, Hillcrest is a neighborhood in the southeast quadrant of the District of Columbia in Ward 7, east of the Anacostia River, with official boundaries beginning at the intersection of 31st Street, S.E., and Pennsylvania Avenue, S.E., extending southeastward along Pennsylvania Avenue, S.E. to the intersection of Pennsylvania Avenue, S.E., and the District of Columbia boundary line (at Southern Avenue, S,E,); extending southwestward along that District boundary line to the intersection of that line with Naylor Road, S.E.; extending northward along Naylor Road, S.E., to the intersection of Naylor Road, S.E., with 27th Street, S.E.; from thence in a straight line running eastward through the park to reach the upper point of 31st Street, S.E. and then following 31st Street, S.E., northward to the original intersection of 31st Street, S.E., and Pennsylvania Avenue, S.E., and said boundary to include both sides of 31st Street, S.E., including Randle Highlands Elementary School;

WHEREAS, Branch Avenue, Pennsylvania Avenue, Alabama Avenue, and Suitland Road, S.E., are Hillcrest's main thoroughfares;

WHEREAS, Hillcrest is one of the District's best kept secrets and the Washington Post described Hillcrest as "Southeast Washington's answer to Cleveland Park;"

WHEREAS, Hillcrest is an idyllic community with rolling hills, manicured lawns, red brick colonials and ramblers, magnificent views of the Capitol and the Washington Monument, tennis courts, community gardens, and a historic park with an amphitheater;

WHEREAS, the Hillcrest community is rich in history and culture;

WHEREAS, the first homes in Hillcrest were built in 1928;

WHEREAS, Hillcrest, formerly referred to as part of East Washington Heights, is a great neighborhood that embodies diversity with historically great civic leaders, community activism and civic-minded residents who love their community and give back to it;

ENROLLED ORIGINAL

WHEREAS, the Hillcrest Community Civic Association was established with the intent of promoting the welfare of the Hillcrest neighborhood in 1989, when Hillcrest was the only Ward 7 community that did not have a sustainable neighborhood association;

WHEREAS, the idea for the Hillcrest Community Civic Association was conceived when approximately 60 people met on the front lawn of Dennis and Gloria Logan's home on August 8, 1989 for Hillcrest's annual Neighborhood Watch "Night Out" as part of National Night Out Against Crime;

WHEREAS, on September 30, 1989, Hillcrest neighbors met at the Lutheran Church of the Holy Comforter at 10:00 a.m. to form the Hillcrest Community Civic Association;

WHEREAS, Belva T. Simmons was the founder and elected as the first president of the Hillcrest Community Civic Association;

WHEREAS, the Hillcrest Community Civic Association has historically formed a collaborations through shared interest in the various arts such as performing arts, the visual arts, and the culinary arts, including a collaborative exchange whereby The Palisades Citizens' Association participates in the Hillcrest Community Civic Association's annual Chili Cook off, and the Hillcrest Community Civic Association reciprocates by participating in The Palisades Citizens' Association annual 4th of July Parade;

WHEREAS, recent Hillcrest community projects include cleaning and renovating Alger Park, hosting the second annual Southeast, D.C. Porchfest and the annual Hillcrest Day Celebration;

WHEREAS, the Hillcrest Community Civic Association sponsors 2 scholarships, the Hillcrest Community Civic Association Scholarship and the Yantee Neufville Scholarship, providing financial resources to neighborhood youth entering their first year of college; and

WHEREAS, Hillcrest residents have included 2 former District mayors, a former Police Chief, a former U.S. Marshall, and other notable public figures, teachers, doctors, lawyers, government workers, civic leaders, professionals, retirees and blue-collar workers.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Hillcrest Community Civic Association 30th Anniversary Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and commends the Hillcrest Community Civic Association on the occasion of its 30th anniversary and for its promotion of community welfare and civic engagement.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

B23-723 Rioting Modernization Amendment Act of 2020

Intro. 3-19-20 by Councilmembers Allen, Grosso, Todd, Cheh, Gray, and Nadeau and referred to the Committee on Judiciary and Public Safety

PROPOSED RESOLUTIONS

PR23-774 Contract No. CFOPD-20-C-014, Electronic Benefit Transfer (EBT) Services Approval Resolution of 2020

Intro. 3-19-20 by Chairman Mendelson at the request of the Chief Financial Officer and Retained by the Council with comments from the Committee on Business and Economic Development

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 23-72: **FY 2020 Grant Budget Modifications of February 19, 2020**

RECEIVED: 14-day review begins March 23, 2020

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 reprogramming's are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 23-88: Request to reprogram $4,199,500 of Fiscal Year 2020 capital budget from the Department of General Services to the District of Columbia Public Schools was filed in the Office of the Secretary on March 20, 2020. This reprogramming is needed to procure dedicated outside air systems at five DCPS schools.

RECEIVED: 14-day review begins March 23, 2020

Reprog. 23-89: Request to reprogram $1,824,756.30 of Fiscal Year 2020 capital funds from various agencies to the Department of General Services was filed in the Office of the Secretary on March 20, 2020. This reprogramming is needed to fund support services, including contracting and procurement actions, legal review and preparation of council approval packages, project scheduling, and the timely processing of invoices, for 168 active construction projects.

RECEIVED: 14-day review begins March 23, 2020

Reprog. 23-90: Request to reprogram $10,172,960 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on March 20, 2020. This reprogramming is needed to ensure that DCPS' budget is properly aligned to accommodate reporting changes within organizations.

RECEIVED: 14-day review begins March 23, 2020

DEPARTMENT OF HEALTH

NOTICE OF FINAL 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 (Act), 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 Clarification 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 the adoption of the following amendments to Chapter 5 (Qualifying Patients) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to enable patients to prove D.C. residency through the use of a Real ID driver license issued by the District of Columbia Department of Motor Vehicles in lieu of two other forms of acceptable identification.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2019 at 66 DCR 012804. No comments were received in response to the notice. Therefore, no changes have been made to the rulemaking. These rules were adopted as final on March 2, 2020, and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Subsection 501.2 of Section 501, RESIDENCY, is amended to read as follows:

501.2 In proving bona fide District residency, an applicant shall submit:

(a) A non-expired Real ID driver license issued by the District of Columbia Department of Motor Vehicles; or

(b) At least two (2) of the following items:

(1) Proof of payment of District of Columbia personal income tax, in the name of the applicant, for the tax period closest in time to the application date;

(2) A property deed for a District of Columbia residence showing the applicant as an owner or co-owner;

(3) A valid unexpired lease or rental agreement in the name of the applicant on a District of Columbia residential property;

(4) A pay stub issued less than forty-five (45) days prior to the application date which shows evidence of the applicant's

withholding of District income tax;

(5) A voter registration card with an address in the District of Columbia;

(6) Current official documentation of financial assistance received by the applicant from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;

(7) A current motor vehicle registration in the name of the applicant evidencing District residency;

(8) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the applicant;

(9) Utility bills (excluding telephone bills) from a period within the two (2) months immediately preceding the application date in the name of the applicant on a District of Columbia residential address; or

(10) Any other reasonable form of verification deemed by the Director or the Director's agent to demonstrate proof of current residency.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

Violence Against Women Act

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2018 Repl.)), hereby gives notice of its intent to adopt the following amendments to Chapter 49 (Purpose and Scope of Housing Choice Voucher Program Administrative Plan), Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves), Chapter 61 (Public Housing: Admission and Recertification), Chapter 89 (Information Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to implement changes to the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113-4) and HUD's implementation of this law.

Chapter 49, PURPOSE AND SCOPE OF HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN, of Title 14 DCMR, HOUSING, is amended as follows:

Section 4907, PROTECTIONS FOR APPLICANTS AND PARTICIPANTS UNDER THE VIOLENCE AGAINST WOMEN ACT, is amended as follows:

Subsection 4907.4 is amended as follows:

4907.4 If a member of the assisted Family is removed from the family composition due to that member of the assisted Family being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking against one or more other Family members or other persons and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.

Subsection 4907.6 is amended as follows:

4907.6

(a) Pursuant to federal regulations, the denial of continued HCVP assistance to a Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against Family members or others shall be considered a form of termination of the individual Family member. DCHA shall follow the procedures described in Chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual, unless the individual is absent or expected to be absent pursuant to paragraph (b) of this subsection.

(b) If the Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against another Family member is absent, or expected to be absent due to court order or incarceration, from the assisted unit for more than one hundred and twenty (120) consecutive days, DCHA shall remove that Family member and the individual shall no longer be considered part of the family composition.

(c) An absent family member removed from the family composition pursuant to paragraph (b) of this subsection shall also be denied continued HCVP assistance. DCHA shall follow the same procedures as described in Chapters 58 and 89 of this title of the DCMR when terminating of the participation of the removed absent family member.

Subsection 4907.11 is amended as follows:

4907.11 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, or sexual assault moves in violation of the lease, DCHA shall not terminate assistance or deny a Family's request to move under portability if the move was related to the act of domestic violence, dating violence, stalking, or sexual assault. The portability regulations outlined in Chapter 55 of this title shall apply.

Subsection 4907.12 is amended as follows:

4907.12 A Family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:

(a) The HUD-approved certification form;

(b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (*i.e.*, police reports, protective orders, and restraining orders); or

(c) Documentation that is—

(1) Signed by the victim;

(2) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider (collectively, "professional") from whom the victim has sought assistance in the situation; and

(3) Attested, under penalty of perjury, that the professional believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

Subsection 4907.14 is amended as follows:

4907.14

(a) If DCHA receives conflicting documentation submitted pursuant to § 4907.12 from two (2) or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations.

(b) DCHA will determine which household members shall continue to be assisted in accordance with §§ 4907.21 and 5317.6. DCHA shall provide written notice to the household member(s) who will not retain assistance with the opportunity for an informal hearing in accordance with § 8908.

Subsection 4907.15 is amended as follows:

4907.15 If a Family or Family member participant who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, requests an emergency transfer voucher pursuant to §§ 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:

(a) A statement expressing and certifying, under penalty of perjury, that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or

(b) A statement certifying, under penalty of perjury, that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90)-calendar-day period preceding the participant's request for an emergency transfer voucher.

Subsection 4907.17 is amended as follows:

4907.17

(a) Participants must provide the documentation required under § 4907.16 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives documentation containing information that conflicts with existing information already available to DCHA, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. Third-party documentation must be provided within thirty (30) calendar days of the date of the request for the third-party documentation.

(b) If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 4907.14 shall apply.

(c) DCHA will administratively withdraw a family or family members' request pursuant to § 4907.16 if documentation is not provided as explained in paragraph (a) of this subsection.

(d) DCHA will notify the household member seeking relief under VAWA of the member' status under § 4907.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

A new Subsection 4907.21 is created to read as follows:

4907.21 Conflicting Allegations Panel.

(a) If DCHA receives conflicting documents submitted pursuant to § 4907.12 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to determine which Family member is entitled to remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 4907.12 and 4907.14, and other applicable laws using the following guidelines:

(1) Prior to making any determination on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its determination;

(3) After making its determination using the factors as enumerated in § 5317.6 and documentation provided pursuant to §§ 4907.12 and

4907.14, DCHA shall notify both adults in writing of its decision and the basis for the decision; and

(4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to Chapter 89 of this title of the DCMR.

(b) The Conflicting Allegations Panel will consist of three members, two (2) HCVP staff members, designated by the HCVP Director, and a victim service provider employee or agent.

Chapter 53, RECERTIFICATIONS, HOUSING QUALITY STANDARD INSPECTIONS, AND FAMILY MOVES, is amended as follows:

Section 5317, REMOVING A HOUSEHOLD MEMBER, is amended as follows:

Subsection 5317.6 is amended as follows:

5317. 6 If a Family receiving assistance breaks up into two (2) otherwise eligible families as a result of divorce, legal separation, or intrafamily offenses, then DCHA shall use the following procedures to determine which Family shall continue to be assisted:

(a) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses, as to who shall continue to receive assistance;

(b) In the case that there is no judicial decision relating to who will continue to receive the assistance, DCHA shall consider the following:

(1) Any incidents of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, DCHA shall ensure that the victim retains assistance;

(2) The interest of minor children; or

(3) The interest of an ill, elderly, or disabled Family member.

[§ 5317.6(c) is moved to create a new § 4907.21.]

Subsection 5317.7 is amended as follows:

5317.7 DCHA shall not determine that both families shall continue to be assisted unless an exception is required under §§ 8908.6(c) or 8908.7 in accordance with VAWA, or other applicable laws.

Subsection 5317.8 is amended as follows:

5317.8 If the Head of Household has been determined to be permanently absent due to a medical reason, death, or incarceration, DCHA may permit a remaining adult family member to become Head of Household if the remaining Family is comprised of one or more of the following persons:

(a) Minor children;

(b) Elderly;

(c) Disabled; or

(d) A victim of domestic violence, dating violence, sexual assault, or stalking.

Section 5318, ABSENT FAMILY MEMBERS, is amended as follows:

Subsection 5318.5 is amended as follows:

5318.5

(a) If a Spouse is absent from the household assisted unit more than one hundred twenty (120) consecutive days, the Spouse shall continue to be considered a Family member and the Spouse's income shall be counted. The Spouse shall remain as part of the assisted household until DCHA receives verification is received documenting that the Spouse has left the household in a divorce action, legal separation, or through other verifiable third party documentation that documents that the Spouse has established a legal residency outside of the assisted household.

(b) Pursuant to § 4907.6, a Spouse who is absent or expected to be absent from the household for more than one hundred twenty (120) consecutive days due to an incident of domestic violence, dating violence, sexual assault, or stalking, shall not be considered a Family member and the Spouse’s income will not be counted.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION is amended as follows:

Section 6127, PROTECTIONS FOR PUBLIC HOUSING APPLICANTS AND TENANTS UNDER THE VIOLENCE AGAINST WOMEN ACT, is amended as follows:

Subsection 6127.13 is amended as follows:

6127.13 Conflicting Allegations.

(a) If DCHA receives conflicting documentation of domestic violence, dating

violence, sexual assault, or stalking from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. DCHA will review conflicting allegations through the process specified in § 6127.13(c).

(b) If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall provide to tenants written notice and the opportunity to grieve in accordance with § 6301.

(c) Conflicting Allegations Panel. If DCHA receives conflicting documents submitted pursuant to § 6127.12 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to determine which Family member's request will be granted in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 6127.1, and other applicable laws using the following guidelines:

(1) Prior to making any determination on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its determination;

(3) After making its determination using the factors as enumerated in § 6127.13(e) and documentation provided pursuant to § 6127.12, DCHA shall notify both adults in writing of its decision and the basis for the decision; and

(4) If DCHA denies the request, DCHA shall provide to the adult household member written notice and the opportunity to grieve in accordance with § 6301.

(d) The Conflicting Allegations Panel will consist of three members, two (2) staff members from Property Management and Operations, designated by the Director of Property Management and Operations, and a victim service

provider employee or agent.

(e) The Conflicting Allegations Panel will consider the following to determine which VAWA request will be granted:

(1) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses;

(2) In the case that there is no judicial decision relating to who will continue to receive the assistance, DCHA shall consider the following:

(1) Any incidents of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, DCHA shall ensure that the victim retains assistance;

(2) The interest of minor children; or

(3) The interest of an ill, elderly, or disabled Family member.

Subsection 6127.16 is amended as follows:

6127.16 If a tenant requests an emergency VAWA transfer under the protections of VAWA, DCHA will request in writing that the tenant provide documentation in accordance with Subsection 6127.12.

Subsection 6127.17 is amended as follows:

6127.17 Tenants must provide the documentation required under Subsection 6127.12 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, Subsection 6127.13 shall apply.

Chapter 89, INFORMAL HEARING PROCEDURES FOR APPLICANTS AND PARTICIPANTS OF THE HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAMS, is amended as follows:

Section 8900, INTRODUCTION, is amended as follows:

A new Subsection 8900.7, is created and reads as follows:

8900.7 The procedures and requirements for informal hearings pertaining to Violence

Against Women Act and implementing regulations are contained in this Chapter.

Section 8902, DCHA DETERMINATIONS SUBJECT TO INFORMAL HEARING, is amended as follows:

Subsection 8902.3 is amended as follows:

8902.3 Except as provided in Section 8908 of this chapter, DCHA shall give the family or applicant written notice of determinations within thirty days (30) days of any determination that is subject to the provisions of Subsection 8902.1. Notices under § 8902.1(j) shall be sent by both certified and regular mail. All notices shall include:

(a) The proposed action or decision of DCHA;

(b) The date the proposed action or decisions will take place;

(c) The basis for DCHA's decision;

(d) The procedures for requesting an informal hearing if the family or applicant disputes the action or decision; and

(e) The time limit for requesting the informal hearing; and

(f) The form by which families or applicants can request an informal hearing.

A new Section 8908, INFORMAL HEARING PROCEDURES RELATED TO THE VIOLENCE AGAINST WOMEN ACT, is created and reads as follows:

8908.1 This section supersedes any contradicting section in this chapter.

8908.2 Recommendation for Termination.

(a) DCHA shall issue a Recommendation for Termination to the family member alleged to have committed an act of domestic violence, dating violence, sexual assault, or stalking after determining such act has occurred.

(b) DCHA shall mail the recommendation for termination by—

(1) Certified or registered mail; and

(2) First class mail.

8908.3 Informal Hearing and Notice.

(a) DCHA shall issue a notice of an informal hearing within five (5) business days of the issuance of the recommendation for termination.

(b) The date of the informal hearing will be not more than ten (10) business days after the date of the informal hearing notice;

(c) The Informal hearing notice shall contain—

(1) The date and time of the informal hearing;

(2) The location of the hearing;

(3) The participant's right to bring evidence, witnesses, and legal or other representation at the participant's expense;

(4) The right to view, or have their counsel or other representative view, in accordance to the restrictions provided in Subsection 4907.13 of this title and subject to a timely request under Subsection 8903.4; and

(5) The notice that the participant must provide the Office of the General Counsel copies of any documents or evidence the participant intends to use at the Hearing at least three (3) business days prior to the scheduled hearing.

(d) DCHA shall mail the Informal Hearing Notice by—

(1) Certified or registered mail; and

(2) First class mail.

8908.4 Request for an Extension.

(a) Either party may request only one (1) extension to reschedule an Informal Hearing.

(b) Extensions shall be granted for no more than five (5) business days from the hearing date.

(c) No extension shall be granted beyond thirty (30) business days from the date of the notice recommending termination.

8908.5 Informal Hearing Procedures.

(a) Except as provided in paragraphs (b) and (c) of this subsection, the informal hearing procedures of Section 8904 of this title shall apply.

(b) The informal hearing shall concern only the issues for which the participant or applicant received a notice in conformance with Subsection 8908.3.

(c) The hearing officer may not request the submission of additional documents, briefs, or letters of explanation from the parties or their representatives.

8908.6 Proposed and Final Decisions.

(a) The hearing officer shall, within five (5) business days of the hearing, make a proposed decision in accordance with Subsections 8905.1 and 8905.2 of this chapter.

(b) The proposed decision shall be sent be expedited mail to the participant.

(c) The proposed decision will become final on the fifth (5th) day following the postmark of the proposed decision unless one of the parties has submitted a written request to the Executive Director requesting the Executive Director to reconsider the proposed decision before issuing a final decision and stating the basis for such review.

8908.7 Final Decisions by the Executive Director.

(a) The Executive Director shall render a final written decision within five (5) days of receipt of the request for a final decision pursuant to Subsection 8908.6, which shall include DCHA's reasons for the final decision.

(b) The final decision shall include notification that:

(1) Final decisions by the Executive Director may be reviewed by the District of Columbia Court of Appeals; and

(2) Information on the deadline to submit a Petition for Review with the Court of Appeals from the date of the Final Decision.

(c) The Executive Director may modify or set aside, in whole or in part, the decision of the hearing officer which

(1) Otherwise exceeds the authority of the hearing officer, or

(2) Is contrary to applicable HUD regulations or requirements, or is otherwise contrary to federal or local law, including the provisions of Title 14 DCMR and the HCVP Administrative Plan.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Edward Kane Jr. at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above reference title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane Jr., 1133 North Capitol Street, N.E., Suite 210, Washington D.C. 20002-7599.

2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane Jr. at: PublicationComments@dchousing.org.

3. No facsimile will be accepted.

Comments on this Proposed Rulemaking should be submitted no later than thirty (30) days after publication of this notice in the *D.C. Register*.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.0l(a); 38-1202.06)(3)(13) (2018 Repl. & 2019 Supp.)) hereby gives notice of its intent to amend Chapter 6 (Campus Life) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to implement a discretional reserved/premium parking rate for faculty, staff, and contractors with University-issued identification beginning in the spring semester of 2020.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 6, CAMPUS LIFE, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 607, PARKING FEES, Subsection 607.4, is amended as follows:

607.4 The reserved/premium parking fee for faculty, staff, and contractors with University issued identification shall be $175.00 (Fall & Spring Semester) and $75.00 (Summer), except as otherwise provided in this chapter.

Section 608, VISITOR AND GUEST PARKING, Subsection 608.4, is added to read as follows:

608.4 The adopted parking rates are applicable to faculty, staff, students or contractors with University issued identification except in instances where parking is provided via a lease or contract by a third-party contractor to the University.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Comments should be filed with the Office of General Counsel, Building 39- Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008.

Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: To implement a reserve/premium fee for faculty, staff and contractors" in the subject line.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF EMERGENCY 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 15-87; D.C. Official Code § 25-211(c) (2012 Repl. & 2019 Supp.)), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of the intent to amend Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR), by adding a new Section 810 (Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency) on an emergency basis.

The world is facing an unprecedented global health crisis. The Coronavirus, the viral strand that causes COVID-19, has rapidly spread around the world. The District of Columbia (District) is not immune. There are over thirty (30) known cases of COVID-19 in the District and more than one hundred eighty (180) cases across the Metropolitan area. Since the first case was detected in the District, the World Health Organization has declared the outbreak of COVID-19 a pandemic and President Trump has declared it a national emergency.

COVID-19 is a highly contagious communicable disease. Presently, there is neither a vaccine to protect against nor a medical treatment to combat COVID-19. To slow the spread of COVID-19, public health measures are necessary to protect District residents and persons who work and visit the city. As such, Mayor Muriel Bowser issued Mayor's Orders 2020-045 and 2020-046 to declare both a Public Emergency and a Public Health Emergency.

The Center for Disease Control advises that one way of slowing the spread of COVID-19 is for people to avoid large crowds. To that end, on March 13, 2020, the Department of Health (Department) issued emergency rules prohibiting mass gatherings. On March 16, 2020, the Mayor issued Mayor's Order 2020-048, which in relevant part: (1) prohibits nightclubs and multi-purpose facilities from operating; (2) limits restaurants and taverns to operating delivery and grab-and-go operations only; and (3) prohibits mass gatherings of more than fifty (50) persons.

The Board believes that additional emergency rules are needed to support the provisions of Mayor's Order 2020-045 and the emergency rules issued by the Department, to ensure that licensed establishments take proper precautions to reduce the spread of COVID-19. To assist with this effort, the Board is suspending all on-premises alcohol sales and consumption at licensed establishments for the duration of both the public emergency and public health emergency. The global health risk that the District is facing warrants immediate action. To that end, the Board finds it necessary to adopt emergency rules that further support the District's goal of promoting public health and safety, including social distancing, during this public emergency. Additionally, the emergency rules provide notice to on-premises licensees that their liquor license may be summarily suspended or revoked for their failure to comply with the emergency rulemaking.

The Board finds the adoption of these emergency rules to be essential to promoting the public health, welfare, and safety of the community. Therefore, the Board gives notice that on March 18, 2020, it has adopted the ***Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice of Emergency Rulemaking*** by a vote of six (6) to zero (0), to take effect on Thursday, March 19, 2020 at 4:00 p.m.

The emergency rulemaking shall remain in effect for the duration of the Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days (July 16, 2020), unless superseded.

Chapter 8, Enforcement, Infractions, and Violations, of Title 23 DCMR, Alcoholic Beverages, is amended by adding a new Section 810 to read as follows:

810 SUSPENSION OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DUE TO PUBLIC EMERGENCY

810.1 The sale of alcoholic beverages for on-premises consumption shall be prohibited in the District of Columbia for the length of either or both the Mayor's Public Emergency and Public Health Emergency. Specifically, the sale of alcoholic beverages for on-premises consumption shall be prohibited by the following license classes:

(a) The holders of a retailer's license class C or D, including licensed caterers;

(b) Class A or B manufacturers holding an on-site sales and consumption permit;

(c) Festival and temporary license holders; and

(d) Any other license or permit category set forth under Title 25 of the D.C. Official Code.

810.2 A licensed restaurant or tavern that registers with the Board may sell beer, wine or spirits in closed containers for individuals to carry-out to their home or deliver beer, wine or spirits in closed containers to the homes of District residents; provided that each such carry-out or delivery order is accompanied by one or more prepared food items.

810.3 Board approval shall not be required for registration; however, a restaurant or tavern shall receive written authorization from ABRA prior to beginning carry-out or delivery of beer, wine or spirits.

810.4 The prohibition of on-premises sales and consumption shall not apply to the holder of a hotel license for purposes of:

(a) Delivering alcoholic beverages for consumption in the private rooms of registered adult guests; or

(b) Making available in the room of a registered adult guest, miniatures as defined in D.C. Official Code § 25-101(32A).

810.5 A registered licensed restaurant or tavern may sell beer, wine or spirits for carry-out and delivery only between the hours of 7:00 a.m. and midnight, Monday through Sunday.

810.6 Under no circumstances shall a registered licensed restaurant or tavern permit the consumption of beer, wine or spirits on the licensed premises.

810.7 Any person delivering beer, wine or spirits to the homes of District residents shall be eighteen (18) years of age or older and shall take reasonable steps to ascertain that the person receiving the delivered beer, wine or spirits is twenty-one (21) years of age or older.

810.8 The Board, in its discretion, may immediately suspend or revoke without prior notice or advertisement, the ABC license of an establishment licensed under Title 25 of the District of Columbia Official Code that is in violation of this section. Nothing in this subsection shall prohibit the Board or ABRA from issuing a written or verbal warning for a violation of this section.

810.9 The Board shall conspicuously post two (2) summary suspension or revocation notices at or near the main street entrance of the outside of the establishment.

810.10 A licensee may request a hearing within three (3) business days after service of a Notice of Suspension or Revocation for a violation of this section. The Board shall hold a hearing within two (2) business days of receipt of a timely request and shall issue a decision within three (3) business days after the hearing.

810.11 A licensee aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 25.

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF EMERGENCY RULEMAKING

The City Administrator, pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)), and Mayor's Order 2015-36, issued January 9, 2015, and in keeping with Mayor's Order 2020-35, dated February 28, 2020, Mayor's Order 2020-45, dated March 11, 2020, and Mayor's Order 2020-46, dated March 11, 2020, hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 1 (Administration and Enforcement) of Title 12 (Construction Codes Supplement of 2013), Subtitle A (Building Code Supplement of 2013), of the District of Columbia Municipal Regulations ("DCMR").

This emergency rulemaking provides the Director of the Department of Consumer and Regulatory Affairs with the authority to temporarily suspend specific requirements of the Construction Codes for construction directly related to preparation, response, mitigation, or recovery efforts related to public emergency and public health emergency declarations.

This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, structures may need to be constructed expeditiously as part of the District's response and existing structures may need to be used for purposes not originally intended. The authority to waive Construction Code requirements, on a case-by-case basis, will help facilitate the expeditious construction of new structures and variant uses of existing structures, and thereby improve the ability of the District to respond to COVID-19.

This emergency rulemaking was adopted on March 20, 2020 and became effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring July 18, 2020.

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Section 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is amended as follows:

A new subsection entitled Subsection 104.13 is added with the following:

104.13 **Public Emergency Declarations.** During a declared public emergency, the *code official* is authorized to temporarily suspend specific requirements of the Construction Codes for temporary construction or use directly related to preparation, response, mitigation, or recovery efforts related to the public emergency. The temporary code suspension decision shall weigh the benefits to the public health, safety, and welfare that are likely to be realized because of the waiver against any risk to health or safety and any reduction in accessibility that may be caused by the waiver.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (the Department), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This Emergency and Proposed Rulemaking makes several important changes to Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers). First, the rule adopts the Medicaid rates published by the Department of Health Care Finance in the District of Columbia Medicaid fee schedule for both Medicaid and non-Medicaid clients. This will eliminate the requirement for the Department to conduct separate rulemakings after the Department of Health Care Finance updates the Medicaid fee schedule and will ensure parity between Medicaid and non-Medicaid reimbursement rates. Furthermore, this change will allow the Department to update the rates for four (4) non-Medicaid services – Multi-systemic Therapy for Transition Age Youth; Environmental Stability; Medically Monitored Inpatient Withdrawal Management (MMIWM) for local clients; and Residential Room and Board upon thirty (30) days' notice published in the *D.C. Register* and an opportunity for comment.

Second, this rulemaking adopts the reimbursement rates for pregnancy, HIV, hepatitis, tuberculosis, and presumptive drug testing performed by Department-certified Substance Use Disorder (SUD) Providers for non-Medicaid clients. Recently, the Department published an Emergency and Proposed Rulemaking for Chapter 63, which includes a requirement that SUD providers (Providers) offer clients health screenings, including the laboratory tests listed above. These testing services are already reimbursable under Medicaid for Medicaid-eligible clients through direct billing to the Department of Health Care Finance. However, Providers are not able to bill Medicaid for the laboratory tests provided to non-Medicaid eligible clients. To ensure that Providers can bill for these required services for both Medicaid and non-Medicaid-eligible clients, the Department is publishing this Emergency and Proposed Rulemaking to add the services to Chapter 64. This will allow SUD Providers to submit reimbursement claims to the Department for testing services at the rates listed below.

Finally, this rulemaking establishes additional reimbursement requirements for Chapter 63 services including rules for same-day billing and quantity and dosing limits.

This emergency rulemaking is necessary for the immediate preservation of the health, safety and welfare of District residents as it aligns the needs of non-Medicaid clients with the requirements of Chapter 63 and increases access to essential laboratory testing to non-Medicaid clients.

The emergency rulemaking was adopted on March 13, 2020, and became effective on the date of adoption. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date 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 the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 64, REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63 CERTIFIED SUBSTANCE USE DISORDER PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is amended to read as follows:

6401 REIMBURSEMENT RATE

6401.1 Reimbursement for both the Medicaid-funded and locally-funded substance use services provided under Title 22-A District of Columbia Municipal Regulations (DCMR), Chapter 63 shall be at the rate contained in the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. All future updates to the service codes and rates will be included in and published with of the District of Columbia Medicaid fee schedule pursuant to the procedures established in Title 29, District of Columbia Municipal Regulation, Section 988, which require notice and an opportunity for comment.

6401.2 Reimbursement for the local-only substance use services provided under Title 22-A DCMR Chapter 63, which include (a) Multi-systemic Therapy for Transition Age Youth, (b) Environmental Stability, (c) Medically Monitored Inpatient Withdrawal Management (MMIWM) for local clients, and (d) Residential Room and Board, are set forth in the table below. The Department shall publish notice of all future updates to these codes and rates through a Public Notice in the *D.C. Register* and provide for meaningful comment. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the new local only reimbursement rate.

SERVICE	CODE	RATE per UNIT ($)	UNIT
Multi-Systemic Therapy for Transition Age Youth (TAY) (ACRA) (Ages 21-24)	**H2033HF**	**63.11**	**15 min.**
Short-term medically monitored inpatient withdrawal management (MMIWM), local	**H0010**	**598.12**	**Per diem**

SERVICE	CODE	RATE per UNIT ($)	UNIT
Residential Treatment, Room & Board	**H0043**	**101.14**	**Per diem**
Residential Treatment, Room & Board, Woman w/1 child	**H0043UN**	**210.00**	**Per diem**
Residential Treatment, Room & Board, Woman w/2 children	**H0043UP**	**215.00**	**Per diem**
Residential Treatment, Room & Board, Woman w/3 children	**H0043UQ**	**220.00**	**Per diem**
Residential Treatment, Room & Board, Women w/4 or more children	**H0043UR**	**225.00**	**Per diem**
Environmental Stability, Supported Housing, Individual	**H0044HF**	**849.00**	**Per month**
Environmental Stability, Supported Housing, Woman w/children	**H0044HFUN**	**1000.00**	**Per month**

6401.3 Reimbursement for: (a) HIV-1 and HIV-2 Single Result Testing (86703); (b) Urine Pregnancy Test (81025); (c) Tuberculosis Test, Intradermal (86580); (d) Hepatitis C Test (86803); (e) Presumptive Drug Test, Optical Observation (80305); (f) Presumptive Drug Test, Assisted Direct Optical Observation (80306); and (g) Presumptive Test By Instrument Chemistry Analyzers (80307) provided to both Medicaid and non-Medicaid clients shall be the rate contained in the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. All future updates to the service codes and rates will be included in the District of Columbia Medicaid fee schedule pursuant to the procedures established in Title 29 DCMR, Section 988, by providing notice and an opportunity for comment.

6402 REIMBURSEMENT RATE FOR CLIENTS WHO ARE DEAF OR HARD-OF-HEARING

6402.1 Reimbursement for local-only substance use services for (a) Multi-systemic Therapy for Transition Age Youth, (b) Environmental Stability, (c) MMIWM for

local clients, and (d) Residential Room and Board provided to clients who are deaf or hard-of-hearing are set forth in the table below. The Department shall publish all future updates to these codes and rates through a Public Notice in the *D.C. Register*, which provides an opportunity for meaningful comment. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the new local only reimbursement rate.

SERVICE	CODE	RATE per UNIT ($)	UNIT
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	**H2033HFHK**	**77.52**	**15 min.**
Short-term MMIWM, local	**H0010HK**	**816.75**	**Per diem**
Residential Treatment, Room & Board	**H0043HK**	**98.42**	**Per diem**
Residential Treatment, Room & Board, Woman w/1 child	**H0043UNHK**	**283.50**	**Per diem**
Residential Treatment, Room & Board, Woman w/2 children	**H0043UPHK**	**290.25**	**Per diem**
Residential Treatment, Room & Board, Woman w/3 children	**H0043UQHK**	**297.00**	**Per diem**
Residential Treatment, Room & Board - Women w/4 or more children	**H0043URHK**	**303.75**	**Per diem**

SERVICE	CODE	RATE per UNIT ($)	UNIT
Environmental Stability, Supported Housing, Individual	**H0044HFHK**	**849.00**	**Per month**
Environmental Stability, Supported Housing, Woman w/children	**H0044HFUNHK**	**1000.00**	**Per month**

6403 ADDITIONAL REIMBURSEMENT REQUIREMENTS

6403.1 The following provisions apply to the reimbursement of substance user disorder (SUD) providers billing the Department or the Department of Health Care Finance pursuant to this chapter, except where otherwise noted.

6403.2 Reimbursement for Short-term MMIWM services shall not exceed five (5) days unless a longer stay is authorized by the Department.

6403.3 H0010 or H0010HK shall be billed for locally-funded clients in MMIWM. Residential treatment room and board (H0043 and H0043HK) is not a separate service for these clients and shall not be billed in addition to MMIWM.

6403.4 H0010U1 or H0010U1HK shall be billed for Medicaid clients in MMIWM. Residential treatment room and board (H0043 and H0043HK) shall be billed separately for these clients in order to be reimbursed.

6403.5 Reimbursement will not be provided for the following services for clients in MMIWM:

(a) Medication Management;

(b) Clinical Care Coordination;

(c) Medication Assisted Treatment;

(d) Drug Screening; and

(e) Crisis Intervention.

6403.6 A maximum of one (1) Initial Diagnostic Assessment may be billed within a thirty (30)-day period.

6403.7 A maximum of one (1) Comprehensive Diagnostic Assessment may be billed per level of care (LOC).

6403.8 A maximum of two (2) Ongoing Diagnostic Assessments may be billed per sixty (60) days.

6403.9 Comprehensive Diagnostic Assessment and Ongoing Diagnostic Assessment shall not be billed on the same day.

6403.10 Clinical Care Coordination shall not be billed in conjunction with staff's clinical supervision or at the same time as any Diagnostic Assessment service.

6403.11 The following limits shall apply, per LOC, to Crisis Intervention:

(a) Level 1: Eighty (80) units;

(b) Level Opioid Treatment Program ("OTP"): One hundred and forty-four (144) units;

(c) Level 2: One hundred and twenty (120) units; and

(d) Level 3: One hundred and sixty (160) units.

6403.12 The following limits shall apply, per LOC, to SUD Counseling/Therapy. The Department may approve additional units with justification.

(a) Level 1: Thirty-two (32) units per week;

(b) Level 2: Eighty (80) units per week; and

(c) Level 3: One hundred (100) units per week.

6403.13 No more than ninety-six (96) units of Medication Management shall be billed per LOC. Medication Management shall not be billed for observing the self-administration of medication.

6403.14 The following provisions apply to all medications dispensed in OTPs:

(a) Medication shall be billed on a per-dose basis; and

(b) A single fifteen (15)-minute administration session may be billed when an individual is receiving take-home doses.

6403.15 The following provisions further apply to methadone administered in OTPs:

(a) A client can be dispensed a maximum of one dose per day;

(b) An initial and second authorization can be authorized for a maximum of ninety (90) days each; subsequent authorizations cannot exceed one hundred and eighty (180) days each; and

(c) Prior authorization from the Department is required for more than two-hundred and fifty (250) units of medication in one calendar year. The maximum quantity of medication and administration services over a twelve (12)-month period is three hundred and sixty-five (365) units.

All persons desiring to comment on the subject matter of this proposed rule should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Trina Dutta, Director, Strategic Management and Policy Division, Department of Behavioral Health, 64 New York Ave, N.E., Second Floor, Washington, D.C. 20002, (202) 671-4075, trina.dutta@dc.gov, or DBHpubliccomments@dc.gov.

OFFICE OF TAX AND REVENUE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1010 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of emergency and proposed rulemaking action to amend Chapter 3#(Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will amend Section 313 (Payment of Real Property Tax) to define hotels and motels for purposes of the June 30, 2020 real property tax payment deadline applicable to such entities, and to provide for an equivalent deadline relating to possessory interest taxes owed by such entities.

The emergency rulemaking action is necessary to protect and promote the public welfare by creating definitions to implement emergency Act 23-247, effective March 17, 2020, relating to the COVID-19 state of emergency declared by the Mayor on March 11, 2020 per Mayor's Orders Nos. 2020-45 and 46 to provide immediate and necessary tax relief to hotels and motels. Without the definitions of hotels and motels for purposes of benefiting from the tax extension, there would be a lack of clarity as to whether the real property tax bills are due on March 31st or June 30th for such entities. This emergency and proposed rulemaking also extends the benefits for hotels and motels that are subject to and pay possessory interest tax, which is owed, in lieu of real property tax, by entities that lease immune or exempt government-owned real property. OTR must have rules in place during the publication of the proposed rulemaking, the thirty (30)-day comment period, and the adoption of final rules.

The emergency rulemaking was adopted on March 23, 2020 and became effective immediately. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on July 21, 2020, or upon adoption of the proposed rulemaking as final, whichever occurs first.

OTR also hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

New Subsection 313.6, of Section 313, PAYMENT OF REAL PROPERTY TAX, is added to read as follows.

313.6

(a) For purposes of D.C. Official Code § 811(b), the terms "hotel" and "motel" mean a real property any part of which is classified for tax year 2020 as Class 2 Property under § 47-813, is commercially improved and occupied, and is a hotel, motel, inn, or other place which is regularly used for the purpose of furnishing rooms, lodgings, or accommodations to transients.

(b) A hotel or motel, as defined herein, may pay its first half tax year 2020 real property tax installment through June 30, 2020, and such payment made by such date shall be timely, to the extent it brings the tax liability current. Penalty and interest owed for prior periods are unaffected by the Act. No payment may be designated to a particular period, and a payment is subject to the application of payments under this section. Further, a hotel or motel may not benefit from penalty and interest tax relief relating to sales and use taxes, as provided under D.C. Official Code § 47-4221(d).

(c) Possessory interest tax, owing by the lessee of immune or exempt government real property in lieu of real property tax, shall benefit from the same extension due date and under the same terms and limitations as real property tax owed by hotels and motels as defined under this subsection.

Copies of the Notice of Emergency and Proposed rulemaking may be obtained at www.dcregs.dc.gov or by contacting Robert W. McKeon, Deputy Chief Counsel, D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024. All persons desiring to file comments on the Emergency and Proposed rulemaking should submit written comments via email to robert.mckeon@dc.gov or by postal mail or hand delivery to the D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024, Attn: Robert W. McKeon, Deputy Chief Counsel, not later than thirty (30) days after publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-050
March 20, 2020

SUBJECT: Extensions of Public Emergency and Public Health Emergency: Coronavirus (COVID-19)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.), section 5a of District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.), Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, and section 301(c-1) of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020, D.C. Act 23-247, it is hereby **ORDERED** that:

I. EXTENSIONS OF PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY

A. This Order follows Mayor's Order 2020-045, dated March 11, 2020, declaring a public emergency in the District of Columbia and Mayor's Order 2020-046, dated March 11, 2020, declaring a public health emergency in the District of Columbia.

B. The findings set forth in Mayor's Order 2020-045 and Mayor's Order 2020-046 are incorporated by reference into this Order.

C. As of March 19, 2020, there have been at least 573 individuals tested for COVID-19 in the District, with 71 individuals testing positive. There is reasonable cause to believe that there continues to be widespread exposure to an infectious agent (COVID-19) that poses a significant risk of harm to a large number of people in the District of Columbia.

D. The person-to-person spread of COVID-19 and the moderately increased availability of testing make it virtually certain that the District of Columbia will have more confirmed cases and that COVID-19 will continue to have significant impacts on District of Columbia residents, businesses, visitors, students, and at-risk populations.

E. The spread of COVID-19 continues to be an imminent threat to the health, safety,

and welfare of District residents that requires continued emergency protective actions be undertaken by the District Government.

F. By this Order, the public emergency and public health emergency declared by Mayor's Order 2020-045 and Mayor's Order 2020-046, respectively, are extended through April 24, 2020.

II. CONTINUED EMERGENCY MEASURES AND REQUIREMENTS

A. The Mayor's Chief of Staff, in consultation with the Communications Director, shall continue to direct all public communications and maintain coronavirus.dc.gov as a central repository for all government information relating to COVID-19 response.

B. The City Administrator, in consultation with the directors of the Department of Health and the Homeland Security and Emergency Management Agency, is authorized to continue to implement any measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the impacts of COVID-19.

C. This Order incorporates all of the emergency measures included in Mayor's Order 2020-45, dated March 11, 2020 and Mayor's Order 2020-046, dated March 11, 2020, as they continue to be necessary and appropriate to protect persons and property in the District of Columbia from the impacts of COVID-19.

D. This Order shall apply to all departments, agencies, and instrumentalities of the District Government as necessary or appropriate to implement this Order.

III. DURATION OF ORDER

This Order shall remain in effect through April 24, 2020.

IV. EFFECTIVE DATE: This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-051
March 20, 2020

SUBJECT: Prohibition on Mass Gatherings During Public Health Emergency - Coronavirus (COVID-19)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 3-149, D.C. Official Code § 7-2304.01 (2018 Repl.); section 1 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2012 Repl.); the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985, D.C. Law 6-42, D.C. Official Code §§ 2-1801.01 *et seq.*; section 6(c) of An Act To prescribe administrative procedures for the District of Columbia government, approved October 21, 1968, 82 Stat. 1203, D.C. Official Code § 2-505(c); D.C. Official Code 25-211(c) (2018 Supp.); D.C. Official Code § 47-2844 (2018 Supp.); Mayor's Order 2020-045, dated March 11, 2020; Mayor's Order 2020-046, dated March 11, 2020, and Mayor's Order 2020-050, dated March 20, 2020, it is hereby **ORDERED** that:

I. EMERGENCY MEASURES AND REQUIREMENTS

A. It is essential to slow the spread of COVID-19 in order to protect the ability of public and private health care providers to properly respond to patients and to safeguard the health, safety, and welfare of all persons in the District of Columbia.

B. Mass gatherings of fifty (50) or more persons are hereby prohibited anywhere in the District of Columbia.

C. For the purposes of this Order:

1. A "mass gathering" is any event or convening, subject to the exceptions and clarifications set forth below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena, event center, meeting hall, conference center, cafeteria, or any other confined

indoor or outdoor space.

2. A "mass gathering" includes any event in confined outdoor spaces, which means an outdoor space that:

   a. Is enclosed by a fence, physical barrier, or other structure; and

   b. Where people are present and they are within arm's length of one another for an extended period.

3. A "mass gathering" does not include:

   a. Gatherings of people in multiple, separate enclosed spaces in a single building, so long as fifty (50) people are not present in any single space at the same time;

   b. The use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time;

   c. Gatherings on property within the District of Columbia owned by the federal government.

   d. Spaces where fifty (50) or more persons may be in transit or waiting for transit such as buses, bus stops or depots, sluglines, subway cars, and subway stations (or shopping areas associated with the buildings housing those stations);

   e. Office space, hotels, or residential buildings. Hotels and residential buildings may remain open as residences for individuals, but gatherings of fifty (50) or more people within the office space, hotel, or residential building are prohibited;

   f. Grocery stores, shopping malls, or other retail establishments where large numbers of people may be present but it is unusual for them to be within arm's length of one another for an extended period; and

   g. Hospitals, nursing homes, assisted living facilities, and other medical facilities.

D. Table service and service to standing customers at restaurants, bars, taverns, and multi-purpose facilities in the District of Columbia, including seated, fast food, and fast casual restaurants, is prohibited. Such businesses may operate only for takeout, "grab-and-go", and delivery operations.

E. Venues doing business as nightclubs, health clubs, health spas, massage establishments, and theaters in the District of Columbia shall continue their

suspension of operations, which was initially ordered on March 17, 2020.

F. All Department of Parks and Recreation ("DPR") facilities, including playgrounds, parks, and athletic fields, shall be closed to the public and no member of the public shall enter upon or into a DPR facility.

II. ENFORCEMENT

Any business or institution that in knowing violation of this emergency Order shall be subject to all civil, criminal and administrative penalties authorized by law, including sanctions, penalties, or summary suspension of licensure for violating D.C. Official Code § 7-2307 and D.C. Official Code § 47-2844(a).

III. SUPERSESSION

This Order supersedes Mayor's Order 2020-048, dated March 16, 2020, and the Department of Health's Notice of Emergency Rulemaking, adopted March 13, 2020, to prohibit mass gatherings.

IV. DURATION OF ORDER

This Order shall remain in effect through April 24, 2020.

V. EFFECTIVE DATE: This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-052
March 23, 2020

SUBJECT: Delegations of Authority to Execute Actions Authorized by COVID-19 Response Emergency Amendment Act of 2020

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Employment Services (DOES) is delegated the authority vested in the Mayor by section 101 of the COVID-19 Response Emergency Amendment Act of 2020 (the "Act"), effective March 17, 2020, D.C. Act 23-247, to administer unemployment insurance to affected individuals during a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("public health emergency"). The Director of DOES may further delegate any of the authority delegated under this paragraph to subordinates under his or her jurisdiction

2. The Deputy Mayor for Planning and Economic Development, Director of the Department of Small and Local Business Development (DSLBD), and Commissioner of the Department of Insurance, Securities, and Banking (DISB) are concurrently delegated the authority vested in the Mayor by section 202 of the Act, effective March 17, 2020, D.C. Act 23-247, to administer a public health emergency small business grant program. The Deputy Mayor, Director of DSLBD, and Commissioner of DISB may further delegate any of the authority delegated to them under this paragraph to subordinates under their jurisdiction.

3. The Commissioner of DISB is delegated the authority vested in the Mayor by section 301(a)(4) of the Act, effective March 17, 2020, D.C. Act 23-247, D.C. Official Code § 7-2304(b)(15), to waive application of any law administered by DISB to protect the health, safety, and welfare of District residents in response to a public health emergency. The Commissioner of DISB may further delegate any of the authority delegated under this paragraph to subordinates under his or her jurisdiction.

4. The Directors of the Department of Health Care Finance (DHCF) and Department of Human Services (DHS) are concurrently delegated the authority vested in the Mayor by section 303 of the Act, effective March 17, 2020, D.C. Act 23-247, to extend eligibility

periods for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take other actions as appropriate to support the continuity of, and access to, benefits provided by any public benefit program, including but not limited to the DC Healthcare Alliance, Immigrant Children's Program, Temporary Assistance for Needy Families, and Supplemental Nutritional Assistance Program. The Directors of DHCF and DHS may further delegate any of the authority delegated to them under this paragraph to subordinates under their jurisdiction.

5. a. The City Administrator is delegated the authority vested in the Mayor by section 310 of the Act, effective March 17, 2020, D.C. Act 23-247, to prospectively or retroactively extend the validity of a license, registration, permit, or authorization, extend, modify or waive the deadlines for filings, waive fees, fines, and penalties associated with the failure to timely renew a license, registration, permit, or other authorization or to timely submit a filing, and extend or waive the deadline by which action is required to be taken by the executive branch of the District government or by which an approval or disapproval is deemed to have occurred based on inaction by the executive branch of the District government, during or within forty-five (45) days after a public health emergency.

b. The City Administrator shall issue a directive to all subordinate agencies within three (3) days after the issuance of this Order to seek the agencies' recommendations of the specific circumstances in which the authority provided by this paragraph should be exercised.

c. The City Administrator may further delegate any of the authority delegated under this paragraph to subordinates under his or her jurisdiction.

6. **DURATION OF DELEGATION**: The delegations authorized in paragraphs 1 through 5 shall remain valid for the duration of the Act and any substantially similar subsequent temporary legislation.

7. **EFFECTIVE DATE**: This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-053
March 24, 2020

SUBJECT: Closure of Non-Essential Businesses and Prohibition on Large Gatherings During Public Health Emergency for the 2019 Novel Coronavirus (COVID-19)

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 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); in accordance with the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020, D.C. Act 23-247, and any substantially similar subsequent emergency or temporary legislation; section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.); and section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2012 Repl.), it is hereby **ORDERED** that:

I. BACKGROUND

1. This Order is issued based on the increasing number of confirmed cases of COVID-19 within Washington, DC, and throughout the metropolitan Washington region. Scientific evidence and public health practices show that the most effective approach to slowing the community transmission of communicable diseases like COVID-19 is through limiting public activities and engaging in social distancing. The age and health of a significant portion of the population of Washington, DC places thousands of residents at risk for serious health complications, including death, from COVID-19.

2. Due to the outbreak of the COVID-19 virus, Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020 declared a public emergency and public health emergency. Mayor's Order 2020-050, dated March 20, 2020, extended those declarations of a public emergency and public health emergency through April 24, 2020. Mayor's Order 2020-048, dated March 16, 2020, Mayor's Order 2020-051, dated March 20, 2020, and several directives from the Department of Health provided for additional steps required to protect public health. In addition, the President declared a national emergency on March 13, 2020, and the World Health Organization on March 11, 2020, characterized COVID-19 as a pandemic. Further, the COVID-19 Emergency

Response Amendment Act of 2020 (D.C. Act 23-247), which was approved by the Council and the Mayor on March 17, 2020, provides the District government with additional tools to address COVID-19.

3. Medical and public health experts agree that COVID-19 is easily transmitted and it is essential that its spread be slowed to protect the ability of public and private health care providers to handle the expected influx of ill patients and safeguard public health and safety.

4. In epidemiology, the concept of slowing a virus's spread so that fewer people need to seek treatment at any given time is known as "flattening the curve." The faster and the more sharply the infection curve rises, the more quickly Washington, DC's health care system will be stressed, to the point that it may become overloaded beyond its capacity to treat severely sick patients. "Flattening the curve" is not expected to greatly reduce the total number of people that will become infected with COVID-19, but those infections will take place over a longer period of time, which will result in a less stressed health care system, and in turn, better patient outcomes.

5. The latest medical findings suggest that some individuals who contract COVID-19 virus have no symptoms or only mild cold-like symptoms, which means they may not be aware they carry the virus. Their interactions with others allow the disease to spread and infect a larger number of people.

6. One proven way to slow the transmission of COVID-19 is to limit interactions among people to the greatest extent practicable by limiting public activity.

7. Because of the risk of the rapid spread of the virus, and the need to protect all members of Washington, DC, and the region, especially residents most vulnerable to the virus, and local health care providers and emergency first responders, this Order requires the temporary closure of the on-site operation of all non-essential businesses and implements a prohibition on large gatherings.

8. This Order is based on guidance from Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA) Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, March 19, 2020 for additional detail (available at: https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce).

9. The intent of this Order is to:

   a. Temporarily cease all non-essential business activities in the District of Columbia other than those conducted safely from home;

      For clarity: Non-essential businesses include: tour guides and touring

services; gyms, health clubs, spas, and massage establishments; theaters, auditoriums, and other places of large gatherings; nightclubs; hair, nail, and tanning salons and barbershops; tattoo parlors; sales not involved in essential services; retail clothing stores; and professional services not devoted to assisting essential business operations.

b. Prohibit large gatherings;

c. Significantly slow the spread of COVID-19;

d. Reduce COVID-19 virus infections, COVID-19 illness, and death caused by COVID-19 and its complications; and

e. Protect the health, safety, and welfare of the residents of Washington, DC, other individuals located in Washington, DC, and those who ordinarily work here.

II. ORDER TO CEASE NON-ESSENTIAL BUSINESS ACTIVITIES AND TO PROHIBIT LARGE GATHERINGS

1. All businesses with a facility in Washington, DC, except Essential Business as defined in section IV.1 of this Order, shall cease all activities at those facilities, except Minimum Basic Operations, as defined in section IV.4 of this Order.

   For clarity: Businesses, including non-Essential Businesses, may continue telework operations consisting of employees or contractors performing work at their own residences (*i.e.*, working from home) and home-based businesses may continue to operate, to the extent such businesses do not involve individuals making physical contact with other persons and can be carried out in compliance with the Social Distancing Requirements, as defined in section IV.5 of this Order.

2. All Essential Government Functions, as defined by section IV.2 of this Order, shall continue.

3. Notwithstanding any other provision of this Order, an individual who is suspected or confirmed to be infected with COVID-19 or any other transmissible infectious disease or who has symptoms of a cold or influenza ("the flu") may not be engaged in conducting Essential Business.

4. Large gatherings of ten (10) or more persons, as further defined by section IV.3 of this Order, are hereby prohibited in the District of Columbia.

III. OPERATION OF ESSENTIAL BUSINESSES AND TELEWORKING

1. All Essential Businesses are strongly encouraged to remain open.

2. To the greatest extent feasible, Essential Businesses that remain open shall comply with Social Distancing Requirements as defined in section IV.5 of this Order, including by separating staff by off-setting shift hours or days and maintaining a separation of at least six (6) feet among and between employees and members of the public, including when any customers, clients, or patients are standing in line or sitting in a waiting room, to the maximum extent possible, separating shifts.

3. Essential and non-Essential businesses shall take all reasonable steps necessary for employees to work remotely from their residences and to deliver services to the businesses and their customers by telephone, video, internet, or other remote means.

IV. DEFINITIONS

For the purposes of this Order, the following terms shall have the following meanings:

1. "**Essential Businesses**" mean:

   a. **Healthcare and Public Health Operations**:

      i. For the purposes of this Order, the term "Healthcare and Public Health Operations" includes hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other health care facilities, health care suppliers, home health care and assisted living services, mental health providers, medical marijuana dispensaries, calibrators and operators of medical equipment, or any related and/or ancillary health care services as defined by CISA; and

      ii. The term "Healthcare and Public Health Operations" also includes veterinary care and all health care services provided to animals; and

      iii. This authorization shall be construed broadly to avoid any impediments to the delivery of health care, broadly defined;

   b. **Essential Infrastructure**, including public works, such as roads, sidewalks, street lighting, traffic control devices, railways, and government facilities; utilities, such as electricity, gas, telecommunications, water and wastewater, and drainage infrastructure, and solid waste collection and removal by private and public entities;

   c. **Food and Household Products and Services**, including grocery stores, supermarkets, licensed farmers' markets, food banks, convenience stores, liquor stores, and other establishments engaged in the retail sale,

wholesale supply or distribution of food products, alcohol, any other household consumer products (such as cleaning and personal care products), laundromats, dry cleaners, laundry service providers, and medical marijuana cultivation centers. This includes stores that sell groceries and also sell other non-grocery products, and stores that sell products necessary to maintain the safety, sanitation, and operation of residences;

i. Restaurants and other facilities that prepare and serve food are included in this category, but only for delivery, carry out, or "grab and go," including food trucks and rapid made-to-order meals, but not for sit down consumption;

ii. Schools, senior centers, and other entities that typically provide free food services to students or members of the public may continue to do so under this Order; provided, that the food is distributed to students or members of the public on a pick-up and take-away basis only; and

iii. Facilities that provide food services under this exemption shall neither permit the food to be eaten at the site where it is provided nor shall food be provided in a self-serve manner, such as buffet bar, salad bar, or large pots of soup where people serve themselves;

d. **Social Services Providing the Necessities of Life**, including businesses and organizations that provide food (including food preparation), shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, and organizations or components of organizations that process eligibility for such services;

e. **Communications and Information Technology**, including newspapers, television, radio, and other media services and the engineers, technicians and associated personnel responsible for communications and information technology infrastructure construction and restoration;

f. **Energy and Automotive**, including businesses that maintain, ensure, or restore, or are otherwise involved in the electricity industry; or petroleum, natural, or propane gas including, gas stations, auto repair/mechanic shops, auto supply stores, and related facilities;

g. **Financial Services**, including banks, credit unions, and related financial institutions;

h. **Educational Institutions**, including public and private K-12 schools, colleges, and universities, but solely for purposes of:

i. Facilitating distance learning and facilitating distance operations;

or

ii. Modifying facilities to provide support for addressing COVID-19 or providing support for efforts to address the public emergency and public health emergency declared by the Mayor;

i. **Transportation and Logistics**, including:

i. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

ii. Taxis, ride-sharing companies, and other private transportation providers providing transportation services necessary for Essential Businesses or Essential Governmental Functions and other purposes expressly authorized in this Order;

iii. Businesses providing mailing and shipping services, including post office boxes and moving companies; and

v. Bicycle sales, management, and repair businesses;

j. **Construction and Building Trades**, including plumbers; pipefitters; steamfitters; electricians; boilermakers; exterminators; roofers; carpenters; bricklayers; welders; elevator mechanics; businesses that sell supplies and materials for maintenance of commercial and residential buildings and homes, including 'big box' supply stores, plumbing distributors, electrical distributors, and HVAC distributors; and other businesses that provide services that are necessary to maintaining the safety, sanitation, and operation of residences and Essential Businesses;

k. **Housing and Living Facilities**, including residences and residential facilities; group housing and shelters; university housing; hotels, except as to conference facilities, ballrooms, and dining-in facilities of their restaurants, which are non-essential; and animal shelters;

l. **Professional Services**, including legal, insurance, notary public, tax preparation and accounting services, but only when necessary to assist in compliance with legally mandated activities, Essential Businesses or Essential Governmental Functions;

m. **Childcare facilities**. To the extent possible:

i. Childcare facilities should prioritize services for children of essential employees; and

ii. Childcare facilities shall comply with OSSE, Guidance for Child

Care Providers and Families Related to Coronavirus (COVID-19);

2. "**Essential Government Functions**" include first responders, including police, firefighting, and emergency medical services, emergency management, 911/311 call center; law enforcement functions; services needed to ensure the continuing operation of government agencies and provide for the health, safety, and welfare of the public performed by the District of Columbia or federal government or their contractors, the District of Columbia Courts, and inter-governmental commissions and entities performing such functions, including judicial and elections functions. The DC Courts should determine what services are needed to continue its essential services.

3. "**Large Gatherings**" include any event or convening, subject to the exceptions and clarifications set forth below, that bring together or are likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena, event center, meeting hall, conference center, cafeteria, or any other confined indoor or outdoor space;

   a. A "Large Gathering" includes any event in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within six (6) feet of one another for an extended period;

   b. A "Large Gathering" does not include:

      i. Essential Businesses and groups performing Essential Government Functions;

      ii. Gatherings of people in multiple, separate enclosed spaces in a single building, so long as ten (10) people are not present in any single space at the same time;

      iii. The use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time;

      iv. Gatherings on property within the District of Columbia owned by the federal government.

      v. Spaces where ten (10) or more persons may be in transit or waiting for transit such as buses, bus stops, bus terminals, sluglines, or subway cars, and subway stations (or shopping areas associated with the buildings housing those subway stations or bus terminals); and

      vi. Office space, hotels, or residential buildings; excluding

conferences or large gatherings at hotels. Hotels and residential buildings may remain open for guests and as residences.

4. "**Minimum Basic Operations**" means:

   a. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions;

   b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences; and

   c. The minimum necessary activities to facilitate teleworking or the remote delivery of services formerly provided in-person by the business; to provide cleaning and disinfection of a business's facilities; and to provide employee supervision of contractors or employees providing essential maintenance of the facility.

5. "**Social Distancing Requirements**" include:

   a. Maintaining at least six (6) feet of distance from other individuals;

   b. Washing hands with soap and water for at least twenty (20) seconds or using hand sanitizer frequently, or after contact with potentially-infected surfaces, to the greatest extent feasible;

   c. Covering coughs or sneezes, preferably with a tissue immediately disposed of, or into the sleeve or elbow, not hands;

   d. Regularly cleaning high-touch surfaces; and

   e. Not shaking hands.

V. SUPERCESSION

This Order supersedes Mayor's Order 2020-051, dated March 20, 2020, to the extent of any inconsistency between these Orders.

VI. ENFORCEMENT

Any individual or entity that knowingly violates this Order shall be subject to all civil, criminal, and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines, summary suspension or revocation of licensure.

VII. SEVERABILITY

If any provision of this Order or its application to any person or circumstance is held to be invalid, then the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

VIII. WAIVER

The Mayor may grant a waiver to a business or nonprofit through the District of Columbia Homeland Security and Emergency Management Agency

IX. EFFECTIVE DATE AND DURATION

This Order shall be effective immediately, and non-essential businesses as defined herein shall cease operations by 10:00 p.m. on March 25, 2020. The Order shall continue to be in effect through April 24, 2020, or until it is extended, rescinded, superseded, or amended in writing by a subsequent Order.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS (RFPs)

Substitute Teacher Network

Academy of Hope Adult PCS, a leader in DC Adult Education, is soliciting proposals for a **Substitute Teacher Network** in March 2020 for School Year 2020 at our Washington, D.C. locations. All interested applicants can go to www.aohdc.org/jobs for more information. Responses should be provided in electronic format and emailed to Summer Ellis, Principal, at summer@aohdc.org by Friday, April 3, 2020.

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS

COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY DEVELOPMENT

Wednesday, March 18, 2020, 6:30 PM
441 4th Street NW, Suite 721 North, Washington, DC 20001
Call-in: (877) 787-5492, Passcode: 9401470

Agenda

Call to Order
Introduction of Commissioners
Quorum
Approval of Agenda
Approval of February 2020 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Ben de Guzman, MOAPIA
2. Coronavirus COVID-19
3. 2020 Census
4. May AAPI Heritage Month
    a. Celebration
    b. Awards
5. Commission Task Forces

Miscellaneous Items

Meeting Adjournment

Next Meeting: Wednesday, April 15, 2020, 6:30 PM
MOAPIA, 441 4th St NW, Suite 721N, Washington, DC 20001

Questions:
John Tinpe Chairman, John.Tinpe@dcbc.dc.gov
Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov
Henry Duong, MOAPIA Henry.Duong@dc.gov
www.apia.dc.gov

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 an online virtual public meeting on **Thursday, April 2, 2020** from **7:00 pm to 8:30 pm**. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and will vote on the Report to the Mayor and DC Council. Finally, the Commission will hear updates from the OST Commission's committees.

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, March 31st** at **5:00 pm**. Access all public documents relevant to the meeting here.

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. Office of Out of School Time Grants and Youth Outcomes Updates
VII. Report to Mayor and DC Council - Vote
VIII. Committee Updates
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: April 2, 2020
Time: 7:00 pm – 8:30 pm
Location: **To view slides sign into the Webex link below:**
https://dcnet.webex.com/dcnet/j.php?MTID=mb31faa499f8ae791ab6acf41e6935a5d
Webex password: OST Commission
To hear audio call the conference line:
1-650-479-3208
Conference line access code: 730 117 240
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

NOTICE OF FUNDING AVAILABILITY

Scholarships for Opportunity and Results Act Grants

Request for Applications Release Date: March 23, 2020, 4:30 PM

Rescinded

In recognition of COVID-19 and this dynamic time, OSSE is pausing the release of these competitions. Funds are still available and will be released at a later date. This notice supersedes the notice published in DC Register on March 6, 2020 Vol 67/10.

As authorized by the Scholarships for Opportunity and Results Act (SOAR), as amended, (Pub. L 112-10; 125 Stat. 201; DC Code §38-1853.01 et al.) The Office of the State Superintendent of Education (OSSE) will issue Requests for Applications (RFAs) for SOAR Act grant funds. SOAR Act funds are available to District of Columbia (DC) charter local education agencies (LEAs) and third-party non-profit charter support organizations. The purpose of the funds is to increase the achievement and academic growth of DC public charter school students and to support the improvement and expansion of high-quality public charter schools. This notice provides information regarding two competitive opportunities: Grants to Non-Profit Third-Party Charter Support Organizations (Charter Support Grants) and Facilities Grants

I. Charter Support Grants

Eligibility and Selection Criteria: Eligible applicants are DC-based non-profit third-party charter school support organizations that have a demonstrated history of success working with DC charter schools on similar projects. Applicants must use funds to support projects designed to have a direct and rapid impact on academic achievement and outcomes for charter school students overall or on the achievement of historically underperforming subgroups. Applicants are required to submit a letter of recommendation from a DC charter school with direct experience working with the organization as well as a complete list of all schools and districts to which the organization has provided similar services.

Applications will be scored in the following selection criteria: (1) project data; (2) needs assessment; (3) project description; (4) theory of action; (5) OSSE's priority of meeting the needs of students with disabilities; (6) logic model; (7) an overall description of the project; and (8) the application's budget.

Length of Award: The duration of the Charter Support grant is for a period of two years from the grant award date.

Available Funding for the Award: The amount available under the Charter Support grant is $2,000,000. OSSE will provide up to $400,000.00 per "direct assistance" award and up to $300,000.00 per "indirect assistance" award. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available

funding. OSSE anticipates awarding approximately 7 to 10 awards. Successful applicants may be awarded amounts less than requested. Awards are limited to one per organization. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant's submission.

II. Facilities Grants

Eligibility and Selection Criteria: Eligible applicants are high-quality DC public charter schools. Applicants must use funds to support the renovation of facilities occupied by charter schools. Eligible applicants must provide documentation of site control.

Applications will be scored in the following selection criteria: (1) project data; (2) needs assessment; (3) project description; (4) theory of action; (5) OSSE's priority of meeting the needs of students with disabilities; (6) logic model; (7) an overall description of the project; and (8) the application's budget.

Length of Award: The duration of the Facilities grant is for a period of two years from the grant award date.

Available Funding for the Award: At least $4,000,000.00 is available for awards through this RFA. OSSE will provide up to $750,000 per award. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. OSSE anticipates awarding approximately 5 to 8 awards. Successful applicants may be awarded amounts less than requested. Awards are limited to one per local educational agency. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant's submission.

III. Application Process:

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external, neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE will make all final award decisions. Applications for both grants must be submitted prior to 3pm on May 5, 2020. OSSE estimates that it will award both grants by June 1, 2020; however this date may change.

The mandatory pre-application webinar will be held on the following dates:

- Charter Support Grants – Tuesday, Mar. 31, 2020, from 10 a.m. to 11 a.m.
    - To register for this webinar, visit: https://attendee.gotowebinar.com/register/7950495318219420941

- Charter Support Grants – Thursday, Apr. 2, 2020, from 1 p.m. to 2 p.m.

- To register for this webinar, visit: https://attendee.gotowebinar.com/register/8664851321320388365

- Facilities Grants – Tuesday, Mar. 31, 2020, from 1 p.m. to 2 p.m.
  - To register for this webinar, visit: https://attendee.gotowebinar.com/register/8088902941435528973

- Facilities Grants – Thursday, Apr. 2, 2020, from 10 a.m. to 11 a.m.
  - To register for this webinar, visit: https://attendee.gotowebinar.com/register/1443304030064391693
  -

Each interested organization must have at least one representative attend one of the above webinars for the specific grant you intend to apply for in order to meet the attendance requirement for the grant. Webinar attendance is tracked electronically through registration and online attendance. The organization representative should be someone who is directly employed by the applicant and is familiar with the project.

To receive more information on these grants, please contact:

Ronda Lasko
Office of the State Superintendent of Education
1050 First Street, NE, Fifth Floor, Washington, D.C. 20002
Email: Ronda.Lasko@dc.gov

The RFA for these competitive grant programs will be available on OSSE's website at www.osse.dc.gov. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there are vacancies in seven (7) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3F07, 4A05, 5A04, 6B09, 7C02, 7D06 and 7F07

Petition Circulation Period: **Monday, March 30, 2020 thru Monday, April 20, 2020**
Petition Challenge Period: **Thursday, April 23, 2020 thru Wednesday, April 29, 2020**

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**.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY

Increase Participation in Alternative Compliance Programs for Stormwater Management

The Department of Energy and Environment (the Department) seeks eligible entities to develop guidance for increasing the awareness of developers and property managers about the Stormwater Retention Credit (SRC) and Self-Inspection Self-Reporting (SISR) programs, educating the regulated development community about the benefits of participating in the programs; encouraging developers to comply with stormwater regulations in ways that achieve the maximum water quality benefit; and increasing the maintenance of stormwater infrastructure. The amount available for the project is approximately $85,000.

Beginning 3/27/2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

> **Download** from the Department's website, www.doee.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.
>
> **Email** a request to swm.complianceoutreach@dc.gov with "Request copy of RFA 2020-2021-RRD" in the subject line.

An informational meeting and opportunity for questions and answers will be held on 4/6/2020 from 2:30 to 3:30 p.m. via conference call. The call number is (202)724-2000. The conference line is 2045 (do not press #) and the PIN is 170809.

The deadline for application submissions is 5/31/2020, at 4:30 p.m. A complete electronic copy must be e-mailed to swm.complianceoutreach@dc.gov.

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

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

For additional information regarding this RFA, write to: swm.complianceoutreach@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

SIGNIFICANT PERMIT MODIFICATION TO AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR NATIONAL ZOOLOGICAL PARK

Notice is hereby given that the Smithsonian Institution has applied for a Title V air quality permit significant modification pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) and that the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE) is proposing to issue a permit modification (No. 024-R2-A1) in response to this application. The facility is the National Zoological Park, located at 3001 Connecticut Ave. NW, Washington DC 20008. This permit modification only revises Condition III(c) of the permit to remove the reference to a 15 kWe propane emergency generator set and to include a new Condition III(h) covering the a recently installed diesel-fired emergency standby generator set. No other portions of the permit are affected. This action does not extend the expiration date of the original permit.

The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, Smithsonian Institution, at 202-633-5477.

The National Zoological Park has the potential to emit greater than the District's major source threshold of 25 tons per year of NO_x. Therefore, the facility is classified as a major source of air pollution and is subject to 20 DCMR Chapter 3 and must obtain an operating permit modification when applicable under the regulation.

EMISSIONS SUMMARY:
The following table shows the effect of the generator replacement on the potential to emit (PTE) of the facility in tons per year:

Criteria Pollutants	Potential Emissions of Removed Generator	Potential Emissions of New Generator	Change from Project	Facility PTE After Generator Replacement‡
Sulfur Dioxide (SO_2)	<0.001	0.20	0.20	0.75
Oxides of Nitrogen (NO_x)	0.21	1.01	0.80	67.11
Total Particulate Matter including condensables (PM Total)	0.01	0.03	0.03	8.46
Volatile Organic Compounds (VOC)	0.13	0.01	-0.12	7.52
Carbon Monoxide (CO)	0.20	0.24	0.04	54.45
Total Hazardous Air Pollutants (HAPs)	0†	0.003	0.003	4.10

†Not previously estimated, but expected to have been insignificant given the size and fuel type of the unit.

‡Note that the facility-wide potential to emit was updated for several units since the 2017 permit renewal action resulting in changes to estimates of emissions from various activities at the facility. The most significant changes were a significant decrease in VOC emissions facility-wide, especially from non-booth painting operations, and a slight overall decrease in HAP emissions due to several offsetting increases and decreases.

The National Zoological Park has the PTE of 67.11 tons per year (TPY) of NO_x. This total exceeds the major source threshold in the District of Columbia of 25 TPY of NO_x or VOCs, and/or 100 TPY of any other criteria pollutant. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 024-R2-A1 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at https://doee.dc.gov/service/public-notices-hearings.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after April 27, 2020 will be accepted.

For more information, please contact Olivia Achuko at (202) 535-2997 or olivia.achuko@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR THE CORVIAS CAMPUS LIVING – HU LLC

Notice is hereby given that the Corvias Campus Living – HU LLC has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at Howard University, 2251 Sherman Ave NW Washington DC 20001:

Emission Units			
Emission Unit ID	**Stack ID**	**Emission Unit Identification**	**Description**
EG-1	SEG-1	Cummins Model No. NT855-G3 generator set located at Howard Plaza Towers East	250 kWe generator set powered by a 390 hp diesel engine, installation date: 1987 (non-NSPS)
EG-2	SEG-2	Cummins Model No. NT855-G3 generator set located at Howard Plaza Towers West	250 kWe generator set powered by a 390 hp diesel engine, installation date: 1987 (non-NSPS)
EG-3	SEG-3	Cummins Model No. 6CTA8.3-G generator set located at George Cook Hall	175 kWe generator set powered by a 277 hp diesel engine, installation date: 1991 (non-NSPS)
EG-4	SEG-4	Kubota Model No. V2203-M-BG-ET02 generator set located at Charles Drew Hall	20 kWe generator set powered by a 36 hp diesel engine, installation date: 2019 (NSPS)

Miscellaneous Activities:

1. Six small storage tanks for storage of ultra-low sulfur diesel fuel with capacities ranging from 50-275 gallons;

2. Four Trane Chillers (less than 600 lbs) and one AC unit, using R-134a, R-11, or R-410A refrigerant;

3. Six natural gas-fired dryers located in Cook Hall and eight natural gas-fired dryers located in Drew Hall with heat input ratings less than 5 MMBTU/hr;

4. Two cooling towers; and

5. Fifteen natural gas-fired external combustion units with heat input ratings less than 5 MMBTU/hr.

The contact person for the facility is Ms. Kimberly Collins at (410) 409-0255 or kimberly.collins@corvias.com.

Emissions Summary:
The following is an estimate of overall potential emissions from the equipment to be covered by this permit:

CORVIAS CAMPUS LIVING – HU LLC EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	**Potential Emissions**
Oxides of Sulfur (SO_x)	0.07
Oxides of Nitrogen (NO_x)	14.09
Particulate Matter (PM/PM10)	2.61
Volatile Organic Compounds (VOCs)	1.30
Carbon Monoxide (CO)	11.49
Total Hazardous Air Pollutants (HAPs)	0.23

The equipment covered by this permit is being aggregated with that of the greater Howard University facility for Title V permit applicability purposes, due in part to Howard University's partial control of the Corvias Campus Living – HU LLC operations at the facility. This equipment, along with equipment controlled directly by Howard University, has the potential to emit greater than 25 tons per year of oxides of nitrogen (NO_x). The value for this criteria pollutant exceeds the major source threshold in the District of Columbia of 25 TPY of NO_x. Because potential emissions of NO_x exceeds the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 055 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at http://doee.dc.gov/service/public-notices-hearings.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after April 27, 2020 will be accepted.

For more information, please contact Thomas Olmstead at (202) 535- 2273 or thomas.olmstead@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLICATION FOR PUBLIC COMMENT

Draft Wetland Conservation Plan Update and Wetland Registry Geodatabase

Notice is hereby given that the Department of Energy and Environment (the Department) is soliciting comments from the public on the Draft Wetland Conservation Plan Update and Wetland Registry Geodatabase.

The Draft Wetland Conservation Plan Update is available for public review. A person may obtain a copy of the Draft Wetland Conservation Plan Update by any of the following means:

Download from the Department's website, at www.doee.dc.gov, under the "Public Notices & Hearings" tab; or

Email a request to wetlandconservationplan@dc.gov with "Draft Wetland Conservation Plan Update" in the subject line.

The Draft Wetland Registry Geodatabase is available for public review. A person may access the Draft Wetland Registry Geodatabase by:

Visiting:
https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=ade73e8be94d4df9b0a1d0f70db13df8

The Department is committed to considering the public's comments when finalizing the Wetland Conservation Plan Update and Wetland Registry Geodatabase. Interested persons may submit written comments on the draft plan update and registry, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. **All comments must be submitted within thirty (30) days from the date of this notice's publication in the *D.C. Register*.**

Comments should be clearly marked "Draft Wetland Conservation Plan Update" and either:

1) E-mailed to wetlandconservationplan@dc.gov, or

2) Mailed or hand-delivered to the Department of Energy and Environment, Jennifer Dietzen,1200 First Street NE, 5th Floor, Washington, DC 20002.

The deadline for public comments is thirty (30) days from the date of this notice's publication in the *D.C. Register*. Input should be submitted via e-mail (preferred) or mail to the address above.

The Department will consider all timely received comments before finalizing the Wetland Conservation Plan Update and Wetland Registry Geodatabase. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will

provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the e-mail address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

DEPARTMENT OF FOR-HIRE VEHICLES

CANCELLATION OF FOR-HIRE VEHICLE ADVISORY COUNCIL MARCH 17 MEETING

The For-Hire Vehicle Advisory Council has **cancelled its March 17, 2020** meeting due to public health concerns regarding COVID-19.

The DFHV website has been updated to indicate that the meeting has been cancelled.

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL

NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS

In house support for Accounting & Financial Services

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following services:

> **In-house Support for Accounting & Financial Services:** To provide in-house support for Accounting & Financial Services to Howard University Public Charter Middle School for a contract period of for a contract period of two (2) years, with the ability to renew for Three (3) more consecutive years.

Interested parties should contact Ms. Leslie Boler (202) 806-7725, or via email at info@hu-ms2.org beginning Friday, March 27, 2020 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Monday, April 20, 2020 by 2:00 pm**. **All bids not addressing all areas as outlined in the RFP will not be considered.**

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL

NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS

Managed Information Technology (IT) Services

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be accepting bids for the following services:

Managed Information Technology (IT) Services: To provide in-house support for Managed Information Technology Services to Howard University Public Charter Middle School for a contract period of two (2) years, with the ability to renew for Three (3) more consecutive years.

Interested parties should email at info@hu-ms2.org beginning Friday, March 27, 2020 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Monday, April 20, 2020 by 4:30 pm**. **All bids not addressing all areas as outlined in the RFP will not be considered.**

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL

NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS

Managed Internet Services

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following services:

Managed Internet Services: To provide Internet Services to Howard University Public Charter Middle School. **The services requested in these documents are part of the E-Rate filings for Funding Year 2020 for Howard University Middle School. The specific filing is 470 application #200014198.**

Interested parties should email at info@hu-ms2.org beginning Friday, March 27, 2020 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Monday, April 20, 2020 by 2:00 pm**. **All bids not addressing all areas as outlined in the RFP will not be considered.**

THE NOT-FOR-PROFIT HOSPITAL

CORPORATION BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING

LARUBY Z. MAY, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 12:00PM on Wednesday, March 25, 2020. The meeting will be held at the United Medical Center, 1310 Southern Ave., SE, Washington, DC 20032, in the Ground Floor Conference Rooms. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not- For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

III. APPROVAL OF AGENDA

IV. READING AND APPROVAL OF MINUTES

February 26, 2020

V. CONSENT AGENDA

A. Dr. Raymond Tu, Chief Medical Officer
B. Dr. Marilyn McPherson-Corder, Medical Chief of Staff
C. Dr. Jacqueline Payne-Borden, Chief Nursing Officer

VI. EXECUTIVE MANAGEMENT REPORT

A. Colene Daniel, Chief Executive Officer

VII. CORPORATE SECRETARY REPORT

A. Toya Carmichael, VP Public Relations/Corporate Secretary

VIII. NFPHC COMMITTEE REPORTS

Performance Improvement Committee
Finance Committee
Audit Committee

IX. PUBLIC COMMENT

X. OTHER BUSINESS

A. Old Business
B. New Business

XI. ANNOUNCEMENTS

XII. ADJOURN

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2-575(b)(1)(2)(4A)(5),(9), (10),(11),(14).

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FUNDING AVAILABILITY

(NOFA) FY2021 Show Up, Stand Out

(SUSO) Program:
Consolidated Community-Based Truancy Reduction Grant Initiative (CBTR)

Request for Applications (RFA) Release Date: April 13, 2020

The District of Columbia Office of Victim Services and Justice Grants (OVSJG) announces the availability of funds for strategies designed to address truancy in the District through the *Show Up, Stand Out* program. Data-driven and evidence-based practices should be implemented to enhance attendance and access to community-based services for families of grades K-8 youth who are truant prior to interventions by the Child and Family Services Agency, Office of the Attorney General, and/or Court Social Services.

Eligibility: Only qualified non-governmental organizations with prior experience working with DC's child welfare, youth services, family services, mental health, substance abuse, and/or educational agency professionals are eligible and invited to submit applications specific to the Request for Applications (RFA). Government agencies are ineligible under this RFA. Special consideration will be given to applicants experienced in working with the *Show Up, Stand Out* program.

This RFA is released exclusively to target elementary and middle school students with frequent unexcused absences and their families attending DC public and public charter schools. Show Up, Stand Out program partners community-based organizations with schools across the District to execute the program's mission to increase attendance and stabilize students and their families. This initiative's preference is for organizations to have the capacity to house two intervention models based on education level to effectively address truancy. Elementary school programs are based on a family engagement model that will target K-5th grade students while the middle school program is based on a youth/family engagement model that will target 6th-8th grade students. Number of awards and amounts are dependent upon availability of local funds, and the quality of proposals designed to address truancy with adequate staff support and case management/wraparound practices for families and student engagement activities during school year 2018 - 2019. Eligible organizations must have capacity to serve targeted youth and families by commencement of the school year. ***Please note that this is a consolidated RFA which allows agencies to apply for both the Family Engagement and Youth Engagement components to be implemented by a one-lead applicant as a community-based organization. Applicants are not required to apply to serve both elementary and middle schools.***

The RFA will be available on Friday, April 13, 2020. To access the RFA, visit the OVSJG website at www.ovsjg.dc.gov. Next, navigate to Grants and Funding in the menu then Current Funding Opportunities. You may also visit www.dcregs.dc.gov. **All submissions are due by May 18, 2020 at 3pm ET via ZoomGrants™**.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18830-A of Bright Beginnings Inc., pursuant to 11 DCMR Subtitle Y § 704, for a modification of consequence to BZA Order No. 18830, to permit an increase the number of children to 115 and the number of staff to 43 at an existing child development center in the RF-1 Zone at premises 3418 4th Street S.E. (Square 5969, Lot 249).

HEARING DATES (18830):	October 7, 2014
DECISION DATES (18830):	October 7, 2014
ORDER ISSUANCE DATE (18830:	October 16, 2014
MODIFICATION OF CONSEQUENCE DECISION DATE (18830-A):	February 5, 2020

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

Original Application. In Application No. 18830, the Board of Zoning Adjustment ("Board" or "BZA") approved the request by Bright Beginnings Inc. (the "Applicant") under the Zoning Regulations of 1958 for special exceptions from the use and retaining wall requirements, as well as a variance from the requirements pertaining to location of parking spaces, in order to establish a child development center use for 100 children and with 38 teachers and staff in the R-4 District. The Board issued Order No. 18830 on October 16, 2014. (Exhibit 4A.)

Proposed Modification. On December 3, 2019, the Applicant submitted a request for modification of consequence to Order No. 18830. (Exhibits 1-5.) Specifically, the Applicant proposes to increase the number of children from 100 to 115 and the number of staff from 38 to 43.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the "Zoning Regulations" to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 4.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 8, 2020, at which a quorum was present, the ANC voted to support the request. (Exhibit 9.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 7.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence, with the condition that the Applicant provide three short-term bicycle parking racks, for a total of six bicycle spaces, on the property. (Exhibit 6.)

Request for Modification of Consequence

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to increase the number of children to 115 and the number of staff to 43 at an existing child development center in the RF-1 Zone.

The Board determines that the Applicant's request complies with Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

"Great Weight" to the Recommendations of OP

The Board is required to give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP's recommendation that the Board approve the application persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANC

The Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC pursuant to § 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.) and Subtitle Y § 406.2) The Board finds the ANC's recommendation that the Board approve the application persuasive and concurs in that judgment.

Pursuant to 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 for modification of consequence of BZA Order No. 18830 is hereby **GRANTED**, subject to the approved plans in the record of Application No. 18830 at Exhibit 5 – Plans, Exhibit 30 – Revised Plans, and Exhibit 40 – Architectural Site Plan with 13 Parking Spaces, and the following condition:

1. The Applicant shall provide three short-term bicycle parking racks, including a total of six bicycle spaces, on the property adjacent to the main building entrance.

In all other respects, Order No. 18830 remains unchanged.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; no other Board members 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: February 6, 2020

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. 19960(1) of MCF Montana LLC and MCFI LP, 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 108-unit apartment house in the MU-4/RA-1 zones at the premises at 1400 Montana Avenue, N.E. (Square 4023, Lot 1).

HEARING DATES: April 3, 2019 and May 1, 2019
DECISION DATE: May 22, 2019

CORRECTED[1] DECISION AND ORDER

MCF Montana LLC and MCFI LP (the "**Applicant**") filed a self-certified application requesting that the Board of Zoning Adjustment (the "**Board**") to consider the following relief from Title 11 of the D.C. Municipal Regulations (Zoning Regulations of 2016, the "**Zoning Regulations**", to which all references are made unless otherwise specified):

- a special exception under Subtitle A § 207.2 to extend a zone boundary line;
- a special exception under the new residential development requirements of Subtitle U § 421.1; and
- a special exception under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2 (the "**Application**"),

to permit the construction of a new 108-unit apartment house at premises 1400 Montana Avenue, N.E. (Square 4023, Lot 0001) (the "**Property**"), located in both the MU-4 and RA-1 zones. The Board conducted the public hearing and considered the Application in accordance with the provisions of Subtitle Y. For the reasons explained below, at its May 22, 2019 public meeting, the Board voted to **APPROVE** the Application.

FINDINGS OF FACT

Notice

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning ("**OZ**") sent notice of the Application and the April 3, 2019 hearing by a February 13, 2019 letter to
   - the Applicant;
   - Advisory Neighborhood Commissions ("**ANC**") 5B and 5C, the "affected ANCs" per Subtitle Y §§ 101.8 and 403.5;
   - the single-member district ANC 5C06;

[1] This corrected order was issued to revise an error in the lot area calculation in Finding of Fact 22. No other changes were made to this order.

- the Office of ANCs;
- the Office of Planning ("**OP**")
- the District Department of Transportation ("**DDOT**");
- the Deputy Mayor for Education ("**DME**");
- the Department of Parks and Recreation ("**DCPR**");
- the Councilmember for Ward 5, the Chairman of the Council, and the At-Large Councilmembers; and
- the owners of all property within 200 feet of the Property. (Ex. 18-33.)

OZ published a notice of the April 3, 2019 public hearing in the *D.C. Register* on February 8, 2019 (66 DCR 1819) as well as on the calendar on OZ's website.

2. In response to questions from Zoning Commission Vice Chair Robert Miller at the May 1, 2019 public hearing, OZ made additional referrals on May 3, 2019 to
   - the District's Fire Marshal and Emergency Medical Service Department ("**FEMS**");
   - the DC Water and Sewer Authority; and
   - the District of Columbia Metropolitan Police Department ("**MPD**"). (Ex. 84-86.)

Parties

3. The Applicant, ANC 5B, and ANC 5C were automatically parties in this proceeding per Subtitle Y § 403.5.

4. A request for party status in opposition was filed by Bootz on the Ground Community Coalition ("**BGCC**"), through counsel on March 20, 2019. (Exhibit ["**Ex.**"] 42.)

5. BGCC's party status request listed BGCC's members as three individuals: Dorothy Davis, Minnie Elliot, and Yvonne Johnson. In support of its argument for party status, BGCC asserted that its three members had been residents of long-term rentals in the vicinity of the Property for at least 15 years. BGCC further claimed that one of its members lived "only one-half block away and arguably within 200 ft. of the site." (Ex. 42.)

6. BGCC's party status request stated that it would testify as to the "adverse impacts of allowing significant upzoning, gaps in screening for parking, bulk expansion, and multi-family use with only IZ and limited, if any, family housing" and that such impacts would include "traffic intensification, parking concerns, increased pollution from emissions, inconsistency with the comprehensive plan, and displacement pressures." (Ex. 42.)

7. BGCC's party status request alleged that the "changes to the existing zoning maps" would "undermine [Subtitle A § 101.1] because the proposed changes [would] not be in harmony with the general purposes and intents of the zoning regulations and maps pursuant to D.C. [Official] Code § 6-641.01." (Ex. 42.)

8. BGCC's party status request stated that its members were residents of Brookland Manor, and alleged that "the lack of family housing" in the Project would be "particularly

injurious to BGCC membership" because "this Application is being proposed by the same developer – Mid-City – and the proposed building is to be built in synergy" with the re-development of Brookland Manor. (Ex. 42.)

9. The Applicant responded in opposition to BGCC's party status request, arguing that the BGCC had not met its burden under Subtitle Y § 404 because the Applicant asserted that BGCC had not proved that any of its members' interests "would likely be more significantly, distinctly, or uniquely impacted than the general public". The Applicant provided documentation that none of BGCC's named members lived within 200 feet of the Property. (Ex. 44, 61.)

10. The Applicant also raised procedural objections that BGCC's party status request:
- had failed to adequately designate witnesses (Y § 404.1(h));
- had failed to serve the Applicant or submit a certificate of service (Y § 404.6 and 404.7); and
- incorrectly sought to combine the issues raised in the Brookland Manor planned unit development case (Z.C. Case No. 14-18A) with the Board's review of the Application. (Ex. 44.)

11. The Board considered the party status request of BGCC at its April 3, 2019 public hearing.

12. BGCC's counsel argued for party status because two of its members lived within half of a block of the Project and that they would be uniquely impacted because the Project would:
- Change the "character of the neighborhood."
- Create issues with traffic and parking, especially traffic flow and pedestrian traffic by the Property because of the nearby school; and
- Result in changes to the viewsheds.

(Transcript of the April 3, 2019 Hearing ["**April 3 Tr.**"] at 112, 113.)

13. BGCC did not provide additional BGCC members to testify or satisfy BGCC's burden of proof and BGCC provided no supplemental documentation at the April 3, 2019 hearing. (April 3 Tr. at 110-131.)

14. The Applicant responded by asserting that BGCC had not met its burden of proving that any of its members were uniquely affected by the proposed zoning action because the Board has frequently used a 200-foot radius as a threshold for determining "unique" impacts and the closest member of BGCC lived 457 feet from the Property. (April 3 Tr. at 116; Ex. 44.) The Applicant noted that the Zoning Regulations require requests for party status to include "the distance between the person's property and the property that is the subject of the application before the Board." (Subtitle Y § 404.1(i)(3).)

15. In rebuttal, BGCC conceded that the Property was "more than 200 feet away" from the homes of BGCC's members but asserted that the 200-foot distance was not a prerequisite

for party status. BGCC argued that, despite not meeting the 200-foot distance, BGCC nonetheless satisfied the party status standard because its members would be uniquely impacted because its members often "cut across" the Property as part of their normal commute. (April 3 Tr. at 121-22.)

16. Subtitle Y § 404 establishes the standard for evaluating party status requests:

Y § 404.12 *The Board shall determine who will be recognized as a party. In so determining, the Board shall consider whether the provisions of Subtitle Y § 404.1 have been complied with and whether the specific information presented qualifies the person as a party.*

Y § 404.13 *The Board shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests[2] would be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of the general public.*

17. At its April 3, 2019 public hearing, the Board concluded that BGCC had not met its burden under Subtitle Y §§ 404.12 and 404.13 to demonstrate how any of its members were "uniquely affected" by the proposed zoning relief because BGCC's concerns were of a broader, neighborhood-wide character that were not significantly distinct from those of the general public, nor were BGCC's members uniquely affected by the Application in comparison to the general public. The Board noted that the ANC had also raised several of the same neighborhood-wide concerns, including traffic impacts and landscaping, in its report. Moreover, the Board noted that BGCC's individual members would be able to testify as individuals at the public hearing. (April 3 Tr. at 127, 131.)

18. The Board credited the evidence provided by the Applicant, confirmed by BGCC, that none of BGCC's members lived within 200 feet of the Property. While the Board acknowledged that proximity was not the sole factor in determining whether impacts where unique, it noted that proximity serves as a baseline measure for the Board to begin its evaluation of a party status request. (April 3 Tr. at 116; Ex. 61.)

19. Moving beyond the issue of proximity to the site, the Board found that BGCC's claims were of a general nature relating to the overall "character of the neighborhood". The Board was not persuaded by BGCC's claim that its members would be uniquely impacted because its members walk through or past the site during their normal commute because the Board noted that the Property is privately owned and as such, members of the general public cannot claim a right to use it as an alternative pedestrian route. (April 3 Tr. at 121-122.)

[2] Subtitle Y §404.1(i)(4) defines "interests" as "the environmental, economic, social, or other impacts likely to affect the person and/or the person's property".

20. The Board therefore concluded that BGCC had failed to demonstrate that its members were "uniquely" affected and voted to deny the party status request by a vote of 5-0-0. Since BGCC failed to meet this threshold requirement, the Board did not address the other issues raised by the Applicant in its response. (April 3 Tr. at 124-131.)

The Property

21. The Property is triangularly shaped and is bounded by Evarts Street, N.E. to the north; Montana Avenue, N.E. to the southwest; and Saratoga Avenue, N.E. to the southeast. (Ex. 7.)

22. The Property contains 38,926 square feet of land area. (Ex. 16.)

23. As shown as early as 1943 on the Baist's Real Estate Atlas of Surveys of Washington, D.C., the Property (shown therein as Parcel No. P143/35) was in single ownership prior to May 12, 1958. (Ex. 89.)

24. The Property is currently improved with a one-story building and surface parking lot. (Ex. 7.)

25. The Property is currently surrounded by low to moderate density residential buildings and locally serving retail uses. (Ex. 43.)

26. The Rhode Island Avenue Metro Station is located one-half mile from the property and there are nine Metrobus lines near the property. (Ex. 7.)

27. Walkscore.com indicates that the property is considered "Very Walkable", "Bikeable" and with "Good Transit". (Ex. 7.)

28. The property is split between the MU-4 zone (23,717 sq. ft.) on the western side of the property and the RA-1 zone on the eastern side of the property along Saratoga Avenue N.E. (15,156 sq. ft.). (Ex. 7, 89A1.)

29. Both the MU-4 and the RA-1 zones permit apartment development. The MU-4 zone permits apartments as a matter of right and the RA-1 zone permits them by special exception. (Subtitle U §§ 421.1, 501.)

30. The purpose and intent of the MU-4 zone is to permit moderate density mixed-use development, including housing, with access to main roadways or rapid transit stops. (Subtitle G § 400.3.)

31. The purpose and intent of the RA-1 zone is to provide for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. (Subtitle F § 300.2.)

The Application

32. The Application proposed to construct a 108-unit apartment house consisting of four stories and a penthouse on the MU-4 zone portion of the Property, and three stories on the RA-1 zone portion of the Property (the "**Building**"). The Application also proposed to construct a surface parking lot (collectively, the "**Project**"). (Ex. 7, 82A1-82A2.)

33. The Building will be subject to the Inclusionary Zoning ("**IZ**") program, which the Applicant estimates would require 11 units at 60% Area Median Income ("**AMI**"). (Ex. 93; Transcript of May 1, 2019 Hearing ["**May 1 Tr.**"] at 13.)

34. The Application asserts that the Project will meet the development standards of by the MU-4 and the RA-1 zones if relief is granted from Subtitle A § 207.2 and Subtitle C § 714.3. (Ex. 43, 89A1.)[3]

35. The Application proposed the equivalent of 34 parking spaces, composed of 32 standard surface parking spaces, and one car-share space,[4] which would be accessed by a 24-foot wide driveway off Saratoga Street, N.E. (Ex. 7, 82A1-82A2.)

36. The Applicant submitted updated plans on April 30, 2019, to provide one additional parking space, and updated façade and landscape plans. (Ex. 82A1 and A2.)

37. The Applicant stated that it had presented the Application to the surrounding community and the full ANC at the public meeting on May 15, 2019.

Zoning Relief Requested

38. The Application requested a special exception under the zone boundary line provision of Subtitle A § 207.2 to permit a 35-foot adjustment of the zone boundary line to permit the bulk regulations of the MU-4 zone to extend to a portion of the Property zoned RA-1.

39. The Application also requested special exception relief pursuant to the new residential requirements of Subtitle U § 421.1 to permit a new residential development in the RA-1 zone.

40. Finally, the Application requested a special exception under Subtitle C § 714.3 from Subtitle C § 714.2(b)'s maximum 20-foot gap in driveway screening to allow a 24-foot-wide driveway.

OP Report

41. OP submitted a report dated March 22, 2019 (the "**OP Report**," Ex. 43) that analyzed the Application's satisfaction of the requirements for the requested special exceptions. The

[3] The plans at Ex. 89A1 provide the correct standards, but incorrectly reference Subtitle E for the development standards for the RA-1 Zone which are found in Subtitle F.

[4] Per Subtitle C § 708.2, one car share space may count as up to three required parking spaces.

OP Report concluded that the Application satisfied the special exception standards and therefore recommended approval of the Application.

42. The OP Report noted that the Applicant would need to coordinate with DDOT and the Public Space Committee for the improvements in the public right of way.

DDOT Report

43. DDOT submitted a report dated March 22, 2019 (the "**DDOT Report**", Ex. 46).

44. The DDOT Report concluded that that the Project would not have an adverse impact on the District's transportation network, although it would lead to a minor increase in vehicular, transit, pedestrian, and bicycle trips and might also lead to minor impacts to on-street parking availability.

45. The DDOT Report had no objection to the Application, provided that the following conditions were adopted by the Board:

a. The Applicant be required to modify the building entrance to comply with public space regulations (provided no additional BZA relief required);

b. The Applicant implement the Transportation Demand Management ("**TDM**") Plan as proposed by the Applicant's transportation memo (Ex. 34); and

c. The Applicant install the proposed new crosswalk across Evarts Street, N.E. where it connects to Saratoga Avenue, N.E.[5]

46. After the submission of the DDOT Report, MPD submitted an email dated May 14, 2019 which noted that its only concern was that the Project would result in increased vehicular and pedestrian traffic. (Ex. 90.)

47. DDOT responded to MPD's comments noting that it concurred with the Applicant's traffic study and had concluded that the impacts to the District transportation network would be relatively low and that it continued to recommend approval of the Application. (Ex. 91.)

Persons in Support

48. The Board received a letter in support of the Application from Historic Berean Baptist Church, the current occupant of the site. (Ex. 17.)

49. The Board also received 21 letters in support from neighbors. (Ex. 49-58, 69-79)

50. Two persons testified in support at the May 1, 2019 public hearing.

[5] The Board concluded that this condition was beyond the Board's authority to impose. The Applicant has stated on the record that it will work with DDOT to implement the crosswalk. (Ex. 93.)

Persons in Opposition

51. The Board received no letters from persons in opposition to the Application.

52. One person testified in opposition at the May 1, 2019 public hearing.

Public Hearing of May 1, 2019

53. At the public hearing, the Applicant presented testimony from its architect, landscape architect, transportation consultant, and planning expert. (May 1 Tr. at 11-32.)

54. In response to the Applicant's testimony, multiple Board members raised concerns regarding the Project's relationship to and impact on the surrounding neighborhood. (May 1 Tr. at 46-48, 53-59.) The Board noted that it needed to consider the Project's impacts on a wider area than just the immediately adjacent properties. (May 1 Tr. at 60-61.)

55. Commissioner Kirsten Williams of ANC 5C06 (the "**5C06 Commissioner**") raised concerns about the impacts of construction traffic and noise on the surrounding neighborhood but agreed that other construction projects are proposed for the surrounding area. (May 1 Tr. at 65-73.) Although the 5C06 Commissioner stated that she represented ANC 5C in her testimony, as noted by the Applicant, she did not provide any written statement authorizing her to represent ANC 5C. (May 1 Tr. at 83-86.)

56. In response to the Applicant's objection to the 5C06 Commissioner's testimony, the Board requested that ANC 5C submit a written authorization for the 5C06 Commissioner. The Board reminded the 5C06 Commissioner that the Board can only give "great weight" to a written report by the ANC, which can include ratifying the prior testimony of the ANC's authorized representative. (May 1 Tr. at 85.)

57. OP testified in support of the Application. In addressing the requested relief, OP noted:

    a. The location of the zone line allowed the project to "step down" in density as it moved towards to single family residential development to the east. (May 1 Tr. at 87-88.)

    b. By providing a single, wider driveway entrance, the Applicant was eliminating the need for a second 20-foot entrance which would ultimately help minimize both the visual and traffic impacts of the driveway. (*Id*. at 88.)

    c. The Application was also in conformance with the requirements for new residential developments in the RA-1 and was not expected to have an adverse impact on District services or programs. (*Id.* at 88.)

    d. That both zones permitted apartment houses and that the building would comply

with the zoning requirements for the respective zones. (*Id.* at 89.)

58. In response to questions from the 5C06 Commissioner, OP testified that it did not believe that the Project would have any adverse impacts in terms of light and air available to the adjacent properties because of the separation between the Property and the nearby residential neighborhoods. (May 1 Tr. at 98-99.)

59. Two neighbors, D'Andre Phillips and Ross Ridenour, testified in support of the Project, noting that the Project would bring additional housing and will "help bring life to that location." Both neighbors also testified that the Applicant's parking and traffic plans would accommodate the Project and Mr. Phillips noted that it would be "great to have a completed sidewalk." (May 1 Tr. at 101-07.)

60. Ms. Dorothy Davis testified in opposition. (Ex. 83; May 1 Tr. at 108-112). At the hearing, Ms. Davis expressed her concerns regarding the height of the Project in relationship to the nearby single-family homes and the potential traffic issues at the intersection of Saratoga Avenue and Montana Avenue.) Ms. Davis also noted that "a lot of senior and disabled people" walk past the Property to reach the Rite Aid and 7-Eleven on Rhode Island Avenue and that crossing the street was difficult. (May 1 Tr. at 109-111.)

61. At the conclusion of the hearing the Board requested that the Applicant submit:

a. Updated plans showing additional elevations and perspective renderings of the Project from each street illustrating the Project's relationship to the surrounding current and future neighborhood;

b. A construction management plan, and a construction traffic management plan; and

c. Additional information regarding the changes in pervious surface between the existing conditions and the proposed Project. (Ex. 88; May 1 Tr. at 127-134.)

Post-Hearing Submissions

62. On May 10, 2019, in response to the Board's requests, the Applicant submitted the following to the record:

a. Updated plans showing elevations and perspective renderings of the Project illustrating the compatibility of its materials, design, and massing with the current and future neighborhood, including contextual illustrations of the Project with and without the zone boundary line extension. (Ex. 89A1-A2.)

b. Shadow studies showing the Project in context with the surrounding neighborhood and illustrating that there would be no impact from the Project on the light and air of the current and future neighborhood, especially the single-family dwellings on Saratoga Avenue. (Ex. 89A1 and A2.)

c. Draft construction management agreement and construction traffic management agreements. (Ex. 89B and 89C.)

d. An updated landscaping plan and additional information regarding the changes in the pervious surface between the existing conditions and the proposed Project. (Ex. 89A, 89E.)

ANC Report

63. ANC 5B did not file a response to the Application or participate in the case.

64. After the May 1, 2019, public hearing, ANC 5C submitted a written report (the "**ANC 5C Report**," Ex. 92), stating that at a duly noticed and scheduled public meeting on May 15, 2019, at which a quorum was present, the ANC voted to adopt the hearing testimony of the ANC Commissioner for 5C06 and to support the Application.

65. The ANC 5C Report raised several issues and concerns including:

a. The amenities that would accrue to the community;

b. Project staging and mediation;

c. Distribution of IZ units;

d. Traffic management;

e. Sidewalks and landscaping;

f. ADA street crossing improvements; and

g. Ongoing communications with the ANC and the public.

66. The ANC 5C Report also recommended that the Applicant reduce the total number of units and make the appearance of the proposed building congruent with the nearby buildings and residences.

67. The Applicant responded to the ANC 5C Report's concerns and suggestions in a May 20, 2019 letter (Ex. 93) that addressed the ANC 5C Report's concerns as follows:

a. Neighboring development projects will be staggered in the stages of development and construction along Montana Avenue, N.E., and the Applicant will work with ANC 5C to mediate concerns.

b. The Project will have 11 IZ units, distributed proportionally throughout the Project.

c. A traffic management plan will be implemented during construction, a draft of which is at Ex. 89C.

d. The sidewalks and landscaping of the Project will be improved as indicated in the Applicant's post-hearing filings at Ex. 89A-E.

e. As noted in the traffic report at Ex. 34 and 89D, the sidewalks and street crossings at the perimeter of the Project will become ADA compliant.

f. As described in the Applicant's draft Construction Management Plan and draft Construction Traffic Management Plan at Ex. 89B-C, notifications will be made to the ANC and neighborhood regarding any impacts on the community from construction of the Project, including any sidewalk and/or street closures.

68. The Applicant also noted in its statement that reducing the number of units would not be financially viable.

CONCLUSIONS OF LAW

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception

   a. will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,

   b. will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and

   c. complies with the special conditions specified in the Zoning Regulations.

2. For the relief requested by the Application, the "specific conditions" are those of Subtitle A § 207.2, Subtitle U § 421, and Subtitle C § 714.3.

3. Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C.

1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Subtitle A § 207.2 - Relief from the Zone Boundary Line Requirements of Subtitle A § 207

4. If approved by the Board as a special exception, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);

The Board concludes that the Application meets this criterion because the Applicant is only requesting to extend the boundary of the MU-4 zone 35 feet into the portion of the Property zoned RA-1. (Finding of Fact ["**FF**"] 37.)

In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);

The Board concludes that this subsection is not applicable as the boundary line extension will not be into either a lower density R or RF zone. (Ex. 43.)

The extension shall have no adverse effect upon the present character and future development of the neighborhood;

The Board concludes that the proposed boundary extension would not result in any adverse effects on the present character or future development of the neighborhood because the portion of the property fronting on Saratoga Avenue, which is closest to the low density residential development, would continue to be zoned and controlled by the RA-1 designation and would effectively create a buffer between these lower intensity uses and the Project's greater bulk and density on the other side of the property. (Transcript of May 22, 2019 Public Meeting ["**May 22 Tr.**"] at 7.) The Board also notes that apartment buildings are permitted as a matter of right in the MU-4 zone and as a special exception in the RA-1 and that the Application was not seeking relief from any of the development standards for either zone. (May 22 Tr. at 8.)

The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

The Board concluded that no additional requirements were necessary.

Subtitle U § 421 – Special Exception for New Residential Development

5. Subtitle U § 421.1 requires that all new residential developments in the RA-1 zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board as a special exception in accordance with the standards and requirements of the following sections.

U-421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

The Office of Zoning referred the Application to the Deputy Mayor for Education by a letter dated February 13, 2019. (Ex. 24.) No comments were received.

b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

OZ referred the Application to DPR (Ex. 25) as well as DDOT (Ex. 23).

DPR did not submit any comments. DDOT submitted a report recommending "No Objection" and recommending three conditions be imposed on the Project. (FF 42-44.) DDOT also responded to concerns raised by MPD about the increased pedestrian and vehicular traffic surrounding the Property.

The Board concurred with DDOT's findings and proposed conditions, except for the third condition regarding the implementation of a new crosswalk across Evarts Street, N.E. where it connects to Saratoga Avenue, N.E. The Board determined that this condition was beyond the scope of the Board's authority to impose and would need to be addressed separately by the Applicant and DDOT. (May 22 Tr. at 9 and 11.)

U-421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The Application was referred to OP, which submitted a report in support of the Application. (Ex. 43.) The OP Report concluded that the design and layout of the site was generally acceptable. The OP noted that while it did not favor the use of surface parking lots, they were permitted, and noted that the Applicant should ensure that the all parking lot landscaping requirements of Subtitle C § 715 are met or exceeded. (Ex. 43.)

U-421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant submitted all of the required plans and elevations. (Ex. 89A1 and 89A2.)

Subtitle C § 714.3 - Relief from the Surface Parking Screening Requirements of Subtitle C § 714.2

6. Per Subtitle C § 714.3, when evaluating a request for a special exception from the screening requirements of Subtitle C § 714.2, the Board of Zoning Adjustment may consider:

   a. *Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;*
   b. *Existing vegetation, buildings or protective and screening walls located on adjacent property;*
   c. *Existing topographic conditions;*
   d. *Traffic conditions; and*
   e. *In granting a modification or waiver, the Board of Zoning Adjustment may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.*

The Board concurred with the conclusions of the OP and DDOT Reports that the Applicant's proposed 24-foot wide break in the parking lot screening would allow the Applicant to consolidate all vehicular ingress and egress to the site. The Board credited the Applicant's argument, and the conclusions of DDOT, that a singular, widened vehicular access point, instead of two points at 20-feet each for a total of 40-feet, would have less of an impact on the pedestrian environment and would cause fewer conflicts with vehicles using the surrounding streets. In addition, because the Project occupies the entire lot and there are no adjacent properties, the Board did not feel the need to impose any special treatment of the premises.

General Special Exception Relief – Subtitle X § 901

7. The Board concludes that the Application, in addition to meeting the specific conditions of the special exceptions from the zone boundary, RA-1 new residential development, and surface parking screening requirements, also meets the general special exception standards in Subtitle X § 901.2 to be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and to not adversely affect the surrounding properties.

8. The Board concludes that granting the requested special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the portion of the Project in the MU-4 zone meets the intent of the zone to permit

moderate density development, including residential, that meets the other development standards of the MU-4 zone. The portion of the Project located in the RA-1 also meets the intent and standards of the RA-1 zone. The Board also notes that the configuration of Building, with the greater bulk positioned towards the eastern side of the Property, allows it to be compatible with the higher intensity uses along Rhode Island Avenue, N.E. while still providing a lower density transition to the residential neighborhoods east of Saratoga Avenue, N.E.

9. The Board concludes that granting the requested special exceptions would not tend to adversely affect the use of neighboring properties. The Board credits the findings of DDOT that the Project would not result in unacceptable traffic or parking impacts on the surrounding neighborhood.

10. The Board therefore concludes that the Applicant met its burden of proof to demonstrate that the Application met the general conditions, as well as the specific conditions, for the requested special exceptions from Subtitle A § 207.2, Subtitle U § 421.1, and Subtitle C § 714.3.

"Great Weight" to the Recommendations of OP

11. Pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8, the Board must give "great weight" to the recommendation of OP. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016).

12. The Board concludes that the OP Report, which provided an in-depth analysis of how the Application met each of the requirements for the requested special exception relief, is persuasive and concurs with OP's recommendation that the Application be approved, as discussed above.

"Great Weight" to the Written Report of the ANC

13. Pursuant to § 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.) and Subtitle Z § 406.2, the Board must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting. To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). 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).

14. Since ANC 5B did not submit a written report stating its issues and concerns with the Application, there is nothing to which the Board can give great weight.

15. The Board considered the ANC 5C Report and concluded that only the concerns regarding traffic management, sidewalks, and landscaping were "legally relevant" to the Board's review and could be given "great weight". In finding that the Applicant had satisfied the special exception criteria, the Board concluded that the Applicant had suitably addressed the ANC's concerns regarding sidewalks and landscaping. With regard to the concerns regarding traffic management, the Board concluded that the Applicant's DDOT-approved TDM Plan would address the traffic management concerns stated in the ANC 5C Report. The remainder of the issues and concerns were found to be outside of the scope of the Board's review. The Board notes that the ANC 5C Report supported the Application and the Board concurs in that judgement.

DECISION

Based on the case record, 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 following relief:

- a special exception under Subtitle A § 207.2 to extend a zone boundary line;
- a special exception under the new residential development requirements of Subtitle U § 421.1; and
- a special exception under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2

and therefore, orders this relief be **GRANTED**, subject to the following **CONDITIONS**:

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans[6] at Exhibit 89A1 and 89A2, as required by Subtitle Y §§ 604.9 and 604.10.

2. The Applicant shall modify the building entrance to comply with public space regulations, provided such modification does not require further zoning relief from the Board.

3. The Applicant shall implement the TDM plan proposed by the Applicant's transportation memo (Exhibit 34) as follows:

    a. The Applicant, or subsequent owner of the Property will identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader will

[6] Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Ex. 16.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. 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 that would require additional or different zoning relief from that is granted by this order.

work with residents to distribute and market various transportation alternatives and options;

b. The Applicant, or subsequent owner of the Property, will provide TDM materials to new residents in the Residential Welcome Package materials;

c. The Applicant, or subsequent owner of the Property, will meet Zoning requirements by providing approximately 36 long-term bicycle parking spaces on the ground floor of the building;

d. Five (5) short-term bicycle parking spaces will be provided along Montana Avenue, meeting zoning requirements;

e. The Applicant, or subsequent owner of the Property, will unbundle the cost of residential parking from the cost of lease or purchase of each unit; and

f. The Applicant, or subsequent owner of the Property, will provide a bicycle repair station to be located in the secure long-term bicycle storage room.

VOTE (May 22, 2019): **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Robert E. Miller (by absentee ballot), 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: February 21, 2020

PURSUANT TO 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 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 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 SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20195 of Steven K. Neufeld, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot dimension requirements of Subtitle E § 201.1 and from the rear addition requirements of Subtitle E § 205.4, to construct a three-story rear addition and to convert the tax lot into record lot in the RF-1 Zone at premises 1615 6th Street, N.W. (Square 477, Lot 837).

HEARING DATE: February 5, 2020
DECISION DATE: February 5, 2020

SUMMARY ORDER

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

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

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 7, 2020, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibits 30 and 32.)

OP Report. The Office of Planning ("OP") submitted a report, dated January 24, 2020, recommending approval of the application on the condition that the Applicant submitted a drawing to the record documenting that the existing cornice on the front of the building would not change or request relief from Subtitle E § 206.1(a) to alter this feature. (Exhibit 31.) At the hearing, OP testified that the condition was satisfied and is no longer necessary.

DDOT Report. The District Department of Transportation submitted a report, dated January 17, 2020, indicating that it had no objection to the application. (Exhibit 35.)

Persons in Opposition. The Board received a letter in opposition from the adjacent neighbors, J. Patrick Bosh and Kristin Donnelly, residing at 1613 6th Street, NW, #1. (Exhibits 36 and 36A.) J. Patrick Bosh also testified in opposition at the hearing. Commissioner Michael Brown of ANC 6E02, representing his views and not that of the full ANC, also testified in opposition to the application.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the lot dimension requirements of Subtitle E § 201.1 and from the rear addition requirements of Subtitle E § 205.4, to construct a three-story rear addition and to convert the tax lot into record lot in the RF-1 Zone.

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

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS[1] AT EXHIBIT 6.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; no other Board members 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: February 18, 2020

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

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

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. 20215 of Matt Cutler, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 306.1 and from the nonconforming structure requirements of Subtitle C § 202.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a new rear deck access stair for an existing apartment house in the RF-1 Zone at premises 1249 South Carolina Avenue S.E. (Square 1017N, Lot 3).

HEARING DATE: March 11, 2020
DECISION DATE: March 11, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 3.)[1]

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

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 11, 2020, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 30.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 38.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 31.)

Persons in Support. The Board received three letters in support from neighbors. (Ex. 10-12.)

[1] The Applicant amended the application at the public hearing to add a request for special exception relief from the nonconforming structure requirements of Subtitle C § 202.2, based on the recommendation of the Office of the Attorney General.

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the lot occupancy requirements of Subtitle E § 304.1 to construct a new rear deck access stair for an existing apartment house in the RF-1 Zone.

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

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 306.1 and from the nonconforming structure requirements of Subtitle C § 202.2 to construct a new rear deck access stair for an existing apartment house in the RF-1 Zone.

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

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

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

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Anthony J. Hood to APPROVE; no other Board members 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: March 13, 2020

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. 20220 of Paul and Marilyn Pearlstein, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the minimum side yard requirements of Subtitle D § 507.1, from the accessory building side yard requirements of Subtitle D § 5005.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition on the existing, detached, principal dwelling unit in the R-8 Zone at premises 2928 Ellicott Street, N.W. (Square 2270, Lot 8).

HEARING DATE: March 11, 2020
DECISION DATE: March 11, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 28A (Revised) and Exhibit 12 (Original).) [1]

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

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

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 18, 2020, at which a quorum was present, the ANC voted 4-0-0 to support the application. (Exhibit 33.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 27.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 26.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the minimum side yard requirements of Subtitle D § 507.1, from the accessory

[1] The application was revised to add relief pursuant to Subtitle D § 5201 from the nonconforming structure requirements of Subtitle C § 202.

building side yard requirements of Subtitle D § 5005.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition on the existing, detached, principal dwelling unit in the R-8 Zone.

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

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS[2] AT EXHIBIT 3 – ARCHITECTURAL PLANS & ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Anthony J. Hood to APPROVE; no other Board members 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: March 16, 2020

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

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

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 18-14
Z.C. CASE NO. 18-14
3840 S Capitol, LLC and 3848 S Capitol, LLC
(Consolidated Planned Unit Development and Related Zoning Map Amendment
@ Square 6129, Lots 77 & 819 [3840-3848 S. Capitol Street, S.E.])
April 29, 2019

Pursuant to notice, at its public hearing on March 7, 2019, the Zoning Commission for the District of Columbia (the "Commission") considered an application of 3840 S Capitol, LLC and 3848 S Capitol, LLC (together, the "Applicant") for the review and approval of consolidated planned unit development ("PUD") and a related Zoning Map amendment to change the zoning from the RA-1 zone to the RA-2 zone (the "Application") for Lots 77 and 819 in Square 6129, with an address of 3840-3848 South Capitol Street, S.E. (the "Property"). The Commission considered the Application pursuant to Subtitle X, Chapters 3 and 5, of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the "Zoning Regulations"] to which all subsequent citations refer unless otherwise specified). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Notice

1. On December 11, 2018, the Office of Zoning ("OZ") sent notice of the public hearing to:

   - Advisory Neighborhood Commission ("ANC") 8C and 8D, the "affected" ANCs pursuant to Subtitle Z § 101.8;
   - The Office of Planning ("OP");
   - The District Department of Transportation ("DDOT");
   - The Department of Energy and Environment ("DOEE");
   - The District of Columbia Housing Authority ("DCHA");
   - The Council of the District of Columbia ("DC Council"); and
   - Property owners within 200 feet of the Property.

   (Exhibit ["Ex."] 17.)

2. A description of the proposed development and notice of the public hearing in this matter were published in the *D.C. Register* on December 21, 2018. (Ex. 13, 14.)

Parties

3. In addition to the Applicant, ANCs 8C and 8D were automatically parties in this proceeding per Subtitle Z § 101.8. There were no other parties in the proceeding.

The Property

4. The Property contains a total of approximately 39,318 square feet of land area. (Ex. 1, 2I.)

5. The Property is currently improved with a surface parking and two residential buildings with a total of 30 units that range in sizes. Within the existing two buildings there are 3 one-bedroom units, 17 two-bedroom units, 9 three-bedroom units, and 1 five-bedroom unit. All of the existing units are market rate, but approximately 85% of the existing tenants receive subsidies and/or housing vouchers. The two existing buildings were built in the 1940s and are nearing the end of their useful life. (Ex. 30.)

6. The Property is located near the Bellevue, Washington Highlands, and Congress Heights neighborhoods in Ward 8.

7. South Capitol Street, S.E. bounds the Property on its west side. The eastern boundary of the Property is a "paper" public alley that is unimproved. South Capitol Street, S.E., Xenia Street, S.W., and Martin Luther King Junior Avenue, S.W. intersect at the approximate midpoint of the Property.

8. The grade of the Property slopes downward from north to south so that the southern end of the Property is approximately eight feet lower in elevation than the north end. (Ex. 2, 2I.)

9. The surrounding area features a variety of uses and zone categories:

- To the east are primarily single-family residential uses located in the R-3 zone, but there is a significant upward grade change – approximately 20 feet – from west to east such that these houses are located at a much higher elevation than the Property;
- To the south along South Capitol Street, S.E. are a mix of retail and residential uses located in the MU-4 zone;
- To the southwest are single-family residential uses located in the R-2 zone;
- To the west across South Capitol Street, S.E. is a church; and
- To the north along South Capitol Street, S.E. are multi-family residential uses located in the RA-1 zone.

(Ex. 2, 2I.)

10. The Property is currently zoned RA-1.

Comprehensive Plan (Title 10A of the DCMR, the "CP") Designation

General Policy Map ("GPM")

11. The Property is located in the Neighborhood Enhancement Area category on the GPM, which encourages compatible small-scale infill development that reflects the historical mixture and diversity of each community. The Neighborhood Enhancement Area category specifically notes that development of new housing should be encouraged. (CP § 223.6.)

Future Land Use Map ("FLUM")

12. The majority of the Property is located in the Moderate-Density Residential land use category, with a small portion is located in the Mixed-Use Moderate-Density Residential/ Low-Density Commercial land use category on the FLUM.

13. Moderate-Density Residential typically defines neighborhoods comprised of row houses, two- to four-unit buildings, and low-rise garden apartments. In older areas of the District, it might also include areas with existing multi-story apartment buildings. (CP § 225.4.)

14. Low-Density Commercial applies to shopping and service areas that are generally low in scale and character, with predominantly retail, office, and service businesses. They are typically comprised of one- to three-story commercial buildings. (CP § 225.8.)

The Application as Approved

15. The Application requested PUD approval to develop a new four-story, all-affordable residential building with resident amenity space, below-grade parking, and below-grade loading (the "Project"). The Application also sought a PUD-related map amendment to rezone the Property from the RA-1 zone to the RA-2 zone to effectuate the development of the Project. (Ex. 1, 2, 2A-2I.)

16. The Application stated that the Project would have:

    a. A height of 50.6 feet;

    b. A lot occupancy of 60%;

    c. A floor area ratio ("FAR") of 2.55; and

    d. All yards and courts will provide the minimum required dimensions.

17. The Project will contain 106 residential units, of which approximately 20 will be studios, 34 will be one-bedroom units, 20 will be two-bedroom units, and 32 will be three-bedroom units. The average size of each unit type in the Project will be larger than the same unit type in the existing buildings, thereby offering tenants larger apartments with the same number of bedrooms. (Ex. 2.)

18. All of the units in the Project will be affordable at the following percentages:

    a. 21% of the gross floor area ("GFA") (approximately 22 units) will be reserved for families earning up to 30% of the Median Family Income ("MFI");

    b. 68% of the GFA (approximately 72 units) will be reserved for families earning up to 50% of the MFI; and

    c. 11% of the GFA (approximately 12 units) will be reserved for families earning up to 60% of the MFI. (Ex. 33A.)

19. The 30% MFI and 50% MFI units will be affordable for 60 years.

20. The 60% MFI units will be affordable for the life of the Project. The Application states that the Project will apply for an exemption for these units from the Inclusionary Zoning ("IZ") requirements pursuant to Subtitle C § 1001.6 during the 60-year period that the Project will utilize Low-Income Housing Tax Credit ("LIHTC") financing and will comply with the sale and rental requirements of the IZ program after the conclusion of the 60-year LIHTC financing period. (Ex. 20, 30.)

21. The Project's design, specifically its setback and massing, reduces the impact of its density. The Project will be constructed to the western property line, but the significant amount of public parking along South Capitol Street, S.E., will convey the appearance of a large setback from the sidewalk. The Project's mass is broken into three distinct sections separated by two courtyards, with the northern courtyard providing natural play areas on either side of the residential entrance and the southern courtyard providing access to the below-grade parking and loading facilities. (Ex. 20D-20D4.)

22. The Project's materials are largely brick and fiber cement along the front and side façades, with mostly fiber cement along the rear façade. (Ex. 20D1-20D4, 30A.)

23. The Project will incorporate multiple sustainable features that will reduce the environmental impact of the redevelopment, including an extensive green roof, approximately 10,500 square feet of solar panels on the roof, and an electric vehicle charging station. The Project will attain Enterprise Green Communities certification. (Ex. 2, 20D1-20D4, 29.)

24. The Project will also provide 17 automobile parking spaces, a loading berth and service/delivery space, and 36 long-term bicycle parking spaces, all of which will be below grade and accessed via a curb cut on South Capitol Street. (Ex. 20D1-20D4.)

25. On February 5, 2019, the Applicant submitted its Comprehensive Transportation Review ("CTR") prepared by its traffic expert Gorove/Slade. (Ex. 19-19A.)

26. On February 15, 2019, the Applicant updated its Application with a supplemental submission responding to issues raised by the OP Hearing Report that included:

- Updated plans with more detail on the proposed play area and entrance to the building; and
- Additional information on the proposed Relocation Plan.

(Ex. 20, 20D1-20D4.)

27. On March 21, 2019, the Applicant responded to the OP Hearing Report and to concerns raised by the Commission at the close of the public hearing as follows:

- Stated that it could not increase the IZ units at the expiration of the 60-year LIHTC financing, as requested by the Department of Housing and Community Development ("DHCD");
- Confirmed that the Relocation Plan will provide monetary compensation to existing residents who choose to not return;
- Provided the breakdown of unit sizes and rental levels;
- Agreed to add additional brick treatment on the side elevations of the building as shown in the attached revised plans; and
- Reiterated that the proposed lighting for the rear of the building would ensure safety.

(Ex. 30, 30A.)

28. On April 23, 2019, the Applicant submitted an updated relocation plan and response to the three DHCD comments on its proposed relocation plan (the "Relocation Plan"). (Finding of Fact ["FF"] 47; Ex. 36, 36A.)

29. In response to DHCD's comment that the Project should not result in permanent displacement as an outcome, the Applicant stated that it is:

> …unable to revise the Relocation Plan to address DHCD's comment that the Project should not result in any permanent displacements. A permanent displacement is a defined term that applies when the construction period is longer than 12 months and a resident chooses to permanently relocate instead of returning to the completed project. Of course, the ultimate decision whether a temporarily relocated resident choose to move back to the project is that resident's choice; therefore, the Applicant cannot guarantee that every resident will choose to move back to the completed project. … the Applicant will invite and encourage all current residents to return to the project upon completion, and the Applicant hopes and expects that most will return. However, because the ultimate decision is the resident's the Applicant cannot guarantee in the Relocation Plan that there will be no permanent relocation as a result of the project. (Ex. 36.)

30. In response to DHCD's other two comments, the Applicant updated the Relocation Plan to include provisions stating that the Applicant will:

- Provide appropriate notices to permanently displaced households that include a "Notice of Non-Displacement General Information Notice (GIN, 90-Day Move notice)"; and
- "[L]ocate replacement housing units and conduct pre-inspections to ensure decent, safe and sanitary conditions and provide DHCD a listing of all units."

31. The Application requested design flexibility from the requirement to comply with the plans approved by this Order in the following areas: (Ex. 20.)

a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

b. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges;

c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

d. To provide a range in the number of residential dwelling units of plus or minus 10%, except that the number of units and the square footage reserved for affordable housing shall not be reduced;

e. To make refinements to the approved parking configuration, including layout and number of parking space plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;

f. To vary the roof plan as it relates to the configuration of solar panels area, provided that the square footage of the solar panels is not reduced;

g. To vary the location, attributes, and general design of the streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and

h. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by this Order and are compliant with the DC signage regulations.

Requested Development Incentives

32. The Application requested three areas of development incentives for the Project:

a. A 10% waiver (out of the maximum 50% allowed per Subtitle X § 301.2) from the minimum land area required for a PUD in the RA-2 zone. The minimum land area for a PUD in the RA-2 zone is one acre, while the Property is just short of this requirement at 0.9 acre; (Subtitle X § 301.1.)

b. A consolidated PUD utilizing the 20% PUD density increase permitted by Subtitle X §§ 303.3 and 303.4; and

c. A PUD-related Zoning Map amendment that will rezone the Property from the RA-1 to the RA-2 zone.

33. The Application asserted that the Project will meet all RA-2 zone development standards for a PUD providing IZ. (Ex. 20D1-20D4.)

Application's Statement of Compliance with PUD Requirements

Not Inconsistent with Comprehensive Plan

34. The Application asserts that the proposed map amendment and the Project will be not inconsistent with the CP's maps, including the GPM and the FLUM, because the CP specifically identifies the RA-2 zone (previously the R-5-B zone) as a qualifying Moderate-Density Residential Zone as shown on the FLUM. (CP § 225.4.) The Application also notes that the Building will comply with the development standards for a PUD in the RA-2 zone and is not seeking any additional relief or flexibility beyond the standard 20% FAR increase for PUDs. (Ex. 2.)

35. The Applicant also asserted that the Application was not inconsistent with other CP Elements and Policies including the Land Use, Housing, Transportation, and Far Southeast and Southwest Area Elements because the Building would serve to revitalize the surrounding area with an all-affordable, transit-oriented building. The Applicant also noted that the Relocation Plan would specifically address Housing Element policies regarding displacement (H-2.1.3 – Avoiding Displacement). (Ex. 2.)

Mitigation of Potential Project Impacts

36. As acknowledged by the Applicant and by OP, the Project will include an adverse impact on existing residents by causing displacement through the redevelopment. (Ex. 2, 10, 12, 28.) The Application proposed to mitigate this impact through the following:

a. The Applicant has committed to an extensive Relocation Plan for temporary relocation rather than permanent displacement of existing residents. All current residents will be welcome to return to the Project after it is completed. The Relocation Plan will provide protection and assistance for existing residents for temporary relocation during construction and permanent relocation back to the Project after construction; and (Ex. 12A, 36A.)

b. The Applicant further noted the Relocation Plan includes a commitment to monetary compensation for current residents who choose not to return to the Project after construction. (Ex. 12A, 30, 36A.)

37. As acknowledged by the Applicant, the Project will include a minor adverse impact on the transportation network through a slight increase in trips to the Property. The Applicant proposed measures to mitigate these impacts. (Ex. 19A, 22.)

38. The Applicant's transportation mitigation measures were reviewed and commented on by DDOT. At the March 7, 2019 public hearing, the Applicant agreed to: incorporate all of DDOT's suggestions, implement its proposed Loading and Transportation Demand

Management ("TDM") Plans, and provide the requested signage on South Capitol Street, S.E. (March 7, 2019 Public Hearing Transcript [the "3/7/19 Tr."] at 46.)

Public Benefits and Amenities

39. The Application noted that the following specific public benefits and project amenities would be provided, and it considered them to be commensurate with and proportional to the additional density and height gained through the PUD and Zoning Map amendment:

a. Superior urban design, architecture, and landscaping, including the use of high-quality materials, building articulation and modulation, courtyard-centered design, balconies for residents, and context-specific design features that will distinguish this building from typical residential development. The Building will be attractive and contextually appropriate with below-grade parking and loading, as well as outdoor play areas for children;

b. Site planning and efficient land utilization, through the creation of a new residential development on an underutilized site in a transit-oriented location specifically targeted for such uses. The Building will capitalize on its location as a large site along South Capitol Street, S.E. to provide many new affordable residential units. Thus, the Building will efficiently use the land for an open and inviting building with modern amenities;

c. Streetscape and public realm improvements along South Capitol Street, S.E., including increased trees, enhanced sidewalks, and attractive landscaping;

d. The provision of at least 32 three-bedroom units all at affordable rental levels for at least 60 years;

e. A completely affordable housing project with significantly deep affordability levels; (FF 18.)

f. Environmental and sustainable features, including certification of the Building through Enterprise Green Communities. Also, the Building will include environmentally sustainable features such as a green roof, an electric vehicle charging station, and 10,500 square feet of solar panels;

g. Employment and training opportunities through commitment to a First Source Agreement with the Department of Employment Services; and

h. Uses of special value to the neighborhood as effectuated through the Relocation Plan. The Applicant will implement the Relocation Plan to provide meaningful communication with a streamlined process and effective assistance for existing residents to move into nearby properties during construction and return to the Project once completed. Additionally, for residents who choose not to return to the Project, the Relocation Plan includes monetary compensation.

(Ex. 2, 12, 20, 29, 30, 36A.)

Responses to Application

Office of Planning

40. OP filed a total of three reports on the Application as follows:

a. An October 12, 2018 report recommending that the Application be set down for a public hearing (the "OP Setdown Report"); (Ex. 10.)

b. A February 25, 2019 report filed prior to the public hearing (the "OP Hearing Report"); and (Ex. 21.)

c. An April 19, 2019 supplemental report filed following the public hearing (the "Supplemental OP Report"). (Ex. 34.)

OP Setdown Report

41. The OP Setdown Report found that the Application was not inconsistent with the CP, including the GPM and FLUM, and would further the objectives of the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Far Southeast Southwest Area Elements.

42. The OP Setdown Report concluded that the Project is also not inconsistent with, and will advance goals and policies of, the "Bellevue, Embracing the Revitalization Small Area Plan" (the "SAP") because:

a. The Project's housing opportunities provide a mix of incomes with affordable rental opportunities;

b. The Project is also of a similar scale and design to other multifamily residential buildings in the area;

c. The Project would improve the pedestrian experience along South Capitol Street, S.E.; and

d. The Project advances the Urban Design guidelines of the SAP by building to the property line with landscaped public space and courtyards. (Ex. 10, 21.)

OP Hearing Report

43. The OP Hearing Report found that the minimum site area and design flexibility requested by the Applicant were acceptable. The OP Hearing Report also provided an analysis and table comparing the development standards of the existing RA-1 zone to the proposed RA-2 zone. The OP Hearing Report concluded that the consolidated PUD and Zoning Map amendment to the RA-2 zone would be not inconsistent with the CP. (Ex. 21 at 16-17.)

44. The OP Hearing Report concluded that the benefits and amenities proffered for the Project are commensurate with the amount of development and flexibility sought by the Application. (Ex. 21; 3/7/19 Tr. at 42-43.)

45. The OP Hearing Report included comments from the Department of Housing and Community Development ("DHCD"), the Department of Public Works ("DPW"), the Department of Employment Services ("DOES"), the Fire and Emergency Medical Services Department, and the Department of Energy and Environment ("DOEE").[1] The OP Hearing Report conveyed the following agency responses:

- DOEE – requesting additional sustainability measures, including stormwater management, renewable energy (solar panels) and gains in energy efficiency; and
- DHCD – reiterated initial request that, at the end of the 60-year LIHTC funding period, the Project provide additional IZ units at a deeper level of affordability.

46. The OP Hearing Report therefore recommended approval of the Application upon two conditions:
- Provide additional IZ units above the 11 required to convert at the expiration of the 60-year LIHTC funding, ideally providing 15% of residential gross floor area for IZ units in perpetuity; and
- Provide additional information about the Application's proposed Relocation Plan.

Supplemental OP Report/DCHD Comments

47. The Supplemental OP Report included DHCD's comments on the Applicant's Relocation Plan as follows:

a. "Permanent displacement should not be an outcome of this project";

b. "Need to ensure a non-displacement [General Information Notice] is provided to the tenants ASAP"; and

c. "ADD-Provide Notice to DHCD of Relocation units so that DHCD conducts an inspection prior to tenant move in."

DHCD did not provide any further explanation of the comments.

Department of Transportation

48. DDOT submitted a February 27, 2019 report finding that the analysis and conclusions in the Applicant's CTR were sound with respect to site design and travel assumptions and stated that it did not object to the Application based on the adoption of conditions for additional mitigation (the "DDOT Report"). (Ex. 22.)

[1] In addition to the attendees, OP referred the Application to Metropolitan Police Department, DC Water, and DC Public Schools, but received no comments from these agencies.

49. The DDOT Report concluded that the Project will generate a small number of vehicle trips that will have minimal impact on the transportation network. The DDOT Report approved the Applicant's loading management plan but found that the Applicant's TDM plan would be insufficient to fully mitigate the potential adverse traffic impacts. The DDOT Report recommended that the Applicant adopt DDOT's additional TDM recommendations, including:

    a. Work with DDOT and goDCgo (DDOT's TDM program) to implement TDM measures at the site;

    b. Share the full contact information of the TDM Leaders for the site with DDOT and goDCgo (info@godcgo.com);

    c. Post all TDM commitments online for easy reference; and

    d. Provide annual Capital Bikeshare memberships to each resident for the first year after the building opens.

50. The DDOT Report requested that the Applicant install signage, subject to DDOT approval, on the northbound South Capitol Street, S.E. approach to the site driveway indicating that there is an intersection ahead.

51. The DDOT Report recommended further coordination of the design for improvements in public space adjacent to the Project site, development of a curbside management plan, and signage.

52. The DDOT Report stated, as confirmed by DDOT's testimony at the public hearing, that the mitigations described in the DDOT Report and agreed to by the Applicant will mitigate the Project's potential adverse impacts on the District's transportation network. (Ex. 22; 3/7/19 Tr. at 46.)

ANC Report

53. ANC 8D did not submit a formal written report meeting the requirements of Subtitle Z § 406.2 to be afforded "great weight" or otherwise participate in the public hearing for the Application. However, ANC 8C, the ANC in which the Property is located within, submitted a letter dated March 6, 2019, that stated it supported the Application, and noted in particular its support for:

    a. The Project's deeply affordable housing proffer;

    b. The Project's inclusion of larger family-sized units in response to the community's needs; and

    c. The inclusion of the Relocation Plan – the ANC noted that it was "important to the community that all the existing tenants can reoccupy the building after it is complete. [The Applicant] has committed verbally and has agreed to put this

commitment in writing. They have taken the additional step of hiring Housing Opportunities Unlimited to facilitate this process of relocating temporarily and them moving them back into the completed project." (Ex. 24.)

Persons in Support

54. Tamika Briscoe testified in support of the Project at the hearing. Ms. Briscoe acknowledged that she is an employee of the Applicant, but she is also a resident of the Property. Ms. Briscoe testified in support based on her experience with the Applicant as the property manager. She further testified that the Applicant is trustworthy and would relocate residents to nice facilities and return residents to the Property at the improved Project in an acceptable manner. (3/7/19 Tr. at 50-54.)

Persons in Opposition

55. On March 7, 2019, Toni Lawson and Chris Otten, writing as "DC 4 Reasonable Development Ward 8 Study Group" ("DC4RD"), filed a letter in opposition to the Project (the "DC4RD Letter"). (Ex. 26.) The letter raised non-specific, generalized concerns regarding the Project as a whole, including:

a. The length of time the Project would be affordable;

b. Claims of no guarantee of return for existing residents;

c. Infrastructure costs related to the Project; and

d. Jobs for local residents.

Setdown Meeting of October 22, 2018

56. During its public meeting on October 22, 2018, the Commission voted to set down the Application for a public hearing. At the public meeting, the Commission requested that the Applicant provide the following:

a. More details about the relocation plan for existing residents;

b. An outdoor play area;

c. Refinements/more attention to the exterior brick design and cornice;

d. Commitment to a First Source Employment Agreement; and

e. Additional information about sustainability and energy efficient systems in the building. (10/22/18 Transcript ["10/22/18 Tr."] at 40-45.)

57. On November 21, 2018, the Applicant filed its pre-hearing submission responding to the issues raised by the Commission at setdown and by OP in its Setdown Report. (Ex. 12, 12A-12D9.)

Public Hearing of March 7, 2019

58. On March 7, 2019, the Commission held a public hearing on the Application. On behalf of the Applicant, the Commission accepted Stephanie Farrell as an expert in architecture and Erwin Andres as an expert in traffic engineering. The Applicant provided testimony from these experts as well as from others from the development team.

59. The Applicant provided information in response to questions raised by OP regarding residents' responses to the Relocation Plan, and a current resident testified about residents' positive reactions to the Project. (Ex. 21; 3/7/19 Tr. at 50-54.)

60. At the hearing, the Commission heard testimony from OP and DDOT regarding the Application.

61. One person testified in support of the Application. (FF 54.)

62. No one, including DC4RD, appeared in opposition to the Project at the hearing.

63. While DC4RD did not attend the hearing, the Applicant did provide testimony in response to the allegations in the DC4RD Letter: (3/7/19 Tr. at 55-61.)

    a. In response to DC4RD's allegations regarding the duration and sufficiency of the affordable housing proffer, the Applicant noted that not only is the Building providing an all-affordable guarantee, but also a guarantee that 11% of the residential units will be available at 60% MFI for the life of the Project, which is a greater amount of affordable housing than would be required to be provided through a matter-of-right development. The Applicant also noted that all of the existing units at the Property are market-rate and there is no rent level protection for the units. The Applicant concluded, therefore, that DC4RD's allegation that providing only 11% of affordable units at 60% MFI would constitute a harm was without merit; and

    b. The Applicant also noted that the remaining issues raised in the DC4RD Letter were factually incorrect:

        i. All current residents of the Property are guaranteed the opportunity to return to the Project upon completion, as shown in the Relocation Plan at Exhibit 36A and as described in the Applicant's testimony at the hearing;

        ii. The Applicant analyzed and is mitigating the infrastructure impacts of the Project. (Ex. 2, 2F, 19A). This infrastructure analysis shows that only the transportation-related infrastructure impacts warranted mitigation. As described above, the Applicant committed to bearing the cost of and implementing the transportation-related improvements where the existing infrastructure will be negatively impacted by the Project; and (Ex. 19A, 29.)

iii. The Project will include jobs for local residents, as committed by the First Source Agreement. (Ex. 12B.)

64. At the close of the public hearing, the Commission took proposed action to approve the Application and asked:

- The Applicant to respond to concerns raised at the hearing; and
- DHCD to review the Relocation Plan.

Post-Hearing Submissions

65. The Applicant responded to the Commission as detailed above at FF 27, and DHCD responded through the OP Supplemental Report as detailed above at FF 47.

NCPC Review

66. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. (Ex. 28.)

67. NCPC, by action dated March 25, 2019, found that the proposed PUD was exempt from NCPC review because the Application is consistent with the Height Act, causes no adverse impact on federal property or interests, and the Property is located outside the boundary of the L'Enfant City. (Ex. 32.)

CONCLUSIONS OF LAW

1. The Applicant requested approval, pursuant to Subtitle X, Chapter 3; Subtitle X, Chapter 5; and Subtitle Z, Chapter 3 of a consolidated PUD and related Zoning Map amendment. The Commission is authorized under the Zoning Act to approve a planned unit development and Zoning Map amendment consistent with the requirements set forth in Subtitle X §§ 304 and 500.

2. *The purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:*

   a. Results in a project superior to what would result from the matter-of-right standards;

   b. Offers a commendable number or quality of meaningful public benefits; and

   c. Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.

   (Subtitle X § 300.1.)

3. In evaluating a PUD, the Commission shall find that the proposed development:

a. Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;

b. Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and

c. Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.

(Subtitle X § 304.4.)

4. Pursuant to Subtitle X § 301.2, the Commission may waive up to 50% of the minimum land area requirement if:

a. The project is of exceptional merit and in the best interests of the District; and

b. For a property outside of the Central Employment Area, the project is devoting more than 80% of the gross floor area for residential uses.

5. The Commission grants the Application's requested 10% waiver from the minimum one acre of land area requirement for a PUD because the Commission concludes that the Project is of exceptional merit and in the best interests of the District due to the number of public benefits that the Project will provide including being an all-affordable building and the proposed Relocation Plan, environmental benefits, and design features. The Commission also notes that the Property is located outside of the Central Employment Area and devotes all of its GFA to residential use.

6. The Commission concludes that the Applicant has satisfied the burden of proof for approval of the Consolidated PUD because the Project is not inconsistent with the Comprehensive Plan, will provide a high-quality development the potential adverse impacts of which are capable of being mitigated or are acceptable given the quality of public benefits, and the proposed public benefits balance out the approved development incentives, and as further detailed below.

Not Inconsistent with the Comprehensive Plan (Subtitle X § 304.4(a).)

7. The Commission concludes that approval of the PUD is not inconsistent with the CP and other relevant planning guidance documents. The Commission agrees with the determination of OP and finds that the Project is not inconsistent with the Property's GPM and FLUM designations and that the Project will advance numerous goals and policies of the CP and the SAP. (FF 34-35, 41-42.)

8. Regarding the requested map amendment, the Commission credits the analysis of OP and concludes that the proposed PUD-related Zoning Map amendment from the RA-1 to the

RA-2 zone is not inconsistent with the CP and is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and policies of the CP, and other District policies and objectives.

9. The Commission notes that the RA-2 zone is specifically identified in the CP as being "appropriate for Moderate Density Residential in some locations." The Commission concludes that the Property is such a location because of its apartment building context and location along a major thoroughfare (South Capitol Street). Further, at four stories with generous surrounding open space (courtyards, side yard, and rear yard), the Commission concludes that the Project is not inconsistent with moderate-density residential development.

10. The Commission also concludes that construction of a new four-story, 106-unit affordable residential building where there currently are only 30 market-rate residential units is consistent with the Neighborhood Enhancement category on the GPM.

Potential Adverse Impacts - Mitigations (Subtitle X §§ 304.3 & 304.4(b).)

11. The Commission concludes that the Project will not result in unacceptable impacts on the surrounding area or on the operation of city services and facilities. The Commission concludes that the relocation/displacement of existing residents and transportation effects are two potential adverse impacts that are capable of being mitigated as follows:

a. Relocation/Displacement Impacts - The Commission credits the Applicant's testimony and the testimony in support from an existing resident in finding that the Relocation Plan will provide protection for existing residents to relocate during construction to nearby properties and to return to the Project once completed. The Relocation Plan provides monetary and logistical support for moving to prevent a negative economic impact on existing residents during the relocation process as well as monetary compensation for residents who choose to not return to the completed Project;

In response to DHCD's comment regarding permanent displacement, the Applicant stated that it could not guarantee that the existing residents will return because it could not control whether the existing residents would choose to return in the future. The Applicant further stated that consistent with the Revised Relocation Plan, it will invite and encourage all current residents to return upon completion and will provide relocation assistance in the interim. The Commission finds this a credible response and concludes that the Revised Relocation Plan is not only adequate, but is highly commendable, and a public benefit of the PUD. The Commission further finds that the Revised Relocation Plan is adequate to mitigate the adverse impacts on existing residents from relocation due to the Project. (FF 29.) The Commission believes that the Applicant's updated Relocation Plan satisfied DHCD's second two comments regarding proper notification to the current residents and DHCD; and (FF 30.)

b. Transportation Impacts - The Commission credits the testimony of the Applicant's transportation expert and the DDOT Report in finding that the transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures agreed to by the Applicant and DDOT including the proposed TDM plan, loading management plan, street signage, and pedestrian (sidewalk) infrastructure improvements.

12. The Commission also finds that any other potential impacts are outweighed by the quality of the public benefits of the Project.

13. The Commission also notes that the Application is proposing significant benefits in terms of affordable housing by providing a completely affordable building, including deeply affordable and family-sized units. On this point, the Commission credits the letter from ANC 8C, which acknowledged the strength of the benefits and amenities provided by the Project.

Balancing Public Benefits with Requested Development Incentives (Subtitle X §§ 304.3 and 304.4(c).)

14. The Commission notes that the Application is only seeking three forms of development incentives:

a. The waiver from the minimum land area requirement for a PUD;

b. The standard 20% additional PUD density bonus; and

c. A Zoning Map Amendment from the RA-1 zone to the RA-2 zone.

15. The Commission concludes that the Project will provide specific project benefits and public amenities that will benefit the surrounding neighborhood and the public in general to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design and architecture; three-bedroom units; significant new affordable housing at deep levels of affordability; site planning and economical land utilization; employment and training opportunities; environmentally sustainable elements; and streetscape and public realm improvements all are significant public benefits that will be provided to a considerably greater extent than a matter-of-right development would. The Commission also concludes that these benefits and amenities are not inconsistent with the Comprehensive Plan.

16. The Commission notes that it requested at the public hearing that the Applicant consider increasing the percentage of affordable units provided for the life of the Project at 60% MFI. The Applicant considered the Commission's request and explained the justification for the 11% proffer. The 60-year long-term commitment to deep levels of affordability at the Project is a meaningful benefit of the Project. Providing a large number of family-sized units at 30% and 50% of the MFI for at least 60 years (20 years longer than the typical LIHTC commitment) will create a large amount of affordable housing on a property that currently has no guaranteed affordable units for residents. Additionally, the Applicant has

committed to 11% of the project at 60% MFI for the life of the Project, which exceeds the minimum 10% required under IZ. (Ex. 20, 30.)

17. The Commission concludes that the requested flexibility and related rezoning are appropriate and fully justified by the public benefits and project amenities proffered by the Applicant. The Commission notes that the Application is seeking no flexibility beyond the PUD standards and the requested map amendment to the RA-2 zone will result in only small increases to the development standards and the Applicant will be in compliance with all applicable standards for a PUD in the zone.

Additional Contested Issues

DC4RD Letter

18. The Commission is unpersuaded by the alleged and generalized harms contained in the DC4RD Letter. The Commission concludes that the harms alleged by DC4RD are unsubstantiated, generalized grievances because DC4RD cites no specific aspects of the Project or any evidence about the harms it alleges. Furthermore, as the Commission has previously found, an applicant is not obligated to respond to such generalized and unsupported assertions. (*See, e.g.*, Z.C. Order No. 11-03J(1) (2018).) For an issue or claim to merit a response, the party or witness must present some factual basis for the claim and/or draw a nexus between the claimed deficiency and the current application. The DC4RD Letter did not do so with respect to these issues; it simply presented a list of blanket complaints, without any explanation of how the alleged harms were caused by this Project, that would require the Applicant to specifically address them.

19. The Commission credits the Applicant's testimony at the public hearing in response to the DC4RD Letter and concludes that the four harms alleged by the DC4RD Letter are without merit for the following reasons: (FF 63; Ex. 55.)

    a. Alleged insufficiency of the duration of Project affordability – the Commission concludes that the all-affordable project will provide 11% of units at 60% MFI for the life of the Project and all other units for a period of 60 years;

    b. Alleged no guarantee of return for the existing residents – the Commission concludes that the Applicant's Relocation Plan guarantees existing residents the right to return and will adequately address other relocation/displacement issues;

    c. Alleged insufficient contribution towards potential infrastructure improvements costs – the Commission credits the Applicant's analysis of the Project's infrastructure impacts and concludes that the proposed mitigations adequately address potential adverse impacts, and that the proffered public benefits also outweigh the potential adverse impacts as confirmed by OP, DDOT, DPW, FEMS, and DOEE; and

    d. Alleged lack of jobs for local residents – the Commission concludes that the Applicant's commitment to a First Source Agreement, as confirmed by OP and DOES, will mitigate this concern.

"Great Weight" to the Recommendations of OP

20. Pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8, the Commission must give "great weight" to the recommendations of OP. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

21. The Commission notes that the OP Reports thoroughly analyzed the Application and recommended approval. The Commission also finds that OP determined that the Applicant had satisfied all of its requests for additional information and clarifications. Accordingly, the Commission has given great weight to OP's recommendation and concurs in that judgement.

"Great Weight" to the Written Report of the ANC

22. The Commission must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 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.); see Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) 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).)

23. The Commission notes that while ANC 8C submitted a letter recommending approval of the Application, the letter did not meet the requirements to afforded great weight. Nevertheless, the Commission noted that the ANC commented favorably on several aspects of the Project, particularly the deeply affordable housing and family-sized units. The Commission found these issues and concerns to be relevant to its analysis. The Commission fully credits the unique vantage point that ANC 8C holds with respect to the impact of the Application on the ANC's constituents and included the ANC's recommendation in its consideration to approve the Application.

24. ANC 8D is also an affected ANC, and though it did receive proper notice of the Application, it did not provide a recommendation or comment on the Project. There is therefore no report to which the Commission can give great weight.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a Consolidated PUD including a PUD-related Zoning Map amendment to rezone the Site from the RA-1 zone to the RA-2 zone, subject to the following

guidelines, conditions, and standards (whenever compliance is required prior to, on or during a certain time, the timing of the obligation is noted in **bold and underlined text**):

A. Project Development

The Project shall be developed in accordance with the following (collectively the "Approved Plans"), except as modified by the other conditions herein:

a. The architectural plans and drawings submitted on February 15, 2019, marked as Exhibits 20D1-20D4 of the record; and

b. As modified by the plans included with the Applicant's post-hearing submission dated March 21, 2019, and marked as Exhibit 30A of the record,

2. The Project shall have the following design flexibility from the Approved Plans:

a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the Approved Plans;

b. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the Approved Plans;

c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the Approved Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

d. To provide a range in the number of residential dwelling units shown on the Approved Plans of plus or 10%, except that the number of units and the square footage reserved for affordable housing shall not be reduced;

e. To make refinements to the approved parking configuration shown on the Approved Plans, including layout and number of parking space plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;

f. To vary the roof plan shown on the Approved Plans as it relates to the configuration of solar panels area, provided that the square footage of the solar panels is not reduced;

g. To vary the location, attributes, and general design of the streetscape shown on the Approved Plans to comply with the requirements of, and the approval by, the DDOT Public Space Division; and

h. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the Approved Plans approved by the order and are compliant with the DC signage regulations.

3. The Project shall be designed to the specifications as follows:

a. A FAR of 2.55;

b. A height of 50.6 feet;

c. A lot occupancy of 60%;

d. The 17 automobile parking spaces, the loading berth and service/delivery space, and 36 long-term bicycle parking spaces will be provided below grade, which will be accessed via a curb cut on South Capitol Street; and

e. All yards and courts shall provide the minimum required dimensions.

4. The Property shall be subject to a PUD-related map amendment from the RA-1 zone to the RA-2 zone. Pursuant to Subtitle X § 311.4, the change in zoning shall be effective upon the recordation of the covenant discussed in Condition No. D.1.

B. <u>Public Benefits</u>

1. The Applicant shall provide affordable housing as set forth in this condition:

a. The Applicant shall provide the affordable housing as set forth in the following chart, subject to the paragraphs of this Condition B.1.

Residential Unit Type	Income Type	Floor Area / % of Total*	# of Units	Affordable Control Period	Affordable Unit Type
Total	Mixed	96,481 sf / 100%	106		
Affordable Non-IZ	Up to 30% of MFI	20,261 sf / 21%	22	60 Years	Rental
Affordable Non-IZ	Up to 50% of MFI	65,607 sf / 68%	72	60 Years	Rental
Affordable IZ-Exempt	Up to 60% of MFI	10,613 sf / 11%	12	Life of the Project	Rental

** Refers to the residential gross floor area ("GFA"), but the floor area may be adjusted to subtract the building core factor.*

b. **<u>Each control period shall commence upon the issuance of the first certificate of occupancy</u>** for the Project;

c. The chart assumes that the Applicant will be granted an exemption from the requirements of the Inclusionary Zoning ("IZ") program of Subtitle C, Chapter 10, during the 60-year period of LIHTC financing for the Project, pursuant to Subtitle C § 1001.6 ("IZ Exemption"), although, the Commission takes no position as to whether the IZ Exemption should be granted;

d. Should the IZ Exemption be granted, the affordable housing requirements of this condition shall be stated in the covenant required by Subtitle C § 1001.6(a)(4); and

e. Should the IZ Exemption be denied, the Affordable IZ-Exempt units identified in the chart above shall become IZ units and the Applicant shall nevertheless provide affordable housing in accordance with this condition B.1, unless the IZ Regulations of Subtitle C, Chapter 10, impose more restrictive standards. The Applicant shall record the covenant required by the Inclusionary Zoning Act as to 11% of the residential GFA of the Project and shall execute the monitoring and enforcement documents required by Subtitle X § 311.6 as to the remaining residential GFA.

2. **For the life of the Project**, at least 32 of the residential units shall be three-bedroom units.

3. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall demonstrate compliance with the Relocation Plan submitted at Exhibit 36A in the Record and provide an update to the Zoning Administrator regarding the number of residents returning to the Project.

4. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall:

a. Furnish a copy of its preliminary Enterprise Green Communities certification application to the Zoning Administrator demonstrating that the building has been designed to meet the Enterprise Green Communities standard for residential buildings, as shown on the Enterprise Green Communities Checklist on Sheet G-16 of the Plans;

b. Demonstrate that it has designed and constructed a minimum of 10,500 square feet of solar arrays located on Project; and

c. Demonstrate that it installed at least one electric vehicle charging station in the garage.

5. **Prior to the issuance of a Building Permit for the Project**, the Applicant shall submit to the Zoning Administrator a copy of the executed First Source Employment Agreement with DOES substantially similar to the form submitted at Exhibit 12B.

C. Transportation Mitigations

1. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall install signage on the northbound South Capitol Street, S.E. approach to the Project driveway indicating that there is an intersection ahead**,** subject to DDOT approval**.**

2. **For the life of the Project**, the Applicant shall provide the following transportation demand management ("TDM") measures:

   a. The Applicant will identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader will work with residents to distribute and market various transportation alternatives and options;

   b. The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials;

   c. The Applicant will meet Zoning Regulations requirements to provide bicycle parking facilities at the proposed development. This includes secure parking located on-site and a minimum of five short-term bicycle parking spaces around the perimeter of the Site;

   d. The Applicant will meet Zoning Regulations requirements by providing 36 long-term bicycle parking spaces in the development garage;

   e. The Applicant will provide a bicycle repair station to be located in the secure long-term bicycle storage room;

   f. The Applicant will install a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives;

   g. Work with DDOT and goDCgo (DDOT's TDM program) to implement TDM measures at the site;

   h. Share the full contact information of the TDM Leaders for the site with DDOT and goDCgo (info@godcgo.com);

   i. Post all TDM commitments online for easy reference; and

   j. Offer annual Capital Bikeshare memberships to each resident **for the first year** after the building opens.

3. **For the life of the Project**, the Applicant shall provide the following loading management plan ("LMP") measures:

a. A loading manager will be designated by the building management. The manager will coordinate with residents to schedule deliveries and will be on duty during delivery hours;

b. Residents will be required to schedule move-in and move-outs with the loading manager through leasing terms;

c. The dock manager will coordinate with trash pick-up to help move loading expeditiously between their storage area inside the building and the curb beside the loading area to minimize the time trash trucks need to use the loading area;

d. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System; and

e. The loading manager will be responsible for disseminating DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT's truck routes. The dock manager will also post these documents in a prominent location within the service area.

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

2. The PUD shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit. Construction must begin within three years of the effective date of this Order.

3. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the applicable conditions of this Order (*i.e*, only those conditions that are required to be satisfied for the particular entitlement the Applicant is seeking at the time) at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

VOTES:

PROPOSED ACTION (March 7, 2019): **4-0-1** (Robert E. Miller, Anthony J. Hood, Michael G. Turnbull, and Peter G. May to **APPROVE**; Peter A. Shapiro not present, not voting.)

FINAL ACTION (April 29, 2019): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 18-14 shall become final and effective upon publication in the *D.C. Register*; that is, on March 27, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.