VOL. 67 – NO. 15 APRIL 10, 2020

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council temporarily amends the District of Columbia Election Code of 1955 to allow students 2 hours to vote in person in the District
- Office of Administrative Hearings allows filing and serving of documents electronically, telephonically, or through the mail due to the COVID-19 virus
- Alcoholic Beverage Regulation Administration allows restaurants and taverns to sell alcoholic beverages in closed containers for carry-out and delivery only to District residents during the public health emergency
- Office of the State Superintendent of Education announces availability of funding for the FY21 Nita M. Lowey 21st Century Community Learning Centers Grant and the Scholarships for Opportunity and Results Act Charter Support Grant
- Board of Elections notifies the public of Vote Centers as of April 10, 2020
- Department of Employment Services establishes procedures for administering the paid-leave program for eligible individuals employed in the District
- Office of Human Rights allows filing of complaints electronically during the public health emergency

The Mayor of the District of Columbia restricts certain Fiscal Year 2020 expenditures in response to the Coronavirus (COVID-19) public health emergency (Mayor's Order 2020-057)

The Mayor sets social distancing protocols required for food sellers and farmers' and fish markets during the public health emergency (Mayor's Order 2020-058)

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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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To symbolically designate the 900 block of Underwood Street, N.W., between Georgia Avenue, N.W., and Piney Branch Road, N.W., as Bishop Sherman S. Howard Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bishop Sherman S. Howard Way Designation Act of 2020".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 900 block of Underwood Street, N.W., between Georgia Avenue, N.W. and Piney Branch Road, N.W., as "Bishop Sherman S. Howard Way".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend the District of Columbia Health Occupations Revision Act of 1985 to provide for the licensure and regulation of certified professional midwives and certified nurse-midwives, and to provide requirements for maternity centers and Medicaid reimbursement; to amend Part B of the Department of Health Functions Clarification Act of 2001 to establish and provide duties for a 7-member Advisory Committee on Certified Professional Midwives; and to amend the District of Columbia Health Professional Recruitment Program Act of 2005 to include certified professional midwives in the definition of other health professionals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certified Professional Midwife Amendment Act of 2020".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The Table of Contents is amended by adding new titles VI-E and VI-F to read as follows:

"TITLE VI-E
"MATERNITY CENTERS' CERTIFICATION; OPERATIONS ADMINISTRATION

"Sec. 661. Definitions.
"Sec. 662. Certification of maternity centers.
"Sec. 663. Maternity center operating procedures.
"Sec. 664. Administration of medications.

"TITLE VI-F
MEDICAID REIMBURSEMENT.

"Sec. 671. Reimbursement for certified professional midwives.".

(b) Title I is amended as follows:

(1) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

(A) Existing paragraph (1C) is redesignated as paragraph (1).

(B) New paragraphs (1C), (1D), (1E), (1F), (1G), and (1H) are added to

read as follows:

"(1C) "Certified professional midwife" or "CPM" means a person licensed in the District under this act to practice certified professional midwifery who holds a valid certification from the North American Registry of Midwives.

"(1D) "Certified nurse-midwife" means a qualified registered nurse who holds a valid certification from the American Midwifery Certification Board.

"(1E) "MBC" means a Midwifery Bridget certificate issued by the North American Registry of Midwives that documents completion of accredited continuing education for Certified Professional Midwives based upon identified areas to address education in emergency skills and other competencies set by the International Confederation of Midwives.

"(1F) "MEAC" means the Midwifery Education Accreditation Council, the U.S. Department of Education-recognized commission that provides accreditation for programs and institutions that meet the International Confederation of Midwives competencies and the North American Registry of Midwives skills and standards for midwifery practice.

"(1G) "National Association of Certified Professional Midwives" or "NACPM" means the national professional and standard setting association specific to Certified Professional Midwives.

"(1H) "Patient-client" means a person under the care of a midwife and such person's fetus or newborn.".

(2) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

(A) Paragraphs (7A) and (7B) are redesignated, respectively, as paragraphs (7B) and (7C).

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

"(7A)(A) "Practice of certified professional midwifery" means the provision of primary maternity care and well-women care by a certified professional midwife licensed under this act to a patient-client during the preconception, antepartum, intrapartum, and postpartum periods. The practice of certified professional midwifery includes:

"(i) Discussing any general or specific risk factors pertaining to the health and circumstances of the patient-client associated with the provision of primary maternity care and well-women care;

"(ii) Consulting with the patient-client regarding the conditions under which consultation, transfer of care, or transport are necessary;

"(iii) Obtaining the patient-client's health history;

"(iv) Performing a physical examination of the patient-client;

"(v) Developing a written plan of care specific to the patient-client to ensure continuity of care throughout the antepartum, intrapartum, and postpartum periods, including an emergency birth plan;

"(vi) Consulting, collaborating, referring, or transferring care to appropriate health care professionals;

"(vii) Providing care during the antepartum, intrapartum, postpartum, and newborn periods, including:

"(I) Monitoring and evaluating the condition of the patient-client;

"(II) Conducting the delivery of a fetus in an out-of-hospital setting;

"(III) Suturing episiotomy or first and second-degree lacerations, including the administration of a local anesthetic; and

"(IV) Performing emergency procedures, including:

"(aa) Administering approved medications;

"(bb) Administering intravenous fluids for stabilization; and

"(cc) Performing an emergency episiotomy;

"(V) Providing routine care for a newborn, including immediate care at birth, the performance of newborn examination, and the administration of intramuscular vitamin K and eye ointment for prevention of ophthalmia neonatorum; and

"(VI) Providing limited care in between pregnancies to facilitate the continuity of care, including the provision of:

"(aa) Breastfeeding support and counseling;

"(bb) Family planning services, but only to the extent that such services will be limited to natural family planning and the provision of cervical caps and diaphragms in consultation with an appropriate health care provider as necessary; and

"(cc) Pap smears, but only to the extent that a patient-client with an abnormal pap smear result will be referred to an appropriately-licensed health care provider.

"(B) Subparagraph (A) of this paragraph shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a licensed physician, licensed naturopathic physician, certified professional midwife, certified nurse midwife, or licensed basic or advanced emergency medical technician.

"(C) Subparagraph (A) of this paragraph shall not be construed as preventing or restricting the practices, services, or activities of:

"(i) A licensed physician, licensed naturopathic physician, certified nurse-midwife, or licensed basic or advanced emergency medical technician;

"(ii) A member of an American Indian community who provides traditional midwife services to the member's community;

"(iii) Any person who, in good faith, engages in the practice of the religious tenets of any church or in any religious act if no fee is contemplated, charged, or received;

"(iv) Any person rendering aid in an emergency; or

"(v) A student midwife currently enrolled in an accredited midwifery education program and providing services to patient-clients under the direct, on-site, in-person supervision of a certified professional midwife.

"(D) Subparagraph (A) of this paragraph shall not be construed to authorize an individual licensed under this act to practice certified professional midwifery to:

"(i) Provide pharmacological induction or augmentation of labor;

"(ii) Conduct surgical delivery or any surgery except an emergency episiotomy;

"(iii) Utilize forceps or a vacuum extractor; except, that an individual licensed under this act to practice certified professional midwifery shall be authorized to administer a local anesthetic;

"(iv) Administer any kind of narcotic analgesic; or

"(v) Administer any prescription medication in a manner that violates the requirements of this act.

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

(1) The section heading is amended by striking the phrase "Trauma Technologists, and Athletic Trainers." and inserting the phrase "Trauma Technologists, Athletic Trainers, and Certified Professional Midwives." in its place.

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

(A) Paragraph (2) is amended by striking the phrase "and the practice of trauma technologists with the advice of the Advisory Committee on Trauma Technologists, and the practice of athletic trainers with the advice of the Advisory Committee on Athletic Trainers." and inserting the phrase "the practice of trauma technologists with the advice of the Advisory Committee on Trauma Technologists, the practice of athletic trainers with the advice of the Advisory Committee on Athletic Trainers, and the practice of certified professional midwives with the advice of the Advisory Committee on Certified Professional Midwives." in its place.

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (F) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(ii) Subparagraph (G) is amended by striking the period and inserting the phrase "; and" in its place.

(iii) A new subparagraph (H) is added to read as follows:

"(H) The practice of certified professional midwifery in accordance with guidelines issued by the Advisory Committee on Certified Professional Midwives.".

(d) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection

(t) to read as follows:

"(t)(1) An individual applying for a license to practice midwifery under this act shall establish to the satisfaction of the Board of Medicine that the individual:

"(A) Holds a current certification as a certified professional midwife issued by the North American Registry of Midwives ("NARM") or its successor organization;

"(B) Has successfully completed a midwifery education and training program, either through an accredited educational program or non-accredited educational program; except, that an individual who has successfully completed an educational program accredited by NARM shall be deemed to have completed an accredited educational program;

"(C) Is at least 21 years of age by the date of the licensure application;

"(D) Has completed a criminal history background check in accordance with section 522 of this act;

"(E) That the individual holds a current cardiopulmonary resuscitation certification for healthcare providers issued by the American Red Cross or the American Heart Association; and

"(F) That the individual holds a current neonatal resuscitation program certification issued by the American Academy of Pediatrics.

"(2) Beginning October 1, 2020, individuals seeking a license to practice midwifery shall:

"(A) Successfully complete an educational pathway accredited by MEAC;

"(B) In the event an individual has successfully completed a non-accredited education pathway and obtained the individual's CPM credential prior to October 1, 2020, the individual must obtain an MBC to be eligible for licensure as a certified professional midwife and complete:

"(i) Fourteen hours of obstetric emergency skills training such as birth emergency skills training or an advanced life-saving in obstetrics course; and

"(ii) A course in pharmacology approved by NARM or an accredited university or program to be eligible for licensure a certified professional midwife; or

"(C) In the event an individual is licensed to practice midwifery in a state that does not require the successful completion of an accredited educational pathway as a prerequisite to obtain a license to practice midwifery, the individual shall have been licensed for at least one year prior to attempting to obtain an MBC from NARM to practice in the District.".

(e) New titles VI-E and VI-F are added to read as follows:

"TITLE VI-E.

"MATERNITY CENTERS CERTIFICATIONS; OPERATIONS; ADMINISTRATION.

"Sec. 661. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means an organization petitioning the Director of the Department of Health to become a certified maternity center.

"(2) "Maternity center" means a facility or other place, other than a hospital or the mother's home, that provides antepartal, intrapartal, and postpartal care for both mother and newborn infant during and after a normal, uncomplicated pregnancy.

"Sec. 662. Certification of maternity centers.

"(a) Upon receipt of satisfactory proof from the applicant, the Mayor shall certify that the following services will be provided at a maternity center by or under the supervision of a certified nurse-midwife or a certified professional midwife that has a licensed physician is available at all times:

"(1) Diagnostic services for screening at-risk maternity patient-clients and newborn infants;

"(2) Referral for care of at-risk maternity patient-clients and newborn infants; and

"(3) Midwifery services for the care of at-risk maternity patient-clients and newborn infants.

"(b)(1) An individual or entity shall be appointed by the maternity center to develop and maintain a written organizational plan and be responsible for the appointment of a certified nurse-midwife or a CPM as director of the maternity center and a qualified physician as Director of Medical Affairs.

"(2) A maternity center shall not be required to employ a director of medical affairs if the maternity center is able to produce demonstrative evidence that the maternity center has access to appropriate consultation and transfer of care with an obstetrician within an appropriate distance from the birthing center.

"(c) If midwifery services are provided by a maternity center, a certified nurse midwife, CPM, or the director of a maternity center shall be appointed director of midwifery services.

"Sec. 663. Maternity center operating procedures.

"(a)(1) Each maternity center, regardless of size, shall have written practice guidelines establishing procedures for both normal and emergency care. The practice guidelines shall be consistent with the Practice Guidelines of the American College of Nurse-Midwives, Standards of Practice of the National Association of Certified Professional Midwives, and District of Columbia laws and regulations relating to midwifery practices. The practice guidelines shall indicate the areas of responsibility of medical, certified nurse-midwife and certified professional midwifery, and nursing personnel and the extent to which the responsibility of physicians can be delegated. The practice guidelines shall be available to all members of the center and shall be reviewed annually. The practice guidelines shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a certified professional midwife or a certified nurse midwife.

"(2) Delivery practice guidelines shall be consistent with the current professional standards of the National Association of Childbearing Centers, the Commission for the Accreditation of Birth Centers, the National Association of Certified Professional Midwives, and the American College of Nurse Midwives.

"(b) A certified nurse-midwife, certified professional midwife, or physician with special training in obstetrics shall attend each patient-client in labor from the time of admission, during labor, during birth and through the immediate postpartum period; except, that attendance may be delegated to another certified nurse-midwife, a CPM, or physician. At least 2 attendants shall be present at every birth, one of whom is a certified nurse-midwife, CPM, or physician with special training in obstetrics. Both attendants shall be certified in adult cardiopulmonary resuscitation ("CPR"), equivalent to the American Heart Association Class C basic life support, and neonatal CPR, equivalent to the American Academy of Pediatrics or American Heart Association standards. Qualified personnel, including a certified nurse-midwife, CPM, or a Board-certified physician shall always be on duty when patient-clients are admitted, whether on the premises or on call.

"Sec. 664. Administration of medications.

"(a) The practice guidelines governing drugs and medications shall provide for legal authorization, storage, administration, and record keeping, including requiring that:

"(1) Medications be ordered by a certified-nurse midwife, CPM, physician, or other member of the staff who is licensed to write such orders;

"(2) Medication orders be recorded in the patient-client's chart and signed by the ordering person with his or her full signature; and

"(3) Medications be administered by a physician, nurse midwife, CPM, registered nurse or licensed practical nurse and in accordance with the approved practice guidelines by the Board of Medicine.

"TITLE VI-F. MEDICAID REIMBURSEMENT.

"Sec. 671. Reimbursement for certified professional midwives.

"(a) A health benefit plan or health insurance provided through Medicaid shall provide coverage for services rendered by a certified professional midwife for services within the scope of the practice of certified professional midwifery, regardless of the location where such services are provided.

"(b) Coverage for services provided by a certified professional midwife shall not be subject to any greater copayment, deductible, or coinsurance than is applicable to any other similar benefits provided by the health benefit plan or health insurance coverage provided through Medicaid.

"(c) A health benefit plan may require that maternity services be provided by a certified professional midwife under contract with the health benefit plan.

"(d)(1) For the purposes of this section, the term "health benefit plan" means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement.

"(2) The term "health benefit plan" does not include:

"(A) Accident-only coverage, credit, or disability insurance;

"(B) Coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government;

"(C) Medicare supplement or long-term care insurance;

"(D) Dental only or vision only insurance;

"(E) Specified-disease insurance;

"(F) Hospital confinement indemnity coverage;

"(G) Limited benefit health coverage;

"(H) Coverage issued as a supplement to liability insurance;

"(I) Insurance arising out of a workers' compensation or similar law;

"(J) Automobile medical payment insurance;

"(K) Medical expense and loss of income benefits; or

"(L) Insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.".

Sec. 3. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-741.01 *et seq.*), is amended by adding a new section 4949 to read as follows:

"Sec. 4949. Advisory Committee on Certified Professional Midwives.

"(a)(1) There is established an Advisory Committee on Certified Professional Midwives to consist of 7 members as follows:

"(A) The Director of the Department of Health, or designee;

"(B) Three certified professional midwives, as that term is defined in section 101(1C) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01(1C));

"(C) One licensed physician who is an obstetrician certified by the American Board of Obstetrics and Gynecology and who has professional experience working with certified professional midwives or other community-based midwives;

"(D) One certified nurse-midwife who has worked in a non-hospital setting or who has had professional experience working with certified professional midwives; and

"(E) A former consumer of midwifery services as the consumer member.

"(2) Individuals appointed in accordance with paragraph (1) of this subsection who are required to be licensed shall be licensed to practice their respective professions in the District.

"(b) Of the appointees to the Advisory Committee on Certified Professional Midwives other than the Director of the Department of Health, 3 shall serve an initial term of 2 years and 3 shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

"(c)(1) The Advisory Committee on Certified Professional Midwives shall develop and

submit to the Board guidelines for licensing certified professional midwives and regulating the practice of certified professional midwifery in the District.

"(2) Guidelines submitted pursuant to paragraph (1) of this subsection shall:

"(A) Be consistent with the standards of practice and ethical conduct established by the National Association of Certified Professional Midwives and the North American Registry of Midwives ("NARM");

"(B) Define expected standards of practice and conduct;

"(C) Specify a process for a certified professional midwife to obtain appropriate screening and testing for clients, including laboratory tests, urinalysis, and ultrasounds;

"(D) Specify a process for a certified professional midwife to obtain and administer antihemorrhagic agents, including:

"(i) Pitocin, oxytocin, misoprostol, and methergine;

"(ii) Intravenous fluids, neonatal injectable vitamin K, newborn antibiotic eye prophylaxis, oxygen, intravenous antibiotics for Group B Streptococcal antibiotic prophylaxis, Rho (D) immune globulin, local anesthetic, epinephrine, and terbutaline for non-reassuring fetal heart tones and cord prolapse pending transport;

"(iii) Globulin, local anesthetic, and epinephrine; and

"(iv) Other pharmaceutical agents, consistent with either the scope of the practice of midwifery, or a prescription issued by a health professional for a patient-client of a midwife, that are approved by the Board of Medicine;

"(E) Authorize medical device distributors and manufacturers to issue breast pumps, compression stockings and belts, and maternity belts to CPMs;

"(F) Require a CPM to provide each client with a signed informed consent form that describes the CPM's qualifications, education, a copy of the CPM's emergency plan, whether the CPM carries professional liability insurance, and the benefits and risks of birth in the setting of choice of the patient-client, and maintain a record of each patient-client's signed informed consent form;

"(G) Require a CPM, subject to the consent of the patient-client, to report the patient-client's data to a national data registry, such as the Midwives Alliance of North America Statistical Registry or the AABC Perinatal Registry;

"(H) Adopt professional continuing education requirements for certified professionals consistent with those required by NARM for recertification;

"(I) Establish requirements for peer review consistent with those required by NARM for recertification under which information disclosed for peer review shall be protected in accordance with section 6 of the Medical Records Act of 1978, effective September 29, 1978 (D.C. Law 2-112; D.C. Official Code § 44–805); and

"(J) Require the CPM to file a birth certificate for each live birth attended by a certified professional midwife, in accordance with section 108 of the Vital Records

Modernization Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-231.08).

"(3) Guidelines currently approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

"(4) The Advisory Committee on Certified Professional Midwives shall submit revised guidelines to the Board of Medicine by October 1, 2020.".

Sec. 4. Section 2(6) of the District of Columbia Health Professional Recruitment Program Act of 2005, effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.01(6)), is amended by striking the phrase "nurse midwives, certified registered nurse practitioners" and inserting the phrase "nurse midwives, certified professional midwives, certified registered nurse practitioners" in its place.

Sec. 5. Rules.

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

Sec. 6. 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. 7. 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. 8. 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

ENROLLED ORIGINAL

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 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To amend Title 28 of the District of Columbia Official Code concerning businesses' data breaches to expand definitions, to specify the required contents of a notification of a security breach to a person whose personal information is included in a breach, to clarify time frames for reporting breaches, to require that written notice of a breach, including specific information, be given to the Office of the Attorney General for the District of Columbia, to specify the security requirements for the protection of personal information, to require the provision of 18 months of identity theft prevention services when a breach results in the release of social security or tax identification numbers, and to make violation of the requirements for protection of personal information an unfair or deceptive trade practice.

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

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) Chapter 38 is amended as follows:

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

"§ 28-3852a. Security Requirements.

"§ 28-3852b. Remedies.

"§ 28-3852c. Rulemaking.".

(2) Section 28-3801 is amended by striking the word "chapter" and inserting the word "subchapter" in its place.

(3) Section 28-3851 is amended as follows:

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

"(1)(A) "Breach of the security of the system" means unauthorized acquisition of computerized or other electronic data or any equipment or device storing such data that

compromises the security, confidentiality, or integrity of personal information maintained by the person or entity who conducts business in the District of Columbia.

"(B) The term "breach of the security of the system" does not include:

"(i) A good-faith acquisition of personal information by an employee or agency of the person or entity for the purposes of the person or entity if the personal information is not used improperly or subject to further unauthorized disclosure;

"(ii) Acquisition of data that has been rendered secure, including through encryption or redaction of such data, so as to be unusable by an unauthorized third party unless any information obtained has the potential to compromise the effectiveness of the security protection preventing unauthorized access; or

"(iii) Acquisition of personal information of an individual that the person or entity reasonably determines, after a reasonable investigation and consultation with the Office of the Attorney General for the District of Columbia and federal law enforcement agencies, will likely not result in harm to the individual.

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

"(1A) "Genetic information" has the meaning ascribed to it under the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), approved August 21, 1996 (Pub. Law 104-191; 110 Stat. 1936), as specified in 45 C.F.R. § 106.103.

"(1B) "Medical Information" means any information about a consumer's dental, medical, or mental health treatment or diagnosis by a health-care professional.".

(C) Paragraph (2) is amended by striking the word "business" wherever it appears and inserting the word "entity" in its place.

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

"(2A) "Person or entity" means an individual, firm, corporation, partnership, company, cooperative, association, trust, or any other organization, legal entity, or group of individuals. The term "person or entity" shall not include the District of Columbia government or any of its agencies or instrumentalities.".

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

"(3)(A) "Personal information" means:

"(i) An individual's first name, first initial and last name, or any other personal identifier, which, in combination with any of the following data elements, can be used to identify a person or the person's information:

"(I) Social security number, Individual Taxpayer Identification Number, passport number, driver's license number, District of Columbia identification card number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual;

"(II) Account number, credit card number or debit card number, or any other number or code or combination of numbers or codes, such as an

identification number, security code, access code, or password, that allows access to or use of an individual's financial or credit account;

"(III) Medical information;

"(IV) Genetic information and deoxyribonucleic acid profile;

"(V) Health insurance information, including a policy number, subscriber information number, or any unique identifier used by a health insurer to identify the person that permits access to an individual's health and billing information;

"(VI) Biometric data of an individual generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voice print, genetic print, retina or iris image, or other unique biological characteristic, that is used to uniquely authenticate the individual's identity when the individual accesses a system or account; or

"(VII) Any combination of data elements included in sub-sub-subparagraphs (I) through (VI) of this sub-subparagraph that would enable a person to commit identity theft without reference to a person's first name or first initial and last name or other independent personal identifier.

"(ii) A user name or e-mail address in combination with a password, security question and answer, or other means of authentication, or any combination of data elements included in sub-sub-subparagraphs (I) through (VI) of sub-subparagraph (i) that permits access to an individual's e-mail account.".

(4) Section 28-3852 is amended as follows:

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

"(a-1) The notification required under subsection (a) of this section shall include:

"(1) To the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including the elements of personal information that were, or are reasonably believed to have been, acquired;

"(2) Contact information for the person or entity making the notification, including the business address, telephone number, and toll-free telephone number if one is maintained;

"(3) The toll-free telephone numbers and addresses for the major consumer reporting agencies, including a statement notifying the resident of the right to obtain a security freeze free of charge pursuant to 15 U.S.C. § 1681c-1 and information how a resident may request a security freeze; and

"(4) The toll-free telephone numbers, addresses, and website addresses for the following entities, including a statement that an individual can obtain information from these sources about steps to take to avoid identity theft:

"(A) The Federal Trade Commission; and

"(B) The Office of the Attorney General for the District of Columbia.

"(a-2) Notwithstanding subsection (a-1) of this section, in the case of a breach of the security of the system that only involves personal information as defined in § 28-3851(3)(A)(ii), the person or entity may comply with this section by providing the notification in electronic format or other form that directs the person to change the person's password and security question or answer, as applicable, or to take other steps appropriate to protect the e-mail account with the person or entity and all other online accounts for which the person whose personal information has been breached uses the same username or email address and password or security question or answer.

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

"(b-1) In addition to giving the notification required under subsection (a) of this section, and subject to subsection (d) of this section, the person or entity required to give notice shall promptly provide written notice of the breach of the security of the system to the Office of the Attorney General for the District of Columbia if the breach affects 50 or more District residents. This notice shall be made in the most expedient manner possible, without unreasonable delay, and in no event later than when notice is provided under subsection (a) of this section. The written notice shall include:

"(1) The name and contact information of the person or entity reporting the breach;

"(2) The name and contact information of the person or entity that experienced the breach;

"(3) The nature of the breach of the security of the system, including the name of the person or entity that experienced the breach;

"(4) The types of personal information compromised by the breach;

"(5) The number of District residents affected by the breach;

"(6) The cause of the breach, including the relationship between the person or entity that experienced the breach and the person responsible for the breach, if known;

"(7) The remedial action taken by the person or entity to include steps taken to assist District residents affected by the breach;

"(8) The date and time frame of the breach, if known;

"(9) The address and location of corporate headquarters, if outside of the District;

"(10) Any knowledge of foreign country involvement; and

"(11) A sample of the notice to be provided to District residents.

"(b-2) The notice required under subsection (b-1) of this section shall not be delayed on the grounds that the total number of District residents affected by the breach has not yet been ascertained.".

(C) Subsection (e) is repealed.

(D) Subsection (g) is amended to read as follows:

"(g) A person or entity that maintains procedures for a breach notification system under Title V of the Gramm-Leach-Bliley Act, approved November 12, 1999 (113 Stat. 1436; 15 U.S.C. § 6801 *et seq.*), or the breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936), or the Health Information Technology for Economic and Clinical Health Act, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 226), and provides notice in accordance with such Acts, and any rules, regulations, guidance and guidelines thereto, to each affected resident in the event of a breach, shall be deemed to be in compliance with this section with respect to the notification of residents whose personal information is included in the breach. The person or entity shall, in all cases, provide written notice of the breach of the security of the system to the Office of the Attorney General for the District of Columbia as required under subsection (b-1) of this section.".

(5) New sections 28-3852a, 28-3852b, and 28-3852c are added to read as follows:

"§ 28-3852a. Security requirements.

"(a) To protect personal information from unauthorized access, use, modification, disclosure, or a reasonably anticipated hazard or threat, a person or entity that owns, licenses, maintains, handles, or otherwise possesses personal information of an individual residing in the District shall implement and maintain reasonable security safeguards, including procedures and practices that are appropriate to the nature of the personal information and the nature and size of the entity or operation.

"(b) A person or entity that uses a nonaffiliated third party as a service provider to perform services for a person or entity and discloses personal information about an individual residing in the District under a written agreement with the third party shall require by the agreement that the third party implement and maintain reasonable security procedures and practices that:

"(1) Are appropriate to the nature of the personal information disclosed to the nonaffiliated third party; and

"(2) Are reasonably designed to protect the personal information from unauthorized access, use, modification, and disclosure.

"(c) When a person or entity is destroying records, including computerized or electronic records and devices containing computerized or electronic records, that contain personal information of a consumer, employee, or former employee of the person or entity, the person or entity shall take reasonable steps to protect against unauthorized access to or use of the personal information, taking into account:

"(1) The sensitivity of the records;

"(2) The nature and size of the business and its operations;

"(3) The costs and benefits of different destruction and sanitation methods; and

"(4) Available technology.

"(d) A person or entity who is subject to and in compliance with requirements for security procedures and practices contained in Title V of the Gramm-Leach-Bliley Act, approved November 12, 1999 (113 Stat. 1436; 15 U.S.C. § 6801 *et seq.*), or the Health Insurance Portability Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936), or the Health Information Technology for Economic and Clinical Health Act, approved February 17, 2009 (Pub. L. No.111-5; 123 Stat. 226), and any rules, regulations, guidance and guidelines thereto, shall be deemed to be in compliance with this section.".

"§ 28-3852b. Remedies.

"When a person or entity experiences a breach of the security of the system that requires notification under § 28-3852(a) or (b), and such breach includes or is reasonably believed to include a social security number or taxpayer identification number, the person or entity shall offer to each District resident whose social security number or tax identification number was released identity theft protection services at no cost to such District resident for a period of not less than 18 months. The person or entity that experienced the breach of the security of its system shall provide all information necessary for District residents to enroll in the services required under this section.

"§ 28-3852c. Rulemaking.

"The Attorney General for the District of Columbia, pursuant to § 2-501 *et seq.*, may issue rules to implement the notification provisions pursuant to § 28-3852(b-1).".

(6) Section 28-3853 is amended as follows:

(A) Subsection (a) is repealed.

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

"(b) A violation of this subchapter, or any rule issued pursuant to the authority of this subchapter, is an unfair or deceptive trade practice pursuant to § 28-3904(kk).".

(b) Chapter 39 is amended as follows:

(1) Section 28-3904 is amended as follows:

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

(B) Subsection (jj) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(kk) violate any provision of subchapter 2 of Chapter 38 of this title.".

(2) Section 28-3905(k)(2)(A) is amended to read as follows:

"(A)(i) Treble damages, or $1,500 per violation, whichever is greater, payable to the consumer;

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"(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, for a violation of § 28-3904(kk) a consumer may recover or obtain actual damages. Actual damages shall not include dignitary damages, including pain and suffering.".

(3) Section 28-3909 is amended by striking the phrase "28-3819 or 28-3904" wherever it appears and inserting the phrase "28-3819, 28-3851, 28-3852, 28-3852a, 28-3852b, or 28-3904" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in 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
March 26, 2020
APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To designate the Benning Park Community Center located adjacent to Southern Avenue, S.E., and 53rd Street, S.E., as the Woody Ward Recreation Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Woody Ward Recreation Center Designation Act of 2020".

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council designates the Benning Park Community Center located adjacent to Southern Avenue, S.E. and 53rd Street, S.E., as the "Woody Ward Recreation Center".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To designate the amphitheater at Oxon Run Park, located at 13th Street, S.E., and Mississippi Avenue, S.E., as the James E. Bunn Amphitheater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "James E. Bunn Amphitheater Designation Act of 2020".

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22) ("Act"), and notwithstanding section 404 of the Act (D.C. Official Code § 9-204.04), the Council designates the amphitheater at Oxon Run Park, located at 13th Street, S.E., and Mississippi Avenue, S.E., as the "James E. Bunn Amphitheater".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To designate the park located in the W Street, N.E., right of way not used for street purposes at the corner of 13th Street, N.E., and Downing Street, N.E., as Zaire Kelly Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Zaire Kelly Park Designation Act of 2020".

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council designates the park located in the W Street, N.E., right of way not used for street purposes at the corner of 13th Street, N.E., and Downing Street, N.E., as "Zaire Kelly Park".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To symbolically designate the 1400 block of Minnesota Avenue, S.E., between Good Hope Road, S.E., and 16th Street, S.E., as Rev. Roy Settles Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rev. Roy Settles Way Designation Act of 2020".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 1400 block of Minnesota Avenue, S.E., between Good Hope Road, S.E., and 16th Street, S.E., as "Rev. Roy Settles Way".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To amend, on a temporary basis, the Condominium Act of 1976 to clarify standards and procedures governing the resolution of a claim for a condominium developer's warranty against structural defects, that a claimant may appeal the findings of the Mayor to the Office of Administrative Hearings, and the circumstances when the Mayor may release the warranty security funds to the claimant.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the "Condominium Warranty Claims Clarification Temporary Amendment Act of 2020".

Sec. 2. Section 316 of the Condominium Act of 1976, effective March 8, 1991 (D.C. Law 8-233; D.C. Official Code § 42-1903.16), is amended as follows:

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

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

"(1) "Adjudication" shall have the meaning set forth in section 102(19) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(19)).

"(2) "Claimant" means a person asserting a claim under the warranty for structural defects required by this section.

"(3) "Conveyance" means the transfer of title by written instrument.

"(4) "Order" shall have the meaning set forth in section 102(11) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(11)).

"(5) "Perfected claim" means a claim that contains all the information and proof required by this section or any other applicable law or regulation.

"(6) "Structural defect" means a defect in a component that constitutes any unit or portion of the common elements that reduces the stability or safety of the structure below standards commonly accepted in the real estate market or that restricts the normally intended use of all or part of the structure and which requires repair, renovation, restoration, or replacement.

The term "structural defect" does not include items of maintenance relating to the units or common elements.".

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

"(e-1)(1) A claimant asserting a claim for a structural defect under this section shall provide notice of each such claim to the Mayor and to the declarant on a form prescribed by the Mayor.

"(2) The declarant shall notify the Mayor within 10 business days after receiving a notice of a structural defect from a claimant.

"(3) Within 90 days after providing notice to the Mayor and to the declarant pursuant to paragraph (1) of this subsection, the claimant may pursue the remedies provided by this act by filing a claim with the Mayor on a form prescribed by the Mayor.

"(4) Within 60 days after receiving a claim, the Mayor shall determine whether the claim is a perfected claim, and if so, the Mayor shall adjudicate the claim on the merits and issue an order setting forth the decision of the Mayor.

"(5)(A) The order of the Mayor may be appealed by the declarant or claimant to the Office of Administrative Hearings no later than 30 days after the order is issued by the Mayor.

"(B) An appeal of a Mayor's order issued pursuant to this section shall be reviewed *de novo* by the Office of Administrative Hearings.

"(6) In the event that the Mayor has not yet issued the forms required by paragraphs (1) and (3) of this subsection, the claimant may submit a claim in writing in a manner and form satisfactory to the Mayor.

"(e-2) The Mayor shall approve the release of the funds secured under subsection (e) of this section to satisfy any costs that arise from a declarant's failure to satisfy the requirements of this section pursuant to:

"(1) A written agreement between the declarant and claimant regarding the release of the warranty security in satisfaction of the claim, approved by the Mayor;

"(2) An order issued by the Mayor pursuant to subsection (e-1)(4) of this section, after the expiration of the applicable appeal period;

"(3) An order of the Office of Administrative Hearings issued for an appeal under subsection (e-1)(5) of this section, after the expiration of the applicable appeal period; or

"(4) An order of a court of competent jurisdiction, after the expiration of the applicable appeal period.".

(c) Subsection (f) is repealed.

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

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 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 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To amend, on a temporary basis, the District of Columbia Nonresident Tuition Act to allow District of Columbia students enrolled at District of Columbia Public Schools or public charter schools who attend non-public schools or programs to continue their education for the remainder of the school year in which legal permanency is achieved and through the end of the following school year, without payment of nonresident tuition, if the child ceases to be in the care and custody of the District as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Public Student Educational Continuity Temporary Amendment Act of 2020".

Sec. 2. Section 2(e) of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(e)), is amended as follows:

(a) Strike the phrase "school, ceases" and insert the phrase "school, or while enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38–2561.03) ("Placement Act"), ceases" in its place.

(b) Strike the phrase "currently attends." and insert the phrase "currently attends, if the child attends a DCPS or public charter school, or the remainder of the school year in which the change in care and custody occurs and through the end of the following school year, if the child is currently enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement Act." in its place.

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

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 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 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on a temporary basis, the Minimum Wage Act Revision Act of 1992 to provide that a third-party payroll provider shall certify that a tipped employee was paid the required minimum wage based only on the information it receives from an employer; and to amend the Commission on the Arts and Humanities Act to clarify the term requirements for the Executive Director.

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

Sec. 2. Section 10a(a)(1)(A) of the Minimum Wage Act Revision Act of 1992, effective March 11, 2014 (D.C. Law 20-91; D.C. Official Code § 32-1009.01(a)(1)(A)), is amended by striking the phrase "including gratuities." and inserting the phrase "including gratuities based upon the information given to it by the employer." in its place.

Sec. 3. Section 6(a)(1) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-205(a)(1)), is amended to read as follows:

"(a)(1) The Commission shall nominate, and after the advice and consent of the Council, shall appoint an Executive Director for the Commission for a renewable 4-year term. The Executive Director may be removed by the Commission for just and reasonable cause.".

Sec. 4. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on a temporary basis, the Firearms Control Regulations Act of 1975 to prohibit the issuance of a registration certificate for ghost guns, and to prohibit the sale or transfer of ghost guns; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to prohibit the possession of ghost guns.

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

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (9B) is designated as paragraph (9C).

(2) A new paragraph (9B) is added to read as follows:

"(9B) "Ghost gun" means a firearm that, after the removal of all parts other than a receiver, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or any major component of which, when subjected to inspection by the types of detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component. The term "ghost gun" includes an unfinished frame or receiver.".

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

"(12B) "Receiver" means the part of a firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism.".

(4) A new paragraph (15A) is added to read as follows:

"(15A) "Security Exemplar" means an object, to be fabricated at the direction of the Mayor, that is:

"(A) Constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

"(B) Suitable for testing and calibrating metal detectors.".

(5) A new paragraph (17B) is added to read as follows:

"(17B)(A) "Unfinished frame or receiver" means a frame or receiver of a firearm, rifle, or shotgun that is not yet a component part of a firearm, but which may without the expenditure of substantial time and effort be readily made into an operable frame or receiver through milling, drilling, or other means.

"(B) The term "unfinished frame or receiver" includes any manufactured object, any incompletely manufactured component part of a firearm, or any combination thereof that is not a functional frame or receiver but is designed, manufactured, assembled, marketed, or intended to be used for that purpose, and can be readily made into a functional frame or receiver.

"(C) For the purposes of this paragraph, the term:

"(i) "Manufacture" means to fabricate, make, form, produce or construct, by manual labor or by machinery.

"(ii) "Assemble" means to fit together component parts.".

(b) Section 202(a) (D.C. Official Code § 7-2502.02(a)) is amended as follows:

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

(2) Paragraph (7) is amended by striking the period and inserting the phrase "; or" in its place.

(3) A new paragraph (8) is added to read as follows:

"(8) Ghost gun.".

(c) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase "destructive device" and inserting the phrase "destructive device, ghost gun, unfinished frame or receiver," in its place.

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B) to read as follows:

"(2B) "Ghost gun" shall have the same meaning as provided in section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B))".

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase "bump stock, knuckles" both times it appears and inserting the phrase "bump stock, ghost gun, knuckles" in its place.

Sec. 4. Fiscal impact statement.

ENROLLED ORIGINAL

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on a temporary basis, the District of Columbia Election Code of 1955 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 Temporary 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.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
March 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on a temporary 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 Temporary 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.

(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

ENROLLED ORIGINAL

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 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on a temporary basis, 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 Temporary 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.

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).

ENROLLED ORIGINAL

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 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 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-10A with SCATTERED SITE III, LLC for program units at Karin House, located at 1395 Aspen Street, N.W.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-10A 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract, Contract No. 2014-LRSP-10A, with SCATTERED SITE III, LLC to provide an operating subsidy in support of 24 affordable housing units in an initial amount not to exceed $376,704 annually.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2018-LRSP-06A with SCATTERED SITE III, LLC for program units at Anna Cooper House, located at 1338 R Street, N.W.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2018-LRSP-06A 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract, Contract No. 2018-LRSP-06A, with SCATTERED SITE III, LLC to provide an operating subsidy in support of 47 affordable housing units in an initial amount not to exceed $705,000 annually.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
March 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 2020

To amend, on an emergency basis, the Minimum Wage Act Revision Act of 1992 to provide that a third-party payroll provider shall certify that a tipped employee was paid the required minimum wage based only on the information it receives from an employer; and to amend the Commission on the Arts and Humanities Act to clarify the term requirements for the Executive Director.

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

Sec. 2. Section 10a(a)(1)(A) of the Minimum Wage Act Revision Act of 1992, effective March 11, 2014 (D.C. Law 20-91; D.C. Official Code § 32-1009.01(a)(1)(A)), is amended by striking the phrase "including gratuities." and inserting the phrase "including gratuities based upon the information given to it by the employer." in its place.

Sec. 3. Section 6(a)(1) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-205(a)(1)), is amended to read as follows:

"(a)(1) The Commission shall nominate, and after the advice and consent of the Council, shall appoint an Executive Director for the Commission for a renewable 4-year term. The Executive Director may be removed by the Commission for just and reasonable cause.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCCB-2019-C-0015 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 Contract No. DCCB-2019-C-0015 with Milberg Phillips Grossman LLP and Evangelista Worley LLC to provide outside legal services and authorizes payment in the not-to-exceed amount of $33 million for the goods and services received and to be received under the contract.

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; Pub. L. 93-198; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To establish, on an emergency basis, a Ward 8 Senior Housing Fund to fund initiatives that create or maintain affordable housing for Ward 8, prioritizing residents age 55 or older who reside in Squares 5772, 5783, 5784, or 5785 and who meet specified income requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ward 8 Senior Housing Fund Establishment Emergency Amendment Act of 2020".

Sec. 2. (a) There is established as a special fund the Ward 8 Senior Housing Fund ("Fund"), which shall be administered by the Mayor in accordance with subsections (c) and (d) of this section.

(b) Money from the following sources shall be deposited in the Fund:

(1) The $900,000 obtained by the District as part of the settlement agreement in the case, *District of Columbia v. Curtis Investment Group, Inc.*; and

(2) Any money that may be appropriated to the Fund.

(c)(1) Money in the Fund shall be used to provide rental assistance in the form of a subsidy that is authorized to be used solely for the payment of lease rent and is to be paid to tenants who are:

(A) Seniors, who are 55 years of age or older;

(B) Reside in Squares 5772, 5783, 5784, or 5785; and

(C) Have an income that is less than 80% of the Area Median Income for a household of like size in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development.

(2) Nothing in this subsection shall be construed to create any entitlement to a subsidy for rental assistance from the Fund, or to confer on any person an entitlement to a subsidy for rental assistance from the Fund.

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

ENROLLED ORIGINAL

(e) Within 30 days after initial expenditure from the Fund and on a quarterly basis thereafter, the Mayor shall submit a report to the Councilmember representing Ward 8 and the Chairman of the Council detailing all past and planned expenditures from the Fund.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March31, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 31, 2020

To amend, on an emergency basis, the Business Improvement District Act of 1996 to allow the Board of the Adams Morgan Business Improvement District to set its tax rate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adams Morgan Business Improvement District Emergency Amendment Act of 2020".

Sec. 2. Section 206(c) of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56(c)), is amended to read as follows:

"(c) The BID taxes for the taxable properties in the Adams Morgan BID shall not exceed $.21 for each $100 in assessed value for all taxable properties and all commercial portions of mixed use properties; provided, that any change in the BID taxes from the current tax year rates shall be made subject to the requirements of section 8.".

Sec. 3. Applicability.

This act shall apply as of April 5, 2020.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect after 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 31, 2020

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To recognize and celebrate, Aiyi'nah Ford and The Future Foundation for many years of dedication and service to the Ward 8 community.

WHEREAS, Aiyi'nah Ford, a native Washingtonian, was born and raised in Ward 8;

WHEREAS, Ms. Ford, has overcome many personal obstacles like cervical cancer, domestic violence, homelessness, and child sexual assault through great resilience;

WHEREAS, Ms. Ford is an award-winning activist who was honored as the 2019 Leader of the Year by Young Education Professionals and received the 2018 Woman of Achievement Award from Women's Information Network;

WHEREAS, Ms. Ford is nationally respected for her wealth of experience in trauma-informed facilitation, political strategy, and youth development;

WHEREAS, the Future Foundation was founded in 2012 to provide free trauma-informed, drop-in programs for teens and their families in the Ward 8 region;

WHEREAS, Ms. Ford has been the executive director of the Future Foundation since 2012;

WHEREAS, the Future Foundation's mission is to empower and activate future adults, ages 13-21 years of age, and their families with social justice advocacy, community organizing and resource development skills to create a future worth fighting for;

WHEREAS, the Future Foundation exists to empower youth to address the trauma they, their families, and their communities have experienced;

WHEREAS, the Future Foundation's political education curriculum trains future adults to navigate and dismantle the oppressive systems that have been structured for economic and educational disparities;

WHEREAS, the Future Foundation's programs provide youth and their families access to the language to describe the struggles they are facing as well as family wellness practices to begin individual and collective healing;

ENROLLED ORIGINAL

WHEREAS, to date the Future Foundation has helped 958 future adults and assisted in transforming 3,850 families over the course of 7 years; and

WHEREAS, the future adults who are a part of the Future Foundation have earned over 76,640 community service hours.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Future Foundation Ceremonial Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia honors The Future Foundation in its activism and service to the youth and the Ward 8 community.

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

23-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To recognize and celebrate Experience Unlimited, also known as E.U. Band, for their impact on go-go music culture and Ward 8.

WHEREAS, Gregory "Sugar Bear" Elliot is a native Ward 8 Washingtonian, go-go music pioneer and founding member of the legendary Washington DC go-go band Experience Unlimited (E.U.);

WHEREAS, Sugar Bear hails from the Ward 8 neighborhood of "Valley Green" and is a proud graduate of Ballou Senior High School;

WHEREAS, the band chose the name Experience due to their respect for Rock & Roll icon Jimi Hendrix and his band The Jimi Hendrix Experience, and selected Unlimited because they did not want to limit the range of their musical style;

WHEREAS, Experience Unlimited developed into one of Washington, D.C.'s original and longest lasting go-go acts. They had the opportunity to record two albums for Virgin Records and tour all over the world including Japan, Antigua, Bermuda, Afghanistan, and El Salvador;

WHEREAS, Experience Unlimited has toured Europe as a part of two USO tours, entertaining US military, and they've also performed with Teena Marie, Bob Dylan, Morris Day and The Time, Mint Condition, Cameo, and were featured on several tom Joyner cruises;

WHEREAS, Experience Unlimited is best known for their Grammy nominated, Soul Train award winning, worldwide hit "Da Butt" which was featured in Spike Lee's School Daze and charted at number 35 on the Billboard Hot 100;

WHEREAS, "Da Butt" also reached number 1 on the Billboard's Hot Black Singles chart at number 1 the week of April 23, 1988, and was ranked number 61 on VH1's 100 Greatest One Hit wonders of the 80s;

WHEREAS, Experience Unlimited also scored hits with Salt N' Pepa's song "Shake Your Thing," rap innovator Kurtis Blow's "Party Time", as well as chart topping originals "Buck Wild" and the soulful ballad "Taste of Your Love";

ENROLLED ORIGINAL

WHEREAS, Experience Unlimited and Sugar Bear released another hit "Umm Bop Bopp" in 2000, which gave the band a fresh new fan base at the turn of the century, and went on to release the hit single "Bounce" in 2001 to extensive airplay;

WHEREAS, one of Sugar Bear and Experience Unlimited's finest moments came during the grand opening of the national Museum of African American History and Culture, where they not only performed for dignitaries from around the globe, but were also recognized with artifacts that are displayed in an exhibit celebrating go-go music culture;

WHEREAS, over the years Sugar Bear has increased his involvement in community activities through programs such as Teach the Beat, and other personal endeavors such as feeding the homeless with members of Experience Unlimited;

WHEREAS, under Sugar Bear's leadership Experience Unlimited had one of their best years appearing on stage at the 2019 BET awards with superstar actresses Taraji P. Henson and Regina Hall which opened them up to an entirely new fan base, and social media followers; and

WHEREAS, with this resurgence of interest in all things Sugar Bear and Experience Unlimited, the band can keep the legacy of Experience Unlimited alive and well for generations to come.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Experience Unlimited Band Ceremonial Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia honors Experience Unlimited for their musical contributions to the Ward 8 community and Washington D.C. as a whole.

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

23-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To recognize and celebrate, Mrs. Beverly Smith-Brown and Momma's Safe Haven for many years of dedication and service to the communities of Ward 8.

WHEREAS, Mrs. Beverly Smith-Brown, a native Washingtonian, was born and raised in Ward 8;

WHEREAS, Mrs. Smith-Brown is the proud mother of 4 children Alexis Smith, Anthony Smith, Deja Smith and Eshae Smith;

WHEREAS, Mrs. Smith-Brown, who experienced many lows that accompany living in a drug infested community and had the odds stacked up against her, graduated from Potomac College in 2010;

WHEREAS, Mrs. Smith-Brown saw a growing need in her community to gather likeminded people together to make a positive difference;

WHEREAS, as a result of that need Mrs. Smith-Brown was motivated to found Momma's Safe Haven in January 2014;

WHEREAS, Momma's Safe Haven was founded on the need to support the community as an organization that encourages self-love, higher education and self-employment by offering a support bridge to those in need of resources to get to the next level in their lives;

WHEREAS, the goal of Momma's Safe Haven is to help people get to the next level through partnering with organizations, schools, and government services;

WHEREAS, Momma's Safe Haven achieves this goal by serving over 3,000 families annually in Washington D.C.;

WHEREAS, Momma's Safe Haven has been continually recognized for the positive impact on the community including being featured by the Washington City Paper, the Informer, and Fox 5;

ENROLLED ORIGINAL

WHEREAS, Momma's Safe Haven hosts an annual conference called You Go Girl which is a transformational conference, centered around trauma and mental health for women and girls of all ages with an attendance of over 800 people in 2019;

WHEREAS, Momma's Safe Haven hosts an annual black history talent show that serves over 300 youth with over 400 people in attendance;

WHEREAS, Momma's Safe Haven hosts an annual band and dance competition with roughly 200 youth involvement;

WHEREAS, Momma's Safe Haven hosts a film program for youth during the summer where youth select a plot, create a script, and film it all in 6 weeks;

WHEREAS, Momma's Safe Haven gives back to its community by honoring other partners and organizations through the Black Wallstreet Southeast Award;

WHEREAS, Momma's Safe Haven opened a Healing Center in January 2019, with the purpose of providing a safe space conductive for healing from trauma;

WHEREAS, through the Healing Center counseling is available for sexual abuse support, grief counseling, and substance education with a vision that everyone feels important and valuable;

WHEREAS, the motto of Momma's Safe Haven says it all "We Are Taking Our Streets Back One Event At A Time;" and

WHEREAS, over the years Mrs. Smith-Brown has dedicated her life to leading by example and advocating for youth through supporting the needs of her community and providing community-based programs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Momma's Safe Haven Ceremonial Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia honors Mrs. Beverly Smith-Brown in her activism and service to the community.

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

23-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2020

To honor and remember the life of Mr. Nathaniel Bazemore, Jr. for his dedication, professionalism, service, and passion for life.

WHEREAS, Mr. Nathaniel Bazemore was a father, son, brother, and a member of the Constituent Service Staff for the Honorable Trayon White, Sr;

WHEREAS, he overcame challenges in his life and became a faithful practicing Muslim;

WHEREAS, Mr. Bazemore had an irresistible and gorgeous personality that would fill a room with his bright smile, loving spirit and thirst for knowledge;

WHEREAS, he took each day as a gift to make the most out of and to enjoy;

WHEREAS, Mr. Bazemore connected with many people in the John A. Wilson Building and was proud of his associations with Councilmembers particularly the Honorable Trayon White, Sr. and Elissa Silverman;

WHEREAS, he was known for his humble nature and bright smile;

WHEREAS, Mr. Bazemore received numerous acknowledgment of his excellent constituent services assistance and professionalism;

WHEREAS, through his life experiences and example, Mr. Bazemore was requested to share his story and inspiration to others;

WHEREAS, the impact of his life resulted in Councilmembers Trayon White, Sr., Elissa Silverman, and Robert White attending his homegoing and celebration of his life;

WHEREAS, each day, Mr. Bazemore would acknowledge, "insha Allah" as he would speak about the future;

WHEREAS, it is now befitting to quote the Qur'an Surah Baqarah; 2:156, "Inna lillahi wa inna ilayhi raji'un إِنَّا لِلَّهِ وَإِنَّـا إِلَيْهِ رَاجِعُونَ," "To Allah we belong and to him we return;" and

WHEREAS, Mr. Bazemore will be missed but not forgotten.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mr. Nathaniel Bazemore, Jr. Ceremonial Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia honors and remembers Mr. Nathaniel Bazemore, Jr. for his dedication, professionalism, service to others and his passion for life.

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

23-225

COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2020

To posthumously celebrate the life of Garland F. Pinkston, Jr., a native Washingtonian and Ward 4 resident for over 20 years.

WHEREAS, Garland F. Pinkston, Jr. was a 1965 graduate of Western High School, now known as Duke Ellington School of the Arts, in the District of Columbia;

WHEREAS, Garland F. Pinkston, Jr. received a bachelor's in business administration from George Washington University, and a Juris Doctor from Boston University School of Law;

WHEREAS, at George Washington University, Garland F. Pinkston Jr. helped found the Black Student Union and was the first African American to play on the varsity basketball team;

WHEREAS, Garland F. Pinkston, Jr. worked for 10 years in the civil rights arena, first with the United States Equal Employment Opportunity Commission and then the Center for National Policy Review, a nonprofit civil rights research and advocacy organization affiliated with the Catholic University law school;

WHEREAS, at the United States Equal Employment Opportunity Commission, Garland F. Pinkston, Jr. was selected to be the only representative of the Commission on President Jimmy Carter's Civil Rights Reorganization Task Force, which proposed measures, approved by the President and Congress, to improve the administration and enforcement of federal Equal Employment Opportunity laws;

WHEREAS, Garland F. Pinkston, Jr. held two cabinet level positions in the administrations of Mayor Marion S. Barry, as Director of Intergovernmental Relations and as Acting Corporation Counsel, presently know as Attorney General of the District of Columbia;

WHEREAS, in 1966, Garland F. Pinkston, Jr. was appointed to Clerk of the Court for the District of Columbia Court of Appeals, where he was the first African American to hold this position;

WHEREAS, as the Clerk of the Court, Garland F. Pinkston, Jr. served as the Chief Management Officer of the District of Columbia Court of Appeals;

ENROLLED ORIGINAL

WHEREAS, Garland F. Pinkston, Jr. directed a staff of 45 persons, assigned to 4 divisions, with responsibility for case management, bar admissions and disciplinary matters, personnel, and financial, facilities, and records management;

WHEREAS, Garland F. Pinkston, Jr. was predeceased by his parents Garland Sr. and Grace Pinkston of Washington, D.C.

WHEREAS, Garland F. Pinkston, Jr. was the proud parent of Brandon DeCosta Pinkston, devoted father-in-law to Adrianne, 'Pop Pop' to his beloved granddaughters Gabrielle and Victoria, and loving brother to his dear sister Sheila G. Pinkston;

WHEREAS. Garland F. Pinkston, Jr. was known for his lifetime of service to his community, which he cherished; and

WHEREAS, Garland F. Pinkston, Jr. will be remembered for his intellect, his wit, his sense of humor, his love of music, his hobby and avocation of making music CD's from Garland's Music Factory, his commitment to excellence, his generosity, and his never-ending willingness to help anyone in need that he met.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Garland F. Pinkston, Jr. Posthumous Recognition Resolution of 2020".

Sec. 2. The Council posthumously honors Garland F. Pinkston, Jr. for his lifelong commitment to bettering those around him, his community, and the District of Columbia as well as the positive impact he had on so many.

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

23-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2020

To celebrate and recognize the many contributions of the District's Afro-Latino community and to declare the second week of September as "D.C. Afro-Latino Heritage and Culture Week" in the District of Columbia.

WHEREAS, the District of Columbia is home to a strong and growing community of Latin and Caribbean Americans of African ancestry;

WHEREAS, D.C. Afro-Latino Heritage and Culture Week is an opportunity for District residents and visitors to share in and promote the rich history, customs, and values of the District's Afro-Latino American community;

WHEREAS, the Afro-Latino community has a strong tradition of political activism, notably advocating for the inclusion of Afro-Latinos in the US 2020 Census to ensure the proper collection of statistical data and to help better direct resources to address the issues facing the Afro-Latino population in the District of Columbia and across the United States of America;

WHEREAS, the District of Columbia declares support of the United Nations' designation of this decade, January 1, 2015, to December 31, 2024, as the "International Decade for People of African Descent" and joins the international effort to promote the recognition, justice, and development for all persons of African descent in the District of Columbia and across the world;

WHEREAS, the International Decade for People of African Descent also presents the opportunity for stronger public and private-sector engagement with Afro-Latino communities. And, through the coordination of local, regional, national, and international efforts, all governments—including that of the District of Columbia—can foster and strengthen relationships and civic engagement with the Afro-Latino community;

WHEREAS, the Congressional Black Caucus' Annual Legislative Conference has joined the United Nations' celebration of the Afro-Latino community and will focus on the public-policy issues faced by the community during the remaining years of the decade through initiatives launched under the leadership of Congressman Henry C. "Hank" Johnson, Jr. (GA-04), the Council of the District of Columbia, the D.C. Afro-Latino Caucus, the Sustainable Development and Climate Change organization (SUDECC), and the Congressional Black Caucus Foundation, Inc.; and

ENROLLED ORIGINAL

WHEREAS, the District of Columbia celebrates the many longstanding social, cultural, and economic contributions made by the Latin and Caribbean Americans of African ancestry who live and work in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "The D.C. Afro-Latino Heritage and Culture Week Recognition Resolution of 2019."

Sec. 2. The Council of the District of Columbia celebrates the District's Afro-Latino community and declares the second week of September as the D.C. Afro-Latino Heritage and Culture Week 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
23-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
January 7, 2020

To recognize Religious Freedom Day, and to declare Thursday, January 16, 2020, as "Religious Freedom Day" in the District of Columbia.

WHEREAS, the Virginia Statute for Religious Freedom (the "Statute"), which was written by Thomas Jefferson and championed by James Madison and served as the forerunner to the approach to religion and government taken by the Framers of the Constitution in 1787, was enacted on January 16, 1786;

WHEREAS, religious freedom is a fundamental American and human right and a cornerstone of democracy, a right for all rather than a privilege for the few, and this fundamental right applies to people of all and of no religious affiliations or beliefs;

WHEREAS, the Statute insists on equality as a guiding and governing principle, specifying that one's religious identity should be neither an advantage nor a disadvantage under the law;

WHEREAS, the Statute declared that all people "…shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities," and that Thomas Jefferson later said that religious freedom encompasses "the Jew and the Gentile, the Christian and the [Muslim], the [Hindu], and infidel of every denomination;"

WHEREAS, these principles are not only foundational, but remain essential to the health and future of our democracy, and the government may not favor one religion over another, or over nonreligion, without fatally undermining religious freedom;

WHEREAS, these principles should guide and inform judicial decisions, legislation, and public policy making at all levels of government;

ENROLLED ORIGINAL

WHEREAS, in 1992, Congress designated January 16th as Religious Freedom Day to celebrate the enactment of the Statute, stipulating only that it be commemorated by a presidential proclamation; and

WHEREAS, the Statute was central in shaping one of the highest aspirations of the American experiment: religious freedom;

WHEREAS, uplifting the true meaning of religious freedom is especially important in today's political climate, in which anti-Semitism and Islamophobia are rife and religion freedom is improperly evoked to justify attacks on the human rights of women and lesbian, gay, bisexual, and transgender people;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Religious Freedom Day Recognition Resolution of 2020".

Sec. 2. The Council of the District of Columbia recognizes the religious freedom of all residents of the District of Columbia, commemorates the enactment of the Virginia Statute for Religious Freedom on January 16, 1786, and declares Thursday, January 16, 2020 as "Religious Freedom Day" 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

23-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2020

To recognize The Clash, a band from the United Kingdom, for their notable and important contributions to music, and proclaim February 7th, 2020, International Clash Day.

WHEREAS, legendary UK band The Clash formed in 1976, establishing their unique sound combining punk with reggae, dub, funk, and ska, behind socially conscious lyrics;

WHEREAS, throughout their career, the Clash used the power of music to share messages of peace, unity, anti-imperialism, anti-racism, poverty awareness, and freedom of expression;

WHEREAS, The Clash chose to play The Ontario Theatre in Washington, D.C. on February 15,1979, as the sixth show of their very first North American tour, and returned to The Lisner Auditorium on April 8, 1984, further endearing the band to a legion of fans that would go on to proclaim them "the only band that matters;"

WHEREAS, The Clash inspired socially conscious bands such Bad Brains, The Pietasters, Teen Idles, Minor Threat, and Fugazi to form in order to advocate for disadvantaged people in their city;

WHEREAS, the Council of the District of Columbia affirms that this city is a Hate Free Zone, committed to a set of values including inclusivity, tolerance, diversity and hope;

WHEREAS, the civically and globally minded District of Columbia wishes to join with other like-minded cities across the globe in celebrating International Clash Day; and

WHEREAS, the District of Columbia adheres to the belief in the immortal words of Joe Strummer, "People can change anything they want to, and that means everything in the world."

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "International Clash Day Recognition Resolution of 2020".

Sec. 2. The Council recognizes The Clash for their notable and important contributions to music and declares February 7, 2020 to be International Clash Day 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

23-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2020

To recognize the 45th anniversary of Sasha Bruce Youthwork and to celebrate and honor Deborah Shore for her 45 years of service to Sasha Bruce Youthwork and the District of Columbia.

WHEREAS, Deborah Shore is the daughter of a social worker mother and a chemist father who was an activist, both of whom sparked her interest in advocating for youth and families;

WHEREAS, one of Deborah Shore's first jobs was as a recreation counselor in a public housing development in Ohio, where she advocated for families seeking employment;

WHEREAS, after graduating from Antioch College in Ohio, Deborah Shore relocated to the District of Columbia and founded Sasha Bruce Youthwork, originally known as the Washington Streetwork Project in 1974;

WHEREAS, with a small staff and a few volunteers, Deborah Shore counseled homeless youth and out-of-town runaways in the Georgetown and Dupont neighborhoods of the District of Columbia, where they congregated;

WHEREAS, in 1976, Evangeline Bruce, wife of Ambassador David Bruce, discovered the Washington Streetwork Project, following the tragic death of their daughter Sasha;

WHEREAS, Evangeline Bruce donated funds to Deborah Shore and the Washington Streetwork Project to start a youth shelter in memory of Sasha;

WHEREAS, Deborah Shore opened the Sasha Bruce House in 1977, becoming the District of Columbia's premiere 24-hour homeless youth shelter;

WHEREAS, Sasha Bruce Youthwork works to improve the lives of runaway, homeless, abused, and neglected youth and their families in the metropolitan area;

ENROLLED ORIGINAL

WHEREAS, Sasha Bruce Youthwork provides shelter, counseling, life skills training, and positive youth development activities to approximately 6,000 consumers each year;

WHEREAS, Deborah Shore created a competency-based approach to counseling and supportive services that empowers at-risk and homeless youth with the assistance of an exceptional staff and strong management systems;

WHEREAS, through her visionary work, Deborah Shore has grown Sasha Bruce Youthwork from a small outreach organization to a leading provider of youth homeless services in the metropolitan area;

WHEREAS, through 45 years of mission-driven work, Deborah Shore has developed a deep understanding of the needs of troubled youth and families, and with supreme expertise, has met the needs of thousands of youth and families;

WHEREAS, Deborah Shore played a key role in the passage of the *Runaway and Homeless Youth Act*, that was signed into law in 1974 by President Gerald Ford, establishing the National Runaway Safeline, a critical component of the nation's response to homeless youth;

WHEREAS, Deborah Shore utilizes her knowledge and experience to change local and federal policies by testifying before Congress and the Council of the District of Columbia;

WHEREAS, Deborah Shore has committed her life to advocating, uplifting and empowering youth and families and has led groundbreaking work in youth and family services in the District of Columbia;

WHEREAS, Deborah Shore received a Lifetime Achievement Award from the National Network for Youth in 2007 and in 2012 she was awarded the prestigious Champions of Change Award from President Barack Obama for her ongoing work in preventing youth homelessness; and

WHEREAS, in 2014, Deborah Shore was inducted into the Washington, DC Hall of Fame Society in recognition of her historic contribution to civic and community development in the nation's capital, and in 2016, the Washingtonian Magazine recognized Deborah Shore as Washingtonian of the Year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution be cited as the "45th Anniversary of Sasha Bruce Youthwork and the Deborah Shore Recognition Resolution of 2020".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes the 45th Anniversary of Sasha Bruce Youthwork and honors Deborah Shore for her commitment to homeless youth in the District of Columbia and her groundbreaking work in youth and family services in the nation's capital.

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

B23-725	Fiscal Year 2020 Tax Anticipation Notes Act of 2020
	Intro. 4-2-20 by Chairman Mendelson at the request of the Chief Financial Officer and referred to the Committee of the Whole with comments from the Committee on Business and Economic Development
B23-728	Fiscal Year 2020 General Obligation Notes Act of 2020
	Intro. 4-2-20 by Chairman Mendelson at the request of the Chief Financial Officer and referred to the Committee of the Whole with comments from the Committee on Business and Economic Development

COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B23-730, Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, **B23-731**, Children's Hospital Research and Innovation Campus Phase 1 Temporary Amendment Act of 2020, and **B23-734**, COVID-19 Response Supplemental Temporary Amendment Act of 2020, were adopted on first reading on April 7, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on May 5, 2020.

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 23-73: **FY 2020 Grant Budget Modifications of March 10, 2020**

RECEIVED: 14-day review begins April 6, 2020

GBM 23-74: **FY 2020 Grant Budget Modifications of March 25, 2020**

RECEIVED: 14-day review begins April 6, 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. 23-94: Request to reprogram $2,742,000 of Fiscal Year 2020 Capital Funding from the Department of Public Works and the Department of Employment Services was filed in the Office of the Secretary on April 1, 2020. This reprogramming is needed to cover the cost of completing the tipping floor project at the Department of Public Works Fort Totten Transfer Station.
That the budget is aligned with the higher priority need.

RECEIVED: 14-day review begins April 2, 2020

Reprog. 23-95: Request to reprogram $3,358,365.79 of Various Fiscal Years [GA0 / AM0] from the Department of General Services to the Department of General Services for Eliot Hine JHS Renovation/Modernization – YY181C was filed in the Office of the Secretary on April 1, 2020. This reprogramming is needed to close out construction of DCPS owned project YY181C – Eliot-Hine JHS Renovation/Modernization.

RECEIVED: 14-day review begins April 2, 2020

Reprog. 23-96: Request to reprogram $3,785,679.65 of Fiscal Year 2020 Special Purpose Revenue funds within the Department of Energy and Environment was filed in the Office of the Secretary on April 3, 2020. This reprogramming ensures that DOEE can fully implement the Clean and Affordable Energy Act of 2008 and the Clean Energy DC Omnibus Amendment of 2018.

RECEIVED: 14-day review begins April 7, 2020

Reprog. 23-97: Request to reprogram $5,452,303.68 of Various Fiscal Years from the Department of General Services to the Department of General Services for Thaddeus Stevens Renovation/Modernization-NX238C was filed in the Office of the Secretary on April 3, 2020. This reprogramming is needed to continue the modernization and renovation activities at the DCPS owned project, NX238C – Thaddeus Stevens Renovation/Modernization.

RECEIVED: 14-day review begins April 7, 2020

Reprog. 23-98: Request to reprogram $5,506,959 of Fiscal Year 2020 from within the Department of Health Care Finance was filed in the Office of the Secretary on April 3, 2020. This reprogramming is needed to support the cost of the DC Access System Advanced Planning Document 2020 spending plan modification.

RECEIVED: 14-day review begins April 7, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)) and D.C. Official Code §§ 25-351, *et seq.* (2012 Repl.), hereby gives notice of the intent to adopt as final, amendments to Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR) by amending Section 307 (West Dupont Circle Moratorium Zone).

The rulemaking would (1) maintain the cap of zero (0) for retailer's licenses, class CN and DN, within six hundred feet (600 ft.) in all directions from 21st and P Streets, N.W. and (2) create an exemption from the moratorium zone for the "Dupont Underground"; a District-owned former streetcar station located below Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. and surrounding streets.

I. PROCEDURAL BACKGROUND

A. ADOPTION OF THE NOTICE OF PROPOSED RULEMAKING

The West Dupont Circle Moratorium Zone (WDMZ) has been in effect since 1994. The original WDMZ prohibited the issuance of all alcohol retailer licenses, including restaurants, taverns, and nightclubs. The only exception to this prohibition was for hotel licenses.

The Board has amended the regulation several times since its initial adoption. Most recently, the Board amended the moratorium in 2016 by removing the cap on retailer's licenses, classes A, B, CT, DT, CX, and DX; but retained the cap on nightclub licenses (CN and DN). The 2016 moratorium was effective for three (3) years.

The 2016 moratorium is set to expire on October 27, 2019. In advance of the expiration of the moratorium, Advisory Neighborhood Commission 2B (ANC 2B) submitted a resolution to the Board on June 19, 2019, requesting that it extend the current moratorium for an additional three (3) years. Specifically, ANC 2B requested that the Board maintain the existing cap of zero (0) on nightclub licenses located within six hundred feet (600 ft.) of 21st and P Streets, N.W. The one modification to the moratorium that ANC 2B seeks is an exemption from the moratorium for the area known as the "Dupont Underground"; a District-owned former streetcar station located below Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. and surrounding streets.

In response to ANC 2B's resolution, the Board scheduled a Public Hearing for July 24, 2019, for purposes of receiving comments from the public on the future of the WDMZ. Notice of the hearing was published in the *D.C. Register* at 66 DCR 7920 (July 5, 2019) and on ABRA's website (www.abra.dc.gov). In addition to accepting oral comments at the hearing, the Board also allowed interested parties to submit written comments until August 2, 2019.

TESTIMONY RECEIVED IN RESPONSE TO AND/OR AT THE PUBLIC HEARING

The Board received written and oral testimony from individuals and groups concerning the WDMZ. Below is a summary of the testimony received:

Daniel Warwick, Chairperson, ANC 2B

Daniel Warwick, Chairperson of ANC 2B, testified on behalf of the ANC. Commissioner Warwick testified that since the ABC Board created the moratorium twenty (20) years ago, the community had undergone significant changes. He testified that there were fewer late night establishments (*e.g.*, taverns and nightclubs) in the area, particularly along P Street, N.W. This, he explained, has resulted in fewer disturbances to neighboring residents.

Commissioner Warwick testified that since 2013, the ANC has sought to loosen the restrictions of the moratorium in West Dupont after having determined that they were no longer necessary to combat certain problematic behaviors and circumstances that were no longer a concern for residents. In 2016, Commissioner Warwick testified that ANC 2B sought to remove the remaining caps on all retail licenses except for nightclubs which the community was still concerned about.

Despite the continued growth of retail development in West Dupont, the ANC believes the moratorium is still necessary because it provides the community with an additional layer of protection against nightclubs that they otherwise would not have. According to Commissioner Warwick, noise remains a concern for many residents in West Dupont, especially along P Street, N.W., where there are retailers, restaurants, and residences. The ANC is concerned that noise problems would be exacerbated if the moratorium was lifted and nightclubs were permitted to open and operate in the area.

Notwithstanding ANC 2B's desire to maintain the cap on nightclubs, Commissioner Warwick testified that the ANC recognizes that nightclubs are desirable in certain parts of the District and that the Dupont Circle area, generally, is an attractive location for many people living or visiting the District. Thus, the ANC is amenable to allowing nightclubs as long as they are restricted to the area under Dupont Circle (*e.g.*, "Dupont Underground"). The ANC believes locating nightclubs in the "Dupont Underground" would have less of an impact on residents. Commissioner Warwick further stated that the ANC has spoken to several District agencies, including the Department of Zoning, about the space, and thus, they are confident that it would be the best location for a nightclub should one open in the area.

Glenn Engelmann, President, Dupont Circle Citizens Association

Glenn Engelmann, President of the Dupont Circle Citizens Association, also testified in support of the moratorium. He spoke more specifically, in support of the ANC's resolution to continue the moratorium as it relates to nightclub licenses and he also supported the exception for the "Dupont Underground". Similar to Commissioner Warwick, Mr. Engelmann acknowledged the improvements that have been made in the West Dupont area over the last twenty (20) years. Notwithstanding the improvements in the area, Mr. Engelmann noted that the community suffers from limited parking; particularly along P Street, N.W. where there are a number of restaurants, retail shops, and hotels. He noted that P Street, N.W. is a narrow street; thus, presenting pedestrian and parking challenges for the community.

Mr. Engelmann also agreed with the ANC's position to create an exception to the moratorium to allow nightclub licenses in the "Dupont Underground". According to Mr. Engelmann, allowing a nightclub to operate in this space, which would not be as burdensome for neighbors, and could be a good use of an otherwise underutilized space.

B. BOARD'S DECISION TO ADOPT THE PROPOSED RULEMAKING

The Board carefully considered ANC 2B's resolution as well as the comments and testimony it received from the public concerning the WDMZ. In reaching its decision, the Board gave great weight to the recommendations of ANC 2B as required by Section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1979 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3) (2016 Repl.)), and D.C. Official Code § 25-609. After evaluating all of the testimony and comments, the Board finds that ANC 2B's resolution is appropriate under at least two appropriateness standards, as required by D.C. Official Code § 25-352(a)(4).

Whether to impose any moratorium is not a decision the Board takes lightly. The Board recognizes the impact that a moratorium can have on future business and residential development. The District of Columbia (District) has a robust economy and the Board wants to encourage the economy's growth. Economic development, however, must be balanced with the safety and welfare of the city's residents. Whenever the Board considers an application for an alcohol license or a moratorium request, it must consider the peace, order, and quiet of the community and how, if at all, the community will be affected, including any potential effects on residential parking needs and vehicular and pedestrian safety.

The West Dupont Moratorium Zone has been in effect for over twenty (20) years. The Board created the moratorium to address taverns and nightclubs that were having a negative impact on residents in the area. As previously mentioned, the initial moratorium prohibited the issuance of all alcohol retail licenses, excluding hotel licenses. Since 2000, however, the Board has lifted some of the restrictions of the moratorium. For example, in 2016, when the Board last renewed the moratorium, the only cap it imposed was on nightclub licenses.

Despite economic improvements in certain neighborhoods, the Board recognizes that protections provided by the moratorium may still be necessary. Dupont Circle is still an attractive place for alcohol establishments, particularly nightclubs and taverns. Yet, similar to many areas in the city,

noise from alcohol-licensed establishments is still an ongoing concern and it presents health and welfare concerns for those who live nearby.

Similarly, parking is also a challenge in the area. Mr. Engelmann testified to the parking challenges along narrow P Street, N.W. As with most parts in the city, there is an insufficient number of public parking options available in West Dupont. As such, persons fraternizing at the alcohol-licensed establishments are frequently parking in the nearby residential areas. This in turn, prevents those who live in the area from being able to park near their homes. The moratorium can help address this problem by preventing nightclubs, with larger occupancy loads, from locating in the area.

Notwithstanding the Board's intention to maintain the cap on nightclub licenses within six hundred feet (600 ft.) of 21st and P Streets, N.W., the Boardagrees with the ANC's request that an exemption be made for the "Dupont Underground", located below Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. and surrounding streets from the moratorium zone.

Recently, the Board approved a CX retailer's license for the east platform of the Dupont Station located at 19 Dupont Circle, N.W., which is within the boundaries of the "Dupont Circle". Prior to issuing the permanent license in April 2019, the Board had approved several temporary licenses. Since granting the permanent license, and during the pendency of the temporary licenses, the ABC Board did not receive any complaints from the community or the ANC concerning the "Dupont Underground's" operations and it does not foresee any problems should a nightclub open and operate in the "Dupont Underground" in West Dupont Circle (*e.g.*, the west platform of the "Dupont Moratorium"). The Board is confident that it can readily address any concerns that might arise with the "Dupont Underground's" operations. For this reason, the Board exempts the "Dupont Underground" from this West Dupont Circle Moratorium Zone.

Although the Board has agreed to exempt the area known as the "Dupont Underground" from the moratorium it does so with the understanding that there are concerns. As Board Member James N. Short stated during the hearing, there are numerous safety concerns that need to be addressed before a nightclub can operate safely in this area. For example, the limited means of ingress and egress will be problematic should an emergency arise such as a fire; requiring persons to evacuate quickly. There needs to be more than one or two ways in and out of the space given its potential occupancy load of four hundred (400) persons. Likewise, should a power outage take place, public safety personnel will need a means of restoring and/or maintaining power. The Board fully expects that these safety concerns and any others that may be identified by safety personnel will be addressed before a nightclub license is issued for this space.

For the aforementioned reasons, the Board adopted the West Dupont Circle Moratorium Zone Notice of Proposed Rulemaking on August 7, 2019, by a vote of five (5) to zero (0).

C. BOARD'S DECISION TO ADOPT THE NOTICE OF EMERGENCY RULEMAKING

Prior to its deciding to send the proposed rulemaking to the Council for review, the Board adopted the West Dupont Circle Moratorium Zone Notice of Emergency Rulemaking. This occurred at the Board's October 23, 2019 meeting. Emergency action was necessary in order to prevent the community from not having any protection against future ABC license applications.

As mentioned above, the West Dupont Circle Moratorium was scheduled to expire on October 27, 2019. This, however, was the same day that the thirty (30)-day public comment period ended. Unlike some other agencies who are not required to submit their rules to the Council before adopting them as final, the ABC Board is required to submits its proposed rulemakings to the Council for a ninety (90)-period of review. Recognizing this, the Board determined that emergency action was imperative.

The emergency rulemaking that the Board adopted mirrors the proposed rulemaking. The Board did not make any changes to the emergency rulemaking. The emergency rulemaking was published at 66 DCR 15110 (November 8, 2019).

D. BOARD'S DECISION TO SEND THE PROPOSED RULEMAKING TO THE COUNCIL FOR REVIEW

The Board did not receive any comments during the public comment period. The comments that the Board received from ANC 2B and the DCCA were incorporated in the proposed rulemaking, itself. Therefore, the Board voted five (5) to zero (0) on October 30, 2019, to send the West Dupont Circle Moratorium Zone Notice of Proposed Rulemaking to the Council of the District of Columbia (Council) for a mandatory ninety (90)-day review.

E. BOARD'S DECISION TO ADOPT THE NOTICE OF SECOND EMERGENCY RULEMAKING

On February 12, 2020, the Board adopted the `sa, by a vote of six (6) to zero (0). The Board took emergency action in order to ensure that the previously adopted emergency rulemaking did not expire prior to the Council's review of the proposed rulemaking on March 17, 2020.These emergency rules were substantively similar to the previously adopted emergency and proposed rulemaking that were with the Council for review. The emergency rules, which would have expired on June 11, 2020, unless superseded by final rulemaking, were published at 67 DCR 3824 (April 3, 2020)

II. ADOPTION OF FINAL RULEMAKING

In accordance with D.C. Official Code § 25-211(b)(2), these moratorium rules were deemed approved on March 12, 2020, absent affirmative disapproval by the Council. As such, the rules are now ripe for the Board to take final action. Therefore, on March 18, 2020, the Board voted six (6) to zero (0) to adopt the rules as final.

This final rulemaking shall supersede the second emergency rulemaking. The Board did not make any substantive changes to the rulemaking since it was published as proposed in the *D.C. Register* on September 27, 2019, at 66 DCR 12748.

The rules will take effect five (5) days after the notice of final rulemaking is published in the *D.C. Register*.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by amending Section 307, WEST DUPONT CIRCLE MORATORIUM ZONE, in its entirety to read as follows:

307 WEST DUPONT CIRCLE MORATORIUM ZONE

307.1 A limit shall exist on the number of retailer's licenses issued in the area that extends approximately six hundred feet (600 ft.) in all directions from the intersection of 21st and P Streets, N.W., Washington, D.C., as follows: Class CN or DN - Zero (0). This area shall be known as the West Dupont Circle Moratorium Zone.

307.2 The West Dupont Circle Moratorium Zone is more specifically described as the area bounded by a line beginning at 22nd Street and Florida Avenue, N.W.; continuing north on Florida Avenue, N.W., to R Street, N.W.; continuing east on R Street, N.W., to 21st Street, N.W.; continuing south on 21st Street, N.W., to Hillyer Place, N.W.; continuing east on Hillyer Place, N.W., to 20th Street, N.W.; continuing south on 20th Street, N.W., to Q Street, N.W.; continuing east on Q Street, N.W., to Connecticut Avenue, N.W.; continuing southeast on Connecticut Avenue, N.W., to Dupont Circle; continuing southwest around Dupont Circle to New Hampshire Avenue, N.W.; continuing southwest on New Hampshire Avenue, N.W., to N Street, N.W.; continuing west on N Street, N.W., to 22nd Street, N.W.; and continuing north on 22nd Street, N.W., to Florida Avenue, N.W. (the starting point).

307.3 Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. shall be exempt from the West Dupont Circle Moratorium Zone.

307.4 All hotels, whether present or future, shall be exempt from the West Dupont Circle Moratorium Zone. The 1500 block of Connecticut Avenue, N.W., shall be exempt from the West Dupont Circle Moratorium Zone. Establishments located in, or to be located in, the New Hampshire side of One Dupont Circle, N.W., shall be exempt from the West Dupont Circle Moratorium Zone.

307.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class A, B, CR, CT, CX, DR, DT, or DX located within the West Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.

307.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the West Dupont Circle Moratorium Zone to a new location within the West Dupont Circle Moratorium Zone.

307.7 A CN/DN license holder outside the West Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the West Dupont Circle Moratorium Zone.

307.8 Subject to the limitation set forth in Subsection 307.9, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.

307.9 No licensee in the West Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CN, or DN.

307.10 A current holder of a retailer's license Class A, B, C, or D within the West Dupont Moratorium Zone shall not be permitted to apply to the Board for expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, unless:

(a) The prior owner or occupant has held within the last five (5) years a retailer's license Class A, B, C, or D; or

(b) The applicant is a Class CR or DR licensee and the prior owner or occupant has held during the last three (3) years, and continues to hold at the time of application, a valid restaurant license from the Department of Consumer and Regulatory Affairs.

307.11 The number of substantial change applications approved by the Board for expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot, as allowed under subsection 307.9, shall not exceed three (3) during the three (3) year period of the West Dupont Circle Moratorium Zone.

307.12 Nothing in this section shall prohibit holders of a retailer's license Class C or D from applying for outdoor seating in public space.

307.13 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FINAL RULEMAKING

(Paid-Leave Program Benefits)

The Director of the Department of Employment Services (DOES), pursuant to the authority set forth in the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code §§ 32-541.01 *et seq.*) (the "Act"), and Mayor's Order 2018-36, dated March 29, 2018, hereby gives notice of the adoption of amendments to Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 35 (Paid Leave Benefits).

The final rules implement a portion of the Act by establishing the procedures necessary to administer a paid-leave program for eligible individuals employed in the District of Columbia.

The Director initially published a Notice of Proposed Rulemaking in the *D.C. Register* on April 6, 2018, at 65 DCR 3668, which included regulations at 7 DCMR Chapter 33 to implement the Act as a whole. Based on comments received, and the statutory timelines, DOES decided to bifurcate the regulations into two chapters, separating the employer contributions and paid-leave benefits. On July 6, 2018, at 65 DCR 7209, the Director published a Notice of Proposed Rulemaking in the *D.C. Register*, which included regulations in 7 DCMR Chapter 34 to establish tax collection procedures. On February 28, 2019, the final tax regulations were submitted to the D.C. Council and were deemed approved on May 16, 2019. On August 9, 2019, at 66 DCR 10369, the Director published a Notice of Proposed Rulemaking in the *D.C. Register*, which included regulations in 7 DCMR Chapter 35 to administer the benefit provisions of the paid-leave program. Those proposed rules included significant changes from the initial proposed rules in order to address eligibility for benefits, calculation of benefit amounts, filing for benefits, erroneous payments, and the repayment of benefits. In response to comments received following the publication of those proposed benefits rules, this final rulemaking includes changes in order to clarify provisions for filing for benefits in exigent circumstances, information needed at claims filing, documents accepted as proof of qualifying parental leave events, rules for intermittent leave, procedures pertaining to deaths occurring during open claims, conditions under which DOES will consider repayment waivers, and other minor technical or conforming changes.

Commenters requested that DOES:

Remove the requirement that individuals be employed by a covered employer when applying for benefits. After consideration of the comments, DOES decided not to remove this requirement. The Act (the Universal Paid Leave Amendment Act of 2016) makes numerous references to "leave" in many different contexts: in the definitions of qualifying "leave" events (Section 101); in describing the circumstances under which an individual may file for benefits ("upon the occurrence of a qualifying … leave event" (Section 104(a))); in providing for intermittent "leave" (Section 104(f)); in describing the nature of qualifying family leave during which an individual must "be taking leave" (Section 106(b)); in requiring individuals to provide notice to their employers "before taking leave" (Section 107(a)(1)); and so on. These references indicate that the law was meant to

apply to "leave" taken from employment. The law is silent on whether an individual must be currently employed to receive PFL benefits. The law does contemplate that someone is taking time off from work in order to receive benefits, suggesting that there must be a connection to work in order to receive benefits. For example, the Act requires individuals to "provide written notice to his or her employer of the need for the use of paid-leave benefits" (Section 107(a)(1)). The Act clearly contemplates that an individual currently has an employer to whom such notice must be delivered. Comments received from other commenters support this interpretation. In addition, the Act states: "'Eligible individual' means a person who meets the requirements of this act *and regulations issued pursuant to this act* and … has been a covered employee during some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken" (Section 101; emphasis added). DOES has been delegated authority to make additional rules and regulations to administer the Act, explicitly including provisions pertaining to eligible individuals. The definition of "eligible individual" explicitly requires individuals to "meet the requirements of … regulations issued pursuant to this act." Some commenters have questioned DOES' authority to interpret the statute in a way that would permit Subsection 3500.1(c)(1)(A), which establishes one of the criteria necessary for an individual to be eligible for benefits, to remain in the regulations, citing *National Geographic Society v. D.C. Department of Employment Services*, 721 A.2d 618 and *Ware v. D.C. Department of Employment Services*, 157 A.3d 1275. The quotations offered by the commenters omit crucial details of the Court of Appeals' decisions. In those cases, DOES was found to have misapplied the law by charging the cost of attorney fees of a workers' compensation claimant to the employer. The Court found the statute to be "clear and unambiguous in setting forth the circumstances under which a claimant can be awarded attorney's fees." In the present matter, DOES is establishing the rules to administer a statute that does not clearly and unambiguously preclude a reading that would permit the delegated administrators to enforce Subsection 3500.1(c)(1)(A). In acknowledgement of the ambiguities contained in the statute and the need for substantial further rulemaking, the Council delegated authority to the Mayor to "issue rules to implement the provisions of this act" (Section 102(b)(1)), and specifically stated that the definition of "eligible individual" was contingent on the "requirements of … regulations issued pursuant to this act" (Section 101). DOES has refined the eligibility criteria within a reasonable interpretation of the Act and has stated those criteria in Subsection 3500.1 and throughout Chapter 35. There is reasonable disagreement among the comments received about the requirement in Subsection 3500.1(c)(1)(A). Some have expressed support, and some have expressed disagreement. There is disagreement even among the Councilmembers who voted for the Act as to the intent of the Council to allow benefits to be paid to individuals who are not currently employed by a covered employer. Since a requirement to be currently employed by a covered employer is a reasonable administrative rule given the program's intent to replace lost wages when away from work due to a qualifying event, a requirement to be currently employed by a covered employer falls within the bounds of reasonable administrative rulemaking that further defines "eligible individual," as delegated in the Act.

Revise language prohibiting "earning income from regular and customary work" while receiving PFL benefits in order to allow individuals to receive benefits and perform regular and customary work on the same calendar day. DOES maintains that the Act prohibits DOES from accepting this comment. The Act states: "An eligible individual may submit a claim for payment of his or her paid-leave benefits for a period during which he or she does not perform his or her regular and customary work because of the occurrence of a qualifying … event" (Section 104(d)). The

minimum period for receiving benefits is one day. The Act states: "'Intermittent leave' means paid leave taken in increments of no less than one day, rather than for one continuous period of time" (Section 101(9)). The combination of these statutory provisions means that individuals cannot perform any "regular and customary work" on any part of a day they receive PFL benefits. There is no qualifier of the restriction on earning income from regular and customary work in the Act, and DOES received no suggestion that the Council intended this provision to apply only to the work from which an individual may be taking off from at any given time. DOES has further clarified the definition of "regular and customary work" in these final reguations in Section 3599.

Allow individuals to pre-file for benefits. DOES maintains that the Act prohibits DOES from accepting this comment. The Act states: "*Upon the occurrence* of a qualifying family leave event, qualifying medical leave event, or qualifying parental leave event, an eligible individual may file a claim for benefits to be paid pursuant to this act" (Section 104(a)). The Act provides no basis to allow individuals to submit claims before the occurrence of a qualifying event.

Change the title of Section 3501 to read "submitting" instead of "filing." This has been addressed.

Allow individuals to receive benefits for leave taken before the applicant submitted a claim to DOES for paid-leave benefits. DOES maintains that the Act generally does not contemplate DOES paying for leave taken before an applicant submitted a claim to DOES. The only occasion in which the Act addresses the time period for which a claimant may seek benefits is in Section104(d), which states: "An eligible individual may submit a claim for payment of his or her paid-leave benefits for a period during which he or she does not perform his or her regular and customary work." The present-tense construction of this provision leads to the conclusion that the Act generally does not contemplate paying retroactive claims for leave taken in the past. Furthermore, if DOES were to permit claims for benefits for leave taken in the past, DOES would have to establish a time period within which claims would be permitted. This time period would by necessity be arbitrary and subject to claimants' appeals and disputes. To avoid arbitrary time limits and, in acknowledgement that, in certain limited situations beyond claimants' control, filing a claim soon after the occurrence of some qualifying events may be impossible, DOES has used its administrative discretion to establish procedures to allow individuals in certain narrow "exigent circumstances" to submit claims for paid-leave benefits for leave taken in the recent past. These procedures have been provided in Subsection 3501.4.

Add a provision to the "exigent circumstances" rules to allow the failure of an individual's employer to comply with notice requirements to qualify as an exigent circumstance. This has been addressed in Subsection 3501.4.

Clarify elements required to demonstrate an applicant's identity by not requiring "proof" of the elements, but merely the furnishing of the information. This has been addressed in Subsection 3501.6.

Clarify that representatives of an individual's employer may include responsible parties other than the individual's supervisor. This has been addressed in Subsection 3501.6 to provide that these parties include those responsible for the terms and conditions of the individual's employment, such as human resources officers.

Expand the list of documents suitable for proving the occurrence of a parental leave event. This has been addressed in Subsection 3501.6.

Clarify that an individual who submitted a claim for parental leave benefits in good faith and whose status as an adoptive or foster parent ended will not be required to repay benefits payable for dates before the date of the end of the status as an adoptive or foster parent. This has been addressed in Subsection 3501.11.

Establish procedures for addressing the payment of a claim when an eligible individual or the family member for whom an eligible individual was providing care dies. These procedures have been addressed in Subsections 3501.12, 3514.3, 3515.1, and 3515.9.

Allow an individual meeting the definition of "family member" to qualify as an "authorized representative." DOES maintains that individuals submitting and managing claims on behalf of others must show legal documentation proving the designation as an "authorized representative." DOES maintains that the need to prevent fraud and the duty to secure individuals' personal information in this case outweighs the desire to allow individuals without legal proof of authorization to submit and manage claims for others.

Clarify that employers have the opportunity to respond to DOES' notice of an employee's PFL claim, but are not required to do so. DOES agrees that the Act provides no penalties for employers' noncompliance with DOES' request for information from an employer about an employee's claim, but has decided to maintain the existing language to ensure that employers have a sense of obligation to respond to DOES' request for information. The rationale for this is that DOES requires information from entities that may know best about the leave status of an individual in order to accurately process claims, and employers are often in the best situation to have crucial details about an employee's claim.

Clarify that DOES will share the approved weekly benefit amount with an individual's employer in DOES' notice to the employer if the individual instructs DOES to disclose this information. This has been addressed in Subsections 3502.7 and 3502.8.

Refer to "reportable" wages instead of "reported" wages. This is a distinction without a difference. If an employee believes that wages have been misreported, they can submit evidence to the contrary (such as paystubs, wage records, bank statements, and so on). Once DOES receives and reviews that evidence as valid, the wages attested by that evidence become *reported*, and will be used to determine benefit amounts. DOES has not accepted this comment because it is unnecessary.

Permit a signed affirmation of a medical or family leave event for events associated with open claims, instead of medical certifications. This has been addressed in Subsection 3506.6 to allow, in some cases, an affirmation to suffice.

Allow individuals to take intermittent leave days "as needed," without requesting the days in advance. DOES maintains that the Act prohibits DOES from accepting this comment. The Act

states: "No later than 10 business days after an eligible individual files a claim for benefits under this act, the Mayor shall make, and notify an individual of, an initial determination as to … *the number of weeks for which the eligible individual shall receive benefits and the dates on which the corresponding payments shall be made*" (Section 106(d); emphasis added). The law then commits DOES to the determination communicated in that initial determination: "The payment of such benefits shall be made *in the amount and manner set forth in the Mayor's initial determination*" (Section 104(c); emphasis added). Nevertheless, DOES has made use of its administrative discretion allowing it to amend past determinations when new information becomes available in order to allow individuals to amend their intermittent leave days within limits when unforeseen events associated with their approved claim occur. These provisions are provided in Subsection 3506.6.

Include the words "to the extent practicable" when referring to the notice from employee to employer of the need for leave. This has been addressed in Subsection 3509.1.

Clarify that these regulations do not prohibit employers from "retaining, amending or augmenting" their own leave policies. This has been addressed, in part, in Subsection 3513.5 by adding the word "maintaining," since augmentation is a type of amendment.

Include as a scenario that may warrant DOES' cancelling the requirement to repay erroneous benefits when the recipient was a victim of domestic violence. This has been addressed in Subsection 3515.9.

Define "long-term disability payments." This has been addressed in Section 3599.

In addition, DOES has made further minor technical changes. These are:

Clarify that the physician's certification includes the physician's opinion as to the individual's extent of ability to work, attend school, or perform other regular daily activities as required by the definition of "serious health condition," rather than the specific inability to work, which is only one of the types of inability that could qualify as incapacity under the definition. This has been addressed in Subsection 3501.7.

Clarify that the days of the calendar week for which an individual seeks payment for intermittent leave benefits can include the days worked during an open claim if changes were made to the claim. This has been addressed in Subsections 3506.4 and 3506.5.

Ensure consistency in terminology regarding the "leave schedule" as opposed to the "days for which benefits are payable." The "leave schedule" refers to intermittent or continuous leave whereas the "days for which benefits are payable" refers to the specific calendar dates for which benefits are payable. This has been addressed in Subsection 3506.6.

Correct an oversight that excluded stepparents of stepparents as qualifying under the definition of "a grandparent" within the definition of "family member." This has been addressed in Section 3599.

Pursuant to D.C. Official Code § 32.541.02(b)(2), the final rules were submitted to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess, and were deemed approved on March 26, 2020. The Director adopted these rules as final on December 3, 2019, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 7 DCMR, EMPLOYMENT BENEFITS, is amended by adding a new Chapter 35, PAID LEAVE BENEFITS, to read as follows:

CHAPTER 35 PAID LEAVE BENEFITS

3500 ELIGIBILITY FOR PAID LEAVE BENEFITS

3500.1 An individual shall be eligible for paid-leave benefits under this chapter if:

(a) The individual experiences a qualifying event;

(b) The individual does not perform his or her regular and customary work because of the occurrence of the qualifying event; and

(c) The individual satisfies one or both of the following sets of criteria:

(1) (A) The individual is employed by a covered employer at the time of application;

(B) The individual has earned income as a covered employee of a covered employer during at least one (1) of the past five (5) completed quarters immediately preceding the qualifying event for which the paid-leave claim is being submitted; and

(C) The employee's wages were reportable to DOES under Chapter 34 (Paid Leave Contributions) by the covered employer(s); or

(2) (A) The individual is currently a self-employed individual who is currently opted into and enrolled in the paid-leave program;

(B) The individual earned and reported to DOES under Chapter 34 (Paid Leave Contributions) self-employment income during at least one (1) of the past five (5) completed quarters immediately preceding the qualifying event for which the paid-leave claim is being submitted;

(C) The individual is in good standing with the program and has no past-due contributions for self-employment income earned in previous completed quarters; and

(D) The individual earned self-employment income for work performed more than fifty percent (50%) of the time in the District of Columbia during some or all of the fifty-two (52) calendar weeks immediately preceding the qualifying event for which paid leave is being taken.

3501 SUBMITTING A CLAIM FOR PAID-LEAVE BENEFITS

3501.1 An applicant shall submit a claim for paid-leave benefits using the online portal, or an electronic or non-electronic format approved by DOES.

3501.2 An applicant may submit a claim for one (1) of three (3) types of qualifying paid leave. The three (3) types of qualifying paid leave are:

(a) Qualifying family leave;

(b) Qualifying medical leave; and

(c) Qualifying parental leave.

3501.3 No claim submitted before the date of the occurrence of a qualifying leave event shall be approved by DOES.

3501.4 No benefits shall be payable for leave taken before the applicant submitted a claim to DOES for paid-leave benefits, except in exigent circumstances.

(a) For the purposes of this subsection, "exigent circumstances" means:

(1) Physical or mental incapacity that prevented the applicant or the applicant's authorized representative from filing for benefits following the occurrence of the qualifying event;

(2) A demonstrable inability to reasonably access the means by which a claim could have been filed by the applicant or the applicant's authorized representative following the occurrence of the qualifying event; or

(3) Actual lack of knowledge by the applicant of his or her right to apply for benefits under this chapter due to the noncompliance of all of the individual's covered employers with the notice requirements required by 7 DCMR 3407 during the period when the individual could have received benefits under this chapter. Such employer

noncompliance shall be confirmed by DOES audit before the individual shall be eligible for benefits due to exigent circumstances under this section.

(b) If an applicant believes that exigent circumstances exist, the applicant or the applicant's authorized representative shall submit the claim for paid-leave benefits as soon as practicable after the qualifying event and shall provide evidence of the exigent circumstances.

(c) Based on the evidence provided by the applicant or the applicant's representative (and any supplemental evidence requested by DOES and provided by the applicant or the applicant's representative), DOES shall determine whether exigent circumstances existed. If DOES determines that exigent circumstances existed, DOES shall then determine the earliest date on which a claim could practicably have been filed by the applicant or the applicant's authorized representative, taking into consideration the evidence submitted by the applicant, and process the claim based on that date.

3501.5 No benefits shall be payable for qualifying parental leave more than fifty-two (52) calendar weeks after the qualifying parental leave event.

3501.6 When submitting a claim for paid-leave benefits, an applicant shall provide the following information through the online portal, or an electronic or non-electronic format as approved by DOES:

(a) The following three (3) elements demonstrating the applicant's identity:

(1) The applicant's name;

(2) Date of birth; and

(3) One of the following:

(A) Social security number; or

(B) Individual taxpayer identification number.

(b) Contact information, including the applicant's mailing address, telephone number, and email address;

(c) Whether the paid leave will initially be taken continuously or intermittently;

(d) If the paid leave will be taken continuously, then the elements set forth in Subsection 3506.4;

(e) If the paid leave will be taken intermittently, then the elements set forth in Subsection 3506.5;

(f) The specific future dates, or, in exigent circumstances pursuant to § 3501.4, the past dates, for which paid leave is being sought;

(g) For covered employees, the name, business address, telephone number, and email address of the applicant's supervisor or other party with knowledge of the applicant's employment at the covered employer and who bears at least some responsibility for the terms and conditions of the individual's employment;

(h) A signed affirmation certifying that the information provided in support of the claim for paid-leave benefits is true and accurate; and

(i) (1) For a paid medical leave claim:

(A) Proof of a qualifying medical leave event, including medical documentation signed by the health care provider that certifies the diagnosis or occurrence of a serious health condition;

(B) The expected duration of the condition certified by the health care provider and based on industry standards used by health care professionals to identify diagnoses of medical conditions and treatments; and

(C) A form signed by the applicant authorizing the individual's health care provider to provide medical documentation and/or additional information necessary to process the claim for paid leave.

(2) For a paid family leave claim:

(A) Proof of a qualifying family leave event, including medical documentation signed by the health care provider that certifies the diagnosis or occurrence of a serious health condition of a family member;

(B) The expected duration of the condition certified by the health care provider and based on industry standards used by health care professionals to identify diagnoses of medical conditions and treatments;

(C) An affirmation that the applicant will be taking the leave in order to provide care or companionship for the family member with a serious health condition;

(D) A statement of the relationship of the family member needing care to the applicant, and proof of such relationship, which may be established by a signed affirmation form promulgated by DOES or other documentation approved by DOES;

(E) A description of the care or companionship to be provided by the applicant to the family member; and

(F) If requested by DOES, a form signed by the family member authorizing the family member's health care provider to provide medical documentation and/or additional information to DOES necessary to process the claim for paid leave.

(3) For a paid parental leave claim, proof of a qualifying parental leave event, which shall be established by:

(A) A birth certificate;

(B) A court document;

(C) A Consular Report of Birth Abroad;

(D) A document issued by the health care provider of the child;

(E) A document from the adoption or foster care agency involved in the placement that confirms the placement and date of placement;

(F) A letter signed by the attorney representing the prospective adoptive parent that confirms the placement and date of placement;

(G) An IR-3 immigrant visa, or a successor immigrant visa, for the child issued by the United States Citizenship and Immigration Services;

(H) A hospital admission form associated with delivery; or

(I) Another document approved by DOES for this purpose.

3501.7 For paid medical leave claims or paid family leave claims, applicants shall also include a medical certification. The medical certification must be completed by a health care provider. The applicant shall bear the cost, if any, charged by the health care provider for completing the certification. The medical certification shall include the following information:

(a) Contact information for the health care provider, including the name, address, telephone number, and email address;

(b) Medical license information for the health care provider;

(c) The date that the serious health condition began;

(d) The expected duration of the serious health condition;

(e) A physician's opinion as to the employee's (or, in the case of family leave, the family member's) ability, and the expected duration of any inability, to work, attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition;

(f) If family leave, the type of care or companionship required by the family member, and the expected frequency and duration of the leave that is required for the applicant to provide that care to the family member; and

(g) A summary of the medical condition.

3501.8 (a) DOES may, to the extent necessary to administer the paid-leave program under the Act and to the extent consistent with federal and District law, seek records from the applicant that are deemed confidential under federal or District law.

(b) If an applicant does not consent to the disclosure of information necessary to process a claim or to determine eligibility, an individual's claim for paid-leave benefits may be denied.

(c) All records shall be kept confidential by DOES and may only be released to parties other than authorized DOES staff when such release is required by law. Information contained in the records pertaining to an individual under this chapter shall be confidential and not open to public inspection, other than to public employees in the performance of their official duties, pursuant to Section 106(h) of the Act (D.C. Official Code § 32–541.06(h)).

3501.9 Any applicant filing a new claim for paid leave shall be advised at the time of filing the claim that:

(a) Paid-leave benefits may be subject to federal, state, and local income taxes; and

(b) The applicant is responsible for complying with applicable federal, state, and local tax laws.

3501.10 DOES may require that the applicant obtain additional medical documentation if:

(a) The applicant requests an extension of leave or a different type or frequency of leave, beyond what the applicant requested in his or her initial application for the qualifying leave event; or

(b) DOES obtains new information which causes it to doubt the validity of the applicant's stated reason for the leave or the validity of the medical documentation.

3501.11 If the eligible individual's status as an adoptive or foster parent ends while an application for paid parental leave is pending or while the eligible individual is currently receiving paid-leave benefits based on their status as an adoptive or foster parent, the applicant or eligible individual shall notify DOES within ten (10) business days of the end of the status through the online portal or an electronic or non-electronic format approved by DOES. The individual shall not be eligible for parental leave benefits payable beginning on the date on which the individual's status as an adoptive or foster parent ended. An individual who submitted an initial application for parental leave benefits in good faith and whose status as an adoptive or foster parent ended during an open claim shall not be required to repay benefits payable for dates before the date of the end of the status as an adoptive or foster parent.

3501.12 For qualifying family leave, if the family member to whom the eligible individual provides care or companionship dies or recovers to the extent that the individual would no longer be eligible for family leave benefits under this chapter, the eligible individual shall notify DOES within ten (10) business days of the status change through the online portal or an electronic or non-electronic format approved by DOES. The individual shall not be eligible for family leave benefits payable beginning on the date on which the family member's status changed.

3501.13 DOES shall permit authorized representatives to file and manage claims on behalf of applicants. In order to be designated as an authorized representative, an individual or entity must submit appropriate legal documentation sufficient to establish bona fide legal authority to represent the applicant. Such documentation may include a court order, proof of designation as a power of attorney, or other documentation approved by DOES.

3501.14 (a) An applicant may have more than one (1) open claim at a time, provided that the simultaneously open claims are for different qualifying events.

(b) The multiple qualifying events may be within the same type of qualifying event; for example, there may be two (2) open qualifying family leave claims or two (2) open qualifying medical leave claims for an individual at a time.

(c) An individual shall not receive payment for more than one (1) open claim on any particular day.

3501.15 During an open claim, an applicant may request a continuation of leave for the claim. A continuation of leave occurs when an applicant requests and is approved for a new last payable date of the claim that is later than the existing last payable date of the claim. DOES shall process the request for continuation of leave in a manner consistent with the provisions of this chapter.

3501.16 During an open claim, an applicant may request a reduction in leave for the claim. A reduction of leave occurs when an applicant requests and is approved for a new last payable date of the claim that is sooner than the existing last payable date of the claim. DOES shall process the request for reduction of leave in a manner consistent with the provisions of this chapter.

3501.17 Unless an applicant requests a continuation of leave pursuant to Subsection 3501.14, a claim shall be considered a closed claim after the last payable date.

3502 PROCESSING CLAIMS FOR PAID LEAVE

3502.1 Within ten (10) business days after the filing of a claim for paid-leave benefits, a DOES claims examiner shall:

(a) Notify the applicant of DOES's determination of eligibility or ineligibility for the type of paid-leave benefits sought; or

(b) Issue a provisional denial of the claim and provide an explanation of the need to submit additional information for DOES to process the claim.

3502.2 Within three (3) business days after the filing of a claim for paid-leave benefits, a DOES claims examiner shall:

(a) Notify the current covered employer of the filing of a claim by the applicant; and

(b) Request from the employer:

(1) The employment status of the applicant;

(2) The last day worked by the applicant;

(3) Which type of leave from among the three (3) options described in Subsection 3501.2 that the employee requested from the employer pursuant to the notice described in Section 3509; and

(4) If applicable, whether the employer agrees with the employee's self-described workweek provided pursuant to Subsection 3506.5(b)(1).

3502.3 The covered employer shall submit the requested information, or an attestation that the applicant was or is not an employee of the employer, within four (4) business days after receipt of the request from the claims examiner. If the covered employer fails to provide the requested information within four (4) business days, the claim for paid leave shall be processed using the available information; provided that if the covered employer later files additional information, DOES may re-process the claim, taking into account the additional information.

3502.4 (a) If DOES requires additional information from an applicant to process a claim, and the information cannot be obtained within the ten (10)-day processing period provided in Subsection 3502.1, DOES shall issue a provisional denial of the claim and provide a description of the missing information to the applicant.

(b) If the applicant provides the additional information in response to DOES' request for additional information within ten (10) business days of the date of the provisional denial, DOES shall reprocess the claim taking into account the additional information.

(c) If the applicant does not provide additional information in response to DOES' request for additional information within ten (10) business days of the date of the request, the determination of denial shall be final.

(d) A provisional denial pursuant to this subsection shall be considered an official determination for the purposes of appeals pursuant to Sections 3511 and 3512.

3502.5 For qualifying family leave or qualifying medical leave, the claims examiner shall first determine an applicant's tentative eligibility based on non-medical factors supported by documentation submitted to establish the applicant's identity, employment history, and familial relationship.

3502.6 After establishing tentative eligibility for qualifying family leave or qualifying medical leave, the claims examiner shall review the medical evidence for eligibility. The medical evidence shall take the form of proof of a qualifying event provided by the eligible individual, health care provider, and the qualified family member, if applicable. This evidence shall be reviewed by the claims examiner in accordance with the International Classification of Diseases, Tenth Revision (ICD-10), or

subsequent revisions by the World Health Organization to the International Classification of Diseases.

3502.7 If DOES determines that additional information is not required and makes an initial determination on eligibility for paid-leave benefits, DOES shall issue a notification of the initial determination:

(a) To both the eligible individual and the covered employer that includes:

(1) A statement as to whether the claim for paid-leave benefits has been approved or denied;

(2) If the claim was approved:

(A) The start date for the payment of paid-leave benefits;

(B) Whether the leave will initially be taken continuously or intermittently, and, if intermittently, the scheduled days on which benefits will be payable;

(C) The expected end date for paid-leave benefits, given the current payment schedule elected by the eligible individual; and

(D) If the individual opted to instruct DOES to disclose the weekly benefit amount, and, if applicable, the equivalent daily benefit amount, the notification shall include the individual's approved weekly benefit amount, and, if applicable, the equivalent daily benefit amount.

(b) To the eligible individual in private communication:

(1) If the claim was approved, the approved weekly benefit amount, and, if applicable, the equivalent daily benefit amount;

(2) If the claim was denied, the reason(s) for the denial; and

(3) Regardless of whether the claim was approved or denied, a description of the process to file an appeal with the DOES Administrative Appeals Division or the Office of Administrative Hearings.

3502.8 By default, DOES will not include in the notification described in Subsection 3502.7(a) the eligible individual's approved weekly benefit amount, or, if applicable, the equivalent daily benefit amount. An eligible individual may choose to instruct DOES to disclose the benefit amount to the employer in the initial

determination. However, regardless of whether the individual makes such an election, any information described in Subsection 3502.7(b) provided by DOES to the individual may be shared by the individual with the covered employer or other entities for any purpose, including allowing the covered employer or other entities to coordinate their paid-leave benefits with the benefits provided by this chapter. Covered employers or other entities may require that such information be shared by the individual in order for benefits provided by the covered employer or other entity to be paid to the individual.

3503 CALCULATION OF WEEKLY BENEFIT AMOUNT

3503.1 Subject to other provisions in this chapter, including but not limited to Subsection 3503.2 and Sections 3504 and 3513, DOES shall calculate the weekly paid-leave benefit amount to which an eligible individual is entitled pursuant to the following procedures:

(a) The wages used to calculate the weekly benefit amount shall be limited to wages reported and paid to the covered employee by covered employers; provided, that "wages" also includes reported self-employment income.

(b) The weekly benefit amount shall be calculated in the following manner (which provides a higher wage replacement for low wages (below the formula bend point) in comparison to high wages (above the formula bend point)):

(1) DOES shall first determine the total amount of all reported covered wages, including any reported self-employment income, for each of the past five (5) completed quarters. Only completed quarters shall be considered in calculating the weekly benefit amount. The quarters are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; October 1 to December 31.

(2) The quarter with the lowest total earnings in the past five (5) quarters shall be discarded for purposes of the benefit calculation. If multiple quarters have the same total earnings, and those quarters with identical earnings are the lowest-earning quarters, only one (1) of the quarters with identical earnings shall be discarded.

(3) The total earnings in the four (4) remaining quarters with the highest total earnings shall then be added together. This sum shall be divided by fifty-two (52) to arrive at the average weekly wage.

(4) The resultant average weekly wage shall then be compared with the formula bend point to determine the applicable formula to be used to calculate the weekly benefit amount.

(5) For the purpose of this subsection, the formula bend point is defined as the District's hourly minimum wage multiplied by forty (40), then multiplied by one point five (1.5).

(6) The applicable benefit formula for the weekly benefit amount shall be as follows:

(A) If the average weekly wage is less than or equal to the formula bend point, then the average weekly wage shall be multiplied by nine-tenths (0.9). The resulting product shall be the weekly benefit amount, subject to Subsection 3503.2.

(B) If the average weekly wage is greater than the formula bend point, then the following benefit formula shall be used:

(i) The amount of the formula bend point shall be subtracted from the average weekly wage;

(ii) The resultant difference shall be multiplied by five-tenths (0.5);

(iii) This product shall be added to the following: the amount of the formula bend point multiplied by nine-tenths (0.9);

(iv) This sum shall be the weekly benefit amount, subject to Subsection 3503.2.

(c) If an eligible individual has wages from multiple covered employers or income from self-employment, the wages from these multiple sources in each separate quarter shall be combined to determine the eligible individual's average weekly wage calculated pursuant to paragraph (b).

(d) The weekly benefit amount calculated according to this section, if not a multiple of one dollar ($1.00), shall be rounded to the nearest dollar amount.

3503.2 (a) No eligible individual shall be entitled to payment of paid-leave benefits at a rate in excess of the maximum weekly benefit amount.

(b) Before October 1, 2021, the maximum weekly benefit amount shall be one thousand dollars ($1,000).

(c) DOES shall adjust the maximum weekly benefit amount annually, to take effect on October 1, 2021, and on October 1 of each successive year, as provided in section 104(g)(6) of the Act (D.C. Official Code § 32-541.04(g)(6)).

3504 WAITING PERIOD FOR BENEFITS

3504.1 After the occurrence of a qualifying event, an eligible individual shall not be entitled to paid-leave benefits payable under this chapter until after the eligible individual has waited seven (7) calendar days.

3504.2 No benefits shall be payable during the seven (7) calendar-day waiting period.

3504.3 The seven (7) calendar-day waiting period shall begin to run on the first day of the qualifying event.

3504.4 Regardless of the number of qualifying events for which an eligible individual files a claim for paid-leave benefits, he or she shall only have one (1) waiting period of seven (7) calendar days during and for which no benefits are payable within a fifty-two (52) calendar-week period.

3504.5 The seven (7) calendar-day waiting period shall not count toward the number of workweeks of paid-leave benefits that an eligible individual may receive.

3505 DURATION OF PAID-LEAVE BENEFITS

3505.1 An eligible individual shall not receive more than:

(a) Two (2) workweeks of qualifying medical leave for qualifying medical leave event(s) within a fifty-two (52) calendar week period;

(b) Six (6) workweeks of qualifying family leave for qualifying family leave event(s) within a fifty-two (52) calendar week period; and

(c) Eight (8) workweeks of qualifying parental leave for qualifying parental leave event(s) within a fifty-two (52) calendar week period.

3505.2 Notwithstanding Subsection 3505.1, an eligible individual shall not receive more than a maximum of eight (8) workweeks of paid leave during a fifty-two (52) calendar week period, regardless of the number of qualifying leave events that occurred during the fifty-two (52) calendar week period.

3505.3 All leave taken pursuant to this chapter shall be in no less than one (1) workday increments.

3506 CONTINUOUS AND INTERMITTENT LEAVE

3506.1 An eligible individual may elect to receive paid leave either intermittently or continuously.

3506.2 When receiving benefits payable for continuous leave, an eligible individual shall earn no income by performing his or her usual and customary work during any part of the calendar weeks during which benefits for continuous leave are payable to the eligible individual, except for the first and last payable weeks, which, if they are partial weeks, shall be treated for the purposes of benefit amounts in a similar manner as weeks during which intermittent-leave benefits are payable pursuant to this section.

3506.3 When receiving benefits payable for intermittent leave, an eligible individual shall earn no income by performing his or her usual and customary work on any of the days for which the eligible individual is claiming paid-leave benefits. However, the eligible individual may earn income by performing his or her usual and customary work on days for which intermittent-leave benefits are not payable, subject to the limitation described in Subsection 3506.11.

3506.4 When electing continuous leave upon initial application for benefits, or when electing a change in payment schedule from intermittent to continuous leave, an eligible individual shall:

(a) Acknowledge in writing to DOES that the individual understands that he or she may earn no income by performing his or her usual and customary work during any part of the calendar week(s) during which benefits for continuous leave benefits are payable to the eligible individual, except for the first and last payable weeks, if they are partial weeks; and

(b) If either the first or last payable weeks are partial weeks:

(1) Designate an intermittent leave indicator pursuant to Subsection 3506.5; and

(2) Certify that the days of the calendar week for which the individual seeks a partial week of benefits were days of the calendar week during which the individual performed his or her regular and customary work in the period before the occurrence of the qualifying paid-leave event, or, in the case of an election to change the leave schedule pursuant to Subsection 3506.12, before the date of the election pursuant to Subsection 3506.12.

3506.5 When electing intermittent leave upon initial application for benefits, or when electing a change in payment schedule from continuous to intermittent leave, the eligible individual shall:

(a) Inform DOES and the covered employer of the specific dates on which the individual wishes to claim paid-leave benefits;

(b) Designate an intermittent leave indicator, identifying the days on which the individual regularly worked, in total, from all sources of employment. This intermittent leave indicator shall be either a personalized intermittent leave indicator or the default intermittent leave indicator.

(1) A personalized intermittent leave indicator identifies the number of days per calendar week, different from the five (5) day workweek described in the default intermittent leave indicator, that the individual regularly worked, during the individual's most recent usual and customary week of working.

(2) The default intermittent leave indicator is based on a five (5) day workweek. Individuals receiving benefits on a continuous payment schedule are assigned the default intermittent leave indicator (except for the first and last payable weeks, if they are partial weeks) for the purposes of this chapter. If an individual receiving benefits on an intermittent leave schedule does not designate a number of days as provided in subparagraph (1), the default intermittent leave workweek shall be assigned to the individual.

(c) Certify that the days of the calendar week for which the individual seeks intermittent benefits were days of the calendar week during which the individual performed his or her regular and customary work in the period before the occurrence of the qualifying paid-leave event, or, in the case of an election to change the leave schedule pursuant to Subsection 3506.12, before the date of the election pursuant to Subsection 3506.12; and

(d) Acknowledge in writing to DOES that the individual understands that he or she may earn no income by performing his or her usual and customary work on any of the days for which intermittent paid-leave benefits are payable to the eligible individual.

3506.6 When receiving benefits on an intermittent payment schedule, an individual may submit a request to amend the days for which benefits are payable.

(a) For qualifying medical leave or qualifying family leave, any amendment to the leave schedule must be medically necessary as established by appropriate medical documentation signed by a health care provider submitted to DOES by the individual. The requirement for such documentation for an amendment may be satisfied by a signed affirmation of a medical or family leave event by the eligible individual when:

(1) The occurrence involved an unexpected occurrence of incapacity due to a serious health condition of the individual or the eligible individual’s family member;

(2) The serious health condition is a chronic serious health condition for which substantiating medical evidence has been provided to DOES and for which qualifying medical leave or qualifying family leave benefits have been approved by DOES as payable;

(3) A medical provider has certified that unexpected occurrences of incapacity are expected due to the chronic serious health condition;

(4) The qualifying medical leave or qualifying family leave claim for which the chronic serious health condition is the serious health condition for which benefits have been approved as payable is currently an open claim or the claim has not been a closed claim for more than ten (10) business days; and

(5) DOES has not determined that a reasonable basis exists for requiring medical documentation signed by a health care provider for the occurrence.

(b) If the individual did not take leave on a past date on which the individual intended to take paid leave, the individual shall submit a request to amend the payment schedule to DOES with an explanation of the need to amend the past date and an indication of any date on which leave was actually taken. A request to amend leave for a past date shall be submitted no later than ten (10) days after the day on which the leave was scheduled to occur.

(c) For qualifying family or medical leave events approved by DOES for intermittent leave benefits, if the individual took leave on an unscheduled past date due to the occurrence of the qualifying family or medical leave event already approved by DOES as payable, the individual may request intermittent leave benefits for that day by submiting documentation proving the occurrence of the qualifying event on that date. A request to amend leave for a past date shall be submitted no later than ten (10) days after the day on which the leave was taken.

(d) Individuals receiving intermittent leave benefits for a parental leave event shall not be approved for intermittent leave benefits for leave taken on past dates for which the individual was not approved for leave in advance.

(e) During an open claim, when the individual intends to take leave on future dates that differ from the approved schedule, the individual shall submit a request to DOES to amend the days for which benefits are payable with an explanation of the need to amend the future dates and an indication of the dates on which the individual now intends to claim paid leave.

(f) DOES shall notify the employer of any such amendment.

3506.7 The amount paid to an individual electing intermittent leave shall be calculated based on a daily benefit amount, which shall be derived from the individual's weekly benefit amount calculated pursuant to Section 3503. The daily benefit amount for an individual electing intermittent leave shall equal the individual's weekly benefit amount calculated in Section 3503 divided by the individual's intermittent leave indicator, incorporating any amendments pursuant to Subsection 3506.8.

3506.8 During an open claim, an individual may request that DOES amend the indicator supplied pursuant to Subsection 3506.5(b) if the individual's work schedule changes.

(a) Any such change shall affect only those benefits payable for dates after the date on which DOES receives notice of such change, if the change is approved.

(b) An individual may request such an amendment no more than one (1) time per calendar month during an open claim.

3506.9 If an individual's intermittent leave indicator changes during an open claim as a result of the individual's election pursuant to Subsection 3506.8, the maximum number of intermittent-leave days for which the individual is eligible for benefits will also change, but neither the total number of eligible workweeks nor the total dollar amount of eligible benefits will change. For example, if an individual's work schedule changes from three days to five days during an open claim, and the individual properly notifies DOES of such change pursuant to Subsection 3506.8 and is approved for such change, then the individual's daily benefit amount for all days claimed in the future will decrease from one-third (1/3) of the weekly benefit amount to one-fifth (1/5) of the weekly benefit amount. In such case, the maximum amount of approved benefits for the open claim, expressed as a dollar amount or as a number of workweeks, will not change, but the number of remaining days for which the individual is eligible for intermittent leave will change.

3506.10 If, as a result of changes to the individual's work schedule pursuant to Subsection 3506.8, the amount of workweeks of leave remaining on the last day of approved leave equals a fraction less than the individual's weekly benefit amount calculated in Section 3503 divided by the individual's intermittent leave indicator, then the individual shall receive payment only for the fraction remaining.

3506.11 For individuals receiving benefits on an intermittent schedule, the sum of the number of days in a calendar week during which benefits under this chapter are payable, and the number of days in that calendar week during which the eligible individual earns income by performing his or her usual and customary work, shall not exceed the number of days given by the intermittent leave indicator supplied by the individual pursuant to Subsection 3506.5(b) and any amendments pursuant to Subsection 3506.8.

(a) Calendar weeks during which the sum of the number of days on which the individual performs his or her usual and customary work, and the number of days on which the individual receives benefits payable under this chapter, exceeds the individual's current intermittent leave indicator shall be considered weeks during which erroneous payments subject to Section 3514 were made.

(b) The number of days for which erroneous payments were made in such weeks shall be determined as the number of days on which the individual performed his or her usual and customary work and received benefits payable under this chapter that exceed the individual's current intermittent leave indicator.

3506.12 At any time after the first day for which paid-leave benefits are payable under this chapter, an eligible individual may notify DOES of his or her election to change the leave schedule, but such elections may be made no more frequently than once a month. When a change in the payment schedule is from intermittent to continuous leave or from continuous to intermittent leave, such notification shall include:

(a) The type of benefit payment schedule currently in payment status, either continuous or intermittent;

(b) The type of benefit payment schedule to which the eligible individual is electing to change, either continuous or intermittent;

(c) If changing to a continuous payment schedule, then the elements described in Subsection 3506.4; and

(d) If changing to an intermittent payment schedule, then the elements described in Subsection 3506.5.

3506.13 Within ten (10) business days after receiving the eligible individual's notification of his or her election to change the leave schedule from either intermittent to continuous leave or from continuous to intermittent leave, DOES shall notify both the covered employer and eligible individual of the following:

(a) A determination of the approval or denial of the request to change the payment schedule, or a request for additional information;

(b) If approved, a description of the approved payment schedule.

3506.14 In addition to the notifications described in Subsection 3506.13, DOES shall also notify the eligible individual in private communication within the ten (10) business day period described in Subsection 3506.13 of the following:

(a) The approved weekly benefit amount and, if applicable, the approved daily benefit amount; and

(b) A description of the process to file an appeal with the DOES Administrative Appeals Division or the Office of Administrative Hearings.

3506.15 A change in the benefit payment schedule from continuous to intermittent or from intermittent to continuous shall take effect on the first Sunday that begins the next biweekly payment period following DOES's approval of the individual's request to change the payment schedule.

3507 PAYMENT OF BENEFITS

3507.1 Subject to the other provisions of this chapter, DOES shall pay benefits to which the eligible individual is entitled on a biweekly payment schedule.

3507.2 The biweekly payment period shall begin on a Sunday and end on a Saturday.

3507.3 DOES shall determine the day(s) of the calendar week on which biweekly payments shall be made to eligible individuals.

3507.4 DOES shall determine the method(s) of payment by which eligible individuals may receive benefits.

3507.5 After notifying an applicant of the approval of benefits, DOES shall make the first payment to the eligible individual within ten (10) business days. Such first payment shall coincide with a regularly scheduled biweekly payment schedule.

3508 ONLINE PORTAL

3508.1 All claims for paid-leave benefits shall be submitted through the online portal, or an electronic or non-electronic format approved by DOES.

3508.2 All DOES communications pursuant to this chapter shall occur through the online portal, or an electronic or non-electronic format approved by DOES.

3508.3 Initial and subsequent determinations shall be sent to applicants and eligible individuals through the online portal, or an electronic or non-electronic format approved by DOES.

3508.4 All applicants and eligible individuals shall be responsible for maintaining current contact information in the online portal, but may update the contact information via an electronic or non-electronic format approved by DOES.

3508.5 All applicants and eligible individuals shall receive notifications related to any required actions and the status of claims for paid leave through the online portal, or through an electronic or non-electronic format approved by DOES.

3508.6 All applicants and eligible individuals shall be responsible for responding to any requests for additional information through the online portal, or through an electronic or non-electronic format approved by DOES.

3509 EMPLOYEE NOTICE TO EMPLOYER

3509.1 (a) An eligible individual shall, to the extent practicable, provide written notice to his or her employer of the need for the use of paid-leave benefits before taking leave.

(b) If the leave pursuant to this chapter is foreseeable, the eligible individual shall provide the written notice at least ten (10) business days in advance of the leave.

(c) If the leave pursuant to this chapter is unforeseeable, the eligible individual shall provide a notification in writing, or orally in exigent circumstances, before the start of the work shift for which the individual intends to take leave pursuant to this chapter.

(d) In the case of an emergency that prevents an individual from providing notice before the start of the work shift for which the individual intends to take leave pursuant to this chapter, the eligible individual, or another individual on behalf of the eligible individual, shall notify the eligible individual's employer of the need for leave in writing, or orally in exigent circumstances, within forty-eight (48) hours after the emergency occurs. The eligible individual, or another individual on behalf of the eligible individual, shall supplement oral notice with written notice of the need for leave as soon as practicable.

3509.2 The eligible individual's written or oral notice to the employer shall include:

(a) The type of qualifying leave requested;

(b) The expected duration of the leave pursuant to this chapter;

(c) The expected start and end dates of the leave taken pursuant to this chapter; and

(d) Whether the paid leave benefits sought under this chapter will initially be used continuously or intermittently.

3510 APPEALS OF CLAIM DETERMINATIONS

3510.1 If the applicant or eligible individual disagrees with all or any part of a claim determination issued pursuant to Sections 3502 or 3506, the applicant or eligible individual may appeal the claim determination to DOES's Administrative Appeals Division pursuant to Section 3511, or to the Office of Administrative Hearings pursuant to Section 3512.

3511 DOES ADMINISTRATIVE APPEALS

3511.1 To request an administrative appeal to DOES's Administrative Appeals Division of a claim determination issued under Sections 3502 or 3506, the applicant or eligible individual shall file a request for appeal with DOES within ten (10) business days after the applicant or eligible individual receives a claim determination. The applicant or eligible individual shall submit with the request for administrative appeal an explanation of the basis for the appeal and any information and documents in support of the appeal.

3511.2 After receiving a request for an administrative appeal, DOES shall process the claim that is the subject of the appeal in the same manner as provided under this chapter, taking into consideration any new information and documents submitted by the applicant in support of the appeal.

3511.3 DOES shall issue a new determination within ten (10) business days after the receipt of the request for an administrative appeal.

3511.4 An applicant or eligible individual may appeal the new determination to the Office of the Administrative Hearings, as provided by Section 3512.

3511.5 A request for an administrative appeal does not diminish an applicant's right to file an appeal with the Office of Administrative Hearings.

3512 OAH APPEALS

3512.1 An applicant or eligible individual may appeal a claim determination issued under Sections 3502 or 3506, or a new determination issued under Section 3511, to the Office of Administrative Hearings. The appeal to the Office of Administrative Hearings must be filed within sixty (60) calendar days after the date the claim determination or new determination is issued.

3512.2 Appeals to the Office of Administrative Hearings shall be governed by the rules, policies, and procedures of the Office of Administrative Hearings.

3513 RELATIONSHIP TO OTHER BENEFITS AND INCOME

3513.1 If paid leave taken pursuant to this chapter also qualifies as protected leave pursuant to FMLA, or D.C. FMLA, the paid leave shall run concurrently with, and not in addition to, leave taken under those other acts.

3513.2 Nothing in this chapter shall be construed to provide job protection to any eligible individual beyond that to which an individual is entitled under the D.C. FMLA.

3513.3 An eligible individual receiving benefits pursuant to the District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code §§ 51-101 *et seq.*), shall not be eligible to receive paid-leave benefits under this chapter.

3513.4 An eligible individual receiving long-term disability payments, whether provided under a private or public program, shall not be eligible to receive paid-leave benefits under this chapter.

3513.5 An eligible individual's right to short-term, employer-provided paid-leave benefits, including but not limited to paid sick time, vacation time, short-term disability benefits, and paid parental leave, while receiving paid-leave benefits under this chapter will be determined by the employer's policies. Nothing in this chapter shall be interpreted as prohibiting employers from maintaining or amending any existing or future policies regarding their own private employee benefits.

3513.6 (a) An eligible individual is not permitted to earn income by performing his or her regular and customary work during the period for which the eligible individual receives benefits under this chapter.

(b) Payments made under this chapter for days on which the eligible individual earns income by performing his or her regular and customary work shall constitute erroneous payments subject to Sections 3514 and 3515.

(c) Unless other provisions in this chapter provide for an earlier date of benefit termination, an eligible individual's entitlement to benefits payable under a continuous payment schedule provided by this chapter shall stop on the date on which the eligible individual returns to earning income by performing his or her regular and customary work.

(d) Unless other provisions in this chapter provide for an earlier date of benefit termination, an eligible individual's entitlement to benefits payable under an intermittent payment schedule provided by this chapter shall stop on the day of the week on which an eligible individual elected to receive intermittent benefits and on which the eligible individual returns to earning income by performing his or her usual and customary work.

(e) Restrictions on earning income while receiving benefits for continuous and intermittent leave are subject to the limitations set forth in Section 3506.

3514 ERRONEOUS PAYMENTS AND DISQUALIFICATION FOR BENEFITS

3514.1 It is unlawful for any applicant or eligible individual to intentionally provide knowingly false statements to obtain paid-leave benefits.

3514.2 An eligible individual shall not earn income by performing his or her regular and customary work during a period for which paid-leave benefits provided under this chapter are payable.

3514.3 If an eligible individual dies during an open claim, the individual's eligibility for benefits under this chapter shall cease the day after the eligible individual died.

3514.4 An applicant or eligible individual who intentionally makes a false statement or misrepresentation regarding a material fact, or who intentionally fails to report a material fact, in order to obtain paid-leave benefits shall be disqualified from receiving paid-leave benefits for a period of three (3) years beginning with the date of disqualification.

3514.5 Disqualification under this section shall not affect paid-leave benefits otherwise properly paid prior to the date of such false statements, misrepresentations, or failure to report a material fact.

3514.6 DOES shall provide written notice to an applicant or eligible individual of the applicant or eligible individual's disqualification under this section. The notice shall include the following information:

(a) The reason for the disqualification;

(b) The disqualification period beginning date and ending date; and

(c) The amount of paid-leave benefits overpaid to the eligible individual, if any.

3515 REPAYMENT OF PAID-LEAVE BENEFITS

3515.1 In the event of erroneous payment or overpayment, DOES shall seek repayment of benefits from the recipient or the estate of a deceased recipient; provided, that the Director may waive, in whole or in part, the amount of any such payments when the recovery would be against equity and good conscience.

3515.2 DOES shall provide notice in writing to an eligible individual of the requirement to repay erroneous payments or overpayments. The repayment notice shall include the following information:

(a) The amount of paid-leave benefits overpaid to the individual;

(b) The option to enter into a repayment agreement with DOES; and

(c) The collection methods DOES may utilize to seek repayment of paid-leave benefits if the recipient does not enter into a repayment agreement with DOES.

3515.3 DOES shall not attempt to collect repayment of paid-leave benefits during an appeal of a claim determination or while the recipient has a pending bankruptcy case.

3515.4 DOES may utilize the following methods to seek repayment of paid-leave benefits from the recipient:

(a) Accepting full repayment, or monthly installments as outlined in an optional repayment agreement between DOES and the recipient, in the form of personal check, money order, or electronic payment through a debit card, credit card, or personal checking account via the online portal;

(b) Offsetting the balance of erroneous payments from future paid-leave benefit entitlements at a rate of one hundred percent (100%), if:

(1) The recipient is actively collecting paid-leave benefits after the completion of the appeal of a claim determination; and

(2) There is no existing disqualification on the recipient's current paid-leave claim;

(c) Filing a claim in the Superior Court of the District of Columbia; and

(d) Intercepting District income tax refunds to the extent consistent with District law, or of state, federal, and local income tax refunds to the extent consistent with state, federal, or local law.

3515.5 A recipient may request that DOES waive the requirement that a recipient repay paid-leave benefits. The request shall be submitted through the online portal, or through an electronic or non-electronic format approved by DOES, within thirty (30) calendar days after DOES sends a repayment notice to the recipient.

3515.6 If the request for waiver of the paid-leave benefit repayment is not submitted within the thirty (30) calendar-day period, the recipient shall provide good cause for failure to meet the thirty (30) calendar-day requirement before the request can be considered.

3515.7 DOES may refer a repayment matter to the Office of the Attorney General for the District of Columbia or the Office of the Inspector General.

3515.8 (a) If DOES obtains repayment of benefits from an individual who has made a willful misrepresentation or otherwise perpetrated fraud to obtain paid-leave benefits and who received paid-leave benefits under this chapter for a period during which he or she earned income by performing work as a covered employee for a covered employer, and that covered employer made contributions to the Universal Paid Leave Implementation Fund based on the wages paid to that individual during the period he or she improperly received paid-leave benefits under this chapter, DOES shall distribute a proportional share of the recovered amount to that covered employer.

(b) For the purposes of paragraph (a) of this subsection, a covered employer's proportional share of the recovered amount shall be determined by the following method:

(1) The total amount paid into the Universal Paid Leave Implementation Fund by all covered employers on behalf of the individual during the period that he or she improperly obtained benefits shall be added together;

(2) The amount contributed by the covered employer during the period described in paragraph (a) shall be divided by the total amount calculated in subparagraph (1);

(3) This proportion shall be applied to the amount recovered from the individual;

(4) The resulting amount shall be distributed to the covered employer.

3515.9 DOES may cancel the requirement that a recipient repay a paid-leave repayment balance if:

(a) The recipient is deceased, provided that a death certificate is provided to DOES, and recovery from the recipient's estate would be against equity and good conscience;

(b) The recipient is a victim of identity theft and the claim submitted to DOES was made by an unauthorized person using the identity of the victim; provided, that evidence supporting the occurrence of identity theft, such as a police report or other supporting documentation, is provided to DOES; or

(c) The recipient is a victim of domestic violence in which situation the claimant was forced by an abusive partner or family member to apply for benefits of which the abusive partner retained control; provided, that

evidence supporting the occurrence of such a situation of domestic violence, such as a police report or other supporting documentation, is provided to DOES by the eligible individual or an authorized representative.

3516 COMPLAINTS

3516.1 A complaint alleging a violation of this chapter or the Act, other than a complaint regarding a claim determination (which shall be filed as an appeal as provided in this chapter), shall be filed with the Office of Human Rights and shall be governed by the administrative enforcement procedure used for the D.C. FMLA.

3516.2 All complaints pursuant to this section shall be filed within one (1) year after the occurrence or discovery of the alleged violation, whichever is later.

3599 DEFINITIONS

3599.1 In addition to the definitions in 34 DCMR § 3499, the following definitions shall apply to this chapter:

"Authorized representative" – means an individual or entity who is legally permitted to act on behalf of an applicant or eligible individual. Such individual or entity may act as an authorized representative only if approved by DOES to act as an authorized representative for the applicant or eligible individual under the provisions of Subsection 3501.12.

"**Average weekly wage**" – means the average weekly wage as calculated by Subsection 3503.1(b).

"Biweekly" – means intervals of fourteen (14) calendar days.

"**Bonding**" – means the formation of a close emotional and psychological relationship between a parent or primary caregiver and an infant or child.

"**Calendar week**" – means each seven (7) day period beginning on Sunday and ending on Saturday.

"Child" – means a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or a person to whom an eligible individual stands in loco parentis.

"**Closed claim**" – means a claim that was an open claim but whose last payable date has passed.

"**Daily benefit amount**" – means, with respect to eligible individuals electing intermittent leave, the weekly benefit amount divided by the intermittent leave indicator.

"DOES" – means the District of Columbia Department of Employment Services.

"**D.C. FMLA**" – means the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code §§ 32-501 *et seq.*)

"**Family member**" – means:

(a) A child;

(b) A biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to an eligible individual when the eligible individual was a child;

(c) A person to whom an eligible individual is related by domestic partnership, as defined by Section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), or marriage;

(d) A grandparent of an eligible individual, which means the biological, foster, adoptive, or step parent of the eligible individual's biological, foster, adoptive, or step parent; or

(e) A sibling of an eligible individual, which means the biological, half-, step-, adopted-, or foster-sibling or sibling-in-law of the eligible individual.

"**FMLA**" – means the Family and Medical Leave Act of 1993, approved February 5, 1993 (107 Stat. 6; 29 USC §§ 2601 *et seq.*).

"**Health care provider**" – shall have the same meaning as provided in Section 2(5) of the D.C. FMLA (D.C. Official Code § 32-501(5)).

"**In loco parentis**" – means in place of a parent.

"Intermittent leave indicator" – means the number of days designated by the eligible individual in Subsection 3506.5(b)(1) or the default intermittent leave workweek provided in Subsection 3506.5(b)(2).

"Long-term disability payments" – means monetary benefits payable from a contributory insurance program intended to insure against long-term disability for which the individual is eligible based on the individual's own long-term disability. For the purposes of this definition, a "long-term disability" is one that lasts, or is expected to last, more than twelve consecutive months or result in death.

"**Open claim**" – means a claim whose last payable date has not yet occurred.

"**Payable date**" – means a day for which paid-leave benefits provided under this chapter have been approved as payable by DOES.

"**Placement**" – means the transfer of physical custody of a child into the household of an eligible individual.

"**Primary caregiver**" – means legal guardian, or other person who stands in loco parentis to a child.

"Qualifying event" – means qualifying family leave event, qualifying medical leave event, or qualifying parental leave event.

"**Qualifying family leave**" – means paid leave for up to a maximum amount of six (6) workweeks within a fifty-two (52) calendar week period, regardless of calendar year, that an eligible individual may take in order to provide care or companionship to a family member because of the occurrence of a qualifying family leave event.

"**Qualifying family leave event**" – means the diagnosis or occurrence of a serious health condition of a family member of an eligible individual.

"**Qualifying medical leave**" – means paid leave for up to a maximum of two (2) workweeks within a fifty-two (52) calendar week period, regardless of calendar year, that an eligible individual may take following the occurrence of a qualifying medical leave event.

"**Qualifying medical leave event**" – means the diagnosis or occurrence of a serious health condition of an eligible individual.

"**Qualifying parental leave**" – means paid leave for up to a maximum of eight (8) workweeks within a fifty-two (52) calendar week period, regardless of calendar year, that an eligible individual may take following the occurrence of a qualifying parental leave event.

"**Qualifying parental leave event**" – means events, including bonding, associated with:

(a) The birth of a child of an eligible individual;

(b) The placement of a child with an eligible individual for adoption or foster care; or

(c) The placement of a child with an eligible individual for whom the eligible individual legally assumes and discharges parental responsibility.

"Regular and customary work" – means any work performed by the individual:

(a) During any of the five (5) completed quarters preceding the filing of the claim;

(b) During the calendar quarter in which the claim was filed up to and including the date on which the claim was filed; or

(c) During an open claim up to and including the date on which the individual elected any change to the claim, including any change to the leave schedule, the length of leave, and the intermittent days of leave.

"**Self-employment income**" – means gross income earned from carrying on a trade or business as a sole proprietor, an independent contractor, or a member of a partnership.

"**Serious health condition**" – means a physical or mental illness, injury, or impairment that requires inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision at home, or at the home of a caregiver or other family member, by a health care provider or other competent individual. For the purposes of this definition:

(a) (1) The term "treatment" includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition.

(2) Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(3) A regimen of continuing treatment such as the taking of over-the-counter medications, bed rest, or similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute continuing treatment for the purposes of this chapter.

(b) The term "inpatient care" is the care of a patient in a hospital, hospice, or residential medical care facility for the duration of one overnight period or longer or any subsequent treatment in connection with such inpatient care.

(c) The term "incapacity" means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

(d) Conditions for which cosmetic treatments are administered are not serious health conditions; provided, that procedures related to an individual's gender transition or restorative surgery following surgery or treatments for diseases or injury shall not be considered cosmetic treatments for the purposes of this subparagraph.

(e) A serious health condition involving continuing treatment by a health care provider means any one or more of the following:

(1) A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

(A) Treatment of two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider. For the purposes of this sub-subparagraph, "extenuating circumstances" means circumstances beyond an individual's control that prevent the follow-up visit from occurring as planned by the health care provider;

(B) The first, or only, in-person treatment visit within ten (10) days after the first day of incapacity if extenuating circumstances exist; or

(C) Treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider;

(2) Any period of incapacity or treatment, including prenatal care, for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(A) Requires two (2) or more periodic visits annually for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

(B) Continues over an extended period of time, which shall include recurring episodes of a single underlying condition; and

(C) May cause episodic rather than a continuing period of incapacity;

(3) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The family member of an eligible individual must be under continuing supervision of, but need not be receiving active treatment by, a health care provider; or

(4) Any period of absence to receive multiple treatments (including any period of recovery from the treatments) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(A) Restorative surgery after an accident or other injury; or

(B) A condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment.

"**Wages**" – shall have the same meaning as provided in Section 1(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(3)); provided, that the term "wages" also includes self-employment income earned by a self-employed individual who has opted into the paid-leave program established pursuant to this chapter.

"Weekly benefit amount" – means the amount calculated using the procedure described in Subsection 3503.1(b).

"**Workweek**" – means the number of days within a calendar week provided by the indication made pursuant to Subsection 3506.5(b).

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2019 Supp.)), hereby gives notice of the adoption of amendments to Chapter 95 (Medicaid Eligibility) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rule sets forth the non-Modified Adjusted Gross Income (non-MAGI) financial and non-financial eligibility factors, pursuant to Sections 1902(a)(10)(A)(ii)(X), 1902(m)(1), and 1905(a)(iv) of the Social Security Act, and 42 CFR §§ 435.201(a)(1) - (3) for the optional Aged, Blind, and Disabled (ABD) eligibility group. This rulemaking is needed to ensure appropriate codification of eligibility requirements for the ABD non-MAGI eligibility group. In order to be eligible for Medicaid under the ABD eligibility group, an individual must meet the following requirements: (1) be aged sixty-five (65) or older or be determined blind or disabled pursuant to the criteria set forth under 42 USC § 1382c; (2) have income at or below one hundred percent (100%) of the federal poverty level; (3) Have resources at or below the Supplemental Security Income (SSI) resource levels of four thousand dollars ($4,000) for an individual, or six thousand dollars ($6,000) for a couple; and (4) meet other non-financial requirements, including District residency, a social security number, citizenship and, immigration requirements.

An initial proposed rulemaking was published on September 30, 2016 at 63 DCR 011910. No comments were received. Substantive and technical changes were made. A Notice of Emergency and Second Proposed Rulemaking was published on November 22, 2019 at 66 DCR 15558. No comments were received and no changes were made. The Director adopted these rules as final on April 2, 2020, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 95, MEDICAID ELIGIBILITY, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 9511.1 and 9511.2 of Section 9511, SUPPLEMENTAL SECURITY INCOME-BASED METHODOLOGY FOR CERTAIN NON-MAGI ELIGIBILITY GROUPS, are amended as follows:

9511.1 The Department shall determine financial eligibility for Medicaid using a Supplemental Security Income (SSI)-based methodology pursuant to 42 CFR Section 435.601 for the following non-modified adjusted gross income (non-MAGI) eligibility groups:

(a) Individuals who are aged sixty-five (65) years or older, blind, or disabled (ABD);

(b) Individuals enrolled in the Qualified Medicare Beneficiary (QMB) program;

(c) Individuals enrolled in the QMB Plus program;

(d) Individuals with long-term medical needs;

(e) Individuals receiving Medicaid through the Katie Beckett eligibility group; and

(f) Individuals, described in Subsection 9500.15, who are medically needy.

9511.2 In order to receive Medicaid benefits, applicants and beneficiaries of the following non-MAGI eligibility groups set forth under Subsection 9511.1 shall be required to have the following income levels:

(a) For ABD -income at or below one hundred percent (100%) of the federal poverty level (FPL);

(b) For the QMB program - income at or below one hundred percent (100%) of the FPL. For applicants and beneficiaries that have income up to three hundred percent (300%) of the FPL, the Department shall disregard income in excess of one hundred percent (100%) of the FPL;

(c) For the QMB Plus program –income at or below one hundred percent (100%) of the FPL, and shall be entitled to full Medicaid coverage and benefits under the QMB program;

(d) For Long-term care - income at or below three hundred percent (300%) of the SSI Federal Benefit Rate (FBR);

(e) For the Katie Beckett eligibility group - income at or below three hundred percent (300%) of the SSI FBR; and

(f) For the Medically Needy – a medically needy (MN) spend-down process, in which the Department shall deduct the amount of medical expenses incurred by the individual or family or financially responsible relatives that are not subject to payment by a third party from countable income. The District shall disregard countable earned and unearned income in an amount equal to the difference between fifty percent (50%) of the FPL, and the District's medically needy income limit (MNIL) for a family of the same size, except the disregard for a family of one (1) will be equal to ninety-five percent (95%) of the disregard for a family of two (2).

A new Section 9513 is added to read as follows:

9513 NON-MAGI ELIGIBILITY GROUP: OPTIONAL AGED, BLIND, AND DISABLED

9513.1 This section shall govern eligibility determinations pursuant to Sections 1902(a)(10)(A)(ii)(X), 1902(m)(1), 1902(a)(10)(A)(ii)(I), and 1905(a)(iv) of the Social Security Act, 42 CFR §§ 435.201(a)(1) - (3) for the optional Aged, Blind, and Disabled (ABD) eligibility group.

9513.2 The Department of Health Care Finance ("Department") may provide Medicaid reimbursement under the optional Aged, Blind, and Disabled (ABD) eligibility group to individuals who:

(a) Are aged sixty-five (65) years or older or who are determined blind or disabled in accordance with the criteria set forth under 42 USC § 1382c, by either the U.S. Social Security Administration (SSA) or by the Department of Human Services, Economic Security Administration (ESA) Medical Review Team (MRT):

(b) Have a household income at or below one hundred percent (100%) of Federal Poverty Level;

(c) Meet the following non-financial eligibility factors in accordance with Section 9506:

(1) Are District residents pursuant to 42 CFR Section 435.403;

(2) Have Social Security Number s (SSNs) or are exempt pursuant to 42 CFR Section 435.910 and Section 9504; and

(3) Are U.S. citizens or nationals, or in satisfactory immigration status; and

(d) Have resources at or below the Supplemental Security Income (SSI) resource levels of four thousand dollars ($4,000) for individuals or six thousand dollars ($6,000) for couples.

9513.3 The Department shall determine whether an applicant meets the eligibility factors for Medicaid reimbursement under the optional ABD eligibility group based upon the submission of:

(a) A complete application for Medicaid in accordance with Section 9501 of this chapter. The date of application shall be the date that a complete application is received by the Department; and

(b) A document containing verification from the Social Security Administration (SSA) if the Department cannot verify an applicant's blindness or disability through electronic data sources, or a completed medical review form in accordance with Subsection 9513.5, if applicable.

9513.4 If an applicant is applying for Medicaid based on age, the Department shall accept self-attestation of aged sixty-five (65) or older unless the attestation is not reasonably compatible with other available information.

9513.5 If an applicant is applying for Medicaid based on blindness or a disability and does not have a blindness or disability determination issued by the SSA, the Department shall immediately provide the applicant (by mail, in person, or other commonly available electronic means) a medical review form that must be completed by a physician to document blindness or disability and be submitted to the Department by the applicant or beneficiary to determine eligibility.

9513.6 All application and renewal materials, including the medical review form, may be submitted to the Department through the following means:

(a) Mail;

(b) In person; or

(c) Other commonly available electronic means.

9513.7 Where the Department determines that an applicant is not at least aged sixty-five (65) or is not blind or disabled based on a review of the submitted medical review form and supporting medical documentation, the applicant shall be ineligible for Medicaid under the optional ABD eligibility group and the Department shall submit a notice to the applicant in accordance with Section 9508 of this chapter.

9513.8 Application timeliness standards for the Department to determine eligibility set forth under Section 9501 of this chapter shall apply.

9513.9 A beneficiary shall immediately notify the Department of any change in circumstances that directly affects the beneficiary's eligibility to receive Medicaid under the optional ABD eligibility group.

9513.10 For continued Medicaid coverage under the optional ABD eligibility group, each beneficiary shall complete and submit (by mail, in person, or through commonly available electronic means) the following renewal documents every twelve (12) months:

(a) Completed and signed pre-populated renewal forms, as described under Section 9501;

(b) If the individual was determined blind or disabled initially by the MRT or no longer has a disability determination from SSA, a new medical review form that is completed by the beneficiary's physician or verification of disability; and

(c) Documents that may be required in order to verify financial and non-financial eligibility factors set forth under Subsection 9513.2.

9513.12 If an individual's benefits have been terminated for failure to submit the pre-populated renewal form and necessary information, then the Department shall determine eligibility without requiring a new application if the individual subsequently submits the pre-populated renewal form and necessary information within thirty (30) days after the date of termination.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(4) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 81 (Polysomnography) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update Sections 8105 (Renewals, Reinstatements, and Reactivations of Polysomnographic Technologist Licenses) and 8199 (Definitions) of the District of Columbia Municipal Regulations pertinent to the Board of Medicine, in order to amend the requirement for continuing education for polysomnographic technologists. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

The Notice of Proposed Rulemaking for these rules was published in the *D.C. Register* on January 31, 2020 at 67 DCR 000932. No comments were received on the proposed rulemaking and no changes have been made to the proposed rule. The rulemaking was adopted as final on March 5, 2020 and shall become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

Chapter 81, POLYSOMNOGRAPHY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 8105, RENEWALS, REINSTATEMENTS, AND REACTIVATIONS OF POLYSOMNOGRAPHIC TECHNOLOGIST LICENSES, is amended to read as follows:

8105 RENEWALS, REINSTATEMENTS, AND REACTIVATIONS OF POLYSOMNOGRAPHIC TECHNOLOGIST LICENSES

8105.1 An applicant for renewal of a polysomnographic technologist license shall:

(a) Submit an application to renew the license;

(b) Complete a minimum of twenty (20) continuing education credits during the two (2) year period preceding the date the license expires, of which at least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;

(c) Attest to completion of the required continuing education credits on the renewal application form; and

(d) Be subject to a random audit.

8105.2 To qualify to reactivate a polysomnographic technologist license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) shall:

(a) Submit an application to reactivate the license;

(b) Submit proof pursuant to § 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year. At least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;

(c) Pay the required reactivation fee; and

(d) Submit a completed criminal background check in accordance with 17 DCMR § 8501.

8105.3 To qualify for reinstatement of a license, an applicant for reinstatement shall:

(a) Submit an application to reinstate the license;

(b) Submit proof pursuant to § 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reinstatement of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in an inactive status beginning with the third year. At least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;

(c) Pay the required reinstatement fee; and

(d) Submit a completed criminal background check in accordance with 17 DCMR § 8501.

Section 8199, DEFINITIONS, is amended as follows:

Subsection 8199.1 is amended as follows:

The following definition is added before the definition of "General supervision":

Director – The Director of the Department of Health, or his or her designee.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (DC Health), pursuant to Sections 4902 of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2018 Repl.)); and Mayor's Order 2007-63(#1), dated March 8, 2007, hereby gives notice of the adoption of amendments to the Public Health Nuisances and Rodent Control Regulations in Subtitle I (Public Health Nuisances and Rodent Control Regulations**)** of Title 25 (Food Operations and Community Hygiene Facilities) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 5 (Schedule of Fees and Services).

This rulemaking establishes fees for DC Health's Public Health Nuisances and Rodent Control Regulations in Subtitle I of Title 25 DCMR, which were published in the *D.C. Register* on July 5, 2019 at 66 DCR 007951.

On January 31, 2020, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 67 DCR 000935. DC Health did not receive any comments and no changes were made to the rules as set forth in the Notice of Proposed Rulemaking. These rules were adopted as final on March 4, 2020, and will take effect immediately upon publication of this Notice in the *D.C. Register*.

A new Chapter 5, SCHEDULE OF FEES AND SERVICES, is added to Title 25-I DCMR, PUBLIC HEALTH NUISANCES AND RODENT CONTROL REGULATIONS, to read as follows:

CHAPTER 5 SCHEDULE OF FEES AND SERVICES

500 SCHEDULE OF FEES AND SERVICES

500.1 The following fees are assessed for services provided by the Rodent and Vector Control Division, such as field inspections, complaint-based inspections:

Commercial Raze Inspections	**Fees:**
Initial Inspection	$ 250.00
Re-Inspection (as necessary)	$ 250.00 (per inspection)
DC Health Raze Approval Letter	$ - 0 -
Inspection and Treatment of Outdoor Public Space	$ - 0 -

500.2 All fees may be paid electronically or by certified check, money order, business check, or personal check made payable to the "District of Columbia Treasurer."

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

RM-40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code (D.C. Official Code) and in accordance with Section 2-505 of the D.C. Official Code,[1] of its intent to amend the following provisions in Chapter 40 (District of Columbia Small Generator Interconnection Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. The purpose of the amendments is, first, to address system upgrade costs related to the interconnection of community renewable energy facilities (CREF), small generator interconnection timelines, and small generator interconnection costs. Second, the purpose of the amendments is to incorporate a definition of Advanced Inverter, require Potomac Electric Power Company (Pepco) to mandate the deployment of advanced inverters in the District of Columbia effective January 1, 2022 to comply with IEEE 1547-2018 standards, and to establish a timeline and goals for inverter setting profiles. All persons interested in commenting on the content of this Notice of Proposed Rulemaking (NOPR or Notice) are invited to submit written comments no later than thirty (30) days after publication in the *D.C. Register*.

3. Pursuant to Order Nos. 19676 and 19692, Staff was directed to convene a working group to review the Commission's Net Energy Metering (NEM) Rules and propose CREF-specific rule changes for the Commission's consideration. The Working Group looked at both Chapter 9 and Chapter 40 of the Commission's rules over the course of its seven meetings. The Working Group was unable to reach consensus on all matters. Additionally, in Order No. 20271 the Commission waived part of Chapter 9 to allow Pepco to move forward with a virtual CREF. Staff submitted the revisions to Chapter 40 contained in this NOPR as a non-consensus outcome of the Working Group, so that participants can highlight their specific perspectives during the notice and comment process. Additionally, *sua sponte*, the Commission has added rules concerning Advanced Inverters. The Advanced Inverter language in Rule 4002.7 closely track the rules proposed in Maryland that were published in the *Maryland Register* on January 17, 2020. The definition of Advanced Inverter added to Rule 4999.1 is identical to that included in the Commission's NOPR that was published in the *D.C. Register* on February 28, 2020. Furthermore, the Commission has added Rule 4008.5 (a), which superseded the directive in Order No. 19969, and requires quarterly reporting of the total amount of solar energy from solar energy systems meeting the requirements of D.C. Official Code § 34-1432(e)(1) for which interconnection requests have been submitted in the previous six (6) months, as required by the CleanEnergy DC Omnibus Amendment Act. Finally, the Commission adds Rule 4008.5 (b), to require the Electric Company to file monthly reports of final interconnection approvals for renewable generators.

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

Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended in its entirety to read as follows:

CHAPTER 40 DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES

Section

4000 PURPOSE AND APPLICABILITY

4000.1 This chapter establishes the District of Columbia Small Generator Interconnection Rules ("DCSGIR") which apply to facilities satisfying the following criteria:

(a) The total Nameplate Capacity of the Small Generator Facility is equal to or less than twenty (20) megawatts ("MW").

(b) The Small Generator Facility is not subject to the interconnection requirements of PJM Interconnection.

(c) The Small Generator Facility is designed to operate in parallel with the Electric Distribution System.

4001 INTERCONNECTION REQUESTS, FEES, AND FORMS

4001.1 Interconnection customers seeking to interconnect a Small Generator Facility shall submit an Interconnection Request using a standard form approved by the Commission to the Electric Distribution Company ("EDC") that owns the Electric Distribution System ("EDS") to which interconnection is sought. The EDC shall establish processes for accepting Interconnection Requests electronically.

4001.2 The Commission shall determine the appropriate interconnection fees, and the fees shall be posted on the EDC's website and listed in the EDC's tariffs. There shall be no application fee for submitting a Level 1 Interconnection Request.

4001.3 In circumstances where standard forms and agreements are used as part of the interconnection process defined in this document, electronic versions of those forms shall be approved by the Commission and posted on the EDC's website. The EDC's Interconnection Request forms shall be provided in a format that allows for electronic entry of data.

4001.4 The EDC shall allow an Interconnection Request to be submitted through the EDC's website. The EDC shall allow electronic signatures to be used for Interconnection Request.

4001.5 In accordance with Subsection 4003.2 herein, Interconnection Customers may request an optional Pre-Application Report from the EDC to get information about the Electric Distribution System conditions at their proposed Point of Common Coupling without submitting a completed Interconnection Request form.

4001.6 The EDC shall assign each completed Application a queue position based on when it is deemed complete. The EDC shall maintain a single queue, which may be sortable by feeder. The queue shall be available and updated at least monthly. Information to be included in the queue is available in Attachment 1.

4001.7 The EDC shall maintain on its website an Interconnection Facilities Cost Matrix as defined in Section 4099. The Matrix will be updated annually by April 1st of each year. The EDC shall file a Notice with the Commission of the Matrix it intends to post not less than fourteen (14) days prior to posting the Matrix on its website. The Notice shall specify the intended effective date of the Matrix. In the event of any dispute, the filed copy of the Matrix is controlling.

4002 APPLICABLE STANDARDS

4002.1 Unless waived by the EDC, a Small Generator Facility must comply with the following standards, as applicable:

(a) Institute of Electrical and Electronics Engineers ("IEEE") Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems for Generating Facilities up to 20 MW in size;

(b) IEEE 1547.1 Standard for Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems;

(c) Underwriters Laboratories ("UL") 6142 Standard for Small Wind Turbine Systems; and

(d) UL 1741 Standard for Inverters, Converters and Controllers for Use in Independent Power Systems. UL 1741 compliance must be recognized or Certified by a Nationally Recognized Testing Laboratory as designated by the U.S. Occupational Safety and Health Administration. Certification of a particular model or a specific piece of equipment is sufficient. It is also sufficient for an inverter built into a Generating Facility to be recognized as being UL 1741 compliant by a Nationally Recognized Testing Laboratory.

4002.2-4002.4 [RESERVED]

4002.5 The Interconnection Equipment shall meet the requirements of the most current approved version of each document listed in Subsection 4002.1, as amended and supplemented at the time the Interconnection Request is submitted.

4002.6 Nothing herein shall preclude the need for an on-site Witness Test or operational test by the Interconnection Customer.

4002.7 Advanced Inverters

To comply with IEEE 1547-2018:

(a) After January 1, 2022, any Small Generator Facility requiring an inverter that submits an interconnection request shall use an Advanced Inverter with either a default or a site-specific EDC required inverter settings profile, as determined by the EDC.

(b) Any Small Generator Facility may replace an existing inverter with a similar spare inverter that was purchased prior to January 1, 2022, for use at the Small Generator Facility.

(c) Prior to January 1, 2022, the EDC will establish default EDC required inverter settings profiles for Advanced Inverters pursuant to Subsection 4002.7(e).

(d) To the extent reasonable, pursuant to any modifications required by Subsection 4002.7(e), all EDC required inverter settings profiles shall be consistent with applicable Advanced Inverter recommendations from PJM Interconnection, LLC that are applicable.

(e) A default EDC required inverter settings profile shall be established by an EDC to optimize the safe and reliable operation of the electric distribution system, and shall serve the following objectives:

(1) The primary objective is to incur no involuntary real power inverter curtailments incurred during normal operating conditions and

minimal real power curtailments during abnormal operating conditions.

(2) The secondary objective is to enhance electric distribution system hosting capacity and to optimize the provision of grid support services.

(f) A site-specific EDC required inverter settings profile may be established by an EDC as necessary to optimally meet objectives established in Subsection 4002.7(e).

(g) All default EDC required inverter settings profiles will be documented in the interconnection agreements.

(h) A default EDC required inverter settings profile will be published on the EDC's website.

(i) A list of acceptable Advanced Inverters shall be published on the EDC's website.

4003 INTERCONNECTION REVIEW LEVELS

4003.1 The EDC shall review Interconnection Requests using one (1) or more of the four (4) levels of review procedures established by this chapter. The EDC shall first use the level of agreement specified by the Interconnection Customer in the Interconnection Request form. If a Small Generator Facility fails a screen at any level, the EDC may elect to complete the evaluation at the current level, if safety and reliability are not adversely impacted, or at the next appropriate level. The EDC may not impose additional requirements not specifically authorized unless the EDC and the Interconnection Customer mutually agree to do so in writing.

4003.2 If an Interconnection Customer requests a Pre-Application Report from the EDC, the request shall include:

(a) Contact information (name, address, phone and email).

(b) A proposed Point of Common Coupling, including latitude and longitude, site map, street address, utility equipment number (*e.g.*, pole number), meter number, account number or some combination of the above sufficient to clearly identify the location of the Point of Common Coupling.

(c) Generation technology and fuel source (if applicable).

(d) A three hundred dollar ($300) non-refundable processing fee.

4003.3 For each Pre-Application Report requested, which includes the requisite information and fee, the EDC shall furnish a report, within ten (10) business days of receipt of the completed Pre-Application Report request, which:

(a) Advises the Interconnection Customer that the existence of "Available Capacity" in no way implies that an interconnection up to this level may be completed without impacts since there are many variables studied as part of the interconnection review procedures.

(b) Informs the Interconnection Customer that the Electric Distribution System is dynamic and subject to change.

(c) Informs the Interconnection Customer that data provided in the Pre-Application Report may become outdated and not useful at the time of submission of the complete Interconnection Request.

(d) Includes the following information, if available:

(1) Total Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(2) Allocated Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(3) Queued Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(4) Available Capacity (MW) of substation/area bus or bank and distribution circuit most likely to serve proposed Point of Common Coupling.

(5) Whether the proposed Small Generator Facility is located on an area, spot or radial network.

(6) Substation nominal distribution voltage or transmission nominal voltage if applicable.

(7) Nominal distribution circuit voltage at the proposed Point of Common Coupling.

(8) Approximate distribution circuit distance between the proposed Point of Common Coupling and the substation.

(9) Relevant Line Section(s) peak load estimate, and minimum load data, when available.

(10) Number of protective devices and number of voltage regulating devices between the proposed Point of Common Coupling and the substation/area.

(11) Whether or not three-phase power is available at the proposed Point of Common Coupling and/or distance from three-phase service.

(12) Limiting conductor rating from proposed Point of Common Coupling to the electrical distribution substation.

(13) Based on proposed Point of Common Coupling, existing or known constraints such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.

(14) The Pre-Application Report need only include pre-existing data. The EDC is not obligated in its preparation of a Pre-Application Report to conduct a study or other analysis of the proposed project in the event that data is not available. If the EDC cannot complete all or some of a Pre-Application Report due to lack of available data, the EDC will provide the potential Applicant with a Pre-Application Report that includes the information that is available and identify the information that is unavailable. Notwithstanding any of the provisions of this Section, the EDC shall, in good faith, provide Pre-Application Report data that represents the best available information at the time of reporting.

(e) As an alternative to information required pursuant to § 4003.3(d), the EDC may elect to perform a power flow-based study providing the Interconnection Customer with the maximum size distributed energy resource (DER) that can be installed at a specified location without Distribution System Upgrades and the constraint encountered precluding installation of a larger system without upgrades. EDC shall make available, upon request, a copy of its power flow-based study for each Interconnection Customer to the Commission.

4004 LEVEL 1 INTERCONNECTION REVIEWS

4004.1 For Level 1 Interconnection Review, the EDC shall use Level 1 procedures for evaluation of all Interconnection Requests to connect inverter-based small generation facilities.

4004.2 For Level 1 Adverse System Impact screens, the EDC shall evaluate the potential for Adverse System Impacts using the following screens, which must be satisfied:

(a) The Small Generator Facility has a Nameplate Capacity of twenty (20) kW or less.

(b) For interconnection of a proposed Small Generator Facility to a Line Section on a Radial Distribution Circuit, the aggregated generation on the Line Section, including the proposed Small Generator Facility and all other generator facilities capable of coincidental export of energy on the Line Section, shall not exceed the anticipated minimum load on the Line Section, as determined by the results of a power flow-based study performed by the EDC to evaluate the impact of the proposed Small Generator Facility. If such results are unavailable, the aforementioned aggregate generating capacity shall not exceed fifteen percent (15%) of the Line Section's annual peak load as most recently measured at the substation or calculated for the Line Section. Should the EDC have previously identified the aforementioned Line Section as exceeding fifteen percent (15%) of the Line Section's annual peak load, the EDC shall use its best efforts to complete a power-flow based study to evaluate the impact of the proposed Small Generator Facility as described herein. The EDC shall not fail the Small Generator Facility based solely on the application of the fifteen percent (15%) peak load limitation if the EDC has valid power flow-based study results that can be used to evaluate the impact of the proposed Small Generator Facility.

(c) When a proposed Small Generator Facility is to be interconnected on a single-phase shared Secondary Line, the aggregate generation capacity on the shared Secondary Line, including the proposed Small Generator Facility, may not exceed twenty (20) kW.

(d) When a proposed Small Generator Facility is single-phase and is to be interconnected on a transformer center tap neutral of a two hundred forty (240) volt service, its addition may not create an imbalance between the two (2) sides of the two hundred forty (240) volt service of more than twenty percent (20%) of the nameplate rating of the service transformer.

(e) For interconnection of a Small Generator Facility within a Spot Network or Area Network, the aggregate generating capacity including the Small Generator Facility may exceed fifty percent (50%) of the network's anticipated minimum load if the EDC determines that safety and reliability are not adversely impacted. If solar energy small generator facilities are used, only the anticipated daytime minimum load shall be considered. The EDC may select any of the following methods to determine anticipated minimum load:

(1) The network's measured minimum load in the previous year, if available;

(2) Five percent (5%) of the network's maximum load in the previous year;

(3) The Interconnection Customer's good faith estimate, if provided; or

(4) The EDC's good faith estimate, if provided in writing to the Interconnection Customer, along with the reasons why the EDC considered the other methods to estimate minimum load inadequate.

(f) Construction of facilities by the EDC on its own system is not required in order to accommodate the Small Generator Facility.

(g) The EDC may use results from a valid power flow-based study performed to evaluate the impact of the proposed Small Generator Facility, provided such results are not used to fail any of the Subsections 4004.2 (c), (d), or (e) screens. EDC shall make available upon request a copy of its power flow-based study for each applicant to the Commission.

(h) If a Small Generator Facility fails a Level 1 Adverse System Impact screen, the EDC may elect to complete the evaluation at Level 1, if safety and reliability are not adversely impacted, or at the next appropriate level.

4004.3 The Level 1 Interconnection Review shall be conducted in accordance with the following procedures:

(a) The EDC shall, within five (5) business days after receipt of Part 1 of the Interconnection Request, notify the Interconnection Customer in writing or by electronic mail of the review results, which shall indicate that the Interconnection Request is complete or incomplete, and what materials, if any, are missing.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades, the following additional information will be required to be submitted with the application. Provision of the additional information does not preclude challenging the findings in accordance with Subsection 4004.3(a)(1):

(A) Electrical room drawings;

(B) Meter locations;

(C) Initial proposed interconnection drawings.

(2) If the EDC requires the construction of EDS Upgrades during the Interconnection Request process, the EDC shall provide a technical explanation that justifies the need for the identified facilities and/or upgrades. The EDC shall demonstrate that required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 SA listed equipment.

(b) When an Interconnection Request is complete, the EDC shall assign the request a Queue Position.

(c) Unless Subsection 4004.4 applies, within five (5) business days after the EDC acknowledges receipt of a complete Interconnection Request, the EDC shall notify the Interconnection Customer of the Level 1 Adverse System Impact screening results. If the proposed interconnection meets all of the applicable Level 1 Adverse System Impact screens or the EDC determines that the Small Generator Facility can be interconnected safely and reliably to its system, the EDC shall provide the Interconnection Customer with an Approval to Install.

(d) The EDC will provide an EDC-executed Interconnection Agreement within three (3) business days of issuing the Approval to Install.

(e) Unless extended by mutual agreement of the Interconnection Customer and the EDC, within six (6) months of receiving an Approval to Install or six (6) months from the completion of any upgrades, whichever is later, the Interconnection Customer shall provide the EDC a completed Level 1 PART II - Small Generator Facility Interconnection Certificate of Completion Form, including the signed inspection certificate.

(f) The EDC may, within ten (10) business days of receiving a completed Level 1 PART II – Small Generator Facility Interconnection Certificate of Completion Form and the inspection certificate from the Interconnection Customer, conduct a Witness Test at a time mutually agreeable to the parties. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the parties. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other time as is mutually agreed to by the parties, the Witness Test is deemed waived.

(g) The EDC shall provide the Interconnection Customer with the Authorization to Operate within twenty (20) business days of receiving a completed Level 1 PART II - Small Generator Facility Interconnection Certificate of Completion Form, including the signed inspection certificate. An Interconnection Customer may begin interconnected operation of a Small Generator Facility provided that there is an Interconnection Agreement in effect, the EDC has received proof of the electrical code official's approval, the Small Generator Facility has passed any Witness Test by the EDC, and the EDC has issued the Authorization to Operate

(h) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Level 1 Interconnection Review process, provided that failure to

provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4004.4 Modifications to Level 1 Interconnection Review Process:

(a) If the Interconnection Request requires the addition of Interconnection Facilities that fall within the Interconnection Facilities Cost Matrix, the following process shall be followed for the Approval to Install. Subsection 4004.3(c) does not apply.

(1) The EDC will maintain on its website the Interconnection Facilities Cost Matrix providing the Interconnection Facilities for which the Interconnection Customer is responsible for specific categories of facilities. If the only Interconnection Facilities required in the Interconnection Request are captured in one of the categories in the Matrix.

(2) The Interconnection Customer will be responsible only for the applicable cost in the matrix

(3) The costs in the Interconnection Facilities Cost Matrix will be final costs.

(4) The final cost letter will contain only the applicable cost in the Interconnection Facility Cost Matrix and will be provided concurrently with the Approval to Install.

The Approval to Install and the final detailed cost letter shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(b) If the Interconnection Request requires the addition of Interconnection Facilities and the Interconnection Facilities Cost Matrix is not applicable or requires the addition of Distribution System Upgrades, the following process shall be followed for the Approval to Install. Subsection 4004.3(c) does not apply.

(1) The Approval to Install and the final non-itemized cost letter shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(2) The EDC will provide a cost estimate based on a forty percent (40%) design that is accurate within +/- fifty percent (50%) concurrently with the Approval to Install.

(3) Unless extended by mutual agreement of the Interconnection Customer and the EDC, the Interconnection Customer must agree to the cost estimate and the operational requirements and execute the

Interconnection Agreement within ten (10) business days of receiving the Approval to Install.

(4) Once the Interconnection Customer has approved the cost letter and operational requirements, the Interconnection Customer is responsible for the costs the EDC incurs designing or constructing Interconnection Facilities or Distribution System Upgrades if the Interconnection Customer decides not to move forward with the interconnection of the Small Generator Facility.

(5) Within sixty (60) business days after the EDC notifies the Interconnection Customer that it has received a completed Interconnection Request, the EDC will issue a final cost letter based on one hundred percent (100%) design.

(6) If the Interconnection Customer changes the design of the interconnection of the Small Generator Facility at any point, the final and estimated cost letters, as applicable, will be void and the EDC will restart the Interconnection Review process.

The EDC will provide an EDC-executed Interconnection Agreement within three (3) business days of issuing the Approval to Install.

4004.5 [RESERVED]

4004.6 The EDC, at its sole option, may approve the Interconnection Request provided that such approval is consistent with safety and reliability. If the EDC cannot determine that the Small Generator Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards, the EDC shall provide the Interconnection Customer with detailed information on the reason(s) for failure in writing. In addition, the EDC shall either:

(a) Notify Interconnection Customer that the EDC is continuing to evaluate the Small Generator Facility under Supplemental Review if the EDC concludes that the Supplemental Review might determine that the Small Generator Facility could continue to qualify for interconnection pursuant to Level 2; or

(b) Offer to continue evaluating the Interconnection Request under Level 4.

4004.7 If, on an annual basis, the EDC fails to issue at least ninety percent (90%) of All Authorizations to Operate in the Level 1 interconnection process within the twenty (20) business days as required in Subsection 4004.3(f), it shall be required to develop a corrective action plan.

4004.8 The corrective action plan shall describe the cause(s) of the EDC's non-compliance with Subsection 4004.7, describe the corrective measure(s) to be taken to ensure

that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s).

4004.9 Progress on current corrective action plans shall be included in the EDC's Small Generator Interconnection Annual Report.

4004.10 The EDC shall report the actual performance of compliance with Subsection 4004.7 during the reporting period in the Small Generator Interconnection Annual Report of the following year.

4005 LEVEL 2 INTERCONNECTION REVIEWS

4005.1 For a Level 2 Interconnection Review, the EDC shall use the Level 2 procedures for an Interconnection Request.

4005.2 For Level 2 Adverse System Impact screens, the EDC shall evaluate the potential for Adverse System Impacts using the following screens, which must be satisfied:

(a) The Small Generator Facility Nameplate Capacity rating does not exceed the limits identified in the table below, which vary according to the voltage of the line at the proposed Point of Common Coupling. Small Generator Facilities located within two and a half (2.5) miles of a substation and on a main distribution line with minimum six hundred (600)-amp capacity are eligible for Level 2 Interconnection Review under higher thresholds.

Line Capacity	**Level 2 Eligibility**	
	Regardless of location	**On ≥ 600 amp line and ≤ 2.5 miles from substation**
≤ 4 kV	< 1 MW	< 2 MW
4.1 kV – 14 kV	< 2 MW	< 3 MW
15 kV – 30 kV	< 3 MW	< 4 MW
31 kV – 60 kV	≤ 4 MW	≤ 5 MW

(b) For interconnection of a proposed Small Generator Facility to a Radial Distribution Circuit, the Small Generator Facility aggregated with all other generation capable of coincidental exporting energy on the Line Section may not exceed the anticipated minimum load on the Line Section, as determined by the results of a power flow-based study performed by the EDC to evaluate the impact of the proposed Small Generator Facility. If such results are unavailable, the aforementioned aggregate generating capacity shall not exceed fifteen percent (15%) of the Line Section annual peak load, as most recently measured at the substation or calculated for the Line Section. Should the EDC have previously identified the aforementioned Line Section as exceeding fifteen percent (15%) of the Line Section's annual peak load, the EDC shall use its best efforts to complete a power-flow based study to evaluate the impact of the proposed Small Generator Facility as described herein. The EDC shall not fail the Small

Generator Facility based solely on the application of the fifteen percent (15%) peak load limitation if the EDC has valid power flow-based study results that can be used to evaluate the impact of the proposed Small Generator Facility.

(c) For interconnection of a proposed Small Generator Facility within a Spot or Area Network, the proposed Small Generator Facility shall utilize an inverter-based equipment package and use a minimum import relay or other protective scheme that will ensure power imported from the EDC to the network will, during normal EDC operations, remain above twenty percent (20%) of the minimum load on the network transformer based on historical data, or will remain above an import point reasonably set by the EDC in good faith. For interconnection of a proposed Small Generator Facility within an Area Network, the proposed Small Generator Facility shall utilize an inverter-based equipment package and adhere to a maximum aggregate export level of eighty percent (80%) of the generation level that would cause reverse flow on a network transformer, or will remain below an export point reasonably set by the EDC in good faith. At the EDC's discretion, the requirement for minimum import relays or other protective schemes may be waived.

(d) The proposed Small Generator Facility, in aggregation with other generation on the distribution circuit, may not contribute more than ten percent (10%) to the distribution circuit's maximum Fault Current at the point on the high voltage (primary) level nearest the Point of Common Coupling.

(e) The proposed Small Generator Facility, in aggregate with other generation on the distribution circuit, may not cause any distribution protective devices and equipment (including substation breakers, fuse cutouts, and line reclosers), or EDC customer equipment on the Electric Distribution System, to exceed ninety percent (90%) of the short circuit interrupting capability. The Interconnection Request may not receive approval for interconnection on a circuit that already exceeds ninety percent (90%) of the short circuit interrupting capability.

(f) The proposed Small Generator Facility's Point of Common Coupling may not be on a transmission line.

(g) The Small Generator Facility complies with the applicable type of interconnection, based on the table below. This screen includes a review of the type of electrical service provided to the Interconnecting Customer, including line configuration and the transformer connection to limit the potential for creating over-voltages on the EDC's Electric Distribution System due to a loss of ground during the operating time of any anti-islanding function. This screen does not apply to Small Generator Facilities with a gross rating of 11 kVA or less.

Primary Distribution Line Configuration	Type of Interconnection to be Made to the Primary Circuit	Results/Criteria
Three-phase, three-wire	Any type	Pass Screen
Three-phase, four-wire	Single-phase, line-to-neutral	Pass Screen
Three-phase, four-wire (For any line that has such a section, or mixed three wire and four wire)	All Others	To pass, aggregate Small Generator Facility Nameplate Capacity must be less than or equal to 10% of Line Section peak load

(h) When the proposed Small Generator Facility is to be interconnected on single-phase shared Secondary Line, the aggregate generation capacity on the shared Secondary Line, including the proposed Small Generator Facility, shall not exceed sixty-five percent (65%) of the transformer nameplate power rating.

(i) When a proposed Small Generator Facility is single-phase and is to be interconnected on a transformer center tap neutral of a two hundred forty (240) volt service, its addition may not create an imbalance between the two sides of the 240-volt service of more than twenty percent (20%) of the nameplate rating of the service transformer.

(j) A Small Generator Facility, in aggregate with other generation interconnected to the distribution low-voltage side of a substation transformer feeding the electric distribution circuit where the Small Generator Facility proposes to interconnect, may not exceed 20MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (*e.g.* three (3) or four (4) transmission voltage level buses from the Point of Common Coupling), or the proposed Small Generator Facility shall not have interdependencies, known to the EDC, with earlier-queued Interconnection Requests.

(k) Except as permitted by an additional review in Level 2 procedures, Subsection 4005.7, no construction of facilities by the EDC on its own system shall be required to accommodate the Small Generator Facility.

(l) The EDC may use results from a valid power flow-based study performed to evaluate the impact of the proposed Small Generator Facility, provided such results are not used to fail any of the Subsections 4005.2 (c), (d), (e), (f), (g), (h), (i), or (j) screens.

(m) If a power-flow analysis is performed based on Subsections 4005.2 (b) or (l), the EDC shall make available upon request a copy of its power flow-based study for each applicant to the Commission.

4005.3 [RESERVED]

4005.4 The Level 2 Interconnection Review shall be conducted in accordance with the following procedures:

(a) The EDC shall, within five (5) business days after receipt of Part 1 of the Interconnection Request, acknowledge, in writing or by electronic mail, receipt of the Interconnection Request, indicating whether it is complete or incomplete, and the appropriate application fee.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades, the following additional information will be required to be submitted with the application.

(A) Electrical room drawings

(B) Meter locations

(C) Initial proposed interconnection drawings

(2) If the EDC requires the construction of EDS upgrades during the Interconnection Request process, the EDC shall provide a technical explanation that justifies the need for the identified facilities and/or upgrades. The EDC shall demonstrate that required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 SA listed equipment.

(b) When the Interconnection Request is deemed incomplete, the EDC shall provide a written list detailing all information that must be provided to complete the request. The Interconnection Customer shall have ten (10) business days after receipt of the list to revise the Interconnection Request to include the requested information and resubmit the Interconnection Request or request an extension of time to provide such information. If the Interconnection Request is not resubmitted with the requested information within ten (10) days, the Interconnection Request shall be deemed withdrawn. The EDC shall notify the Interconnection Customer within three (3) business days of receipt of a revised Interconnection Request whether the request is complete or incomplete. The EDC may deem the request withdrawn if it remains incomplete.

(c) When an Interconnection Request is complete, the EDC shall assign a Queue Position.

(d) Unless Subsection 4005.6 applies, within fifteen (15) business days after the EDC notifies the Interconnection Customer that it has received a completed Interconnection Request, the EDC shall evaluate the Interconnection Request using the Level 2 screening criteria and notify the Interconnection Customer whether the Small Generator Facility meets all of the applicable Level 2 Adverse System Impact screens. If the proposed interconnection meets all of the applicable Level 2 Adverse System Impact screens and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric Distribution System, the EDC shall provide the Interconnection Customer an Approval to Install. The EDC shall provide an EDC-executed Interconnection Agreement within three (3) business days after notification of Level 2 issuance of the Approval to Install.

(1) If EDS upgrades are required, the Interconnection Customer will be notified at this time that the modified process in Subsection 4005.6 has been triggered, with an extended timeline of twenty-five (25) business days to Approval to Install.

(e) Unless extended by mutual agreement of the Interconnection Customer and the EDC, within twenty-four (24) months of receiving an Approval to Install or six (6) months of completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide the EDC with the signed Level 2-4 Part II – Small Generator Interconnection Certificate of Completion, including the signed inspection certificate. An Interconnection Customer shall communicate with the EDC no less frequently than every six (6) months regarding the status of a proposed Small Generator Facility to which an Interconnection Agreement refers.

(f) The EDC may conduct a Witness Test within ten (10) business days of receiving the completed Level 2-4 Part II – Small Generator Facility Interconnection Certificate of Completion and the signed inspection certificate from the Interconnection Customer, conduct a Witness Test at a time mutually agreeable to the parties. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the parties. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other such time as is mutually agreed to by the parties, the Witness Test is deemed waived.

(g) An Interconnection Customer may begin interconnected operation of a Small Generator Facility provided that there is an Interconnection Agreement in effect, the EDC has received proof of the electrical code

official's approval, the Small Generator Facility has passed any Witness Test by the EDC, and the EDC has issued the Authorization to Operate. Evidence of approval by an electric code official includes a signed inspection certificate.

(h) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Level 2 Interconnection Review process, provided that failure to provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4005.5 [RESERVED]

4005.6 Modifications to Level 2 Interconnection Review Process:

(a) If the Interconnection Request requires the addition of Interconnection Facilities that fall within the Interconnection Facilities Cost Matrix, the following process shall be followed for the Approval to Install. Subsection 4005.4(d) does not apply.

(1) The EDC will maintain on its website the Interconnection Facilities Cost Matrix providing the Interconnection Facilities for which the Interconnection Customer is responsible for specific categories of facilities. If the only Interconnection Facilities required in the Interconnection Request are captured in one of the categories in the Cost Matrix:

(2) The Interconnection Customer will be responsible only for the applicable cost in the matrix

(3) The costs in the Interconnection Facilities Cost Matrix will be final costs.

(4) The final cost letter will contain only the applicable cost in the Interconnection Facility Cost Matrix and will be provided concurrently with the Approval to Install.

(5) The Approval to Install and the final cost letter shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(b) If the Interconnection Request requires the addition of Interconnection Facilities and the Interconnection Facilities Cost Matrix is not applicable or requires the addition of Distribution System Upgrades, the following process shall be followed for the Approval to Install. Subsection 4005.4(d) does not apply.

(1) The Approval to Install and the final non-itemized cost letter shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(2) The EDC will provide a cost estimate based on a forty percent (40%) design that is accurate within +/- fifty percent (50%) concurrently with the Approval to Install.

(3) Unless extended by mutual agreement of the Interconnection Customer and the EDC, the Interconnection Customer must agree to the cost estimate and the operational requirements and execute the Interconnection Agreement within ten (10) business days of receiving the Approval to Install.

(4) The EDC shall provide a technical explanation that justifies the need for the identified facilities and/or upgrades. The EDC shall demonstrate that the required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 listed equipment.

(5) Once the Interconnection Customer has approved the cost letter and operational requirements, the Interconnection Customer is responsible for the costs the EDC incurs designing or constructing Interconnection Facilities or Distribution System Upgrades if the Interconnection Customer decides not to move forward with the interconnection of the Small Generator Facility.

(6) Within sixty (60) business days after the EDC notifies the Interconnection Customer that it has received a completed Interconnection Request, the EDC will issue a final cost letter based on one hundred percent (100%) design. The cost letter will include a detailed list of necessary EDS upgrades and an itemized cost estimate, breaking out equipment, labor, operation and maintenance and other costs, including overhead, for completing such upgrades. The final cost letter will also indicate the milestones for completion of the Applicant's installation of its Generating Facility and the EDC's completion of any EDS modifications, and these milestones will be incorporated into the Interconnection Agreement.

(7) If the Interconnection Customer changes the design of the interconnection of the Small Generator Facility at any point, the final and estimated cost letters, as applicable, will be void and the EDC will restart the Interconnection Review process.

(8) The EDC will provide an EDC-executed Interconnection Agreement within three (3) business days of issuing the Approval to Install.

(c) The EDC shall design, procure, construct, install, and own any Distribution System Upgrades for a CREF. The Distribution System Upgrades costs shall be allocated as follows:

(1) Fifty percent (50%) of the costs to and paid for by the CREF Interconnection Customer

(2) Fifty percent (50%) of the costs paid for by the EDC, tracked in a regulatory asset, and recovered in its next base rate case.

The Distribution System Upgrade Costs for the shared allocation above shall be capped at two hundred thousand dollars ($200,000) per calendar year. Any costs above this cap in a calendar year shall be paid by the CREF Interconnection Customer.

4005.7 When a Small Generator Facility is not approved under a Level 2 review, the EDC, at its sole option, may approve the Interconnection Request provided such approval is consistent with safety and reliability and shall provide the Interconnection Customer an Approval to Install after the determination. If the EDC cannot determine that the Small Generator Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards, the EDC shall provide the Interconnection Customer with detailed information on the reason(s) for failure in writing. In addition, the EDC shall either:

(a) Notify Interconnection Customer that the EDC is continuing to evaluate the Interconnection Request under Supplemental Review if the EDC concludes that the Supplemental Review might determine that the Small Generator Facility could continue to qualify for interconnection pursuant to Level 2; or

(b) Offer to continue evaluating the Interconnection Request under Level 4.

4006 LEVEL 3 INTERCONNECTION REVIEWS

4006.1 The EDC shall use Level 2 Interconnection Review procedures for evaluating Level 3 Interconnection Requests provided the proposed Small Generator Facility has a Nameplate Capacity rating not greater than 20MW and uses reverse power relays, minimum import relays or other protective devices to assure that power may never be exported from the Small Generator Facility to the EDC's electrical distribution system. An Interconnection Customer proposing to interconnect a Small Generator Facility to a spot or Area Network is not permitted under the Level 3 review process.

4007 LEVEL 4 INTERCONNECTION REVIEWS

4007.1 The EDC shall use the Level 4 Interconnection Review procedures for evaluating Interconnection Requests when:

(a) The Interconnection Request was not approved under a Level 1, Level 2, or Level 3 Interconnection Review and the Interconnection Customer has submitted a new Interconnection Request for consideration under a Level 4 Interconnection Review or requested that the rejected Interconnection Request be treated as a Level 4 Interconnection Request; and

(b) The Interconnection Request does not meet the criteria for qualifying for a review under Level 1, Level 2 or Level 3 Interconnection Review procedures.

4007.2 The Level 4 Interconnection Review shall be conducted in accordance with the following process:

(a) Within five (5) business days from receipt of Part I of an Interconnection Request or transfer of an existing request to a Level 4 Interconnection Request, the EDC shall notify the Interconnection Customer whether or not the request is complete.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades, the following additional information will be required to be submitted with the application.

(A) Electrical room drawings

(B) Meter locations

(C) Initial proposed interconnection drawings

(2) If the EDC requires the construction of EDS upgrades during the Interconnection Request process, the EDC shall provide a technical explanation that justifies the need for the identified facilities and/or upgrades. The EDC shall demonstrate that required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 SA listed equipment.

(b) When the Interconnection Request is deemed not complete, the EDC shall provide the Interconnection Customer with a written list detailing information required to complete the Interconnection Request. The Interconnection Customer shall have twenty (20) business days to revise the Interconnection Request to include the requested information and resubmit the Interconnection Request, or the Interconnection Request shall be considered withdrawn. The parties may agree to extend the time for receipt of the revised Interconnection Request. The EDC shall notify the Interconnection Customer within five (5) business days of receipt of the revised Interconnection Request whether or not the Interconnection Request is complete. The EDC may deem the Interconnection Request withdrawn if it remains incomplete.

(c) When an Interconnection Request is complete, the EDC shall assign a Queue Position.

(d) The following procedures shall be followed in performing a Level 4 Interconnection Review:

(1) By mutual agreement of the parties, the Scoping Meeting, interconnection feasibility study, interconnection impact study, or Facilities Study provided for in a Level 4 Interconnection Review and discussed in this paragraph may be waived;

(2) If agreed to by the parties, a Scoping Meeting shall be held within ten (10) business days, or other mutually agreed to time, after the EDC has notified the Interconnection Customer that the Interconnection Request is deemed complete, or the Interconnection Customer has requested that its Interconnection Request proceed after failing the requirements of a Level 2 Interconnection Review or Level 3 Interconnection Review. The Scoping Meeting shall take place in person, by telephone, or electronically by a means mutually agreeable to the parties. The purpose of the Scoping Meeting shall be to review the Interconnection Request; existing studies relevant to the Interconnection Request; the conditions at the proposed location including the available Fault Current at the proposed location, the existing peak loading on the lines in the general vicinity of the proposed Small Generator Facility, and the configuration of the distribution line at the proposed Point of Common Coupling; and the results of the Level 1, Level 2 or Level 3 Adverse System Impact screening criteria;

(3) When the parties agree at a Scoping Meeting that an interconnection feasibility study shall be performed, and if the parties do not waive the interconnection impact study, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection System Feasibility Study Agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost and time to perform the study;

(4) When the parties agree at a Scoping Meeting that an interconnection feasibility study is not required, and if the parties agree that an interconnection system impact study shall be performed, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection System Impact Study Agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study; and

(5) When the parties agree at the Scoping Meeting that an interconnection feasibility study and interconnection system impact study are not required, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection Facilities Study Agreement including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(6) The EDC may elect to perform one or more of these studies concurrently.

(e) Any required Adverse System Impact studies shall be carried out using the following guidelines:

(1) An interconnection feasibility study shall include the following analyses and conditions for the purpose of identifying and addressing potential Adverse System Impact to the EDC's Electric Distribution System that would result from the interconnection:

(A) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

(B) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection;

(C) Initial review of grounding requirements and system protection;

(D) Description and nonbinding estimated cost of facilities required to interconnect the Small Generator Facility to the EDC's Electric Distribution System in a safe and reliable manner; and

(E) Additional evaluations, at the expense of the Interconnection Customer, when an Interconnection Customer requests that the interconnection feasibility study evaluate multiple potential Points of Common Coupling.

(2) An interconnection system impact study shall evaluate the impacts of the proposed interconnection on both the safety and reliability of the EDC's Electric Distribution System. The study shall identify and detail the Adverse System Impacts that result when a Small Generator Facility is interconnected without project modifications or Distribution System Upgrades, focusing on the Adverse System Impacts identified in the interconnection feasibility study or potential impacts including those identified in the Scoping Meeting. The interconnection system impact study shall consider all Small Generator Facilities that, on the date the interconnection system

impact study is commenced, are directly interconnected with the EDC's Electric Distribution System, have a pending higher Queue Position to interconnect to the system, or have a signed Interconnection Agreement.

(A) A distribution interconnection system impact study shall be performed when a potential Electric Distribution System Adverse System Impact is identified in the interconnection feasibility study. The EDC shall send the Interconnection Customer an Interconnection System Impact Study Agreement within five (5) business days of transmittal of the interconnection feasibility study report. The agreement shall include an outline of the scope of the study and a good faith estimate of the cost to perform the study. The impact study shall include:

(i) A load flow study;

(ii) Identification of Affected Systems;

(iii) An analysis of equipment interrupting ratings;

(iv) A protection coordination study;

(v) Voltage drop and flicker studies;

(vi) Protection and set point coordination studies;

(vii) Grounding reviews; and

(viii) Impact on system operation.

(B) An interconnection system impact study shall consider the following criteria:

(i) A short circuit analysis;

(ii) A stability analysis;

(iii) Alternatives for mitigating Adverse System Impacts on Affected Systems;

(iv) Voltage drop and flicker studies;

(v) Protection and set point coordination studies; and

(vi) Grounding reviews.

(C) The final interconnection system impact study shall provide the following:

(i) The underlying assumptions of the study;

(ii) The results of the analyses;

(iii) A list of any potential impediments to providing the requested interconnection service;

(iv) Required distribution upgrades; and

(v) A nonbinding good faith estimate of cost and time to construct any required Distribution System Upgrades.

(D) The parties shall use an Interconnection System Impact Study Agreement approved by the Commission.

(3) The Facilities Study shall be conducted as follows:

(A) Within five (5) business days of completion of the interconnection system impact study, the EDC shall transmit a report to the Interconnection Customer with an Interconnection Facilities Study Agreement, which includes an outline of the scope of the study and a nonbinding good faith estimate of the cost and time to perform the study;

(B) The Facilities Study shall estimate the cost of the equipment, engineering, procurement and construction work including overheads needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study to interconnect the Small Generator Facility. The Facilities Study shall identify:

(i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;

(ii) The nature and estimated cost of the EDC's Interconnection Facilities and Distribution System Upgrades necessary to accomplish the interconnection; and

(iii) An estimate of the time required to complete the construction and installation of the facilities;

(C) The parties may agree to permit an Interconnection Customer to separately arrange for a third party to design and construct the required Interconnection Facilities. The EDC may review the design of the facilities under the Interconnection Facilities Study Agreement. When the parties agree to separately arrange for design and construction and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the Interconnection Customer to permit the Interconnection Customer to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the specifications;

(D) Upon completion of the Facilities Study and with the agreement of the Interconnection Customer to pay for the Interconnection Facilities and Distribution System Upgrades identified in the Facilities Study, the EDC shall issue the Approval to Install; and

(E) The parties shall use an Interconnection Facilities Study Agreement approved by the Commission.

(f) Upon completion or waiver of procedures defined in Subsection 4007.2(c) as mutually agreed by the parties and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric Distribution System, the EDC shall provide the Interconnection Customer with an Approval to Install. If the Interconnection Request is denied, the EDC shall provide a written explanation;

(g) When Distribution System Upgrades are required, the interconnection of the Small Generator Facility shall proceed according to milestones agreed to by the parties in the Interconnection Agreement. The Authorization to Operate may not be issued until:

(1) The milestones agreed to in the Interconnection Agreement are satisfied;

(2) The Small Generator Facility is approved by electric code officials with jurisdiction over the interconnection;

(3) The Interconnection Customer provides a Certificate of Completion to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and

(4) There is a successful completion of the Witness Test per the terms and conditions found in the Standard Agreement for Interconnection of Small Generator Facilities, unless waived.

(h) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Level 4 Interconnection Review process, provided that failure to provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4007.3 An interconnection system impact study is not required when the interconnection feasibility study concludes there is no Adverse System Impact, or when the study identifies an Adverse System Impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

4007.4 The parties shall use a form of Interconnection Feasibility Study Agreement approved by the Commission.

4008 TECHNICAL REQUIREMENTS

4008.1 Unless waived by the EDC, a Small Generator Facility must comply with the technical standards listed in Section 4002.1, as applicable. IEEE 1547.2 (2008), "Application Guide for IEEE Standard 1547," IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems and the PJM Interconnection Planning Manual 14A Attachment E, which is available at: https://www.pjm.com/~/media/documents/manuals/m14a.ashx, shall be used as a guide (but not a requirement) to detail and illustrate the interconnection protection requirements that are provided in IEEE Standard 1547.

4008.2 When an Interconnection Request is for a Small Generator Facility that includes multiple energy production devices at a site for which the Interconnection Customer seeks a single Point of Common Coupling, the Interconnection Request shall be evaluated on the basis of the aggregate Nameplate Capacity of multiple devices.

4008.3 When an Interconnection Request is for an increase in capacity for an existing Small Generator Facility, the Interconnection Request shall be evaluated on the basis of the new total Nameplate Capacity of the Small Generator Facility.

4008.4 The EDC shall maintain records of the following for a minimum of three (3) years:

(a) The total number of and the Nameplate Capacity of the Interconnection Requests received, approved and denied under Level 1, Level 2, Level 3 and Level 4 reviews;

(b) The number of Interconnection Requests that were not processed within the timelines established in this rule;

(c) The number of Scoping Meetings held and the number of feasibility studies, impact studies, and Facility Studies performed, and the fees charged for these studies;

(d) The justifications for the actions taken to deny Interconnection Requests; and

(e) Any special operating requirements required in Interconnection Agreements that are not part of the EDC's written and published operating procedures applicable to Small Generator Facilities.

4008.5 The EDC shall provide a report to the Commission containing the information required in Subsection 4008.4, paragraphs (a)-(c) within ninety (90) calendar days of the close of each year.

(a) The EDC shall include the total amount of solar energy from solar energy systems meeting the requirements of D.C. Official Code § 34-1432(e)(1) for which interconnection requests have been submitted in the previous six (6) months in its Quarterly Interconnection Report filed in accordance with Commission Order No. 18575.

(b) The EDC shall provide a public and confidential list of final interconnection approvals for renewable generators (name, address, capacity (DC and AC), and system type) on the fifteenth (15^{th}) of each month, for the previous month interconnections.

4008.6 The EDC shall designate a contact person and contact information on its website and the Commission's website for submission of all Interconnection Requests and from whom information on the Interconnection Request process and the EDC's Electric Distribution System can be obtained regarding a proposed project. The information shall include studies and other materials useful to an understanding of the feasibility of interconnecting a Small Generator Facility at a particular point on the EDC's Electric Distribution System, except to the extent that providing the materials would violate security requirements or confidentiality agreements, or otherwise deemed contrary to District or federal law/regulations. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of information.

4008.7 When an Interconnection Request is deemed complete, a modification other than a minor equipment modification that is not agreed to in writing by the EDC, shall require submission of a new Interconnection Request.

4008.8 When an Interconnection Customer is not currently a customer of the EDC at the proposed site, the Interconnection Customer, upon request from the EDC, shall provide proof of site control evidenced by a property tax bill, deed, lease agreement, or other legally binding contract.

4008.9 To minimize the cost of interconnecting multiple Small Generator Facilities, the EDC or the Interconnection Customer may propose a single Point of Common Coupling for multiple Small Generator Facilities located at a single site. If the Interconnection Customer rejects the EDC's proposal for a single Point of Common Coupling, the Interconnection Customer shall pay the additional cost, if any, of

providing a separate Point of Common Coupling for each Small Generator Facility. If the EDC rejects the customer's proposal for a single Point of Common Coupling without providing a written technical explanation, the EDC shall pay the additional cost, if any, of providing a separate Point of Common Coupling for each Small Generator Facility.

4008.10 Small Generator Facilities shall be capable of being isolated from the EDC. For all Small Generator Facilities interconnecting to a Primary Line, the isolation shall be by means of a lockable, visible-break isolation device accessible by the EDC. For all Small Generator Facilities interconnecting to a Secondary Line, the isolation shall be by means of a lockable isolation device whose status is clearly indicated and is accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the Small Generator Facility and located between the Small Generator Facility and the Point of Common Coupling. A Draw-out Type Circuit Breaker with a provision for padlocking at the draw-out position can be considered an isolation device for purposes of this requirement.

4008.11 The Interconnection Customer may elect to provide the EDC access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the EDC, by installing a lockbox provided by the EDC that shall provide ready access to the isolation device. The Interconnection Customer shall install the lockbox in a location that is readily accessible by the EDC, and the Interconnection Customer shall permit the EDC to affix a placard in a location of its choosing that provides clear instructions to the EDC's operating personnel on access to the isolation device. In the event that the Interconnection Customer fails to comply with the terms of this subsection and the EDC needs to gain access to the isolation device, the EDC shall not be held liable for any damages resulting from any necessary EDC action to isolate the Interconnection Customer.

4008.12 Any metering necessitated by a Small Generator Facility interconnection shall be installed, operated and maintained in accordance with applicable tariffs. Any such metering requirements shall be clearly identified as part of the Interconnection Agreement executed by the Interconnection Customer and the EDC. The EDC is not responsible for installing, operating, or maintaining customer-owned meters.

4008.13 The EDC shall design, procure, construct, install, and own any Distribution System Upgrades for a CREF. The Distribution System Upgrades costs shall be allocated as follows:

(a) Fifty percent (50%) of the costs to and paid for by the CREF Interconnection Customer.

(b) Fifty percent (50%) of the costs paid for by the EDC, tracked in a regulatory asset, and recovered in its next base rate case.

The Distribution System Upgrade Costs for the shared allocation above shall be capped at two hundred thousand dollars ($200,000) per calendar year. Any costs above this cap in a calendar year shall be paid by the CREF Interconnection Customer.

4008.14 [RESERVED]

4008.15 The Interconnection Customer shall design its Small Generator Facility to maintain a composite power delivery at continuous rated power output at the Point of Common Coupling at a power factor within the power factor range required by the EDC's applicable tariff for a comparable load customer. The EDC may also require the Interconnection Customer to follow a voltage or VAR schedule if such schedules are applicable to similarly situated generators in the control area on a comparable basis and have been approved by the Commission. The specific requirements for meeting a voltage or VAR schedule shall be clearly specified in Attachment 3 of the "District of Columbia Small Generator Interconnection Rule Level 2-4 Standard Agreement for Interconnection of Small Generator Facilities". Under no circumstance shall these additional requirements for reactive power or voltage support exceed the normal operating capabilities of the Small Generator Facility.

4008.16 For retail interconnection non-exporting Energy Storage devices, the load aspects of the storage devices will be treated the same as other load from customers, based on incremental net load.

4008.17 Interconnection of Energy Storage facilities should comply with IEEE Standard 1547 technical & test specifications and requirements.

4008.18 The Energy Storage overcurrent protection (charge/discharge) ratings from inverter nameplate shall not exceed EDC capabilities.

4008.19 In front of the meter Energy Storage exporting systems will be subject to Level 4 review requirements.

4008.20 When a Microgrid reconnects to the EDC, the Microgrid must be synchronized to the grid, matching: (1) voltage, (2) frequency, and (3) phase angle. This should require an asynchronous interconnection.

4008.21 At all interconnection levels, the power conversion system performing energy conversion/control at the Point of Common Coupling must be equipped to communicate system characteristics over secured EDC protocol.

4008.22 Inverters shall meet the safety requirements of UL 1741 and 12 months after the publication of UL 1741 SA (Supplement A) utility-interactive inverters shall meet the specifications of UL 1741 SA.

4009 DISPUTES

4009.1 A party shall attempt to resolve all disputes regarding interconnection as provided in the DCSGIR promptly, equitably, and in a good faith manner.

4009.2 When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission by providing written notice to the Commission and the other party stating the issues in dispute.

4009.3 When disputes relate to the technical application of the DCSGIR, the Commission may designate a technical consultant to resolve the dispute. Upon Commission designation, the parties shall use the technical consultant to resolve disputes related to interconnection. Costs for a dispute resolution conducted by the technical consultant shall be established by the technical consultant and subject to review by the Commission.

4009.4 Pursuit of dispute resolution shall not affect an Interconnection Customer with regard to consideration of an Interconnection Request or an Interconnection Customer's Queue Position.

4010 WAIVER

4010.1 The Commission may, in its discretion, waive any provisions of Chapter 40 upon notice to the affected persons.

4011 SUPPLEMENTAL REVIEW

4011.1 Within twenty (20) business days of determining that Supplemental Review is appropriate, the EDC shall perform Supplemental Review using the screens set forth below, notify the Interconnection Customer of the results, and include with the notification a written report of the analysis and data underlying the EDC's determinations under the screens.

(a) Where twelve (12) months of Line Section minimum load data is available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate Small Generator Facility Nameplate Capacity on the Line Section is less than one hundred percent (100%) of the minimum load for all Line Sections bounded by automatic sectionalizing devices upstream of the proposed Small Generator Facility. If the minimum load data is not available, or cannot be calculated or estimated, the aggregate Small Generator Facility Nameplate Capacity on the Line Section is less than thirty percent (30%) of the peak load for all Line Sections bounded by automatic sectionalizing devices upstream of the proposed Small Generator Facility.

(1) The type of generation used by the proposed Small Generator Facility will be taken into account when calculating, estimating, or determining circuit or Line Section minimum load relevant for the

application of this screen. Solar photovoltaic (PV) generation systems with no battery storage use daytime minimum load (*e.g.*, 8 a.m. to 6 p.m.), while all other generation uses absolute minimum load.

(2) When this screen is being applied to a Small Generator Facility that serves some onsite electrical load, all generation will be considered as part of the aggregate generation. If a Small Generator Facility uses Energy Storage without energy production equipment, and incorporates controls which limit Energy Storage discharge schedule to periods that are fixed and known to the EDC, the EDC shall consider the Energy Storage discharge schedule when calculating, estimating, or determining circuit or Line Section minimum load relevant for the application of this screen

(b) In aggregate with existing generation on the Line Section:

(1) The voltage regulation on the Line Section can be maintained in compliance with relevant requirements under all system conditions;

(2) The voltage fluctuation is within acceptable limits as defined by IEEE Standard 1453 or Good Utility Practice similar to IEEE Standard 1453; and

(3) The harmonic levels meet IEEE 519 limits at the Point of Common Coupling.

(c) The locations of the proposed Small Generator Facility and the aggregate Small Generator Facility Nameplate Capacity on the Line Section do not create impacts to safety or reliability that cannot be adequately addressed without application of Level 4 Interconnection Review procedures. The EDC may consider the following factors and others in determining potential impacts to safety and reliability in applying this screen.

(1) Whether the Line Section has significant minimum loading levels dominated by a small number of customers (*i.e.*, several large commercial customers).

(2) If there is an even or uneven distribution of loading along the feeder.

(3) If the proposed Small Generator Facility is located in close proximity to the substation (*i.e.*, < 2.5 electrical line miles), and if the distribution line from the substation to the Small Generator Facility is composed of large conductor/feeder section (*i.e.*, 600A class cable).

(4) If the proposed Small Generator Facility incorporates a time delay function to prevent reconnection of the generator to the Electric

Distribution System until system voltage and frequency are within normal limits for a prescribed time.

(5) If operational flexibility is reduced by the proposed Small Generator Facility, such that transfer of the Line Section(s) of the Small Generator Facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues.

(6) If the proposed Small Generator Facility utilizes certified anti-islanding functions and equipment.

(d) Modifications to the Electric Distribution System required by interconnections based on the Supplemental Review shall be treated in the following manner:

(1) If the Interconnection Request requires only Interconnection Facilities to the Electric Distribution System, a non-binding good faith cost estimate and construction schedule for the Interconnection Facilities to the Electric Distribution System, along with an Approval to Install, shall be provided within fifteen (15) business days after notification of the Supplemental Review results.

(2) If the Interconnection Request requires more than the addition of Interconnection Facilities, the EDC may elect to provide a non-binding good faith cost estimate and construction schedule for such Distribution System Upgrades within thirty (30) business days after notification of the Supplemental Review results, or the EDC may notify the Interconnection Customer that the EDC will need to complete a Facilities Study under Level 4 Interconnection Review to determine the cost estimate and construction schedule for necessary Distribution System Upgrades.

(e) If the proposed interconnection meets all of the applicable Adverse System Impact screens and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric Distribution System, the EDC shall provide the Interconnection Customer an Approval to Install

(f) An Interconnection Customer that receives an Approval to Install shall provide the Small Generator Interconnection Part II – Certificate of Completion and signed inspection certificate in the following timeframes:

(1) For Level 1 Interconnection Requests: Unless extended by mutual agreement of the parties, within six (6) months of receipt of the Approval to Install or six (6) months from the completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide to the EDC the Level 1

Small Generator Interconnection Part II – Certificate of Completion, including the signed inspection certificate.

(2) For Level 2 and 3 Interconnection Requests: Unless extended by mutual agreement of the parties, within twenty-four (24) months from an Interconnection Customer's receipt of the Approval to Install or six (6) months of completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide to the EDC the Level 2-4 Small Generator Interconnection Part II – Certificate of Completion, including the signed certificate of inspection. An interconnection customer shall communicate with the EDC no less frequently than every six (6) months regarding the status of a proposed small generator facility to which an Interconnection Agreement refers.

(g) The EDC may conduct a Witness Test within ten (10) business days' of issuing the Authorization to Operate at a time mutually agreeable to the parties. If a Small Generator Facility initially fails the test, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the parties. If the EDC determines that the Small Generator Facility fails the Witness Test it must provide a written explanation detailing the reasons and any standards violated.

(h) Upon EDC's issuance of the Authorization to Operate, an Interconnection Customer may begin interconnected operation of a Small Generator Facility, provided that there is an Interconnection Agreement in effect, the Small Generator Facility has passed any Witness Test required by the EDC, and that the Small Generator Facility has passed any inspection required by the EDC. Evidence of approval by an electric code official includes a signed inspection certificate.

(i) As an alternative to the Supplemental Review procedures prescribed in this section, the EDC may elect to perform a power flow-based study, providing the Interconnection Customer with the results and the required mitigation, if necessary. The EDC shall make available, upon request, a copy of its power flow-based study for each applicant to the Commission within thirty (30) days after analysis completion.

(j) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Supplemental Review process.

4012 APPLICANT OPTIONS MEETING

4012.1 If the EDC determines the Interconnection Request cannot be approved without evaluation under Level 4 Interconnection Review, at the time the EDC notifies the Interconnection Customer of either the Level 1, 2 or 3 Interconnection Review, or

Supplemental Review, results, it shall provide the Interconnection Customer the option of proceeding to a Level 4 Interconnection Review or of participating in an applicant options meeting with the EDC to review possible Small Generator Facility modifications or the screen analysis and related results, to determine what further steps are needed to permit the Small Generator Facility to be connected safely and reliably. The Interconnection Customer shall notify the EDC that it requests an applicant options meeting or that it would like to proceed to Level 4 Interconnection Review in writing within fifteen (15) business days of the EDC's notification or the Interconnection Request shall be deemed withdrawn. If the Interconnection Customer requests an applicant options meeting, the EDC shall offer to convene a meeting at a mutually agreeable time within the next fifteen (15) business days.

4013-4098 [RESERVED]

4099 DEFINITIONS

4099.1 When used in this chapter, the following terms and phrases shall have the following meaning:

"Adverse System Impact" means a negative effect, due to technical or operational limits on conductors or equipment being exceeded, that compromises the safety and reliability of the Electric Distribution System.

"Advanced Inverters" means inverters with a digital architecture, bidirectional communications, and software that enables functionalities providing autonomous grid support and enhance system reliability, along with the capability to adjust their operational set points in response to the changing characteristics of the grid through dedicated communications protocols and standards. Advanced inverters must enable, at the minimum, the following functionalities, as defined in IEEE Standard 1547-2018: dynamic and real power support, voltage ride-through, frequency ride-through, voltage support, frequency support, and ramp rates.

"Affected System" means an electric system not owned or operated by the Electric Distribution Company reviewing the Interconnection Request that may suffer an Adverse System Impact from the proposed interconnection.

"Area Network" means a type of Electric Distribution System served by multiple transformers interconnected in an electrical network circuit, which is generally used in large metropolitan areas that are densely populated. Area networks are also known as grid networks. Area network has the same meaning as the term distribution secondary grid networks in Section 9.2 of IEEE Standard 1547.

"Approval to Install" means written notification that the Small Generator Facility is conditionally approved for installation contingent upon the terms and conditions of the Interconnection Request, and the EDC shall provide such

conditional approval by furnishing to Interconnection Customer an EDC-executed copy of the Interconnection Agreement.

"Authorization to Operate" means written notification that the Small Generator Facility is approved for operation under the terms and conditions of the District of Columbia Small Generator Interconnection Rules.

"Certificate of Completion" means a certificate in a completed form approved by the Commission containing information about the Interconnection Equipment to be used, its installation and local inspections.

"Commission" means the Public Service Commission of the District of Columbia.

"Commissioning Test" means the tests applied to a Small Generator Facility by the Interconnection Customer after construction is completed to verify that the facility does not create Adverse System Impacts. The scope of the Commissioning Tests performed shall include the Commissioning Test specified IEEE Standard 1547 Section 11.2.5 "Commissioning tests".

"Community Renewable Energy Facility" or **"CREF"** – means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as a Tier One Renewable Source in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15), as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and a CREF Rider with the Electric Company.

"Customer Generation Meter" means the meter used to capture the level of customer-generated electricity at an Interconnection Customer's premise.

"Customer Usage Meter" means the meter furnished by the EDC used to capture the level of electricity consumption at an Interconnection Customer's premise.

"Distribution System Upgrade" means a required addition or modification to the EDC's Electric Distribution System at or beyond the Point of Common Coupling to accommodate the interconnection of a Small Generator Facility. Distribution upgrades do not include interconnection facilities.

"District of Columbia Small Generator Interconnection Rule (DCSGIR)" means the most current version of the procedures for interconnecting Small Generator Facilities adopted by the Public Service Commission of the District of Columbia.

"Draw-out Type Circuit Breaker" means a switching device capable of making, carrying and breaking currents under normal and abnormal circuit conditions such as those of a short circuit. A draw-out circuit breaker can

be physically removed from its enclosure, creating a visible break in the circuit. For the purposes of these regulations, the draw-out circuit breaker shall be capable of being locked in the open, draw-out position.

"Electric Distribution Company" or "EDC" means an electric utility entity that distributes electricity to customers and is subject to the jurisdiction of the Commission.

"Electric Distribution System" or "EDS" means the facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which Electric Distribution Systems operate differ among areas but generally carry less than sixty-nine (69) kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in IEEE Standard 1547.

"Energy Storage" means a resource capable of absorbing electric energy from the grid, from a behind-the-meter generator, or other DER, storing it for a period of time and thereafter dispatching the energy for use on-site or back to the grid, regardless of where the resource is located on the electric distribution system. These resources include all types of energy storage technologies, regardless of their size, storage medium (*e.g.*, batteries, flywheels, electric vehicles, compressed air), or operational purpose.

"Facilities Study" means an engineering study conducted by the EDC to determine the required modifications to the EDC's Electric Distribution System, including the cost and the time required to build and install such modifications as necessary to accommodate an Interconnection Request.

"Fault Current" means the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Fault current is several times larger in magnitude than the current that normally flows through a circuit.

"Good Utility Practice" means any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result of the lowest reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

"Governmental Authority" means any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other Governmental Authority having jurisdiction over the Parties, respective facilities, or services provided, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that such term does not include the Interconnection Customer, EDC or any affiliate thereof.

"IEEE Standard 1547" refers to the Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 (2018) "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces," as amended and supplemented at the time the Interconnection Request is submitted.

"IEEE Standard 1547.1" refers to the IEEE Standard 1547.1 (2015) "Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems," as amended and supplemented at the time the Interconnection Request is submitted.

"Interconnection Customer" means an entity that has submitted either an Interconnection Request to interconnect a Small Generator Facility to the EDC's Electric Distribution System or a pre-application report to get information about EDC's electrical distribution system at a proposed Point of Common Coupling.

"Interconnection Equipment" means a group of equipment, components, or an integrated system connecting an electric generator with a Local Electric Power System or an Electric Distribution System that includes all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

"Interconnection Facilities" means facilities and equipment required by the EDC to accommodate the interconnection of a Small Generator Facility. Collectively, Interconnection Facilities include all facilities and equipment between the Small Generator Facility and the Point of Common Coupling, including modification, additions, or upgrades that are necessary to physically and electrically interconnect the Small Generator Facility to the Electric Distribution System. Interconnection Facilities also includes Customer Generation Meters. Interconnection Facilities are sole use facilities and do not include Distribution System Upgrades or Customer Usage Meters.

"Interconnection Facilities Cost Matrix" means the matrix maintained on the EDC's website that contains fixed-cost Interconnection Facilities projects

associated with the installation of Small Generator Interconnection Facilities.

"Interconnection Request" means an Interconnection Customer's application and interconnection agreement, in a form approved by the Commission, requesting to interconnect a new Small Generator Facility, or to increase the capacity or modify operating characteristics of an existing approved Small Generator Facility that is interconnected with the EDC's Electric Distribution System.

"Line Section" means that portion of the EDC's Electric Distribution System connected to an Interconnection Customer, bounded by automatic sectionalizing devices or the end of the distribution line.

"Local Electric Power System" or "Local EPS" means facilities that deliver electric power to a load that are contained entirely within a single premises or group of premises. Local electric power system has the same meaning as the term Local Electric Power System defined in IEEE Standard 1547.

"Microgrid" means a collection of interconnected loads, generation assets, and advanced control equipment, installed across a limited geographic area and within a defined electrical boundary that is capable of disconnecting from the larger Electric Distribution System. A Microgrid may serve a single customer with several structures or serve multiple customers. A Microgrid can connect and disconnect from the distribution system to enable it to operate in both interconnected or island mode.

"Nameplate Capacity" means the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and is usually indicated on a nameplate physically attached to the power production equipment.

"Nationally Recognized Testing Laboratory" or "NRTL" means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in the NRTL program.

"Parallel Operation" or "Parallel" means the sustained state of operation over one hundred (100) milliseconds, which occurs when a Small Generator Facility is connected electrically to the Electric Distribution System and thus has the ability for electricity to flow from the Small Generator Facility to the Electric Distribution System.

"PJM Interconnection" means the regional transmission organization that is regulated by the Federal Energy Regulatory Commission and functionally controls the transmission system for the region that includes the District of Columbia.

"Point of Common Coupling" means the point where the Small Generator Facility is electrically connected to the Electric Distribution System. Point of common coupling has the same meaning as defined in IEEE Standard 1547.

"Primary Line" means a distribution line rated at greater than six hundred (600) volts.

"Production Test" is defined in IEEE Standard 1547.

"Queue Position" means the order of a valid Interconnection Request, relative to all other pending valid Interconnection Requests, that is established based upon the date and time of receipt of the valid Interconnection Request by the EDC.

"Radial Distribution Circuit" means a circuit configuration where independent feeders branch out radially from a common source of supply. From the standpoint of a utility system, the area described is between the generating source or intervening substations and the customer's entrance equipment. A radial distribution system is the most common type of connection between a utility and load in which power flows in one direction from the utility to the load.

"Scoping Meeting" means a meeting between representatives of the Interconnection Customer and EDC conducted for the purpose of discussing alternative interconnection options, exchanging information including any Electric Distribution System data and earlier study evaluations that would be reasonably expected to impact interconnection options, analyzing information, and determining the potential feasible points of interconnection.

"Secondary Line" means a service line subsequent to the Primary Line that is rated for six hundred (600) volts or less, also referred to as the customer's service line.

"Shared Transformer" means a transformer that supplies secondary source voltage to more than one customer.

"Small Generator Facility" means the equipment used by an Interconnection Customer to generate or store electricity that operates in parallel with the Electric Distribution System and, for the purposes of this standard, is rated at twenty (20) MW or less. A Small Generator Facility typically includes an electric generator, Energy Storage, prime mover, and the Interconnection Equipment required to safely interconnect with the Electric Distribution System or Local Electric Power System as mutually agreed between the parties of the Interconnection Request.

"Spot Network" means a type of Electric Distribution System that uses two or more inter-tied transformers to supply an electrical network circuit. A Spot

Network is generally used to supply power to a single customer or a small group of customers. Spot network has the same meaning as the term distribution secondary Spot Networks defined in Section 9.3 of IEEE Standard 1547.

"Standard Agreement for Interconnection of Small Generator Facilities, Interconnection Agreement, or Agreement" means a set of standard forms of Interconnection Agreements approved by the Commission which are applicable to Interconnection Requests pertaining to small generating facilities. The agreement between the Interconnection Customer and the EDC, which governs the connection of the Small Generator Facility to the EDC's Electric Distribution System, as well as the ongoing operation of the Small Generator Facility after it is connected to the EDC's Electric Distribution System.

"UL Standard 1741" means Underwriters Laboratories' standard titled "Inverters Converters, and Controllers for Use in Independent Power Systems," as amended and supplemented at the time the Interconnection Request is submitted.

"Witness Test" means verification (either by an on-site observation or review of documents) by the EDC that the installation evaluation required by IEEE Standard 1547 Section 11.2.4 and the Commissioning Test required by IEEE Standard 1547 Section 11.2.5 have been adequately performed. For Interconnection Equipment that has not been certified, the Witness Test shall also include the verification by the EDC of the on-site design tests as required by IEEE Standard 1547 Section 11.2.4 and verification by the EDC of Production Tests required by IEEE Standard 1547 Section 11.2.3. All tests verified by the EDC are to be performed in accordance with the applicable test procedures specified by IEEE Standard 1547.1.

4. Any person interested may submit written comments on this NOPR not later than thirty (30) days after publication of this Notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, or electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

ATTACHMENT 1 - QUEUE REQUIREMENTS

The EDC shall maintain an interconnection queue, available in a sortable spreadsheet format, which it shall update on at least a monthly basis. The date of the most recent update shall be clearly indicated.

The queue should include, at a minimum, the following information about each interconnection application.

1. Queue number
2. Facility capacity (kW)
3. Primary fuel type (*e.g.*, solar, wind, bio-gas, etc.)
4. Secondary fuel type (if applicable)
5. Exporting or non-exporting
6. Zip code
7. Substation
8. Feeder
9. Status (active, withdrawn, interconnected, etc.)
10. Date application deemed complete
11. Date of notification of screen results (Levels 1-3)
12. Screen results for Levels 1-3 (pass or fail, and if fail, identify the screens failed)
13. Date of notification of Supplemental Review results (if applicable)
14. Supplemental Review results (pass or fail, and if fail, identify the screens failed)
15. Date of notification of System Impact Study results (if applicable)
16. Date of notification of Facilities Study results and/or construction estimates (if applicable)
17. Date final Interconnection Agreement is provided to Customer
18. Date Interconnection Agreement is signed by both parties
19. Date of grant of approval to operate
20. Final interconnection cost paid to utility

LEVEL 1
INTERCONNECTION REQUEST APPLICATION FORM AND AGREEMENT

Interconnection Customer Contact Information:

Name_____

Mailing Address: _____

City:_____ State:_____ Zip Code: _____

Telephone (Daytime):_____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (if different from Customer Contact Information):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Equipment Contractor:

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if Different from Equipment Contractor):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

License number: _____

Active License? Yes ___ No ___

Facility Information (building where the small generator facility is located):

Electric Distribution Company (EDC) Serving Facility Site: _____

Electric Supplier (if different from EDC):_____

Account Number of Facility site (existing EDC customers): _____

Facility Address (building where the small generator facility is located):

Address: _____

City: _____ State: _____ Zip Code: _____

Small Generator Facility Information

Inverter Manufacturer:_____ Model:_____

Nameplate Rating: ____(kW) ____(kVA) ____ (AC Volts)

System Design Capacity: _____ (kW) _____ (kVA)

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐

Turbine ☐ Other _____

Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐

Fuel Oil ☐ ☐ Energy Storage

Other_____

Is the inverter lab certified? Yes ☐

(If yes, attach manufacturer's cut sheet showing listing and label information from the appropriate listing authority, *e.g.*, UL 1741 listing. If no, facility is not eligible for Level 1 Application).

Intent of Generation/Storage (choose one)

Generator (or PV Panel) Manufacturer, Model #: _____

Number of Generators (or PV Panels): _____

Type of Tracking if PV: Fixed ☐ Single Axis ☐ Double Axis ☐

Array Azimuth if PV: _____º Array Tilt if PV: _____º

Shading Angles if PV at E, 120º, 150º, S, 210º, 240º, W (Separate with comas: _____º

☐ Offset Load (Unit will operate in parallel, but will not export power to EDC).

☐ Net Energy Metering (Small generator facility will export power pursuant to District of Columbia Customer Net Energy Metering Contract).

☐ Community Renewable Energy Facility (interconnection with EDC).

☐ Export Power (CG SPP Schedule) (Unit will operate in parallel and will export power, but does not fit the criteria established in the District of Columbia Customer Net Energy Metering Contract for net metering).

Note: if Unit will operate in parallel and participate in the PJM market(s), unit will need to obtain an interconnection agreement from PJM.

☐ Back-up Generation (Units that temporarily parallel for more than 100 milliseconds).

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

Energy, Capacity, Load Reduction and/or Synchronized Reserve Markets: ☐ Yes ☐ No

☐ PJM Demand Response Market Participant (System will not export energy):

Regulation Market: ☐ Yes ☐ No (if no, would have to re-apply in future if change to frequency regulation)

Estimated Commissioning Date: _____

Insurance Disclosure

The attached terms and conditions contain provisions related to liability, and indemnification and should be carefully considered by the interconnection customer. The interconnection customer is not required to obtain general liability insurance coverage as a precondition for interconnection approval; however, the interconnection customer is advised to consider obtaining appropriate insurance coverage to cover the interconnection customer's potential liability under this agreement.

Customer Signature

I hereby certify that: 1) I have read and understand the terms and conditions which are attached hereto by reference and are a part of this agreement; 2) I hereby agree to comply with the attached terms and conditions; and 3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Interconnection Customer Signature: _____

Title: _____Date:_____

Conditional Agreement to Interconnect Small Generator Facility

By its signature below, the EDC has determined the interconnection request is complete, and that the Small Generator Facility has the Approval to Install. This approval is contingent upon the attached terms and conditions of this agreement, the return of the attached Certificate of Completion duly executed, and the verification of electrical inspection and successful witness test or EDC waiver thereof.

EDC Signature: _____Date:_____

Printed Name:_____ Title:_____

Terms and Conditions for Interconnection

(1) **Construction of the Small Generator Facility**. The interconnection customer may proceed to construct (including operational testing not to exceed two (2) hours) the Small Generator Facility once the conditional agreement to interconnect a Small Generator Facility has been signed by the EDC.

(2) **Final Interconnection and Operation.** The interconnection customer may operate the Small Generator Facility and interconnect with the EDC's electric distribution system once all of the following have occurred:

(a) Electrical Inspection: Upon completing construction, the interconnection customer will cause the Small Generator Facility to be inspected by the local electrical wiring inspector with jurisdiction who shall establish that the Small Generator Facility meets the requirements of the National Electrical Code.

(b) Certificate of Completion: The interconnection customer shall provide the EDC with a completed copy of the Certificate of Completion, including evidence of the electrical inspection performed by the local authority having jurisdiction. The evidence of completion of the electrical inspection may be provided on inspection forms used by local inspecting authorities. The interconnection request shall not be finally approved until the EDC's representative signs the Certificate of Completion.

(c) The EDC has either waived the right to a Witness Test in the interconnection request, or completed its Witness Test as per the following:

(i) Within ten (10) business days of receiving the notice of the anticipated start date, at a time mutually agreeable to the parties, the EDC may conduct a Witness Test of the Small Generator Facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes.

(ii) If the EDC does not perform the Witness Test within the ten (10) day period or other time as is mutually agreed to by the parties, the Witness Test is deemed waived.

(3) **IEEE 1547**. The small generator facility is installed, operated, and tested in accordance with the requirements of IEEE Standard 1547 (2018), "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces," as amended and supplemented, at the time the interconnection request is submitted.

(4) **Access.** The EDC shall have direct, unabated access to the metering equipment of the small generator facility at all times. The EDC shall provide reasonable notice to the customer when possible prior to using its right of access.

(5) **Metering.** Any required metering shall be installed pursuant to appropriate tariffs and tested by the EDC pursuant to the EDCs meter testing requirements.

(6) **Disconnection.** The EDC may temporarily disconnect the small generator facility upon the following conditions:

(a) For scheduled outages upon reasonable notice;
(b) For unscheduled outages or emergency conditions;
(c) If the small generator facility does not operate in the manner consistent with this agreement;
(d) Improper installation or failure to pass the Witness Test;
(e) If the small generator facility is creating a safety, reliability or a power quality problem; or
(f) The interconnection equipment used by the small generator facility is de-listed by the Nationally Recognized Testing Laboratory that provided the listing at the time the interconnection was approved.

(7) **Indemnification**. The parties shall at all times indemnify, defend, and save the other party harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other party's action or inactions of its obligations under this agreement on behalf of the indemnifying party, except in cases of gross negligence or intentional wrongdoing by the indemnified party.

(8) **Limitation of Liability**. Each party's liability to the other party for any loss, cost, claim, injury, liability, or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either party be liable to the other party for any indirect, incidental, special, consequential, or punitive damages of any kind whatsoever.

(9) **Termination**. This agreement may be terminated under the following conditions:

(a) By interconnection customer - The interconnection customer may terminate this application agreement by providing written notice to the EDC.

(b) By the EDC - The EDC may terminate this agreement if the interconnection customer fails to remedy a violation of terms of this agreement within thirty (30) calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the thirty (30) calendar day remedy period. The termination date can be no less than thirty (30) calendar days after the interconnection customer receives notice of its violation from the EDC.

(10) **Modification of Small Generator Facility**. The interconnection customer shall provide written notification to the EDC before making any modifications to the Small Generator

Facility. The EDC will determine if the modifications are minor or non-minor in nature. Written authorization from the EDC is required for non-minor changes if the EDC determines that the interconnection customer's modifications may have a significant impact on the safety or reliability of the Electric Distribution System. If the interconnection customer makes such modifications without the EDC's prior written authorization the EDC shall have the right to temporarily disconnect the Small Generator Facility until such time as the EDC reasonably concludes the modification poses no threat to the safety or reliability of its Electric Distribution System.

(11) **Permanent Disconnection.** In the event the agreement is terminated, the EDC shall have the right to disconnect its facilities or direct the customer to disconnect its Small Generator Facility.

(12) **Disputes.** Each party agrees to attempt to resolve all disputes regarding the provisions of these interconnection procedures pursuant to the dispute resolution provisions of the District of Columbia Small Generator Interconnection Rules.

(13) **Governing Law, Regulatory Authority, and Rules.** The validity, interpretation and enforcement of this agreement and each of its provisions shall be governed by the laws of the District of Columbia. Nothing in this agreement is intended to affect any other agreement between the EDC and the interconnection customer. However, in the event that the provisions of this agreement are in conflict with the provisions of the EDC's tariff, the EDC tariff shall control.

(14) **Survival Rights**. This agreement shall continue in effect after termination to the extent necessary to allow or require either party to fulfill rights or obligations that arose under the agreement.

(15) **Assignment/Transfer of Ownership of the Small Generator Facility**: This agreement shall terminate upon the transfer of ownership of the Small Generator Facility to a new owner unless the transferring owner assigns the agreement to the new owner and so notifies the EDC in writing prior to the transfer of electric service.

(16) **Definitions**. Any capitalized term used herein and not defined shall have the same meaning as the defined terms used in the District of Columbia Small Generator Interconnection Rule.

(17) **Notice**. Unless otherwise provided in this agreement, any written notice, demand, or request required or authorized in connection with this agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

(If Notice is sent to the Interconnection Customer):

Use the contact information provided in the agreement for the interconnection customer. The interconnection customer is responsible for notifying the EDC of any change in the contact party information, including change of ownership.

(If Notice is sent to the EDC)

Use the contact information provided on the EDC's web page for small generator interconnection.

DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULE
LEVEL 2-4
STANDARD AGREEMENT FOR INTERCONNECTION OF
SMALL GENERATOR FACILITIES

This Agreement is made and entered into this ___ day of _____, by and between _____, a _____ organized and existing under the laws of _____, (''Interconnection Customer,'') and _____, a _____, existing under the laws of _____, (''EDC''). The Interconnection Customer and the EDC each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals:

Whereas, Interconnection Customer is proposing to, install or direct the installation of a Small Generator Facility, or is proposing a generating capacity addition to an existing Small Generator Facility, consistent with the Interconnection Request completed by Interconnection Customer on _____; and

Whereas, the Interconnection Customer will operate and maintain, or cause the operation and maintenance of the Small Generator Facility; and

Whereas, Interconnection Customer desires to interconnect the Small Generator Facility with the EDC's Electric Distribution System.

Now, therefore, in consideration of the promises and mutual covenants set forth herein, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved Level 2, Level 3 and Level 4 Interconnection Requests according to the procedures set forth in the District of Columbia Small Generator Interconnection Rules.

1.2 This Agreement governs the terms and conditions under which the Small Generator Facility will interconnect to, and operate in Parallel with, the EDC's Electric Distribution System. This Agreement provides the Interconnection Customer with the Approval to Install contingent upon satisfying all terms and conditions.

1.3 This Agreement does not constitute an agreement to purchase or deliver the Interconnection Customer's power.

1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the Interconnection Customer. However, in the event that the provisions

of this Agreement are in conflict with the provisions of the EDC's tariff, the EDC tariff shall control.

1.5 Responsibilities of the Parties

1.5.1 The Parties shall perform all obligations of this Agreement in accordance with all Applicable Laws and Regulations.

1.5.2 The EDC shall construct, own, operate, and maintain its Interconnection Facilities in accordance with this Agreement, IEEE Standard 1547, the National Electrical Safety Code and applicable standards promulgated by the District of Columbia Public Service Commission.

1.5.3 The Interconnection Customer shall construct, own, operate, and maintain its Interconnection Facilities in accordance with this Agreement, IEEE Standard 1547, the National Electrical Code and applicable standards promulgated by the District of Columbia Public Service Commission.

1.5.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair and condition of their respective lines and appurtenances on their respective sides of the Point of Common Coupling.

1.5.5 The Interconnection Customer agrees to design, install, maintain and operate its Small Generator Facility so as to minimize the likelihood of causing an Adverse System Impact on an electric system that is not owned or operated by the EDC.

1.6 Metering

The Interconnection Customer shall be responsible for the cost of the purchase, installation, operation, maintenance, testing, repair, and replacement of metering and data acquisition equipment specified in Attachments 4 and 5 of this Agreement.

1.7 Reactive Power

The Interconnection Customer shall design its Small Generator Facility to maintain a composite power delivery at continuous rated power output at the Point of Common Coupling at a power factor within the power factor range required by the EDC's applicable tariff for a comparable load customer. The EDC may also require the Interconnection Customer to follow a voltage or VAR schedule if such schedules are applicable to similarly situated generators in the control area on a comparable basis and have been approved by the Commission. The specific requirements for meeting a voltage or VAR schedule shall be clearly specified in Attachment 3.

Under no circumstance shall these additional requirements for reactive power or voltage support exceed the normal operating capabilities of the Small Generator Facility.

1.8 Capitalized Terms

Capitalized terms used herein shall have the meanings specified in the Definitions section of the District of Columbia Small Generator Interconnection Rules or the body of this Agreement.

Article 2. Inspection, Testing, Authorization, and Right of Access

2.1 Equipment Testing and Inspection

The Interconnection Customer shall test and inspect its Small Generator Facility including the Interconnection Equipment prior to interconnection in accordance with IEEE Standard 1547, IEEE Standard 1547.1, and the technical and procedural requirements in the District of Columbia Small Generator Interconnection Rule. The Interconnection Customer shall not operate its Small Generator Facility in Parallel with the EDC's Electric Distribution System without prior written authorization by the EDC as provided for in Articles 2.1.1 – 2.1.3.

2.1.1 The EDC shall have the option of performing a Witness Test after construction of the Small Generator Facility is completed. The Interconnection Customer shall provide the EDC at least twenty (20) days' notice of the planned Commissioning Test for the Small Generator Facility. If the EDC elects to perform a Witness Test, it shall contact the Interconnection Customer to schedule the Witness Test at a mutually agreeable time within ten (10) business days of the scheduled Commissioning Test. If the EDC does not perform the Witness Test within ten (10) business days of the Commissioning Test, the Witness Test is deemed waived unless the parties mutually agree to extend the date for scheduling the Witness Test. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the parties. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other time as is mutually agreed to by the parties, the Witness Test is deemed waived. After considering the "redo" option, if the Witness Test is still not acceptable to the EDC, the Interconnection Customer will be granted a period of thirty (30) calendar days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the

Interconnection Customer. If the Interconnection Customer fails to address and resolve the deficiencies to the satisfaction of the EDC, the applicable termination provisions of Article 3.3.7 shall apply. If a Witness Test is not performed by the EDC or an entity approved by the EDC, the Interconnection Customer must still satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547 Section 11.2. The Interconnection Customer shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 To the extent that the Interconnection Customer decides to conduct interim testing of the Small Generator Facility prior to the Witness Test, it may request that the EDC observe these tests and that these tests be deleted from the final Witness Test. The EDC may, at its own expense, send qualified personnel to the Small Generator Facility to observe such interim testing. Nothing in this Section 2.1.2 shall require the EDC to observe such interim testing or preclude the EDC from performing these tests at the final Witness Test. Regardless of whether the EDC observes the interim testing, the Interconnection Customer shall obtain permission in advance of each occurrence of operating the Small Generator Facility in parallel with the EDC's system.

2.1.3 Upon successful completion of the Witness Test, the EDC shall affix an authorized signature to the Certificate of Completion and return it to the Interconnection Customer approving the interconnection and authorizing Parallel Operation. Such authorization shall not be unreasonably withheld, conditioned, or delayed.

2.2 Commercial Operation

The Interconnection Customer shall not operate the Small Generator Facility, except for interim testing as provided in Article 2.1, until such time as the Certificate of Completion is signed by all Parties.

2.3 Right of Access

The EDC shall have access to the disconnect switch and metering equipment of the Small Generator Facility at all times. The EDC shall provide reasonable notice to the customer when possible prior to using its right of access.

Article 3. Effective Date, Term, Termination, and Disconnection

4.1 Effective Date

This Agreement shall become effective upon execution by the Parties.

3.2 Term of Agreement

This Agreement shall become effective on the Effective Date and shall remain in effect in perpetuity unless terminated earlier in accordance with Article 3.3 of this Agreement.

4.2 Termination

No termination shall become effective until the Parties have complied with all Applicable Laws and Regulations applicable to such termination.

3.3.1 The Interconnection Customer may terminate this Agreement at any time by giving the EDC thirty (30) calendar days prior written notice.

3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate upon sixty (60) calendar days' prior written notice for failure of the Interconnection Customer to complete construction of the Small Generator Facility within twelve (12) months of the in-service date as specified by the Parties in Attachment 1, which may be extended by mutual agreement of the Parties which shall not be unreasonably withheld.

3.3.4 The EDC may terminate this Agreement upon sixty (60) calendar days' prior written notice if the Interconnection Customer fails to operate the Small Generator Facility in parallel with EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the Small Generator Facility will be disconnected from the EDC's Electric Distribution System. The termination of this Agreement shall not relieve either Party of its liabilities and obligations, owed or continuing at the time of the termination.

3.3.6 The provisions of this Article shall survive termination or expiration of this Agreement.

3.3.7 The EDC may terminate this Agreement if the Interconnection Customer fails to comply with the Witness Test requirement in Article 2.2.1.

3.4 Temporary Disconnection

A Party may temporarily disconnect the Small Generator Facility from the Electric Distribution System in the event of an Emergency Condition for as long as the Party determines it is reasonably necessary in the event one or more of the following conditions or events occurs:

3.4.1 Emergency Conditions - Emergency Conditions shall mean any condition or situation: (1) that in the judgment of the Party making the claim is reasonably likely to endanger life or property; or (2) that, in the case of the EDC, is reasonably likely to cause an Adverse System Impact; or (3) that, in the case of the Interconnection Customer, is reasonably likely (as determined in a non-discriminatory manner) to cause a material adverse effect on the security of, or damage to, the Small Generator Facility or the Interconnection Equipment. Under Emergency Conditions, the EDC or the Interconnection Customer may immediately suspend interconnection service and temporarily disconnect the Small Generator Facility. The EDC shall notify the Interconnection Customer promptly when it becomes aware of an Emergency Condition that may reasonably be expected to affect the Interconnection Customer's operation of the Small Generator Facility. The Interconnection Customer shall notify the EDC promptly when it becomes aware of an Emergency Condition that may reasonably be expected to affect the EDC's Electric Distribution System. To the extent information is known, the notification shall describe the Emergency Condition, the extent of the damage or deficiency, the expected effect on the operation of both Parties' facilities and operations, its anticipated duration, and the necessary corrective action.

3.4.2 Scheduled Maintenance, Construction, or Repair – The EDC may interrupt interconnection service or curtail the output of the Small Generator Facility and temporarily disconnect the Small Generator Facility from the EDC's Electric Distribution System when necessary for scheduled maintenance, construction, or repairs on the EDC's Electric Distribution System. The EDC shall provide the Interconnection Customer with five business days' notice prior to such interruption. The EDC shall use reasonable efforts to coordinate such reduction or temporary disconnection with the Interconnection Customer.

3.4.3 Forced Outages - With any forced outage, the EDC may suspend interconnection service to effect immediate repairs on the EDC's Electric Distribution System. The EDC shall use reasonable efforts to provide the Interconnection Customer with prior notice. If prior notice is not given, the EDC shall, upon written request, provide the Interconnection Customer written documentation after the fact explaining the circumstances of the disconnection.

3.4.4 Adverse Operating Effects – The EDC shall provide the Interconnection Customer with a written notice of its intention to disconnect the Small Generator Facility if, based on the operating requirements specified in Attachment 3, the EDC determines that operation of the Small Generator Facility will likely cause disruption or deterioration of service to other customers served from the same electric system, or if operating the Small Generator Facility could cause damage to the EDC's Electric Distribution

System. Supporting documentation used to reach the decision to disconnect shall be provided to the Interconnection Customer upon written request. The EDC may disconnect the Small Generator Facility if, after receipt of the notice, the Interconnection Customer fails to remedy the adverse operating effect within a reasonable time unless Emergency Conditions exist in which case the provisions of Article 3.4.1 apply.

3.4.5 Modification of the Small Generator Facility - The Interconnection Customer shall provide written notification to the EDC before making any modifications to the Small Generator Facility. The EDC will determine if the modifications are minor or non-minor in nature. Written authorization from the EDC is required for non-minor changes if the EDC determines that the Interconnection Customer's modifications could cause an Adverse System Impact. If the Interconnection Customer makes such modifications without the EDC's prior written authorization the EDC shall have the right to temporarily disconnect the Small Generator Facility until such time as the EDC reasonably concludes the modification poses no threat to the safety or reliability of its Electric Distribution System.

3.4.6 Reconnection - The Parties shall cooperate with each other to restore the Small Generator Facility, Interconnection Facilities, and EDC's Electric Distribution System to their normal operating state as soon as reasonably practicable following any disconnection pursuant to this section; provided, however, if such disconnection is done pursuant to Article 3.4.5 due to the Interconnection Customer's failure to obtain prior written authorization from the EDC for Non- Minor Equipment Modifications, the EDC shall reconnect the Interconnection Customer only after determining the modifications do not impact the safety or reliability of its Electric Distribution System.

Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades

4.1 Interconnection Facilities

4.1.1 The Interconnection Customer shall pay for the cost of the Interconnection Facilities itemized in Attachment 2 of this Agreement if required under the additional review procedures of a Level 2 review or under a Level 4 review. If a Facilities Study was performed, the EDC shall identify the Interconnection Facilities necessary to safely interconnect the Small Generator Facility with the EDC's Electric Distribution System, the cost of those facilities, and the time required to build and install those facilities.

4.1.2 The Interconnection Customer shall be responsible for its expenses, including overheads, associated with (1) owning, operating, maintaining, repairing, and replacing its Interconnection Equipment, and (2) its

reasonable share of operating, maintaining, repairing, and replacing any Interconnection Facilities owned by the EDC as set forth in Attachment 2.

4.2 Distribution Upgrades

The EDC shall design, procure, construct, install, and own any Distribution Upgrades. The actual cost of the Distribution Upgrades, including overheads, shall be directly assigned to the Interconnection Customer. The Interconnection Customer may be entitled to financial contribution from any other EDC customers who may in the future utilize the upgrades paid for by the Interconnection Customer. Such contributions shall be governed by the rules, regulations and decisions of the District of Columbia Public Service Commission.

Article 5. Billing, Payment, Milestones, and Financial Security

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under Levels 2, 3 or 4)

5.1.1 The EDC shall bill the Interconnection Customer for the design, engineering, construction, and procurement costs of the EDC provided Interconnection Facilities and Distribution Upgrades contemplated by this Agreement as set forth in Attachment 2, on a monthly basis, or as otherwise agreed by the Parties. The Interconnection Customer shall pay each bill within thirty (30) calendar days of receipt, or as otherwise agreed to by the Parties.

5.1.2 Within ninety (90) calendar days of completing the construction and installation of the EDC's Interconnection Facilities and Distribution Upgrades described in the Attachments 1 and 2 to this Agreement, the EDC shall provide the Interconnection Customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation and the budget estimate provided to the Interconnection Customer and a written explanation for any significant variation; and (2) the Interconnection Customer's previous deposit and aggregate payments to the EDC for such Interconnection Facilities and Distribution Upgrades. If the Interconnection Customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the Interconnection Customer for the amount due and the Interconnection Customer shall make payment to the EDC within thirty (30) calendar days. If the Interconnection Customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the Interconnection Customer an amount equal to the difference within thirty (30) calendar days of the final accounting report.

5.1.3 If a Party in good faith disputes any portion of its payment obligation pursuant to this Article 5, such Party shall pay in a timely manner all non-

disputed portions of its invoice, and such disputed amount shall be resolved pursuant to the dispute resolution provisions contained in Article 8. Provided such Party's dispute is in good faith, the disputing Party shall not be considered to be in default of its obligations pursuant to this Article.

5.2 Interconnection Customer Deposit

When a Level 4 Interconnection Feasibility Study, Interconnection System Impact Study, or Interconnection Facility Study or a Level 2 Review of Minor Modifications is required under the District of Columbia Small Generator Interconnection Rules, the EDC may require the Interconnection Customer to pay a deposit equal to fifty percent (50%) of the estimated cost to perform the study or review. At least twenty (20) business days prior to the commencement of the design, procurement, installation, or construction of a discrete portion of the EDC's Interconnection Facilities and Distribution Upgrades, the Interconnection Customer shall provide the EDC with a deposit equal to fifty percent (50%) of the estimated costs prior to its beginning design of such facilities, provided the total cost is in excess of one thousand dollars ($1,000).

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default

6.1 Assignment

This Agreement may be assigned by either Party upon fifteen (15) business days' prior written notice, and with the opportunity to object by the other Party. Should the Interconnection Customer assign this agreement, the EDC has the right to request that the assignee agree to the assignment and the terms of this Agreement in writing. When required, consent to assignment shall not be unreasonably withheld; provided that:

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (which shall include a merger of the Party with another entity), of the assigning Party with an equal or greater credit rating and with the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement;

6.1.2 The Interconnection Customer shall have the right to assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the Small Generator Facility. For Small Generator systems that are integrated into a building facility, the sale of the building or property will result in an automatic transfer of this agreement to the new owner who shall be responsible for complying with the terms and conditions of this Agreement.

6.1.3 Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's

obligations be enlarged, in whole or in part, by reason thereof. An assignee is responsible for meeting the same obligations as the Interconnection Customer.

6.2 Limitation on Damages

Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.

6.3.2 The Parties shall at all times indemnify, defend, and hold the other Party harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other Party's action or failure to meet its obligations under this Agreement on behalf of the indemnifying Party, except in cases of gross negligence or intentional wrongdoing by the indemnified Party.

6.3.3 Promptly after receipt by an indemnified Party of any claim or notice of the commencement of any action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply, the indemnified Party shall notify the indemnifying Party of such fact. Any failure of or delay in such notification shall not affect a Party's indemnification obligation unless such failure or delay is materially prejudicial to the indemnifying Party.

6.3.4 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, such indemnified Party may at the expense of the

indemnifying Party contest, settle or consent to the entry of any judgment with respect to, or pay in full, such claim.

6.3.5 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of such indemnified Party's actual loss, net of any insurance or other recovery.

6.4 Force Majeure

6.4.1 As used in this Article, a Force Majeure Event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A Force Majeure Event does not include an act of gross negligence or intentional wrongdoing.

6.4.2 If a Force Majeure Event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the Force Majeure Event (Affected Party) shall promptly notify the other Party of the existence of the Force Majeure Event. The notification must specify in reasonable detail the circumstances of the Force Majeure Event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance, and if the initial notification was verbal, it should be promptly followed up with a written notification. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the Force Majeure Event until the event ends. The Affected Party shall be entitled to suspend or modify its performance of obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the Force Majeure Event cannot be reasonably mitigated. The Affected Party shall use reasonable efforts to resume its performance as soon as possible.

6.5 Default

6.5.1 No default shall exist where such failure to discharge an obligation (other than the payment of money) is the result of a Force Majeure Event as defined in this Agreement, or the result of an act or omission of the other Party.

6.5.2 Upon a default of this Agreement, the non-defaulting Party shall give written notice of such default to the defaulting Party. Except as provided in Article 6.5.3 the defaulting Party shall have sixty (60) calendar days from receipt of the default notice within which to cure such default; provided

however, if such default is not capable of cure within 60 calendar days, the defaulting Party shall commence such cure within twenty (20) calendar days after notice and continuously and diligently complete such cure within six months from receipt of the default notice; and, if cured within such time, the default specified in such notice shall cease to exist.

6.5.3 If a Party has made an assignment of this Agreement not specifically authorized by Article 6.1, fails to provide reasonable access pursuant to Article 2.3, is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party shall have thirty (30) days from receipt of the default notice within which to cure such default.

6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for herein, the non-defaulting Party shall have the right to terminate this Agreement by written notice at any time until cure occurs, and be relieved of any further obligation hereunder and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article will survive termination of this Agreement.

Article 7. Insurance

For Small Generator Facilities, the Interconnection Customer shall carry adequate insurance coverage that shall be acceptable to the EDC; provided, that the maximum comprehensive/general liability coverage that shall be continuously maintained by the Interconnection Customer during the term for non-inverter based systems 500 kW up to 2 MW shall have one million dollars ($1 million) of insurance, two million dollars ($2 million) for non-inverter based systems larger than 2 MW up to 5 MW, and three million dollars ($3 million) for non-inverter systems larger than 5 MW. For inverter-based generating facilities, systems between 1 MW and 5 MW have $1 million of insurance and systems larger than 5 MW have $2 million of insurance. The EDC, its officers, employees and agents will be added as an additional insured on this policy.

Article 8. Dispute Resolution

8.1 A party shall attempt to resolve all disputes regarding interconnection as provided in this Agreement and the District of Columbia Small Generator Interconnection Rule promptly, equitably, and in a good faith manner.

8.2 When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission, or an alternative dispute resolution process approved by the Commission, by providing written notice to the Commission and the other party stating the issues in dispute. Dispute resolution

will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

8.3 When disputes relate to the technical application of this Agreement and the District of Columbia Small Generator Interconnection Rule, the Commission may designate a technical consultant to resolve the dispute. Upon Commission designation, the parties shall use the technical consultant to resolve disputes related to interconnection. Costs for a dispute resolution conducted by the technical consultant shall be established by the technical consultant, subject to review by the Commission.

8.4 Pursuit of dispute resolution may not affect an Interconnection Customer with regard to consideration of an Interconnection Request or an Interconnection Customer's Queue Position.

8.5 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

Article 9. Miscellaneous

9.1 Governing Law, Regulatory Authority, and Rules

The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the District of Columbia, without regard to its conflicts of law principles. This Agreement is subject to all Applicable Laws and Regulations.

9.2 Amendment

Modification of this Agreement shall be only by a written instrument duly executed by both Parties.

9.3 No Third-Party Beneficiaries

This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations herein assumed are solely for the use and benefit of the Parties, their successors in interest and where permitted, their assigns.

9.4 Waiver

9.4.1 The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement shall not be

considered a waiver of any obligation, right, or duty of, or imposed upon, such Party.

9.4.2 Any waiver at any time by either Party of its rights with respect to this Agreement shall not be deemed a continuing waiver or a waiver with respect to any other failure to comply with any other obligation, right, duty of this Agreement. Termination or default of this Agreement for any reason by Interconnection Customer shall not constitute a waiver of the Interconnection Customer's legal rights to obtain an interconnection from EDC. Any waiver of this Agreement shall, if requested, be provided in writing.

9.5 Entire Agreement

This Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter hereof, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts

This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

9.7 No Partnership

This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability

If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other Governmental Authority, (1) such portion or provision shall be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by such ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases

Each Party shall notify the other Party, first orally and then in writing, of the release any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the Small Generator Facility or the Interconnection Facilities, each of which may reasonably be expected to affect the other Party. The notifying Party shall (1) provide the notice as soon as practicable, provided such Party makes a good faith effort to provide the notice no later than twenty-four (24) hours after such Party becomes aware of the occurrence, and (2) promptly furnish to the other Party copies of any publicly available reports filed with any governmental authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from utilizing the services of any subcontractor as it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing such services and each Party shall remain primarily liable to the other Party for the performance of such subcontractor.

9.10.1 The creation of any subcontract relationship shall not relieve the hiring Party of any of its obligations under this Agreement. The hiring Party shall be fully responsible to the other Party for the acts or omissions of any subcontractor the hiring Party hires as if no subcontract had been made. Any applicable obligation imposed by this Agreement upon the hiring Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of such Party.

9.10.2 The obligations under this Article will not be limited in any way by any limitation of subcontractor's insurance.

Article 10. Notices

10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

If to Interconnection Customer:

Interconnection Customer: _____
Attention: _____
Address: _____

City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____ E-mail:_____

If to EDC:

EDC:_____
Attention: _____
Address: _____

City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____E-mail:_____

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set forth below:

If to Interconnection Customer:

Interconnection Customer: _____
Attention: _____
Address: _____
City: _____ State:_____ Zip:_____

If to EDC:

EDC: _____
Attention: _____
Address: _____
City: _____ State:_____ Zip:_____

10.3 Designated Operating Representative

The Parties may also designate operating representatives to conduct the communications which may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

Interconnection Customer's Operating Representative:

Attention: _____

Address: _____
City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____E-Mail:_____

EDC's Operating Representative:

Attention: _____

Address: _____

City: _____ State:_____ Zip:_____

Phone: _____ Fax: _____ E-Mail:_____

10.4 Changes to the Notice Information

Either Party may change this notice information by giving five (5) business days written notice prior to the effective date of the change.

Article 11. Signatures

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

For the Interconnection Customer:

Name: _____

Title: _____

Date: _____

For EDC:

Name: _____

Title: _____

Date: _____

ATTACHMENT 1

CONSTRUCTION SCHEDULE, PROPOSED EQUIPMENT & SETTINGS

This attachment shall include the following:

1. The construction schedule for the Small Generator Facility
2. A one-line diagram indicating the Small Generator Facility, Interconnection Equipment, Interconnection Facilities, Metering Equipment, and Distribution Upgrades
3. Component specifications for equipment identified in the one-line diagram
4. Component settings
5. Proposed sequence of operations

ATTACHMENT 2

DESCRIPTION, COSTS AND TIME REQUIRED TO BUILD AND INSTALL THE EDC'S INTERCONNECTION FACILITIES

The EDC's Interconnection Facilities including any required metering shall be itemized and a best estimate of itemized costs, including overheads, shall be provided based on the Facilities Study.

Also, a best estimate for the time required to build and install the EDC's Interconnection Facilities will be provided based on the Facilities Study.

ATTACHMENT 3

OPERATING REQUIREMENTS FOR SMALL GENERATOR FACILITIES OPERATING IN PARALLEL

Applicable sections of the EDC's operating manuals applying to the small generator interconnection shall be listed and Internet links shall be provided. Any special operating requirements not contained in the EDC's existing operating manuals shall be clearly identified. The EDC's operating requirements shall not impose additional technical or procedural requirements on the Small Generator Facility beyond those found in the District of Columbia Small Generator Interconnection Rules, except those required for safety.

ATTACHMENT 4

METERING REQUIREMENTS

Metering requirements for the Small Generator Facility shall be clearly indicated along with an identification of the appropriate tariffs that establish these requirements and an internet link to these tariffs.

ATTACHMENT 5

AS BUILT DOCUMENTS

After completion of the Small Generator Facility, the Interconnection Customer shall provide the EDC with documentation indicating the as built status of the following when it returns the Certificate of Completion to the EDC:

1. A one-line diagram indicating the Small Generator Facility, Interconnection Equipment, Interconnection Facilities, Metering Equipment, and Distribution Upgrades
2. Component specifications for equipment identified in the one-line diagram
3. Component settings
4. Proposed sequence of operations

LEVEL 2, LEVEL 3 AND LEVEL 4

INTERCONNECTION REQUEST APPLICATION FORM

Interconnection Customer Contact Information:

Name _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (if different from Customer Contact Information):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Facility Address (Building where the Small Generator Facility is located):

Address: _____

City: _____ State: _____ Zip Code: _____

Equipment Contractor:

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if Different from Equipment Contractor):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

License number: _____

Active License? Yes ___ No ___

Electric Service Information for Customer Facility Where Generator Will Be Interconnected:

Electric Distribution Company (EDC) serving Facility site: _____

Electric Supplier (if different from EDC):_____

Account Number of Facility site (existing EDC customers): _____

Capacity: _____(Amps) Voltage: _____(Volts)

Type of Service: ☐ Single Phase ☐ Three Phase

If 3 Phase Transformer, Indicate Type

Primary Winding ☐ Wye ☐ Delta

Secondary Winding ☐ Wye ☐ Delta

Transformer Size: _____ Impedance: _____

Intent of Generation (choose one):

☐ Offset Load (Unit will operate in parallel, but will not export power to EDC).

☐ Net Energy Metering (Small Generator Facility will export power pursuant to District of Columbia Customer Net Energy Metering Contract).

☐ Community Renewable Energy Facility (interconnection with EDC).

☐ Export Power (CG SPP Schedule) (Unit will operate in parallel and will export power but does not fit the criteria established in the District of Columbia Customer Net Energy Metering Contract for net energy metering).

Note: If Unit will operate in parallel and participate in the PJM market(s), Unit will need to obtain an Interconnection Agreement from PJM.

☐ Back-up Generation (Units that temporarily parallel for more than 100 milliseconds).

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an Interconnection Agreement.

☐ PJM Demand Response Market Participant (System will not export energy)
Energy, Capacity, Load Reduction and/or Synchronized Reserve Markets: ☐ Yes ☐ No
Regulation Market: ☐ Yes ☐ No (if no, would have to re-apply in future if change to frequency

regulation)

☐ Microgrid: No__ Yes ___; If Yes indicate below any/all Energy Production Equipment/Inverter Information that is to be used.

Requested Procedure Under Which to Evaluate Interconnection Request:
Please indicate below which review procedure applies to the Interconnection Request.

☐ **Level 2 -** Certified Interconnection Equipment with an aggregate electric Nameplate Capacity less than or equal to 5 MW. Indicate type of certification below. (Application fee amount is $500.)

☐ **Level 3 –** Small generator facility does not export power. Nameplate capacity rating is equal to or less than 20 MW if connecting to a radial distribution feeder. An Interconnection Customer proposing to interconnect a small generator to a spot or Area Network is not permitted under the Level 3 review process. (Application fee amount is $500.)

☐ **Level 4 –** Nameplate capacity rating is less than 20 MW and the Small Generator Facility does not qualify for a Level 1, Level 2 or Level 3 review or, the Small Generator Facility has been reviewed but not approved under a Level 1, Level 2 or Level 3 review. (Application fee amount is $1,000, to be applied toward any subsequent studies related to this application.)

For Level 1, 2, 3 applications before EDC's considering a Level 4 review, the applicant can request a meeting based on "Applicant Options Meeting" section of Chapter 40.

Descriptions for interconnection review categories do not list all criteria that must be satisfied. For a complete list of criteria, please refer to the District of Columbia Small Generator Interconnection Rules.

Small Generator Facility Information:

Energy Production Equipment/Inverter Information

Energy Source: ☐ Hydro ☐ Wind ☐ Solar ☐ Diesel ☐ Biomass ☐ Natural Gas
☐ Coal ☐ Oil ☐ Other ☐ Solar + Energy Storage ☐ Energy Storage

Energy Converter Type: ☐ Water Turbine ☐ Wind Turbine ☐ Photovoltaic Cell
☐ Steam Turbine ☐ Combustion Turbine ☐ Reciprocating Engine
☐ Other _____

Generator Type: ☐ Synchronous ☐ Induction ☐ Inverter ☐ Other _____

Rating: _____ kW Rating: _____ kVA Number of Units: _____
Rated Voltage: _____Volts
Rated Current: _____Amps
System Type Tested (Total System): ☐ Yes ☐ No; attach product literature

Interconnection components/system(s) to be used in the Small Generation Facility that are lab certified (required for Level 2 and Level 3 Interconnection requests only).

Component/System NRTL Providing Label & Listing
1._____
2._____
3._____
4._____
Please provide copies of manufacturer brochures or technical specifications.

For Synchronous Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed Small Generator Facility.

Manufacturer: _____
Model No. _____ Version No. _____
Submit copies of the Saturation Curve and the Vee Curve
☐ Salient ☐ Non-Salient
Torque: _____ lb-ft Rated RPM: _____ Field Amperes: _____ at rated generator voltage and current and _____% PF over-excited
Type of Exciter: _____
Output Power of Exciter: _____
Type of Voltage Regulator: _____ Locked Rotor Current: _____ Amps Synchronous Speed: _____RPM
Winding Connection: _____ Min. Operating Freq./Time: _____
Generator Connection: ☐ Delta ☐ Wye ☐ Wye Grounded
Direct-axis Synchronous Reactance (Xd) _____ohms
Direct-axis Transient Reactance (X'd) _____ohms
Direct-axis Sub-transient Reactance (X"d) _____ohms
Negative Sequence Reactance: _____ ohms
Zero Sequence Reactance: _____ ohms
Neutral Impedance or Grounding Resister (if any): _____ ohms

For Induction Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed Small Generator Facility.

Manufacturer: _____
Model No. _____ Version No. _____
Locked Rotor Current: _____ Amps
Rotor Resistance (Rr)_____ohms Exciting Current ____Amps
Rotor Reactance (Xr)_____ohms Reactive Power Required: _____
Magnetizing Reactance (Xm)_____ohms ___VARs (No Load)
Stator Resistance (Rs)_____ohms ___VARs (Full Load)
Stator Reactance (Xs)_____ohms
Short Circuit Reactance (X"d)_____ohms
Phases: ☐ Single ☐ Three-Phase
Frame Size: _____ Design Letter: ____ Temp. Rise: _____°C.

Reverse Power Relay Information (Level 3 Review Only)
Manufacturer: _____
Relay Type: _____ Model Number: _____
Reverse Power Setting: _____
Reverse Power Time Delay (if any): _____

Additional Information For Inverter Based Facilities
Inverter Information:
Manufacturer:_____ Model: _____
Type: ☐ Forced Commutated ☐ Line Commutated
Number of Inverters: _____
Rated Output _____ Watts _____ Volts
Efficiency _____% Power Factor _____%
Inverter UL1547 Listed: ☐ Yes ☐ No

D.C. Source / Prime Mover:
Rating: _____ kW Rating: _____ kVA
Rated Voltage: _____Volts
Open Circuit Voltage (If applicable): _____Volts
Rated Current: _____Amps
Short Circuit Current (If applicable): _____Amps
Generator (or PV Panel) Manufacturer, Model #: _____
Number of Generators (or PV Panels): _____
Type of Tracking if PV: Fixed ☐ Single Axis ☐ Double Axis ☐
Array Azimuth if PV: _____º Array Tilt if PV: _____º
Shading Angles if PV at E, 120º, 150º, S, 210º, 240º, W (Separate with comas: _____º

Other Facility Information:
One Line Diagram attached: ☐ Yes

Plot Plan attached: ☐ Yes

Estimated Commissioning Date: _____

Customer Signature

I hereby certify that all of the information provided in this application request form is true.

Interconnection Customer Signature: _____

Title: _____ Date:_____

An invoice will be emailed for the application fee. An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

Application fee included ☐

Amount_____

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF EMERGENCY RULEMAKING

The Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.05(a)(7) and (b)(7) (2016 Repl.)), hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 28 (Office of Administrative Hearings: Rules of Practice and Procedure) and Chapter 29 (Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

On March 11, 2020, the Mayor, 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.)), and 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.)), declared both a public emergency and public health emergency in the District of Columbia due to the worldwide spread of the Coronavirus (COVID-19) until March 26, 2020. (Mayor's Order No. 2020-045, dated March 11, 2020; Mayor's Order No. 2020-046, dated March 11, 2020.) Subsequently, the Mayor extended both the public emergency and public health emergency until April 24, 2020. (Mayor's Order No. 2020-050, dated March 20, 2020.)

Further, the Mayor adjusted the District Government's operation status on an agency by agency basis. The Mayor determined that all OAH's operations be performed remotely. Accordingly, OAH's office located at One Judiciary Square, 441 4th Street N.W., Suite 450, will be closed to the public.

This rule proposes to amend OAH's Rules of Practice and Procedure to reduce the spread of COVID-19 by prohibiting in person filings at OAH, as well as other agencies, and personal service in most instances. Additionally, the rulemaking serves to encourage parties to file or serve documents electronically, telephonically, or through the mail. The rules also authorize OAH to serve orders, notices, and other documents by email without a party's consent in order to accommodate OAH's current remote operational status. Further the rulemaking authorizes OAH to make proper service by the methods authorized in this rulemaking throughout the duration of the emergency and for thirty days following the end of the declared end of the public and public health emergencies.

This emergency rulemaking was adopted on April 1, 2020, and became effective immediately on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption, or until July 20, 2020. If needed, an appropriate rulemaking will repeal this rulemaking if the declared end of the public emergency occurs prior to the expiration of this emergency rulemaking.

Chapter 28, OFFICE OF ADMINISTRATIVE HEARINGS: RULES OF PRACTICE AND PROCEDURE, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

Section 2809, FILING OF PAPERS, is amended as follows:

Subsection 2809.3 is amended to read as follows:

2809.3 To file any paper at OAH, a person must e-mail, mail, or fax the paper to OAH. Except as provided in Subsection 2809.4 below, a paper received during regular business hours, *i.e.*, 9:00 a.m. to 5:00 p.m., on a business day will be filed that day. The filing date for a paper received outside of normal business hours will be the next following regular business day. Any paper filed by email must comply with Section 2841.

Section 2813, MOTIONS PROCEDURE, is amended as follows:

Subsection 2813.5 is amended to read as follows:

2813.5 Before filing any motion (except a motion for summary adjudication, to dismiss, for reconsideration, relief from final order, or for sanctions), a party must make a good faith effort to ask all other parties if they agree to the motion.

(a) A "good faith effort" means a reasonable attempt, considering all the circumstances, to contact a party or representative by telephone, by fax, by email, or by other means.

(b) Contact by mail is a good faith effort only if no other means is reasonably available (for example, not having another party's telephone number or email address).

(c) By itself, serving a party with the motion is not a good faith effort.

(d) When this subsection requires a good faith effort, the motion must describe that effort and say whether all other parties agreed to the motion.

(e) If a party fails to comply with this Subsection, an Administrative Law Judge may deny the motion without prejudice.

Section 2824, SUBPOENAS FOR WITNESSES AND FOR DOCUMENTS AT HEARINGS, is amended as follows:

Subsection 2824.6 is amended to read as follows:

2824.6 It is the responsibility of the requesting party to serve a subpoena in a timely fashion. Any person, including a party, who is at least eighteen (18) years of age, may serve a subpoena.

Subsection 2824.9 is amended to read as follows:

2824.9 A subpoena for the production of documents at a hearing shall be served by any of the following means:

(a) Mailing it to the last known address of the person or a representative of the person;

(b) Mailing it to the last known address of an entity's office connected to the case; or

(c) Delivering it by any other means, including electronic means, if consented to in writing by the person or entity served, or as ordered by an Administrative Law Judge.

Subsection 2824.11 is amended to read as follows:

2824.11 A subpoena may be served at any place within the District of Columbia, or at any place outside the District of Columbia that is within twenty-five (25) miles of the place of the hearing. There is a rebuttable presumption that a subpoena served by e-mail was served at a party's business or residential address.

Section 2841, FILING AND SERVICE BY E-MAIL; OTHER ELECTRONIC SUBMISSIONS, is amended to read as follows:

Subsection 2841.16 is amended to read as follows:

2841.16 The Clerk may serve orders and notices by e-mail to any party who provides an email address and consents, in writing or on the record, to receiving papers by email. The party is responsible for ensuring that the Clerk has an accurate, up-to-date e-mail address. In the case of a public health emergency declared pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 7, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Clerk may serve orders and notices by e-mail, without a party's advance consent, in addition to any other authorized method of service throughout the duration of the

emergency and for thirty calendar days following the end of the public health emergency. In any other emergency, without a party's advance consent, the Clerk may serve orders and notices by e-mail or any other authorized method of service.

Chapter 29, OFFICE OF ADMINISTRATIVE HEARINGS: RULES FOR DCPS, RENTAL HOUSING, PUBLIC BENEFITS, AND UNEMPLOYMENT INSURANCE CASES, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

Section 2923, RENTAL HOUSING CASES - SENDING NOTICE, is amended as follows:

Subsection 2923.1 is amended to read as follows:

2923.1 OAH shall notify the parties by first-class mail of proceedings; except in the case of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 7, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), OAH may serve notices by e-mail, without a party's advance consent, in addition to any other authorized method of service, throughout the duration of the emergency and for thirty calendar days following the end of the public health emergency.

Subsection 2923.2 is amended to read as follows:

2923.2 OAH shall mail a copy of any tenant petition, by first-class mail, to any adverse party named in the tenant petition and to the housing provider listed on the registration statement for the housing accommodation; except in the case of a public health emergency declared pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 7, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), OAH may provide the tenant petition to an adverse party or housing provider, without advance consent, by e-mail in addition to any other authorized method of service for the duration of the emergency and for thirty (30) calendar days following the end of the public health emergency.

Section 2937, RENTAL HOUSING CASES - FINAL ORDERS, is amended as follows:

Subsection 2937.1 is amended to read as follows:

2937.1 OAH shall serve all final orders on the parties by first-class mail; except In the case of a public health emergency declared pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 7, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), OAH may serve final orders by e-mail, without a party's advance consent, in addition to any other authorized method of service for the duration of the emergency and for thirty calendar days following the end of the public health emergency.

Section 2951, PUBLIC SECTOR WORKERS' COMPENSATION - BEGINNING A CASE, is amended as follows:

Subsection 2951.1 is amended to read as follows:

2951.1 Appeals shall be initiated by filing a written hearing request at OAH. The request shall be made on a form supplied by the Public Sector Workers' Compensation Program (the Program) and approved by OAH. A hearing request must contain:

(a) The name, address, and email address of the claimant and of the claimant's representative, if any;

(b) The type of claim;

(c) Claimant's employing agency when the injury occurred;

(d) A statement identifying the date and nature of the decision being appealed;

(e) The reason(s) why the claimant considers the decision to be incorrect;

(f) A detailed statement of facts in support of each reason;

(g) The specific nature and extent of the relief sought;

(h) A statement that the person signing the hearing request has read it and attests that the contents are true and accurate to the best of his or her knowledge; and

(i) The signature of the claimant or the claimant's representative, if any.

Section 2971, PUBLIC BENEFITS CASES - BEGINNING A CASE, is amended as follows:

Subsection 2971.1 is amended to read as follows:

2971.1 A person can request a hearing in writing or by telephone.

Subsection 2971.2 is repealed.

Subsection 2971.3 is amended to read as follows:

2971.3 A hearing request must describe the type of benefits and the action or inaction to which the person objects. The request also must contain the name, address,

telephone number, and e-mail address if available of the person requesting a hearing; provided, however, a person who requests a hearing under the Homeless Services Reform Act may provide an e-mail address at which they can receive any papers in the case, including notices and orders, if they do not have a street address where they can receive mail.

Subsection 2971.4 is amended to read as follows:

2971.4 A person may mail or fax a written hearing request to:

(a) The Department of Human Services;

(b) The Department of Health Care Finance for a hearing concerning Medicaid, Healthcare Alliance, or other healthcare programs administered by the District of Columbia;

(c) The District Department of the Environment for a hearing concerning Low Income Home Energy Assistance Program benefits (LIHEAP);

(d) A shelter or other service provider for a hearing under the Homeless Services Reform Act;

(e) The Division of Early Childhood Education at the Office of the State Superintendent of Education for a hearing concerning childcare benefits;

(f) The Department on Disability Services, Rehabilitation Services Administration for a hearing concerning vocational rehabilitation services; or

(g) OAH.

Subsection 2971.5 is repealed.

Subsection 2976, PUBLIC BENEFIT CASES - HEARINGS AND EVIDENCE, is amended as follows:

Subsection 2976.7 is amended to read as follows:

2976.7 At least five (5) calendar days before the hearing date, each party shall file with OAH a list of witnesses and copies of any documents, photographs, or other items that the party wants the Administrative Law Judge to consider at the hearing. Copies must be sent to the other party in the following manner:

(a) Any agency or service provider must send copies to all other parties;

(b) If an individual is represented by a person other than a family member, the representative shall send copies to all other parties;

(c) If a shelter makes free copying services available to a shelter resident, the shelter resident must make and deliver a copy to the shelter director;

(d) For all other individuals, OAH will deliver copies by e-mail to the appropriate agency.

Section 2983, UNEMPLOYMENT INSURANCE CASES - FILING OF PAPERS, is amended as follows:

Subsection 2983.1 is amended to read as follows:

2983.1 In cases concerning unemployment compensation:

(a) When a request for hearing is emailed to OAH, the filing for an electronic filing received during business hours (9 a.m. to 5 p.m., Eastern Time, on any business day) will be the date it is received at oah.filing@dc.gov, provided that the document comports with the requirements of Rules 2809 and 2841. The filing date for an electronic filing received after OAH business hours will be the next day that the Clerk's Office is open for business. The date recorded by oah.filing@dc.gov shall be conclusive proof of the date and time that the e-mail was received.

(b) When a request for hearing is mailed to OAH, if the envelope containing the request bears a legible United States Postal Service postmark or if there is other proof of the mailing date, the request shall be considered filed on the mailing date. The filing date cannot be established by a private postage meter postmark alone.

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 15-187; D.C. Official Code § 25-211(c) (2012 Repl. & 2019 Supp.)) and § 25-502 (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 Chapters 7 (General Operating Requirements) and 10 (Endorsements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR). Specifically, the emergency rules:

1. Delay the start of the twenty-one (21) day period for licensees who have ceased operations or closed the licensed premises in accordance with Mayor's Orders 2020-048, dated March 16, 2020 and 2020-051, dated March 20, 2020, the D.C. Department of Health's (Department) March 13, 2020, emergency rules, or as a result of the Coronavirus pandemic, and otherwise would have had to place their license into safekeeping pursuant to D.C. Official Code § 25-791; and
2. Create a temporary restaurant endorsement for on-premises retailer's licenses, class C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, and retailers that sell food and have a commercial street footage at the Walter E. Washington Convention Center so that they may be allowed to sell beer, wine, and spirits in closed containers for carry-out and delivery with one or more prepared food items.

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 and there are now over one hundred eighty (180) known cases of COVID-19 in the District. In addition, the World Health Organization has declared the outbreak of COVID-19 a pandemic, President Trump has declared it a national emergency, and Mayor Muriel Bowser has declared both a Public Emergency and a Public Health Emergency. *See* Mayor's Orders 2020-045, dated March 11, 2020, 2020-046, dated March 11, 2020 and 2020-050, dated March 20, 2020. On March 24, 2020, the Mayor issued Mayor's Order 2020-053, temporarily closing of all non-essential businesses in the District, and further prohibiting large gatherings.

To ease the impact of the pandemic on the hospitality industry to some extent, the Council of the District of Columbia passed the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; D.C. Official Code § 2-532, *passim*) (COVID-19 Act). The emergency legislation, among other things, allows restaurants and taverns to sell alcoholic beverages in closed containers for carry-out and delivery only to District residents.

On March 18, 2020, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Due to Public Emergency Notice of Emergency Rulemaking, to take effect on Thursday, March 19, 2020, at 4:00 p.m. Since adopting the emergency rules, the Board has determined assistance is needed for additional ABC-licensed establishments.

These licensees, like restaurants and taverns, have seen a significant reduction in sales as a result of the Coronavirus pandemic. Licensed establishments in these industries are vital to the District's

economy and the neighborhoods where they are located. Therefore, this emergency rulemaking seeks to allow on-premises retailer's licenses, class C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, and retailer licensees with commercial street frontage at the Walter Washington Convention Center that sell food to obtain a temporary restaurant endorsement in order to sell alcoholic beverages only for carry-out and delivery.

In addition, the Board recognizes that some licensees have had to cease operations or close their licensed premises. Under current law, a licensee that ceases operations or closes its licensed premises for twenty-one (21) or more days is required to place their ABC license in safekeeping. *See* D.C. Official Code § 25-791(a). Yet, many licensed establishments have ceased operations or are closing due to the financial hardship experienced by the pandemic. The Board recognizes these changes in business operations are unforeseeable and unexpected. As a result, the Board seeks to toll the beginning of the twenty-one (21) day period that a licensee has to place their license into safekeeping until the Public Emergency and the Public Health Emergency have ended.

The Board finds the adoption of these emergency rules to not only be essential to promoting the public health, welfare, and safety of the community, but also to allow an increased number of ABC licensees to provide carry-out and delivery services of alcoholic beverages, with a prepared food item or items, to District residents. Therefore, the Board gives notice that on March 25, 2020, it has adopted the Temporary Restaurant Endorsement and Safekeeping of License Notice of Emergency Rulemaking by a vote of seven (7) to zero (0), to take effect on Wednesday, March 25, 2020 at 12:00 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 from adoption (July 16, 2020), unless superseded.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of 23 DCMR, ALCOHOLIC BEVERAGES, is amended by amending Section 704, SURRENDER OF LICENSE, in its entirety on an emergency basis to read as follows:

704 SURRENDER OF LICENSE

704.1 A licensee that closes its licensed premises or ceases to operate for twenty-one (21) or more days, shall be required to place its license into safekeeping pursuant to D.C. Official Code § 25-791.

704.2 The twenty-one (21) day time period shall not begin to toll until after the Mayor lifts both the Extensions of Public Emergency and Public Health Emergency issued March 20, 2020, that are currently in effect.

704.3 Subsection 704.2 shall not apply to those licenses that are in safekeeping as of March 25, 2020.

704.4 A request by the licensee to place the license in safekeeping shall be in writing and must state the:

(a) Reason that the license is being placed in safekeeping; and

(b) Length of time that the licensee is seeking to keep the license in safekeeping.

704.5 An initial safekeeping period granted by the Board may be extended for reasonable cause as set forth in D.C. Official Code § 25-791(b). The Board shall hold a safekeeping hearing for any license in safekeeping longer than six (6) months to determine whether the licensee has made sufficient progress toward reopening or whether the license should be cancelled by the Board.

704.6 Whenever a license has been in safekeeping with the Board for longer than two (2) years, the licensee shall, upon requesting removal of the license from safekeeping, submit for Board approval, detailed plans of its operations upon reopening, and shall notify the Board of the anticipated reopening date.

Chapter 10, ENDORSEMENTS, of 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new Section 1006, TEMPORARY RESTAURANT ENDORSEMENT, on an emergency basis to read as follows:

1006 TEMPORARY RESTAURANT ENDORSEMENT

1006.1 A licensee under an on-premises retailer's license, class C/H or D/H, C/X or D/X shall be permitted to obtain a temporary restaurant endorsement to sell beer, wine, or spirits only for carry-out or delivery with one (1) or more food items

1006.2 A retailer with commercial street footage at the Walter E. Washington Convention Center that currently sells prepared food shall be permitted to obtain a temporary restaurant endorsement to sell beer, wine, or spirits for carry-out or delivery with one (1) or more food item.

1006.3 A licensee that possesses a temporary restaurant endorsement pursuant to this section shall be permitted to only sell beer, wine, or spirits in closed containers to individuals for carry-out or to deliver beer, wine, or spirits in closed containers to the homes of District residents; provided that each such carry-out or delivery is accompanied by one (1) or more prepared food items.

1006.4 A licensee that registers for a temporary restaurant endorsement shall not be required to obtain Board approval. However, an eligible licensee shall receive written authorization from ABRA prior to beginning off-premises sales under the temporary restaurant endorsement. The registration form shall include, at a minimum, the name of the licensee and the address of the licensed establishment.

1006.5 The written authorization the licensee receives from ABRA pursuant to § 1006.3 shall be posted on the establishment's licensed premises.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF SECOND 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 15-187; D.C. Official Code § 25-211 (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, amends 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.

Specifically, the Board 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), which took effect on Thursday, March 19, 2020 at 4:00 p.m.

On March 20, 2020, in response to the ever increasing spread of COVID-19, the Mayor issued Mayor's Order 2020-050, Extensions of Public Health Emergency Coronavirus: (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders serve to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Order 2020-053, temporarily closing of all non-essential businesses in the District, and further prohibiting large gatherings.

The Board now seeks to further amend the emergency rules adopted March 18, 2020 (published March 27, 2020 at 67 DCR 3588), to make clear that in addition to restaurants and taverns, hotels and Class C/X and D/X licensees, including multi-purpose facilities and private clubs that register with the Board and obtain a temporary restaurant endorsement to operate as a restaurant in the District of Columbia, are also permitted to offer carry-out and delivery services for sales of alcoholic beverages with prepared food. All other provisions of the Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice of Second Emergency Rulemaking regarding the prohibition of sales for on-premises consumption remain unchanged.

The Board finds the adoption of these emergency rules to not only be essential to promoting the public health, welfare, and safety of the community, but also to allow an increased number of ABC licensees to provide carry-out and delivery services of alcoholic beverages to District residents. Therefore, the Board gives notice that on March 25, 2020, it has further amended and adopted the Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice of Second Emergency Rulemaking by a vote of seven (7) to zero (0), to take effect on Wednesday, March 25, 2020 at 12:00 p.m..

The emergency rulemaking shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days from the date of adoption (July 23, 2020), unless superseded.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new Section 810, SUSPENSION OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DUE TO PUBLIC EMERGENCY, 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, tavern, hotel or Class C/X and D/X licensee, including multi-purpose facilities and private clubs that register 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, tavern hotel or Class C/X and D/X licensee, including multi-purpose facilities and private clubs 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(32B).

810.5 A registered licensed restaurant, tavern, hotel or Class C/X and D/X licensee, including multi-purpose facilities and private clubs 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, tavern, hotel or Class C/X and D/X licensee, including multi-purpose facilities and private clubs 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 2.

OFFICE OF HUMAN RIGHTS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Office of Human Rights (hereafter the "Director,") pursuant to the authority set forth in Sections 303 and 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § § 2-1403.03 and 2-1403.01(c) (2016 Repl.)), hereby gives notice of the intent to amend Chapter 7 (Private Complaints Alleging Unlawful Discriminatory Practices) of Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations ("DCMR").

The emergency and proposed rulemaking provides revision of rules to reflect the current operation of the Office of Human Rights. Issuance of emergency rules is necessary because the Mayor has declared a state of emergency in the District of Columbia as part of the initiative to mitigate the pandemic known as coronavirus.

These emergency rules were adopted on March 18, 2020 and became effective on that date. The emergency rules shall remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring July 16, 2020, unless superseded by publication of a Notice to Rescind Emergency Rulemaking or Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 7, PRIVATE COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES, of Title 4 DCMR, HUMAN RIGHTS AND RELATIONS, is amended as follows:

Section 705, FILING OF COMPLAINTS, in its entirety to read as follows:

705 FILING OF COMPLAINTS

705.1 Any person or organization may file with the Office a complaint of a violation of the provisions of the Act, including a complaint of general discrimination, unrelated to a specific person or instance. If a complainant lacks capacity, the complaint may be filed on their behalf by a person with an interest in the welfare of the complainant.

705.2 The initial complaint shall be in writing on a form obtained from the Office, and can be filed online through the Office's website (http://www.ohr.dc.gov), via email to ohr.intake@dc.gov, mail or fax. The date of the online, email or fax filing will constitute the filing date for the complaint. The date of OHR's receipt of mailed complaints will constitute the filing date. If during

emergencies, the Office is closed, the date of mail filings will be calculated as follows: the date of the postal stamp, or the date complainant signed the complaint plus five (5) business days. The Director may extend this deadline for good cause under a state of emergency. The finalized complaint, known as the Charge of Discrimination, shall be signed and verified by the complainant under penalty of perjury.

705.3 The Director may initiate a complaint whenever the Director has reason to believe that any person has committed an unlawful discriminatory practice. A complaint initiated by the Director shall be signed by the Director.

705.4 A complaint alleging a discriminatory practice shall contain the following information:

(a) The full name and address of the complainant(s);

(b) The full name and address of the respondent(s);

(c) A statement of the alleged unlawful discriminatory practice(s) and a statement of the particulars;

(d) The date(s) of the alleged unlawful discriminatory practice, and if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which the continuing acts of discrimination are alleged to have occurred; and

(e) A statement describing any other action, civil, criminal, or administrative in nature, instituted in any other forum or agency based on the same unlawful discriminatory practice as is alleged in the complaint.

705.5 Notwithstanding the provisions of § 705.4, a complaint shall be deemed sufficient when the Office receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practice complained of.

705.6 The Office shall reasonably accommodate a disabled person who wishes to file a complaint or who wishes to make a personal appearance at the Office when filing a complaint. Accommodations may include, but shall not be limited to, a personal representative making an appearance on behalf of a disabled complainant, or an Office representative delivering a complaint to a complainant for signature. In a state of emergency, or when in-person service is not available, the Office shall find alternative ways to assist the person requiring reasonable accommodation.

705.7 The Director shall establish and maintain a complaint file containing all

documents pertinent to each case. The complaint file shall contain, at a minimum, the following documents as appropriate to the individual case:

(a) The complaint;

(b) The reply to data request;

(c) Amendment(s) to the complaint;

(d) The respondent's reply to the complaint and any amendments;

(e) The complainant's statement of withdrawal;

(f) The investigator's summary or findings of fact and recommendations;

(g) The extended processing summary and recommendations;

(h) The Director's Letter of Determination (LOD);

(i) The conciliation agreement;

(j) Letter of certification to the Commission; and

(k) Letter of dismissal.

705.8 If the Office determines that a complainant is filing what are determined to be frivolous complaints, which may include filing an unreasonable number of complaints during a given time, it may resolve the complaint in accordance with OHR Intake Guidelines.

Persons desiring to comment on these proposed rules should submit comments in writing to the Office of Human Rights, Office of the General Counsel, 441 4th Street, N.W., Suite 570N, Washington, D.C. 20001, Email: ohr.ogc@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules may be obtained by contacting the Office of Human Rights at ohr.ogc@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-055
April 2, 2020

SUBJECT: Appointments — District of Columbia Recreational Trails Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 96-84, dated June 20, 1996, as amended by Mayor's Order 2007-208, dated September 26, 2007, it is hereby **ORDERED** that:

1. The following individuals are reappointed as non-motorized recreational trail user members of the District of Columbia Recreational Trails Advisory Committee ("Committee"):

   a. **TOM AMRHEIN**, for a term to end September 10, 2021;
   b. **MONA RAYSIDE**, for a term to end September 10, 2022; and
   c. **DEVIN RHINERSON**, for a term to end September 10, 2021.

2. The following individual is appointed as a non-motorized recreational trail user member of the Committee:

   a. **ANTHONY GOODMAN**, replacing Katie Harris, for a term to end September 10, 2020, and for a new term to end September 10, 2023

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-056
April 2, 2020

SUBJECT: Appointment — Interim Director, Mayor's Office of Legal Counsel

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Rep1.), and in accordance with section 101(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013, D.C. Law 20-60, D.C. Official Code § 1-608.51a (2016 Rep1.), it is hereby **ORDERED** that:

1. **ELIZABETH CAVENDISH,** is appointed as Interim Director, Mayor's Office of Legal Counsel, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2018-033, dated March 15, 2018.

3. **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 2020-057
April 6, 2020

SUBJECT: Fiscal Year 2020 Expenditure Restrictions: Restrictions on Certain Non-Personal Services Expenditures, Restrictions on Certain Personnel Actions, and Freeze on Travel and Training

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422 and 449 of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. 93-198; D.C. Official Code §§ 1-204.22 and 1-204.49 (2016 Repl.), and in accordance with the authority, requirements, and principles of sections 442(a)(1) and (c), 448(a)(1), and 603(d) and (e) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. 93-198; D.C. Official Code §§ 1-204.42(a)(1) and (c), 1-204.48(a)(1), and 1-206.03(d) and (e) (2016 Repl.), the District of Columbia Appropriations Act, 2020, approved December 20, 2019, Pub. L. 116-93, 133 Stat. 2455, the federal Anti-deficiency Act, 31 U.S.C. §§ 1341 *et seq.*, and the District Anti-Deficiency Act of 2002, effective April 4, 2003, D.C. Law 14-285, D.C. Official Code §§ 47-355.01 *et seq.*, it is hereby **ORDERED** that:

I. BACKGROUND

Due to the impacts of COVID-19, the District government faces a projected Fiscal Year 2020 revenue shortfall of at least $600 million. To address the revenue shortfall, the expenditure restrictions and restrictions on certain personnel actions, travel, and training set forth in this Order are hereby ordered.

II. NON-PERSONAL SERVICES EXPENDITURE FREEZE

The Office of the Chief Financial Officer shall freeze all expenditures of unencumbered and pre-encumbered local, special-purpose revenue, and dedicated tax revenue funds in the following comptroller source groups:

1. 20 - Supplies and Materials;

2. 40 - Other Services and Charges;

3. 41 - Contractual Services/Other;

4. 50 - Subsidies and Transfers, except for subsidies and transfers necessary to implement public benefit programs administered by the Child and Family Services Agency, Department of Aging and Community Living, Department of

Employment Services, Department of Energy and Environment, Department of Health, Department of Health Care Finance, Department of Human Services, Department of Youth Rehabilitation Services, Department on Disability Services, Office of Neighborhood Safety and Engagement, Office of the State Superintendent of Education, Office of Victims Services and Justice Grants, and the Non-Public Tuition paper agency; and

5. 70 - Equipment and Equipment Rental.

III. FREEZE ON HIRING AND CONTRACT STAFFING

1. There is hereby imposed on each agency a freeze on hiring, including hiring to fill vacant positions, except for the hiring of:

   a. Uniformed officers of the Metropolitan Police Department;

   b. Firefighters and emergency medical service providers of the Fire and Emergency Medical Services Department;

   c. Corrections officers of the Department of Corrections;

   d. District of Columbia Public Schools teachers and principals;

   e. Call takers and dispatchers of the Office of Unified Communications;

   f. Employees of the District of Columbia National Guard;

   g. Social workers and family support workers of the Child and Family Services Agency;

   h. Employees of St. Elizabeths Hospital;

   i. Service coordinators, service coordination supervisors, investigators, supervisory investigators, nurse practitioners, and Medicaid waiver specialists of the Department on Disability Services;

   j. Youth development representatives, supervisory youth development representatives, care coordinators, and medical and behavioral health employees of the Department of Youth Rehabilitation Services;

   k. Individuals with restoration rights mandated by law or regulation;

   l. An employee who received or receives a final written job offer on or before April 6, 2020, and who has a confirmed start date on or before April 27, 2020; and

m. Employees whose salaries are funded one hundred percent (100%) by federal or private funds.

2. There is hereby imposed on each agency a freeze on the use of a contract to augment agency staffing.

IV. FREEZE ON TRAINING AND TRAVEL

1. There is hereby imposed on each agency a freeze on training, seminars, and conferences, except for:

   a. Training, seminars, and conferences conducted by District government employees at District government facilities;

   b. Training, seminars, and conferences required by law to maintain certification necessary to carry out the employee's District government duties; and

   c. Training, seminars, and conferences funded one hundred percent (100%) by federal or private funds.

2. There is hereby imposed on each agency a freeze on travel, except for:

   a. Travel within the District or within fifty (50) miles of the District;

   b. Travel that is funded one hundred percent (100%) by federal or private funds (except for international travel, on which a freeze is imposed regardless of funding source); and

   c. Travel that is essential to accompany clients under the care of the Child and Family Services Agency, Department on Disability Services, Department of Youth Rehabilitation Services, or Office of the State Superintendent of Education.

V. FREEZE ON RAISES, PROMOTIONS, BONUSES, AND OTHER PERSONNEL-RELATED ADJUSTMENTS AND PAYMENTS

There is hereby imposed on each agency a freeze on:

1. Reclassifications (except for reclassifications that do not result in an increase in salary or pay);

2. Pay raises and other salary adjustments (except for step increases or cost of living adjustments required by law, regulation, court order, or a collective bargaining agreement);

3. Additional income allowances;

4. Bonuses;

5. Awards;

6. Payments and reimbursements of expenses incurred by prospective employees for pre-employment interviews; and

7. Payments and reimbursement of relocation expenses of new employees.

VI. WAIVERS

1. The City Administrator may waive any restriction set forth in this Order, if the City Administrator determines that:

   a. The waiver is necessary to respond to the coronavirus (COVID-19) public health emergency;

   b. The waiver is otherwise necessary for the public health, safety, or welfare;

   c. The waiver is necessary to carry out an essential function of the District government;

   d. The waiver will result in the generation of revenue for the District government; or

   e. The expenditure for which the waiver is requested is funded in whole or in significant part by federal or private funds.

2. To seek a waiver, an agency shall submit a waiver request to the Deputy Mayor to which the agency reports (or, in the case of an agency in the Government Operations cluster, to the Assistant City Administrator and, in the case of an agency that reports to the Executive Office of the Mayor, to the Mayor's Chief of Staff). The Deputy Mayor or Assistant City Administrator shall review each waiver request and submit to the City Administrator his or her recommendation whether to approve or disapprove the waiver request. With each recommendation, the Deputy Mayor or Assistant City Administrator shall provide a statement of the reasons for his or her recommendation.

3. The Mayor's Chief of Staff, in consultation with the City Administrator, may waive a provision of section III.1 or V. of this Order, with respect to an employee in the Excepted Service or Executive Service, or waive a provision of section II of this Order, with regards to non-personal services expenditures by the Executive Office of the Mayor, if it is determined that the waiver meets one of the criteria set forth in section VI.1.a–e of the Order.

4. Notwithstanding the foregoing paragraphs, no waiver request shall be submitted, and no waiver request shall be approved, for international travel.

VII. CONTROLS BY THE OFFICE OF THE CHIEF FINANCIAL OFFICER

The Office of the Chief Financial Officer shall, in consultation with the Office of the City Administrator, impose such obligation and expenditure controls as are appropriate to implement the limitations and restrictions imposed by this Order.

VIII. CONTROLS BY THE OFFICE OF CONTRACTING AND PROCUREMENT AND THE DEPARTMENT OF HUMAN RESOURCES

The Office of Contracting and Procurement and Department of Human Resources shall, in consultation with the Office of the City Administrator, impose such contracting, procurement, purchase card, and human resource controls as are appropriate to implement the limitations and restrictions imposed by this Order.

IX. PROHIBITIONS; PENALTIES FOR VIOLATION

1. No employee of the District government may make or authorize an expenditure, obligation, or personnel action that is inconsistent with this Order.

2. An officer or employee that violates this Order shall be subject to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

X. APPLICABILITY

1. This Order shall apply to all subordinate executive branch agencies of the District government.

2. This Order shall apply during Fiscal Year 2020.

XI. INDEPENDENT AGENCIES

Independent agencies are encouraged to comply with the provisions of this Order and to consult the Office of the City Administrator on the application of the provisions of this Order to their operations.

XII. EFFECTIVE DATE

This Order shall take effect at 12:01 a.m. on April 6, 2020.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-058
April 8, 2020

SUBJECT: Social Distancing Protocols Required for Food Sellers and Requirements for Farmers' and Fish Market to Operate During Public Health Emergency

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 extending the state of emergency; 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.); 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.), Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-051, dated March 20, 2020, Mayor's Order 2020-053, dated March 24, 2020, and Mayor's Order 2020-054, dated March 30, 2020, it is hereby **ORDERED** that:

I. BACKGROUND

1. This Mayor's Order incorporates the findings of prior Mayor's Orders relating to COVID-19 and its spread.

2. This Order requires the implementation of social distancing protocols at indoor retail food sellers.

3. This Order further declares that farmers' markets and the fish market no longer qualify as Essential Businesses and shall only operate upon issuance of a waiver.

4. This Order clarifies items from previous Mayor's Orders.

II. APPLICABILITY

1. This Order applies to "**Retail Food Sellers**," which include grocery stores, supermarkets, food halls, food banks, convenience stores, and other establishments engaged in the retail sale of food.

   This Order does not apply to:

a. Restaurants and other facilities that prepare and serve food for delivery, carry out, or "grab and go," but those restaurants and other facilities shall adopt similar social distancing protocols and mark six (6) foot distances outside of and within their location to manage lines of customers; and

b. Schools, senior centers, and other entities that typically provide free food services to students or members of the public.

2. The applicability of this Order to businesses extends to all interpretations of "Retail Food Sellers" as found on coronavirus.dc.gov.

III. SOCIAL DISTANCING PROTOCOLS REQUIRED AT RETAIL FOOD SELLERS

1. Retail Food Sellers must implement and enforce the following social distancing protocols for the safety of employees and customers:

a. Post signage at each entrance of the business:

i. Instructing all customers to:

a. Wear a mask or mouth covering;

b. Avoid entering if they are exhibiting a symptom of any transmissible infectious disease such as a cough, fever, and running nose or have a confirmed COVID-19 diagnosis;

c. Maintain six (6) feet of distance from each other person who is not part of their household;

d. Cough or sneeze away from other people and into a tissue or one's elbow or sleeve and immediately dispose of the tissue in a safe manner;

e. Not shake hands or engage in any other unnecessary physical contact; and

f. Quickly shop alone or only with members of their household; and

ii. Encouraging the use of online shopping and curbside or home delivery and providing information on how to access any such service offered;

b. Limit the number of customers who can enter the business at one time;

c. Require customers to maintain a minimum six (6) foot distance from one another in the business, and where lines may form, mark at least six (6) foot

increments, both inside and outside the business;

d. Where possible, mark paths and require store aisles to be one-way;

e. Provide adequate hand sanitizers or disinfecting wipes at all entry and exit ways and throughout the store;

f. Block use of payment systems or checkout counters that are next to one another, if a minimum distance of six (6) feet cannot be maintained;

g. Inform customers that, if they are able to do so, they must fill their own reusable bags or bags provided by the business;

h. Implement regular disinfection procedures for cleaning high-touch surfaces and post those procedures at the business's entrance, including:

i. Regularly disinfecting high-touch surfaces throughout the store including all break rooms, bathrooms, and administrative areas;

ii. Disinfecting carts and baskets at least once every hour; and

iii. Cleaning and sanitizing all work surfaces, including self-service checkouts at least once every hour and all equipment and utensils between employees' use of them and changes in tasks;

i. Cease use of any food or beverage self-service stations, such as a hot bars, salad bars, and buffet-type stations, not including whole produce;

j. Minimize bare hand contact with any food products and provide signage encouraging customers only to touch items they plan to purchase; and

k. Implement any other social distancing and sanitization protocols to protect the wellbeing of the workforce and customers.

2. Retail Food Sellers must also implement the following for their workforce:

a. Inform all employees that they should not come to work if sick and of applicable paid leave provisions and social distancing protocols;

b. Check employees for symptoms before employees begin their shift and exclude employees with cold or flu-like symptoms, such as cough, fever, and running nose, either before their shift, or during it, if symptoms develop during it;

c. Separate all employee workstations by at least six (6) feet;

d. By April 20, 2020, install plexiglass or plastic dividers between customers and employees at registers if the register generally serves more than fifty (50)

customers per day;

e. When possible, close aisles being restocked;

f. If feasible, provide all employees who may come into close contact with others with gloves and cloth or surgical masks and instruct employees on safe use. All gloves and masks shall be procured by businesses;

g. Require employees to notify the person in charge immediately if they or someone in their household is diagnosed with COVID-19;

h. When an employee is diagnosed with COVID-19, implement a protocol requiring affected employees to self-quarantine and for sanitization; and

i. Require employees who have confirmed COVID-19 positive test results to present to their supervisor written documentation from a healthcare professional stating that they are approved to return to work.

IV. FARMERS' MARKET AND FISH MARKET REQUIREMENTS

1. No farmers' market or fish market may operate unless issued a waiver.

2. To obtain a waiver, a market manager must submit a plan to the District government at dcfoodpolicy@dc.gov to outline how they will operate and enforce social distancing protocols, and that plan must be approved.

3. That plan should include:

   a. A limit on the number of persons in the market and prohibition of pets;

   b. Operations limited to only allow "grab and go" type purchasing, which consists of:

      i. Pre-bagged items at fixed price points;

      ii. Limit the number of counters and booths so that customers are not moving between vendors; and

      iii. Pre-orders that the customer picks up;

   c. Creation of a pre-market telephone or online ordering system;

   d. Adjusted operations to comply with the following:

      i. Only selling food items, with the exception of soap, hand sanitizer, and non-medical cloth masks. No crafts, flowers, non-edible plants, or other items shall be sold;

ii. Placing all products behind a rope, table, or other barrier and prohibiting customers from touching products before purchase;

iii. Providing a clearly-viewable menu to customers; and

iv. Eliminating all on-site food preparation.

V. AMENDMENTS TO PRIOR ORDERS

1. Section IV.1 of Mayor's Order 2020-054, dated March 30, 2020, is amended to strike "playing tennis, golfing." Playing tennis or golf are no longer an Allowable Recreational Activity.

2. Section II.3 of Mayor's Order 2020-054, dated March 30, 2020, is amended to strike "rooftop or courtyard spaces." Individuals may utilize these spaces only with members of their household and while practicing social distancing.

3. Section IV.1.c. of Mayor's Order 2020-053, dated March 24, 2020, is amended to strike farmer's markets from the list of essential businesses.

4. Community gardens are open.

VI. ENFORCEMENT

1. Any entity that knowingly violates this Order shall be subject to all civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fine or summary suspension or revocation of license.

2. The Department of Consumer and Regulatory Affairs and the Department of Health shall conduct inspections and issue notices of infractions for violations.

VII. EFFECTIVE DATE AND DURATION

This Order shall be effective at 12:01 a.m. on April 9, 2020. The Order shall continue to be in effect through April 24, 2020, or until the date to which the state of emergency is extended, or until this Order is 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

D.C. CRIMINAL CODE REFORM COMMISSION

NOTICE OF CANCELLATION OF PUBLIC MEETING PREVIOUSLY SCHEDULED FOR WEDNESDAY, APRIL 1, 2020 AT 10:00 AM

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) cancelled the previously scheduled meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, April 1, 2020 at 10am.

Notice of future meetings will be posted on the agency's website, http://ccrc.dc.gov/page/ccrc-meetings. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or ccrc@dc.gov.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2021 Nita M. Lowey 21st Century Community Learning Centers Grant (ESEA Title IV, Part B)

CFDA: 84.287C and FAIN: S287C200008

Request for Application Release Date: Thursday, April 30, 2020 at 3:00 p.m.

The Division of Systems and Supports, K-12, within the Office of the State Superintendent of Education (OSSE), will be soliciting grant proposals from eligible District of Columbia agencies for the Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) grant.

The purpose of the 21st CCLC program is to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students' regular academic program. Along with student opportunities, 21st CCLC offers the students' families literacy and related educational development. 21st CCLC programs, which can be located in elementary schools, secondary schools, or other similarly accessible facilities, provide a range of high-quality services to support student learning and development. At the same time, centers help working parents by providing a safe environment for students during non-school hours or periods when school is not in session.

The 21st CCLC program is authorized under Part B of Title IV of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015. The grant is supported through federal funds awarded to the District to support the 21st Century Community Learning Centers and through local funds as part of a strategic citywide effort to increase access to high quality child care and support DCs efforts under the Child Care and Development Block Grant Act of 2014, effective November 19. 2014 ((P.L. 113-186; 42 U.S.C. 9858 et seq.) (2012 Repl. and 2015 Supp.))

Eligibility and Selection Criteria: OSSE will make these grants available through a competitive process. Any entity defined as a local educational agency (LEA, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b), another public or private entity, or a partnership/consortium of two or more such agencies, organizations, or entities is eligible to apply for the 21st CCLC grant. Individual schools in an LEA are not eligible to apply directly for funds and cannot sign partnership agreements. All applications and school partnership agreements must be submitted and signed by the LEA on behalf of the school. Partnership or consortiums must meet certain requirements as described in the RFA.

Applications will be scored on the following selection criteria: provision of an executive summary, application priorities, needs and resource assessment, evidence-based program design, program management and implementation, program evaluation and monitoring, sustainability, and detailed planning budget expenditures.

Length of Award: The 21st CCLC grant award period will be from the date of the award to September 30, 2021. Successful applicants will be funded for two (2) additional years (three-year

grant award period) subject to funding availability and continued compliance with grant terms and conditions. All awards will be reviewed annually for consideration of continued funding.

Available Funding for the Award: The total funding available for 21st CCLC awards is $8,550,000.00. OSSE anticipates that 10-12 new awards will be made. Program funds may not be used to supplant existing programs and/or funding. Additionally, all expenditures must be consistent with applicable state and Federal laws, regulations and guidance. Program costs must be paid, not merely incurred, by the awardee to the payee prior to requesting reimbursement.

Application Process: Applications must be submitted through EGMS by Friday, June 12, 2020 at 3:00 p.m. Eastern Daylight Time in order to be eligible for review. A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences with 21st CCLC. Upon completion of their review, reviewers shall make recommendations for awards based on the scoring rubric. OSSE's Division of Systems and Supports, K-12 will make all final award decisions. Awards will be announced by Wednesday, July 1, 2020.

To receive more information or for a copy of the Request for Applications (RFA), please contact:

Tanisha Brown
Office of the State Superintendent of Education
1050 First Street, NE, 5th Floor
Washington, D.C. 20002
Telephone: (202) 741-4699
Email: 21stcclc.info@dc.gov

OSSE will provide three web-based pre-application technical assistance sessions on **Wednesday, May 6, Thursday, May 7 and Tuesday, May 12, 2020**. The pre-application technical assistance session will include an overview of the 21st CCLC grant program, competition, and online application submission process; and will provide technical assistance for any grant competition inquiries. Potential applicants may register for one of the sessions here.

Organizations interested in applying for 21st CCLC may use the following link to access OSSE's on-line Enterprise Grants Management System (EGMS): http://grants.osse.dc.gov/. Applicants will need to create an EGMS username and password to access the 21st CCLC application. The RFA and application submission guidance will also be available on OSSE's 21st CCLC webpage at http://osse.dc.gov/service/title-iv-part-b-21st-century-community-learning-centers.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Scholarships for Opportunity and Results Act Charter Support Grant

Request for Applications Release Date: April 27, 2020, 4:30 PM

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 the following competitive opportunity: Grants to Non-Profit Third-Party Charter Support Organizations (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 list of all schools and districts to which the organization has provided education-based 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.

I. 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 must be submitted prior to 3pm on June 9, 2020. OSSE estimates that it will award the grant by July 9, 2020; however this date may change.

The suggested pre-application webinar will be held on the following dates:

- Monday, May 4, 2020, from 10 a.m. to 11 a.m.
  - To register for this webinar, visit: https://attendee.gotowebinar.com/register/6198711612196166668
- Wednesday, May 6, 2020, from 1 p.m. to 2 p.m.
  - To register for this webinar, visit: https://attendee.gotowebinar.com/register/3999144098388433932

To receive more information on this grant, 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 this competitive grant program will be available on OSSE's website at www.osse.dc.gov. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 5D06

Petition Circulation Period: **Monday, April 13, 2020 thru Monday, May 4, 2020**
Petition Challenge Period: **Thursday, May 7, 2020 thru Wednesday, May 13, 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, Room 750
Washington, DC 20003

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Vote Centers

The Board of Elections hereby gives public notice of the Vote Centers for the June 2, 2020 Primary Election. The Vote Centers will operate every day, including weekends from May 22, 2020 through June 2, 2020, but will be closed for the Memorial Day holiday.

For the June 16, 2020 Special Election to fill the vacancy in the office of the Ward 2 Member of the Council of the District of Columbia, the Vote Centers indicated below for Ward 2 will operate every day from June 12, 2020 through June 16, 2020.

VOTE CENTERS

Ward 1
Columbia Heights Community Center
1480 Girard Street, NW
Closest Metro Stop: Columbia Heights, <0.3 miles

Prince Hall Center for the Performing Arts (Masonic Temple)
1000 U Street, NW
Closest Metro Stop: U Street/African-American Civil War Memorial/Cardozo, <0.0

Ward 2
One Judiciary Square – Old City Council Chambers
441 4th Street, NW
Closest Metro Stop: Judiciary Square, <0.1 miles

Hardy Middle School
1819 35th Street, NW
Closest Metro Stop: Foggy Bottom/GWU, <2.5 miles

Ward 3
Murch Elementary School
4810 36th Street, NW
Closest Metro Stop: Tenleytown-AU, <0.4 miles

Oyster Adams Bilingual School
2801 Calvert Street, NW
Closest Metro Stop: Woodley Park-Zoo/Adams Morgan, <0.1 miles

Ward 4
Calvin Coolidge High School
6315 5th Street, NW
Closest Metro Stop: Takoma Metro, <0.5 miles

Emery Heights Community Center
5801 Georgia Avenue, NW
Closest Metro Stop: Georgia Avenue-Petworth, <1.5 miles

Raymond Recreation Center
3725 10th Street, NW
Closest Metro Stop: Georgia Avenue-Petworth, <0.2 miles

Ward 5
Turkey Thicket Recreation Center
1100 Michigan Avenue, NE
Closest Metro Stop: Brookland/CUA, <0.4 miles

Mckinley Technology High School
151 T Street, NE
Closest Metro Stop: Rhode Island Avenue, <1.0 miles

Ward 6
King Greenleaf Recreation Center
201 N Street, SW
Closest Metro Stop: Waterfront, <0.4 miles

Sherwood Recreation Center
640 10th Street, NE
Closest Metro Stop: Union Station, <1.1 miles

Kennedy Recreation Center
1401 7th Street, NW
Closest Metro Stop: Mt. Vernon Square, <0.2 miles

Ward 7
Deanwood Recreation Center
1350 49th Street, NE
Closest Metro Stop: Deanwood Metro, 0.1 miles

Benning Stoddert Community Center
100 Stoddert Place, SE
Closest Metro Stop: Benning Road, 0.3 miles

Hillcrest Recreation Center
3100 Denver Street, SE
Closest Metro Stop: Naylor Road, <0.7 miles

Ward 8
Malcolm X Opportunity Center
1351 Alabama Avenue, SE
Closest Metro Stop: Congress Heights, <0.1 miles

Barry Farm Recreation Center
1230 Sumner Road, SE
Closest Metro Stop: Anacostia, <0.2 miles

Anacostia High School
1601 16th Street, SE
Closest Metro Stop: Anacostia, <1.2 miles

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL

Friendship Public Charter School is seeking bids from prospective candidates to provide:

- **Educational Curriculum,** classroom-instructional intervention programs, subscriptions and educational supplies.

The competitive RFP can be found on FPCS website at: http://www.friendshipschools.org/procurement**. Proposals are due no later than 4:00 P.M., EST, Friday, May 8, 2020**. No proposals will be accepted after the deadline. Address all questions to ProcurementInquiry@friendshipschools.org

NOTICE OF REQUEST FOR PROPOSAL

EXTENSION

Friendship Public Charter School is soliciting proposals from qualified vendors for:

- **Exterior and Interior Wayfinding sign Design, Planning, Fabrication and Installation** for all 17 Friendship Public Charter School office and school locations.

The competitive RFP can be found on FPCS website at: http://www.friendshipschools.org/procurement. Proposals are due no later than **4:00 P.M., EST, Friday April 21, 2020**. No proposals will be accepted after the deadline. Address all questions to ProcurementInquiry@friendshipschools.org

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

Employee Compensation Consulting Services

KIPP DC is soliciting proposals from qualified vendors for Employee Compensation Consulting Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on April 22, 2020. Questions should be addressed to eugene.han@kippdc.org.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CONDITIONAL APPROVAL
OF A NEW SCHOOL APPLICATION

The DC Public Charter School Board (DC PCSB) gives notice of conditional approval of one new charter school application: Global Citizens. A public hearing regarding this application was held on February 24, 2020, and the vote occurred on March 23, 2020. This school plans to open at the beginning of the 2021-2022 school year. If you have questions please contact 202-328-2660 or applications@dcpcsb.org.

Global Citizens	
Mission	The mission of Global Citizens PCS is to inspire and prepare the next generation of global citizens
Grades	PK3-5
Link to *Redacted* Application in Egnyte	https://dcpcsb.egnyte.com/dl/kV0VsY4nRF
Link to the Vote Memo	https://dcpcsb.egnyte.com/dl/yOMhJFJSRO

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to D.C. Code § 34-802 and in accordance with D.C. Code § 2-505,[1] of its intent to act upon the proposed Rights-of-Way (ROW) Surcharge Update of Washington Gas Light Company (WGL or Company)[2] in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. The ROW Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On March 20, 2020, pursuant to D.C. Code § 10-1141.06,[3] WGL filed a Surcharge Update to revise the ROW Current Factor.[4] In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
Section 22
3rd Revised Page 56

3. WGL's Surcharge Update indicates the ROW Current Factor is 0.0327 with the ROW Reconciliation Factor over collection of 0.0013 for the period of June 2019 through May 2020, which yields a Net Factor of 0.0314.[5] In addition, WGL expresses its intent to collect the surcharge beginning with the April 2020 billing cycle.[6] The Company has a statutory right to implement its filed surcharges. However, if the Commission

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1 D.C. Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.).

2 *Gas Tariff 00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3* (*GT00-2*), Rights-of-Way Fee Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed March 20, 2020.

3 D.C. Code § 10-1141.06 (2001 Ed.) states that "[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

4 *GT00-2*, Surcharge Update at 1.

5 *GT00-2*, Surcharge Update at 1.

6 *GT00-2*, Surcharge Update at 1.

discovers any inaccuracies in the calculation of the proposed surcharge, WGL could be subject to reconciliation of the surcharges.

4. Any person interested in commenting on the subject matter of this NOPT may submit written comments not later than thirty (30) days after publication of this Notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C., 20005, or electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed tariff may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on the Surcharge Update.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF INVESTMENT COMMITTEE MEETING

April 23, 2020
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, April 23, 2020, at 10:00 a.m. to consider investment matters.

Per Mayor's Order 2020-53 outlining the Government of the District of Columbia's requirements to engage in social distancing and limit gatherings to prevent the spread of COVID-19, **this meeting will be held electronically**. In an effort to manage limited technical resources, only DCRB's trustees, certain DCRB staff and, where applicable, certain DCRB consultants will be permitted to attend the meeting. Unfortunately, members of the public will not be permitted to attend DCRB's electronic meetings at this time, however, a recording of this meeting will be released on DCRB's website at https://dcrb.dc.gov/ within a reasonable time after the conclusion of the meeting.

For additional information, please contact Deborah Reaves, Board Liaison at (202) 343-3200 or Deborah.Reaves@dc.gov. A general agenda for the open portion of the meeting is outlined below.

AGENDA

I.	Call to Order and Roll Call	Chair Warren
II.	Approval of Investment Committee Meeting Minutes	Chair Warren
III.	Chair's Comments	Chair Warren
IV.	Interim Chief Investment Officer's Report	Mr. Sahm

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

V.	Other Business	Chair Warren
VI.	Adjournment	

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

April 23, 2020
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board ("DCRB") will hold an Open meeting on Thursday, April 23, 2020, at 1:00 p.m.

Per Mayor's Order 2020-53 outlining the Government of the District of Columbia's requirements to engage in social distancing and limit gatherings to prevent the spread of COVID-19, **this meeting will be held electronically**. In an effort to manage limited technical resources, only DCRB's trustees, certain DCRB staff and, where applicable, certain DCRB consultants will be permitted to attend the meeting. Unfortunately, members of the public will not be permitted to attend DCRB's electronic meetings at this time, however, a recording of this meeting will be released on DCRB's website at https://dcrb.dc.gov/ within a reasonable time after the conclusion of the meeting.

For additional information, please contact Deborah Reaves, Board Liaison at (202) 343-3200 or Deborah.Reaves@dc.gov. A general agenda for the Open Board meeting is outlined below.

AGENDA

I.	Call to Order and Roll Call	Chair Hankins
II.	Approval of Board Meeting Minutes	Chair Hankins
III.	Chair's Comments	Chair Hankins
IV.	Executive Director's Report	Ms. Morgan-Johnson
V.	Investment Committee Report	Mr. Warren
VI.	Operations Committee Report	Mr. Smith
VII.	Benefits Committee Report	Ms. Collins
VIII.	Legislative Committee Report	Mr. Blanchard
IX.	Audit Committee Report	Ms. Harris
X.	Other Business	Chair Hankins
XI.	Adjournment	

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after May 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on March 27, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

Bonilla	Edwin D.	Citibank 3241 14 Street, NW	20010
Bowen	Jo Ann	Difede Ramsdell Bender, PLLC 900 7th Street, NW, 810	20001
Bradford	Carl	Self 1846 Valley Terrace, SE	20032
Carnahan	Terri L.	Buckley LLP 2001 M Street, NW, Suite 500	20036
Carter	Jennifer L	Self (Dual) 4041 Benning Road, NE	20019
Chaffin	Stacey L.	Baker Donelson Bearman Caldwell & Berkowitz 920 Massachusetts Avenue, NW, 900	20001
Cheatham	Carla R.	Hollingsworth, LLP 1350 I Street, NW	20005
Cherisca	Anoucheka C.	Baker Botts, LLP 700 K Street, NW, 9th Floor	20001
Ford	Carol Owens	Greater Mt Calvary Holy Church 610 Rhode Island Avenue, NE	20002
Garrison	Cheron Hunt	Service Employees International Union (SEIU) 1800 Massachusetts Avenue, NW	20036
Gold	Judi	Self (Dual) 1901 Ingleside Terrace, NW, 201	20010
Goldman	Judith R.	Greenstein DeLorme & Luchs, P.C. 1620 L Street, NW, Suite 900	20036
Greely	Pamela L.	Buckley LLP 2001 M Street, NW, Suite 500	20036
Harris	Yvonne Wyatt	Office of Contracting and Procurement 441 4th Street, NW	20001

Hector	Golda A.	Raymond James & Associates 1717 Pennsylvania Avenue, NW, Suite 1050	20006
Manning	Lisa	Schertler & Onorato, LLP 901 New York Avenue, NW, Suite 500	20001
Martin	TinaLouise	U.S. Commission on Civil Rights 1331 Pennsylvania Avenue, NW, 1150	20425
McLean	Ann Trisha	Willkie Farr & Gallagher LLP 1875 K Street, NW, Suite #100	20006
Minick	Kyra	Wells Fargo Bank 3200 Pennsylvania Avenue, SE	20001
Ponder	Patricia A	National Endowment for Democracy 1025 F Street, NW, 800	20004
Pope	Nicole Marie	Mathematica, Inc. 1100 First Street, NE	20002
Reynolds	Angelica	National Association of Consumer Advocates 1215 17th Street, NW, 5th Floor	20036
Rufino	Amy Dawn	Self 1312 Dexter Terrace, SE	20020
Tate	Bernadette E.	Cafritz Interests LLC 1660 L Street, NW, 600	20036
Waiters	Sheila Y.	District of Columbia Office of Zoning 441 4th Street, NW	20001
Washington	Jean O.	Department Of Housing & Community Development 1800 Martin Luther King Jr. Avenue, SE	20020
Williams	Hermione Reina	Polsinelli,PC 1401 Eye Street, NW, 8th Floor	20005

Zurawski	Paulina Maria	Brookfield Properties 301 Water Street, SE, Suite 201	20003

WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)

NOTICE OF ELECTRONIC MEETING

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that the format of a previously announced meeting scheduled for April 9, 2020, has changed.

The meeting will take place as a conference call, starting at 10:00am. The dial in information is toll-free (U.S. and Canada): 1(866) 576-0416, conference code 7681427. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Jennifer Lawrence
Washington Convention and Sports Authority
t/a Events DC

(202) 249-3275
jlawrence@eventsdc.com

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Audit Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, April 23, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Chairperson
2.	Summary of Internal Audit Activity - Internal Audit Status	Internal Auditor
2.	Executive Session	Chairperson
3.	Adjournment	Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, April 16, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	AWTP Status Updates 1. BPAWTP Performance	Vice-President, Wastewater Ops
3.	Status Updates	Senior VP
4.	Project Status Updates	Director, Engineering & Technical Services
5.	Action Items - Joint Use - Non-Joint Use	Senior VP
6.	Water Quality Monitoring	Senior Director, Water Ops
7.	Action Items	Senior VP Senior Director, Water Ops Director, Customer Care
8.	Emerging Items/Other Business	
9.	Executive Session	
10.	Adjournment	Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, April 23, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	March 2020 Financial Report	Committee Chairperson
3.	Agenda for May 2020 Committee Meeting	Committee Chairperson
4.	Adjournment	Committee Chairperson

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING

BZA Application No. 20254

The Board of Zoning Adjustment for the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following at the May 6, 2020 hearing:

Application of The Government of the Republic of the Zambia, pursuant to 11 DCMR Subtitle X, Chapter 2, to permit the renovation of the chancery building in the R-1-B Zone at premises 2419 Massachusetts Avenue, N.W. (Square 2506, Lot 22).

Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 2D**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at http://dcoz.dc.gov/bza/calendar.shtm, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Click on "Case Records" under "Services".
- Enter the BZA application number indicated above and click "Go".
- The search results should produce the case. Click "View Details".
- On the right-hand side, click "View Full Log".
- This list comprises the full record in the case. Simply click "View" on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record or participating as a witness. Visit the Interactive Zoning Information System (IZIS) on our website at https://app.dcoz.dc.gov/Login.aspx to make a submission. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.