



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council recognizes the Office of the Chief Financial Officer for responsibly managing the District’s investments in a manner that does not perpetuate gun violence and war profiteering (ACR 23-260)
- Office of the City Administrator modifies the Concealed Pistol Licensing Review Board’s deadlines for appeals and summary suspension hearings during and after the public emergency and public health emergency
- Department of Energy and Environment seeks partners for the department’s Global Ideas for U.S. Solutions Grant application
- Department of Health Care Finance notifies the public of temporary eligibility policy changes governing Medicaid and other health care insurance programs during the public health emergency
- Department of Housing and Community Development announces the comment period for the amendments to the District’s Citizen Participation Plan and the DC FY 2020 Annual Action Plan for accessing supplemental funding to assist citizens and businesses effected by the COVID-19 public emergency
- Department of Human Resources certifies that all District Government attorneys, hearing examiners, and administrative law judges have established their membership in good standing with the D.C. Bar
- University of the District of Columbia revises grievance procedures for employees not represented by a collective bargaining agreement

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-71

"Go-Go Official Music of the District of Columbia Designation Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-317 on first and second readings January 7, 2020, and February 4, 2020, respectively. Following the signature of the Mayor on February 19, 2020, pursuant to Section 404(e) of the Charter, the bill became Act 23-218 and was published in the February 28, 2020 edition of the D.C. Register (Vol. 67, page 2096). Act 23-218 was transmitted to Congress on March 2, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-218 is now D.C. Law 23-71, effective April 11, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30, 31
April	1, 2, 3, 6, 7, 8, 9, 10

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Reverend Dr. Wanda Thompson for her dedication and service for Ward 8.

WHEREAS, Rev. Thompson is an ordained minister and a clinical psychologist, licensed in D.C. and Maryland;

WHEREAS, her educational accomplishments include an undergraduate degree in Psychology from Dickinson College; a Master’s and Ph.D. degrees in Clinical Psychology from Temple University; and a Master of Divinity degree from Howard University School of Divinity;

WHEREAS, Rev. Thompson received her certificate in Leadership Development in 2007 from the Master Teacher Program at the George Washington University School of Education and Human Development;

WHEREAS, she worked in the mental health field in several jurisdictions providing her expertise and experience to help residents;

WHEREAS, Rev. Thompson retired in 2011 after 25 years as a clinical psychologist in the Freddie Mac Foundation Child and Adolescent Protection Center at Children’s National Medical Center and where she also was a member of the faculty and medical staff, serving as an Assistant Professor of Pediatrics with the George Washington University;

WHEREAS, she continues to support the community by operating a private practice, working primarily with adult and child trauma victims and survivors;

WHEREAS, Rev. Thompson currently serves as the Pastor of the Ambassador Baptist Church, located at 1412 Minnesota Avenue, S.E., Washington D.C;

WHEREAS, she served as a member of the Ambassador Baptist Church for 38 years, during her tenure she served in several capacities at the church, including Sunday School Superintendent, Chair of the Trustee Ministry, Church Administrator and Assistant Pastor;

ENROLLED ORIGINAL

WHEREAS, Rev. Thompson is a member of several community and faith groups, including the Wednesday Clergy Group, Clergy for Community Wealth Preservation, Sister Clergy, Anacostia Coordinating Council, Ward Eight Faith Leaders Group, Ward Eight Food Pantry Collaborative and EmpowerDC groups;

WHEREAS, she was selected on September 18, 2018, to serve as member of the 21-Member Stakeholder Alliance to DC Water, which is a panel of residents and advocates who provide informal input to the General Manager of DC Water, on a range of timely and important issues affecting the community;

WHEREAS, Rev. Thompson has worked on, presented and marched for several social justice issues –including D.C.’s contingent leading the Poor People’s Campaign, Saving Our Homes, affordable housing and understanding property taxes – and has done so either autonomously or through her membership of Clergy for Community Wealth Preservation; and

WHEREAS, Rev. Thompson has consistently held the belief, followed by consistent action, that it is important to make a difference in the lives of church members and the community, considering herself foremost as a servant of God, seeking to carry out the will and path of the Divine Highest Powers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reverend Dr. Wanda Thompson Ceremonial Resolution of 2020.”

Sec. 2. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-258

COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To celebrate and congratulate the Theodore Roosevelt High School boys basketball team on their championship win against rival, Woodrow Wilson High School.

WHEREAS, on February 16, 2020, the Theodore Roosevelt Rough Riders boys basketball team defeated the Woodrow Wilson Tigers 66-63 in the District of Columbia Interscholastic Athletic Association (DCIAA);

WHEREAS, for the last three consecutive years, the Theodore Roosevelt Rough Riders have made it to the DCIAA boys’ basketball championship game, only to fall to the Woodrow Wilson Tigers each year;

WHEREAS, this is the Theodore Roosevelt Rough Riders’ first DCIAA title since 2014;

WHEREAS, at the start of the championship game, the Theodore Roosevelt Rough Riders were ranked number 6, while the Woodrow Wilson Tigers were ranked number 12;

WHEREAS, the Washington Post has quoted the now-champions as “a team to beat in the D.C. State Athletic Association playoffs”;

WHEREAS, the Theodore Roosevelt Rough Riders came back from a six-point deficit with 3 and half minutes remaining to tie the score at 60 points;

WHEREAS, guard Philip Flegler finished a layup with 36 seconds remaining that provided the Theodore Roosevelt Rough Riders the lead;

WHEREAS, the Woodrow Wilson Tigers missed a would-be game-tying three-pointer in the final seconds, securing the Theodore Roosevelt Rough Riders’ win;

WHEREAS, forward James Pitts scored a game-high 19 points and successfully made 11-of-12 free-throws;

WHEREAS, Pitts shared that he keeps his cool by engaging in 150 free throws a day;

ENROLLED ORIGINAL

WHEREAS, the Theodore Roosevelt Rough Riders are comprised of 15 players and 8 coaches, including head Coach Rob Nickens who tells his players to “play every game like it’s your last;” and

WHEREAS, Coach Nickens and the Theodore Roosevelt Rough Riders will now set the team's aim on the DCSAA states.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Theodore Roosevelt Rough Riders Congratulatory Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia congratulates the Theodore Roosevelt Rough Riders on their Championship win over the Woodrow Wilson Tigers.

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

23-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate, Ms. Mablean “Mable” Carter for more than 25 years of service to the District of Columbia

WHEREAS, Ms. Carter is talented in entrepreneurial skills and empowering the community through social services support;

WHEREAS, Ms. Carter became a Licensed Social Work Associate (LSWA) and focused her skills to help residents of Southeast, DC for more than 25 years;

WHEREAS, Ms. Carter’s approach tailored her interventions to addressed inter-generational exposure to trauma, poverty and youth services;

WHEREAS, she dedicated herself to helping residents improve their lives and would find resources in order to increase their overall wellbeing and security;

WHEREAS, in addition to her service as a LSWA, Ms. Carter would volunteer during the school year to help children with their homework;

WHEREAS, Ms. Carter runs a lunch program for up to 50 school-aged neighborhood children;

WHEREAS, she serves as the Tenant Services Coordinator to help tenants at the Langston Lane Apartments Douglas Knolls Apartments; and

WHEREAS, Ms. Carter is proficient in many areas that people seek her out for her expertise and assistance;

WHEREAS, she is the president of the tenant association at Marbury Plaza and uses her skills to empower and elevate residents;

WHEREAS, she loves her family and particularly her grandchildren; and

WHEREAS; Ms. Carter uses her motto of “It is not about me, but it is about the community I service.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mablean “Mable” Carter Ceremonial Recognition Resolution of 2020.”

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia honors Ms. Mablean “Mable” Carter for her activism and service to 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

23-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize that the District of Columbia Office of the Chief Financial Officer for responsibly managing the District of Columbia's investments in a manner that does not perpetuate gun violence and war profiteering.

WHEREAS, the District of Columbia paid \$6.5 billion in federal taxes in 2017;

WHEREAS, the District of Columbia's total annual budget is larger than 15 states, and in fiscal year 2020 totaled \$15.38 billion, including \$8.57 billion from local funds, but unlike states, District of Columbia budgets are subject to Congressional review;

WHEREAS, the District of Columbia has an estimated population of 705,749 as of 2019, larger than two states, but has no voting representation in the United States Senate or the United States House of Representatives;

WHEREAS, since 2001, the United States has spent over \$5.6 trillion on wars resulting in over 1.17 million deaths and displacing more than 10.1 million people;

WHEREAS, the cost of U.S. domestic and foreign militarism, including veterans' affairs, homeland security, and law enforcement and incarceration, topped \$818 billion in 2017, and accounted for 64 percent of federal discretionary spending in 2016, at a time when federal funds are desperately needed in order to build affordable housing improve public transit, and develop sustainable energy sources;

WHEREAS, the United States remains the most militarized nation in the world, with a military budget greater than the next eight countries combined; an estimated 800 military bases and stations in over 70 countries around the world; and arms producers that dominated 56.6% of the share of major global arms sales in 2015;

WHEREAS, nearly 15,000 nuclear weapons worldwide, largely held by the United States and Russia, continue to pose an intolerable threat to humanity; and detonation of even a small

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fraction of these weapons would disrupt the global climate and agricultural production so severely that the resulting famine could put the lives of more than two billion people at risk;

WHEREAS, the United States is poised to spend \$1.7 trillion dollars over the next three decades to maintain and modernize its nuclear bombs and warheads; the submarines, missiles and bombers to deliver them; and the infrastructure to sustain the nuclear enterprise indefinitely, which many experts believe actually increases the risk of nuclear proliferation; nuclear terrorism; and nuclear war by accident, miscalculation or intent, at a time when nuclear-armed countries are already on the brink of military confrontation;

WHEREAS, investing in companies producing the nuclear and conventional weapons at the roots of U.S. militarism implicitly supports this misdirection of our tax dollars;

WHEREAS, many major arms producers depend on the federal government as their primary consumer and are thus dependent upon perpetual warfare, political instability, and the prioritization of militarism over diplomacy;

WHEREAS, U.S. weapons manufacturers continue to supply repressive regimes around the world, and U.S.-produced weapons are being used in attacks that the international community deems unlawful for their disproportionate and excessive harm to civilians;

WHEREAS, billions of dollars worth of military-grade equipment has been transferred to local police department in our communities, aiding the disproportionate targeting of communities of color and perpetuating a culture of violence, hostility, and fear;

WHEREAS, the rate of mass shootings in America is the highest anywhere in the developed world, as civilian gun manufacturers continue to reap enormous profits off unnecessary bloodshed in our streets and home;

WHEREAS, on September 16, 2013, a shooter armed with a 9mm semi-automatic weapon and a 12-gauge shotgun fatally shot 12 people and injured three others at the Washington Navy Yard, in the District of Columbia;

WHEREAS, from the beginning of 2010 through the end of 2019, there were 19,408 gun crimes in the District of Columbia, with 51% of those gun crimes concentrated in Wards 7 and 8;

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WHEREAS, in 2019 the Council of the District of Columbia made an inquiry with the Office of the Chief Financial Officer regarding whether the District of Columbia has any financial investments in weapons manufacturers to begin conversations regarding divestment from the weapons industry;

WHEREAS, the Office of the Chief Financial Officer (OCFO) had already conducted its own analysis inspired by a press report in early 2018 to understand what exposures the District of Columbia had to weapons manufacturers;

WHEREAS, the OCFO found that the District of Columbia had no direct investments including general fund or reserve fund investments in weapons manufacturers, which continues to this day;

WHEREAS, the OCFO deserves to be recognized for this commendable management of the District of Columbia's financial portfolio, and the Council encourages the OCFO to continue to manage the public's finances and invest in socially responsible companies, industries, firms, and funds; and

WHEREAS, the District of Columbia has produced 24 consecutive balanced budgets, and currently holds a General Obligation Bond rating of AAA from Moody's, and an Income Tax Secured Revenue Bond rating of AAA from Standard and Poor's, demonstrating exemplary fiscal governance.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA that this resolution may be cited as the "Office of the Chief Financial Officer Recognition for Responsible Investments Resolution of 2020".

Sec. 2. The Council of the District of Columbia recognizes the Office of the Chief Financial Officer for responsibly managing the District of Columbia's investments in a manner that does not perpetuate gun violence and war profiteering.

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

23-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To celebrate and recognize the life and work of Sandra C. “Sandy” Allen.

WHEREAS, Ms. Allen is a fourth generation Washingtonian who was born and raised in Ward 8 and attended Ballou High School and Martha Mary Washington Vocational High School;

WHEREAS, since the age of 4, Ms. Allen dedicated her life to service and started with her supporting the Junior Police and Citizen Corp with her father;

WHEREAS, Ms. Allen overcame dropping out of high school and being a “welfare mother” to become an elected official in the nation’s capital;

WHEREAS, she was initially elected on November 5, 1996 to become the Ward 8 Councilmember and was reelected on November 7, 2000;

WHEREAS, at the time of her tenure in the DC Council she was the Chair of the Committee on Health and Human Services that had the largest budget at the time;

WHEREAS, Ms. Allen’s legislative efforts lead to expanding daycare hours and allowing immigrant children to receive healthcare benefits;

WHEREAS, she instituted the Children's Development Advisory Council, the Omni Ministry for Children and continuously provided direction and support to new members of the church;

WHEREAS, Ms. Allen can attest that every vote counts as she lost a primary vote in a recount by just one vote but 18 months later was able to come back and win the seat;

WHEREAS, Ms. Allen’s motto is, “It is no good to have if you are not willing to give and share and Always make sure you bring someone up and along the way”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sandra C. “Sandy” Allen Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia honors Sandra C. “Sandy” Allen, for her dedication and service to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Reverend Anthony “Tony” Motley and his dedication in service to Ward 8.

WHEREAS, Reverend Motley is a product of Southeast, Washington, D.C. He received his formal education in the District of Columbia Public Schools, graduating from Anacostia Senior High School;

WHEREAS, Reverend Motley’s educational accomplishments include a Master of Divinity Degree from the Howard University School of Divinity; and a Bachelor of Arts Degree in Communications, with a concentration in Afro-American Studies, from the University of Detroit;

WHEREAS, Reverend Motley is a former member of the United States Military, having served his nation with 2 tours of Duty with the 82nd and 101st Airborne Divisions from 1969 to 1973 – from which he became a Service-Connected Disabled Veteran and recipient of Honorable Discharge;

WHEREAS, Reverend Motley has been a pronounced proponent of job creation and workforce training. In 2001 Reverend Motley worked to form what is now called the J.O.B.S. Coalition of Greater Washington, a collaboration between the Faith Community, the construction industry, and community leaders, with the express purpose of creating employment and training opportunities for the “hard-to-reach”, and “hard-to-employ” population; Reverend Motley served as the Coalition’s Founding President and Executive Director of the Coalition from 2001 to 2010. In similar vein and intention, Reverend Motley also led the effort to create a Construction and Design Academy at Cardozo Senior High School in 2004 in the District of Columbia, teaching students the construction trades of carpentry, electrical, heating, air conditioning and ventilation;

WHEREAS, Reverend Motley has been a proponent of support services for returning citizens. In 2003 Reverend Motley led the development and opening up of the first non-government sponsored Re-entry Center for Returning Previously Incarcerated Persons, offering support and services in homeownership, employment, GED-Literacy, computers and the mentoring of children of incarcerated parents;

ENROLLED ORIGINAL

WHEREAS, Reverend Motley has been an avid activist against violence in his community. From 1990-1992, he sponsored the Economics of Violence Forum in the District of Columbia, an attempt to look at violence in the community from a Health Care delivery perspective. Of similar capacity, in 1999, Reverend Motley worked to bring together Clergy, Police and the Community to address the issue of homicide amongst the youth in his community; as a result of this effort the East of the River Clergy, Police, and Community Partnership was formed, where Reverend Motley served as both the Founding Executive Director and Founding Chairman of the Board of Directors;

WHEREAS, Reverend Motley has been a proponent of promoting African American history and legacy in our nation. He was a founding sponsor of the Martin Luther King, Jr. Memorial, and a member of the Board of Directors of the Martin Luther King, Jr. Support Group, Inc.;

WHEREAS, Reverend Motley has answered the call of service to his extended community members in need. In October of 2005 Reverend Motley led a 20-member team of volunteers, including members of the DC Department of Corrections staff, and Faith-Based groups, to Gulfport and Biloxi, Mississippi to provide aid and supplies to the many individuals and families affected by Hurricane Katrina;

WHEREAS, Reverend Motley has ministered to people of diverse paths and life circumstances, from those suffering from substance abuse, victims of homelessness, and patients living with HIV and AIDS. In this same breadth, Reverend Motley has also served as Chairman of the Board for the Concerned Citizens on Drug and Alcohol Abuse;

WHEREAS, Reverend Motley's honorable reputation in the community received him an appointment in 1987 to serve the President of the United States – as well as several awards in the community. This includes the Outstanding Young Man in America Award for 1989; the “George Durley” award from the Howard University School of Divinity (recognized by the faculty, as the most outstanding Baptist student in his graduating class); and the Martin Luther King Jr. Human Services Award in 2007 from the non-profit, community-based organization, Training Ground.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reverend Anthony “Tony” Motley Ceremonial Resolution of 2020.”

Sec. 2. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Reverend Rowena “Joyce” Scott and her dedication in service to Ward 8.

WHEREAS, Reverend Scott was raised by a single parent in Southeast DC with her 5 siblings, becoming a lifelong Ward 8 resident of 67 years and counting;

WHEREAS, Reverend Scott has spent 37 years consistently on community service and political activism;

WHEREAS, Reverend Scott’s educational accomplishments include an Associates and Bachelor’s Degree from Breakthrough Bible College;

WHEREAS, Reverend Scott has spent a substantial part of her career as an organizer of programs ranging from both senior and youth events, summer employment registrations, resident council groups, holiday food baskets and giveaways, as well as annual back-to-school backpack and school supply giveaways;

WHEREAS, Reverend Scott assisted and encouraged many into substance treatment program;

WHEREAS, Reverend Scott was appointed by Mayor Muriel Bowser’s Homicide Division as well as to the Elimination Strategy Task Force;

WHEREAS, Reverend Scott has supervised and hired numbers of youth, homeless and ex-offenders through various programming including but not limited to the Department of Employment Services Summer Youth Employment Program;

WHEREAS, she was asked, and lead prayer for 14 Sundays for the DC Superior Court during the 2017 NFL Season and individuals present took a knee, in support of injustice all over the world;

WHEREAS, Reverend Scott is an ordained and licensed minister, serving the Ward 8 community;

ENROLLED ORIGINAL

WHEREAS, Reverend Scott is the founder and curriculum developer of “Train A Child” After-School and Summer Youth Program;

WHEREAS, Reverend Scott has served as the Advisory Neighborhood Commissioner for 8E;

WHEREAS, Reverend Scott has served as Chairperson of the Ward 8 Action Team;

WHEREAS, Reverend Scott is one of the original members of the Far Southeast Family Strengthening Collaborative;

WHEREAS, Reverend Scott has served as a Family Advocate for Parkland Community Center; an Advocate for mothers within in-patient treatment facility at Mary Herring Safe House in the District; and an Advocate for the Women’s Program for Concerned Citizens on Alcohol and Drug Abuse;

WHEREAS, Reverend Scott has served as Resident Manager for both the Bollingview Apartments as well as the Parkside Terrace Apartments, the latter of wherein she prepared residents to receive vouchers and assist with relocation;

WHEREAS, Reverend Scott has served as the Chairperson for the Ward 8 Democrats and Co-Chairperson of the Ward 8 Democrats Executive Committee, also having organized a number of events for the organization to raise and honor civic participation;

WHEREAS, Reverend Scott has been the recipient of several awards, including the Joe Manns Black Wall Street Award and a Certificate of Appreciation from the Federal Probation Program for her work in hiring and renting to ex-offenders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reverend Joyce Scott Ceremonial Resolution of 2020.”

Sec. 2. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-264

COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate the accomplishments of Dr. Barbara S. Harvey as she celebrates her 85th birthday on February 27, 2020.

WHEREAS, Dr. Barbara S. Harvey was born February 27, 1935 in Washington, D.C. and graduated from Dunbar High School, the first African American high school in the United States;

WHEREAS, Dr. Barbara S. Harvey received a Bachelor of Science from Howard University, where she received various honors, including the Annual Pepperidge Farm Scholarship Grant Award and the Achievement Key Award, as well as being inducted into the National Society for Education for both Kappa Delta Pi and Phi Delta Kappa;

WHEREAS, in 1957, Dr. Barbara S. Harvey began a dietetic internship at Freedman’s Hospital and in 1960, she received a Master of Science from Howard University;

WHEREAS, during her teaching career, Dr. Barbara S. Harvey taught nearly 30 different courses at the University and College level;

WHEREAS, Dr. Barbara S. Harvey spent over 4 decades as a faculty member at the University of the District of Columbia where she has taught a variety of courses focused on nutrition, education, nutrition in the life cycle, food economics, community nutrition, therapeutic nutrition, food systems management, introduction to the study of foods, and introduction to nutrition;

WHEREAS, during her time at the University of the District of Columbia, Dr. Barbara S. Harvey was a leader within the Nutrition and Dietetics Program, where she played an essential role in obtaining reaccreditation status on four separate occasions;

WHEREAS, since beginning her tenure at the University of the District of Columbia, Dr. Barbara S. Harvey touched the lives of thousands by helping them fulfill their dreams and aspiration through her dedication and support;

ENROLLED ORIGINAL

WHEREAS, aside from her time at the University of the District of Columbia, Dr. Barbara S. Harvey has held professional teaching positions at Howard University, Morgan State University, Prince George's Community College, Mercy Hospital School of Nursing, Washington Technical Institute, and D.C. Teachers College;

WHEREAS, Dr. Barbara S. Harvey's professional experience includes serving as a Therapeutic Dietician at Sibley Hospital, Georgetown University Hospital, Fairfax Hospital, Veterans Administration Hospital, and Glendale Hospital;

WHEREAS, Dr. Barbara S. Harvey served on the D.C. Mayor's Commission on Food, Nutrition, and Health during over the span of 3 different Mayors in the District, and served as Vice Chairperson of the Commission;

WHEREAS, Dr. Barbara S. Harvey was appointed by Mayor Walter E. Washington to serve as the District Chairperson of International Year of the Child, where she met with leaders such as First Lady Rosalyn Carter and future Senator Hillary Rodham Clinton, to address youth issues across the globe;

WHEREAS, Dr. Barbara S. Harvey was responsible for the first daycare center in the District receiving a contract from the District government and served as the first President of the Service Core of Retired Executives;

WHEREAS, Dr. Barbara S. Harvey has received a long list of awards recognizing her work in education and health and the impact that she has had on countless children and adults alike; and

WHEREAS, on February 27, 2020, Dr. Barbara S. Harvey turns 85 years old and on February 29, 2020, she will celebrate this milestone birthday.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Barbara S. Harvey 85th Birthday Ceremonial Recognition Resolution of 2020".

Sec. 2. The Council recognizes Dr. Barbara S. Harvey on her 85th birthday for her breadth of work in the health and education fields and the substantial impact that she has had on our city.

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**

B23-745 8th & O Streets, N.W., Affordable Housing Requirements and Extension of Disposition Authority Amendment Act of 2020

Intro. 4-30-20 by Councilmember Allen and referred to the Committee on Business and Economic Development

PROPOSED RESOLUTIONS

PR23-796 Two Rivers Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2020

Intro. 4-28-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-799 District of Columbia Bilingual Public Charter School Revenue Bonds Project Approval Resolution of 2020

Intro. 4-28-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-802 Contract No. CFOPD-17-C-009, Merchant Processing Services Approval
Resolution of 2020

Intro. 4-29-20 by Chairman Mendelson at the request of the Chief Financial
Officer and Retained by the Council with comments from the Committee on
Business and Economic Development

**COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
FISCAL YEAR 2021 PROPOSED BUDGET AND FINANCIAL PLAN,
FISCAL YEAR 2021 BUDGET SUPPORT ACT OF 2020,
FISCAL YEAR 2021 LOCAL BUDGET ACT OF 2020
FISCAL YEAR 2021 FEDERAL PORTION BUDGET REQUEST ACT OF 2020, AND
COMMITTEE MARK-UP SCHEDULE**

4/28/2020

SUMMARY

May 12, 2020	Mayor Transmits the Fiscal Year 2021 Proposed Budget and Financial Plan
May 13, 2020	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan
May 14, 2020 to June 11, 2020	Committee Public Hearings on the "Fiscal Year 2021 Local Budget Act of 2020." (The Committees may also simultaneously receive testimony on sections of the Fiscal Year 2021 Budget Support Act that affect the agencies under each Committee's purview)
May 19 - 20, 2020	Committee of the Whole Public Hearing on the "Fiscal Year 2021 Local Budget Act of 2020", "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020."
June 16 - 18, 2020	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2021
June 22, 2020	Budget Work Session - TBD
June 30, 2020	Committee of the Whole and Council consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"
July 14, 2020	Council Consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020"
July 21, 2020	Council Consideration of the "Fiscal Year 2021 Budget Support Act of 2020"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2021 Proposed Budget and Financial Plan, the "Fiscal Year 2021 Local Budget Act of 2020", the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020". The hearings will begin Thursday May 14, 2020 and conclude on Wednesday June 11, 2020. The Committee mark-ups will begin Tuesday June 16, 2020 and conclude on Thursday, June 18, 2020.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council of the District of Columbia adapt the methods by which public hearings on the FY2021 Proposed Budget and Financial Plan will be held to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including the use of teleconferencing platforms to hold public hearings.

Please refer to the specific instructions, found at the end of this notice, on how each Committee will operate their hearings. The web address for each virtual meeting will be listed in future versions of this notice, and linked in the notices posted at www.dccouncil.us and www.dccouncilbudget.com. All hearings listed in this notice can also be watched live on the DC Council Channel (Channel 13) and streamed live at <http://video.oct.dc.gov/DCC/jw.html> or http://dc.granicus.com/MediaPlayer.php?publish_id=87.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office of the need as soon as possible, but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days, may not be fulfilled and alternatives may be offered.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 13, 2020; via Virtual Meeting Platform	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyon McDuffie**

THURSDAY, MAY 14, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - Noon	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, MAY 14, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Mayor's Office of Community Affairs

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, MAY 14, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Office of the Secretary

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

FRIDAY, MAY 15, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Office of the Inspector General
	Office of Cable Television, Film, Music & Entertainment
	Office of the Chief Technology Officer
	Office of Risk Management
	Office of Administrative Hearings
	Office of Human Rights

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

FRIDAY, MAY 15, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

FRIDAY, MAY 15, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Office of the Attorney General
	Fire and Emergency Medical Services Department
	Office of Unified Communications

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

MONDAY, MAY 18, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - Noon	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

MONDAY, MAY 18, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
Noon - 3:00 p.m.	Department on Aging
	Office of Tenant Advocate

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

MONDAY, MAY 18, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Department on Aging
	Office of Tenant Advocate

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

TUESDAY, MAY 19, 2020; via Virtual Meeting Platform	
Time	Agency
12:00 p.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 20, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, MAY 21, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - Noon	Department of Public Works

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, MAY 21, 2020; via Virtual Meeting Platform	
Time	Agency
Noon - 3:00 p.m.	Department of Energy and the Environment

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON FACILITIES & PROCUREMENT **Chairperson Robert C. White, Jr.**

THURSDAY, MAY 21, 2020; via Virtual Meeting Platform	
Time	Agency
3:00 p.m. - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

FRIDAY, MAY 22, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
9:00 a.m. - 3:00 p.m.	Department of Human Services
	Child and Family Services
	Department of Disability Services

Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON RECREATION & YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

FRIDAY, MAY 22, 2020; via Virtual Meeting Platform	
Time	Agency
3:00 p.m. - 6:00 p.m.	Department of Youth Rehabilitation Services
	Commission on Father's, Men and Boys

Please see detailed instructions from the Committee on Recreation & Youth Affairs at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

TUESDAY, MAY 26, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 3:00 p.m.	Department of Human Services
	Child and Family Services
	Department of Disability Services

Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON FACILITIES & PROCUREMENT **Chairperson Robert C. White, Jr.**

TUESDAY, MAY 26, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Advisory Neighborhood Commissions
	Contract Appeals Board
	Office of Contracting and Procurement

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
9:00 a.m. - Noon	Department of Consumer & Regulatory Affairs
	Office of Planning
	Office of Zoning
	Historic Preservation Review Board
	District of Columbia Retirement Board
	Other Post-Employment Administration

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Department of Consumer & Regulatory Affairs
	Office of Planning

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

THURSDAY, MAY 28, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Department of Employment Services

Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON FACILITIES & PROCUREMENT **Chairperson Robert C. White, Jr.**

THURSDAY, MAY 28, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Office of Returning Citizen Affairs
	Department of General Services

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

THURSDAY, MAY 28, 2020; via Virtual Meeting Platform	
Time	Agency
3:00 p.m. - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MAY 29, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
9:00 a.m. - Noon	Commission on the Arts & Humanities
	University of the District of Columbia
	Events DC
	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MAY 29, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Commission on the Arts & Humanities
	University of the District of Columbia
	Events DC

Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON RECREATION & YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

FRIDAY, MAY 29, 2020; via Virtual Meeting Platform	
Time	Agency
3:00 p.m. - 6:00 p.m.	Department of Parks & Recreation

Please see detailed instructions from the Committee on Recreation & Youth Affairs at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

MONDAY, JUNE 1, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Metropolitan Police Department
	Office of Victim Services and Justice Grants

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

MONDAY, JUNE 1, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Department of Corrections
	Board of Elections
	Office of Campaign Finance

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

MONDAY, JUNE 1, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Alcoholic Beverage Regulation Administration
	Office of People's Counsel
	Public Service Commission
	Destination DC

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Deputy Mayor for Planning and Economic Development
	Office of the Chief Financial Officer
	DC Lottery and Charitable Games

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform	
Time	Agency
Noon - 3:00 p.m.	Department of Motor Vehicles

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform	
Time	Agency
3:00 p.m. - 6:00 p.m.	District Department of Transportation

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

THURSDAY, JUNE 4, 2020; via Virtual Meeting Platform	
Time	Agency
Noon - 3:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Education at the end of this notice.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

THURSDAY, JUNE 4, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Office of the State Superintendent of Education

Please see detailed instructions from the Committee on Education at the end of this notice.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

FRIDAY, JUNE 5, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	Department of Health
	Department of Behavioral Health
	Not-for-Profit Hospital Corporation
	Health Benefit Exchange

Please see detailed instructions from the Committee on Health at the end of this notice.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

MONDAY, JUNE 8, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 6:00 p.m.	Department of Housing and Community Development
	Housing Production Trust Fund
	District of Columbia Housing Authority
	District of Columbia Housing Finance Agency
	Rental Housing Commission
	Real Estate Commission
	Real Property Tax Appeals Commission
	Board of Real Estate Appraisers

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

WEDNESDAY, JUNE 10, 2020; via Virtual Meeting Platform	
Time	Agency
Noon - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Health at the end of this notice.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE

Chairperson David Grosso

Chairman Phil Mendelson

THURSDAY, JUNE 11, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 3:00 p.m.	District of Columbia Public Schools
	Deputy Mayor for Education

Please see detailed instructions from the Committee on Education at the end of this notice.

COMMITTEE MARK-UP SCHEDULE

TUESDAY, JUNE 16, 2020; via Virtual Meeting Platform

Time	Committee
1:00 p.m. - 2:30 p.m.	Committee on Health
2:30 p.m. - 4:00 p.m.	Committee on Recreation and Youth Affairs
4:00 p.m. - 5:30 p.m.	Committee on Facilities and Procurement

WEDNESDAY, JUNE 17, 2020; via Virtual Meeting Platform

Time	Committee
10:30 a.m. - Noon	Committee on Human Services
Noon - 1:30 p.m.	Committee on Housing and Neighborhood Revitalization
1:30 p.m. - 3:00 p.m.	Committee on Labor and Workforce Development
3:00 p.m. - 4:30 p.m.	Committee on Government Operations

THURSDAY, JUNE 18, 2020; via Virtual Meeting Platform

Time	Committee
10:00 a.m. - 11:30 a.m.	Committee on Business & Economic Development
11:30 a.m. - 1:00 p.m.	Committee on Transportation and the Environment
1:00 p.m. - 2:30 p.m.	Committee on the Judiciary
2:30 p.m. - 4:00 p.m.	Committee on the Education
4:00 p.m. - 5:30 p.m.	Committee of the Whole

INSTRUCTIONS FOR PUBLIC PARTICIPATION

Due to the COVID-19 public health emergency declaration, the Council must alter the budget process to comply with social distancing and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including, but not limited to, the use of teleconferencing platforms to hold public hearings. Written or transcribed testimony from the public regarding the Fiscal Year 2021 budget is **highly encouraged** and will be taken by email or voice mail.

Voicemail Testimony: Each committee has a unique voicemail number set up to accept budget testimony. The voicemail program automatically limits each message to three minutes. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.

Virtual Meeting Platform: Each committee will be using either Zoom or WebEx to conduct its hearings. Specific instructions on how each hearing will be conducted is described below. **Hearings will broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.**

Interpretation: Witnesses who anticipate needing spoken language interpretation, or require closed captioning, are requested to inform the Committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The Committee will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Committee of the Whole (COW)

The Mayor's Proposed Fiscal Year 2021 Budget and accompanying legislation

Tuesday, May 19, 2020: Noon – 6:00 p.m.

Wednesday, May 20, 2020: 9:00 a.m. – 6:00 p.m.

Submitting Testimony:

- Written testimony: email cow@dccouncil.us
- Voicemail testimony: (202) 430-6948
- Testimony received by close of business on **Monday, May 18, 2020** will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing
- All testimony received will be made part of the official record
- The hearing record will close at 5:00 p.m. on June 26, 2020

Testifying Live:

- Email: cow@dccouncil.us and include your preferred call-in day, name, telephone number, organizational affiliation and title (if applicable) by close of business Friday, May 15, 2020
- The Committee will provide each witness a phone number, access instructions, and time to call in to provide testimony
- Witnesses will be limited to 2 minutes
- Only one member from each organization may provide live testimony
- The witness list detailing the panels will be circulated by close of business Friday, May 15, 2020

**Committee of the Whole
Agency budget oversight**

Submitting Testimony

- Written testimony: email cow@dccouncil.us
- Voicemail testimony: (202) 430-6948
- All testimony received will be made part of the official record and posted publicly to <http://www.chairmanmendelson.com/FY2021>. Testimony provided in advance will be posted prior to the start of the hearing
- The hearing record will close at 5:00 p.m. on June 3, 2020

Testifying Live:

- If you would like to be invited to testify, send email to: cow@dccouncil.us and provide your name, address, phone number, organizational affiliation and title (if any) by close of business 2 days prior to the hearing
- The Committee will confirm whether you have a live testimony slot
- Persons who testify live must submit electronic written testimony to the Committee by close of business the day before the hearing
- Witnesses will be limited to 2 minutes
- Only one member from an organization will be permitted to testify live

**Committee on Business and Economic Development
Agency budget oversight**

Submitting Testimony:

- Written testimony: Complete the witness form at <https://forms.gle/njgMLQ47BfQhhoX36>
- Voicemail testimony: Complete the witness form at <https://forms.gle/njgMLQ47BfQhhoX36> first, then call (202) 430-5122
- All testimony received will be made part of the official record

- The hearing record will close at 5 p.m. on June 3, 2020.

Testifying Live:

- Complete Witness Form at <https://forms.gle/nigMLQ47BfQhhoX36>
- The witness list will open on May 11, 2020, at 9:00 a.m. and close on May 13, 2020, at 5:00 p.m.
- Participation is limited; witnesses accepted on a first-come, first-served basis
- The Committee will confirm whether you have a live testimony slot and provide additional instructions at that time
- Witnesses will be limited to 3 minutes each
- Organizations are limited to one witness

**Committee on Education
Agency budget oversight**

Submitting Testimony:

- Written testimony: email astrange@dccouncil.us and indicate that your email is testimony in the subject line
- Voicemail testimony: (202) 430-5720
- Testimony received 48 hours before the hearing will be sent to all Councilmembers and the agency representative
- All testimony received will be made part of the official record

Testifying Live:

- By invitation only

**Committee on Facilities and Procurement
Agency budget oversight**

Submitting Testimony:

- Written testimony: email facilities@dccouncil.us
- Voicemail testimony: (202) 455-4338
- All testimony received will be made part of the official record
- The record will close 5 business days after the conclusion of each hearing

Testifying Live:

- Email: facilities@dccouncil.us or call 202-741-8593 and provide name, phone number or e-mail, organizational affiliation, and title (if any), by close of business two days before the hearing
- Witnesses are encouraged to submit testimony in advance to facilities@dccouncil.us
- Live testimony will use audio only

- Only the first 35 witnesses to sign-up will provide oral testimony; the Committee will confirm whether you have a live testimony slot and follow up with additional instructions
- Individuals will be limited to 3 minutes each, ANCs will be allowed 4 minutes
- Only one member from each organization will be permitted to testify

**Committee on Government Operations
Agency budget oversight**

Submitting Testimony:

- Written testimony: email governmentoperations@dccouncil.us
- Voicemail testimony: (202) 430-6322
- All testimony received will be made part of the official record
- The record will close at 5 p.m. on Saturday, June 6, 2020

Testifying Live:

- Government Witnesses Only
- To view the budget hearings from within the virtual platform, email governmentoperations@dccouncil.us with your name, organization, email, device name (if using video) and phone number by 5pm on May 8, 2020. If you don't receive an email confirmation by May 13, please email governmentoperations@dccouncil.us

**Committee on Health
Agency budget oversight**

Submitting Testimony:

- Written testimony: email Malcolm Cameron at mcameron@dccouncil.us with "Testimony" in the subject line
- Voicemail testimony: (202) 350-1828
- All written testimony received prior to the hearing will be circulated to all Councilmembers and staff
- All testimony received will be made part of the official record
- The record will close at 5:00 p.m. on Saturday, June 6, 2020

Testifying Live:

- Email: Malcolm Cameron at mcameron@dccouncil.us or call 202-341-4425 by 5 p.m. on Friday, May 29, 2020 and provide your name, organization (if any), email address, device name (if you are using video), phone number, and the agency or agencies you wish to discuss
- Confirmations will be sent out by email by 5 p.m. on Monday, June 1, 2020.

- Individuals will be listed in the order they signed up and grouped in panels of four by the agency they are testifying about
- Witnesses will be limited to 3 minutes
- Due to technological limitations, only the first six hours of the hearing will be broadcast, however, the Councilmember will remain via the virtual platform to hear all witnesses who have signed up to testify

**Committee on Housing and Neighborhood Revitalization
Agency budget oversight**

Submitting Testimony:

- Written testimony: email housing@dccouncil.us
- Voicemail testimony: (202) 350-0894
- All testimony received will be made part of the official record

Testifying Live:

- Instructions forthcoming

**Committee on Human Services
Agency budget oversight**

Submitting Testimony:

- Written testimony: email humanservices@dccouncil.us
- Voicemail testimony: (202) 350-1927
- All testimony received will be made part of the official record
- The hearing record will close 1 week after the hearing

Testifying Live:

- Email: humanservices@dccouncil.us or call 202-724-8170, and provide name, phone number, organizational affiliation, and title (if any), by close of business 4 days before each hearing date
- The first 90 individuals to signup will provide oral testimony; the Committee will confirm whether you have a live testimony slot
- Witnesses will be limited to 3 minutes
- Only one member per organization will be permitted to testify per agency

**Committee on the Judiciary and Public Safety
Agency budget oversight**

Submitting Testimony:

- Written testimony: email judiciary@dccouncil.us

- Voicemail testimony: (202) 350-1362
- The Committee will establish a method for submitting video testimony and instructions will be made available on <http://www.charlesallenward6.com/committee>.
- All testimony received will be made part of the official record
- The hearing record will close June 8, 2020

Testifying Live:

- Government Witnesses Only
- The Committee will identify additional opportunities for public feedback, such as Facebook live, with details forthcoming on <http://www.charlesallenward6.com/committee>

**Committee on Labor and Workforce Development
Agency budget oversight**

Submitting Testimony:

- Written testimony: Email: labor@dccouncil.us
- Voicemail testimony: (202) 455-0153
- All testimony received will be made part of the official record
- The hearing record will close at 5 p.m. on June 1, 2020

Testifying Live:

- Email: labor@dccouncil.us by 10 a.m. Friday, May 15, 2020 and provide name, email address, telephone number, organizational affiliation and job title (if any)
- Witnesses may participate by phone or online. Due to limited space, the Committee will likely not be able to accommodate all requests to testify. The Committee will email instructions on how to participate to those who have signed up and will be able to participate live. The virtual hearing will be password protected and witnesses *may not* share the password
- Witnesses will be limited to 3 minutes
- The committee encourages only one witness per organization; however, one staff member and one program participant would be acceptable
- Those with written testimony are encouraged to email testimony two days in advance of hearing

**Committee on Recreation and Youth Affairs
Agency budget oversight**

Submitting Testimony:

- Written testimony: Email: rya@dccouncil.us
- Voicemail testimony: (202) 350-1639

- All testimony received will be made part of the official record
- The hearing record will close one week after the hearing date

Testifying Live:

- Email: rya@dccouncil.us
- The Committee will confirm whether you have a live testimony slot
- Individuals will be limited to 1 minute and organizations will be limited to 2 minutes
- Only one member per organization will be permitted to testify

**Committee on Transportation and the Environment
Agency budget oversight**

Submitting Testimony:

- Written testimony: email Aukima Benjamin at (abenjamin@dccouncil.us)
- Voicemail testimony: (202) 350-1344
- Testimony submitted 24hrs in advance of hearing will be shared with members of Committee and Agency staff
- All testimony received will be made part of the official record
- The hearing record will close one week after hearing date

Testifying Live:

- Government Witnesses Only

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-744, Foreclosure Moratorium Temporary Amendment Act of 2020, and **B23-751**, Coronavirus Omnibus Temporary Amendment Act of 2020, were adopted on first reading on May 5, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 2, 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. 23-101: Request to reprogram \$4,000,000 of Fiscal Year 2020 Local funds from the Debt Services to the Repayment of Interest on Short Term Borrowing was filed in the Office of the Secretary on May 4, 2020. This reprogramming is needed to address current year cash flow needs through the insurance of Tax Revenue Anticipation Notes (TRANS).

RECEIVED: 14-day review begins May 5, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-000931
Licensee: Harco, Inc.
Trade Name: Archibald's/Fast Eddies Billiards Cafe
License Class: Retailer's Class "C" Nightclub
Address: 1520 K Street, N.W.
Contact: Daniel Harris: (202) 638-6800

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change the hours of operation.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11am - 4am, Friday and Saturday 11am - 5am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

PROPOSED HOURS OF OPERATION

Sunday through Saturday 12am - 12am (24-hour operations)

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/8/2020

Notice is hereby given that:

License Number: ABRA-112748

License Class/Type: C Tavern

Applicant: Yegna Restaurant and Lounge, Inc.

Trade Name: Asefu's Palace

ANC: 1B02

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

1920 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/13/2020

A HEARING WILL BE
7/27/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-081157
Licensee: Cedar Restaurant, LLC
Trade Name: Cedar
License Class: Retailer's Class "C" Restaurant
Address: 822 E Street, N.W.
Contact: Craig Merrills: (202) 361-8839

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to expand the licensed premises to include the first floor along with the basement, increasing Total Occupancy Load from 82 to 125 and seating from 82 to 119.

HOURS OF OPERATION INSIDE PREMISES AND FOR SIDEWALK CAFÉ

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

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

Sunday 10am – 2am, Monday through Thursday 11am – 2am,
Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-026519
Licensee: 1624 U Street, Inc.
Trade Name: Chi-Cha Lounge
License Class: Retailer's Class "C" Tavern
Address: 1624 U Street, N.W.
Contact: Nesrin Fraga: (202) 246-4234

WARD 2 ANC 2B SMD 2B08

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation for the Summer Garden.

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

Sunday through Thursday 11:30am - 2am, Friday and Saturday 11:30am - 3am

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Saturday 11:30am - 2am

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Thursday 11:30am - 2am, Friday and Saturday 11:30am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-112800
Licensee: Tamak SPN, LLC
Trade Name: Cranes
License Class: Retailer's Class "C" Restaurant
Address: 724 9th Street, N.W.
Contact: Jose Moncayo Borrero: (202) 679-5576

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation, alcoholic beverage sales, service, and consumption, and live entertainment.

CURRENT HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT

Sunday through Saturday 11am - 12am

PROPOSED HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT

Sunday through Saturday 11am - 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/8/2020

Notice is hereby given that:

License Number: ABRA-107879

License Class/Type: C Restaurant

Applicant: Georgia Ave Oohh's & Aahh's Restaurant, LLC

Trade Name: Georgia Ave Oohh's & Aahh's Restaurant

ANC: 4B04

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

5933 Georgia AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/13/2020

A HEARING WILL BE
7/27/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 3 am	8 am - 2 am	6 pm - 12 am
Monday:	8 am - 3 am	8 am - 2 am	6 pm - 12 am
Tuesday:	8 am - 3 am	8 am - 2 am	6 pm - 12 am
Wednesday:	8 am - 3 am	8 am - 2 am	6 pm - 12 am
Thursday:	8 am - 3 am	8 am - 2 am	6 pm - 12 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 12 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020
Protest Hearing Date: October 7, 2020

License No.: ABRA-116822
Licensee: JS LLC
Trade Name: JS Mart Liquor
License Class: Retailer's Class "A" Liquor Store
Address: 936 Rhode Island Avenue, N.E.
Contact: Adanech Gebremeskel: (240) 491-1145

WARD 5

ANC 5B

SMD 5B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **October 7, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class A Liquor Store.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-116454
Licensee: Throw Social DC, LLC
Trade Name: Kick Axe Throwing/Throw Social
License Class: Retailer's Class "C" Tavern
Address: 1401 Okie Street, N.E.
Contact: Stephen O'Brien, Esq.: (202) 625-7700

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Summer Garden Endorsement with 30 Seats.

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

Sunday through Thursday 8am - 2am, Friday and Saturday 8am - 3am

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTDOOR SUMMER GARDEN

Sunday through Thursday 10am - 12am, Friday and Saturday 10am - 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: March 20, 2020
Protest Petition Deadline: May 4, 2020
Roll Call Hearing Date: May 18, 2020

License No.: ABRA-103576
Licensee: Los Cuates Adams Morgan, Inc.
Trade Name: Los Cuates Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 2429 18th Street, N.W.
Contact: Mauricio Sepulveda: (202) 838-3280

WARD 1

ANC 1C

SMD 1C07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 18, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add an Entertainment Endorsement inside the premises only.

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

Sunday 10am – 2am, Monday through Friday 11:30am – 2am, Saturday 11am – 3am.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFE

Sunday **11am – 10pm, Monday through Thursday 11:30am – 10pm, Friday and Saturday 11:30am – 11pm.

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Thursday through Saturday 10am – 1am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: March 20, 2020
Protest Petition Deadline: May 4, 2020
Roll Call Hearing Date: May 18, 2020

License No.: ABRA-103576
Licensee: Los Cuates Adams Morgan, Inc.
Trade Name: Los Cuates Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 2429 18th Street, N.W.
Contact: Mauricio Sepulveda: (202) 838-3280

WARD 1

ANC 1C

SMD 1C07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 18, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add an Entertainment Endorsement inside the premises only.

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

Sunday 10am – 2am, Monday through Friday 11:30am – 2am, Saturday 11am – 3am.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFE

Sunday ******10am – 10pm, Monday through Thursday 11:30am – 10pm, Friday and Saturday 11:30am – 11pm.

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Thursday through Saturday 10am – 1am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **May 8, 2020
Protest Petition Deadline: **July 13, 2020
Roll Call Hearing Date: **July 27, 2020
Protest Hearing Date: **October 7, 2020

License No.: ABRA-116160
Licensee: Mozzarella DC LLC
Trade Name: Mozzarella
License Class: Retailer's Class "C" Restaurant
Address: 1300 H Street, N.E.
Contact: Richard Strom: (307) 231-0005

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****October 7, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 94 and Total Occupancy Load of 117.

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

Sunday 10am – 11pm, Monday through Thursday 11am – 10:30pm, Friday 11am – 12am, Saturday 10am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **March 20, 2020
Protest Petition Deadline: **May 4, 2020
Roll Call Hearing Date: **May 18, 2020
Protest Hearing Date: **July 8, 2020

License No.: ABRA-116160
Licensee: Mozzarella DC LLC
Trade Name: Mozzarella
License Class: Retailer's Class "C" Restaurant
Address: 1300 H Street, N.E.
Contact: Richard Strom: (307) 231-0005

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **May 18, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****July 8, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 94 and Total Occupancy Load of 117.

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

Sunday 10am – 11pm, Monday through Thursday 11am – 10:30pm, Friday 11am – 12am, Saturday 10am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020

License No.: ABRA-060432
Licensee: Atsede Corporation
Trade Name: Nile Ethiopian Restaurant and Nile Market
License Class: Retailer's Class "C" Restaurant
Address: 7815 Georgia Avenue, N.W.
Contact: Retta Makonnen: (240) 938-1070

WARD 4

ANC 4B

SMD 4B01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Summer Garden Endorsement with 16 Seats.

HOURS OF OPERATION INSIDE PREMISES

Sunday 10am – 1am, Monday through Thursday 10am – 12am
Friday and Saturday 10am – 3am

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

Sunday 10am – 12am, Monday through Thursday 10am – 11:30pm,
Friday and Saturday 12pm – 2am

PROPOSED HOURS OF OPERATION FOR OUTSIDE SUMMER GARDEN

Sunday through Saturday 10am – 11pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE SUMMER GARDEN

Sunday through Thursday 10am – 11pm, Friday and Saturday 12pm – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020
Protest Hearing Date: October 7, 2020

License No.: ABRA-116840
Licensee: FD L.L.C.
Trade Name: Rosemary
License Class: Retailer's Class "C" Restaurant
Address: 5010 Connecticut Avenue, N.W.
Contact: Jeffery Jackson: (202) 251-1566

WARD 3

ANC 3F

SMD 3F06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **October 7, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 60 and Total Occupancy Load of 60. Sidewalk Café with 15 seats.

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

Sunday through Saturday 10am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020
Protest Hearing Date: October 7, 2020

License No.: ABRA-116832
Licensee: 7th & L Restaurant, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1027 7th Street, N.W.
Contact: Matt Minora: (202) 625-7700

WARD 6

ANC 6E

SMD 6E04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **October 7, 2020 at 4:30 p.m.**

NATURE OF OPERATION

The Establishment will be a full-service, fine dining restaurant serving French-inspired cuisine. Seating Capacity of 150 inside and a Total Occupancy Load of 199. Request to add a Sidewalk Café with 25 seats.

HOURS OF OPERATION INSIDE OF THE PREMISES

Sunday through Thursday 7am – 12am, Friday and Saturday 7am – 1am.

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES

Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 1am.

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ

Sunday through Saturday 7am – 12am.

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ

Sunday through Saturday 8am – 12am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 8, 2020
Protest Petition Deadline: July 13, 2020
Roll Call Hearing Date: July 27, 2020
Protest Hearing Date: October 7, 2020

License No.: ABRA-116742
Licensee: The Great American Bistro of Washington DC, LLC
Trade Name: The Great American Bistro
License Class: Retailer's Class "C" Restaurant
Address: 1545 New Jersey Avenue, N.W.
Contact: Victoria T. Manages: (202) 735-0262

WARD 5

ANC 5E

SMD 5E05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 27, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **October 7, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant serving steaks, burgers, soups, and salads with a seating capacity of 51 and Total Occupancy Load of 127. Applicant requests a Sidewalk Café with 51 seats and an Entertainment Endorsement with Cover Charge inside and outside on the Sidewalk Café.

HOURS OF OPERATION FOR INSIDE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 5:30am – 3am

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

Sunday through Saturday 8am – 2am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Saturday 6pm – 1am

HOURS OF LIVE ENTERTAINMENT FOR SIDEWALK CAFE

Sunday through Saturday 6pm – 11pm

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06(13) (2018 Repl.)) hereby gives notice of the adoption of amendments to Chapter 16 (Grievances) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rule is to revise the University's grievance procedures for employees not represented by a collective bargaining agreement.

The substance of the rules adopted herein was published in the *D.C. Register* on February 21, 2020 at 67 DCR 1980 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on April 21, 2020 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 16, GRIEVANCES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended by deleting it and replacing it in its entirety as follows:

CHAPTER 16 GRIEVANCES**1600 GENERAL PROVISIONS: APPLICABILITY**

1600.1 The informal presentation by employees of concerns and grievances is encouraged and shall be reasonably accommodated by management. The provisions of this chapter set forth formal grievance procedures that shall be used by University employees (except those excluded below) to seek resolution of conflict, the prompt and equitable relief of personal concerns and the redress of grievances.

1600.2 This chapter shall apply only to non-bargaining unit employees.

1600.3 The grievance procedures set forth in this chapter shall not apply to the following employees:

- (a) A bargaining unit employee subject to a negotiated grievance process;
- (b) A probationary employee seeking to challenge his/her termination during probation;

- (c) A temporary employee or an employee with a time-limited appointment seeking to challenge the termination of that appointment.

1600.4 The grievance procedures set forth in this chapter shall not apply to:

- (a) Applicants for employment; or
- (b) Former employees.

1600.5 A grievance may consist of a complaint of dissatisfaction or dispute concerning the following:

- (a) The interpretation or application of University policies or procedures;
- (b) A claimed violation, misrepresentation, or misapplication of University rules or applicable law; or
- (c) A failure to act pursuant to the policies and practices of the University or other applicable policies and practices.

1600.6 The following matters are not subject to this grievance procedure:

- (a) Any action implemented to comply with a decision by the Office of Employee Appeals, an arbitrator of competent jurisdiction, the Office of the Inspector General, the Executive Office of the Mayor, the Office of Human Rights, the Commission on Human Rights, a court of competent jurisdiction, or any other agency authorized by law to mandate a particular action;
- (b) Any action terminating an employee's temporary promotion that returns the employee to the position from which the employee was temporarily promoted or to a different position that is not at a lower grade or level than the position from which the employee was temporarily promoted;
- (c) Expiration of an appointment with a specific time limit;
- (d) Forfeiture of position due to failure to maintain bona fide District residency, or to meet the residency or domicile requirements;
- (e) Termination or discipline of an employee serving a probationary period;
- (f) The return or assignment to the position from which promoted or to an equivalent position of an employee who does not successfully complete a supervisory probationary period;

- (g) Termination of a term promotion upon completion or termination of an assigned project, and the return of the employee to the position from which promoted or to a different position of equivalent grade and pay;
- (h) An action reassigning an employee to a different position that is not at a lower grade;
- (i) Termination or discipline prior to the expiration of a temporary appointment;
- (j) An appeal from a disciplinary action or adverse action under the provisions of Chapter 15 of this subtitle;
- (k) Voluntary action initiated by, or at the request of, an employee;
- (l) Reduction of an employee's rate of pay from an erroneous rate;
- (m) An allegation of unlawful discrimination, or any other matter within the jurisdiction of the Office of Human Rights;
- (n) An allegation of an unfair labor practice, or any other matter required to be decided by the Public Employee Relations Board;
- (o) A final University decision which, pursuant to the D.C. Official Code Section 1-606.03(a), may be appealed to the Office of Employee Appeals;
- (p) A grievance that could be submitted through the grievance procedures contained in a collective bargaining agreement;
- (q) Non-selection for any competitive or non-competitive appointment or promotion from a group of candidates who were properly qualified, ranked or certified;
- (r) Performance evaluations conducted under the provisions of Chapter 19 of Title 8-B DCMR;
- (s) The application or coverage of the Fair Labor Standards Act;
- (t) A prior grievance dismissed with prejudice;
- (u) Non-adoption of a suggestion;
- (v) Disapproval of a quality salary increase, performance award or other kind of honorary or discretionary award;
- (w) Any matter which is not subject to the jurisdiction of the Board of Trustees; and/or

- (x) The substantive content of any resolution, policy or procedure of the Board of Trustees.

1601 GENERAL PROVISIONS

- 1601.1 An employee shall first attempt to resolve a grievance informally through discussions with his or her supervisor. If the grievance is not resolved satisfactorily through informal discussion, the employee may pursue the grievance formally, beginning with the procedures set forth in §1604.
- 1601.2 An employee shall not knowingly make false or unfounded charges when presenting a grievance.
- 1601.3 An employee filing a grievance under this chapter shall present the grievance within fifteen (15) days after the date that he or she knew or should have known of the act or occurrence that is the subject of the grievance.
- 1601.4 Each grievant and/or witness will be free from restraint, coercion, interference, discrimination, or reprisal for the act of filing or supporting a grievance.
- 1601.5 The timeframes set forth in this chapter may be extended by mutual consent of the parties involved.

1602 RIGHTS OF EMPLOYEES

- 1602.1 An employee shall have the right to be accompanied by a person of his or her choosing at any stage in the consideration of a grievance. If the employee chooses to be represented by an attorney, notice shall be provided to the supervisor or Cabinet member as applicable, forty-eight (48) hours before the grievance is heard. In such case, the supervisor or Cabinet member may have an attorney present.
- 1602.2 An employee submitting a grievance under the provisions of this chapter may be granted a reasonable amount of official time for the preparation and/or presentation of the grievance. If questions arise, the Vice President for Talent Management will determine what constitutes a reasonable amount of time.

1603 RESPONSIBILITIES OF SUPERVISORS

- 1603.1 An employee's supervisor shall be responsible for making a sincere effort to resolve the grievance presented by the employee.
- 1603.2 During an interview with the employee, the supervisor will note the employee's specific allegations, the facts supporting those assertions, and the relief being sought by the employee and determine whether a legitimate grievance has been presented based upon §§1600 and 1601.

- 1603.3 Each supervisor shall use sound judgment, keep superiors informed of the status of each grievance, and as necessary, request guidance from Talent Management.
- 1603.4 A grievance shall be given full, impartial, and prompt consideration, and (except in unusual circumstances) a decision shall be rendered by the supervisor on a grievance within ten (10) days after receipt of the grievance.
- 1603.5 If a supervisor hearing a grievance has reason to believe that the employee is knowingly making false and damaging statements, the supervisor should advise the employee that if those charges are found to be intentionally false and damaging, the employee may be subject to disciplinary action up to and including termination.

1604 FORMAL GRIEVANCE PROCEDURE: STEP 1

- 1604.1 To begin formal grievance procedures at Step 1, the employee shall present the grievance in writing to his or her immediate supervisor within fifteen (15) days of the act, violation, or occurrence, or within 15 days of the date the employee became aware of the act, violation, or occurrence.
- 1604.2 The formal grievance will be referred to as a “Statement of the Grievance”. The Statement of the Grievance shall contain enough detail to clearly identify the basis for the grievance, the facts supporting the grievance, and the specific relief requested.
- 1604.3 Within five (5) days of receipt of the Statement of the Grievance, the supervisor shall do one of the following:
- (a) Acknowledge receipt of the grievance and begin processing;
 - (b) Deny the grievance as being a matter not subject to review;
 - (c) Deny the grievance as being untimely; or
 - (d) Request the employee to supply additional information or inform the employee that additional information will be gathered. The parties may agree to extend timeframes to permit the gathering of such additional information.
- 1604.4 The supervisor shall conduct an interview and discussion with the employee and advise the employee in writing of his or her decision within ten (10) days following receipt of the Statement of the Grievance, unless additional information is required and the parties have agreed to extend timeframes.
- 1604.5 If the supervisor does not grant the relief sought by the employee, or lacks authority to grant the relief sought, the supervisor shall advise the employee in writing,

stating the basis for the decision and inform the employee of his or her right to appeal the grievance to the Step 2 level within five (5) days from the date of receipt of the notification.

- 1604.6 If the employee does not receive a written answer to the Statement of the Grievance within ten (10) days following receipt of the Statement of the Grievance (and the parties have not agreed upon an extension of time), or the employee disagrees with the supervisor's decision, the employee shall have the right to appeal the grievance to Step 2.

1605 FORMAL GRIEVANCE PROCEDURE: STEP 2

- 1605.1 If a grievance is not resolved under §1604, it shall be presented by the employee to the employee's second level supervisor in the chain of command within five (5) days after receipt of the supervisor's decision or the expiration of the required period for a decision to be made in Step 1.

- 1605.2 The Step 1 grievance appeal shall be in writing, shall contain the materials presented at Step 1 and enough details to clearly identify the basis for the appeal, and the relief sought by the employee. No new allegations may be added to the Step 2 grievance.

- 1605.3 The second level supervisor shall review the grievance materials and advise the employee in writing of his or her decision within ten (10) days of receipt of the Step 1 grievance appeal or advise the employee of the need for additional information. The parties may agree to extend timeframes to permit the gathering of such additional information.

- 1605.4 If the second level supervisor does not grant the relief sought by the employee, or lacks authority to grant the relief sought, the second level supervisor shall advise the employee in writing, stating the basis for the decision and inform the employee of his or her right to appeal the grievance to the Step 3 level within five (5) days from date of receipt of the Step 2 decision.

- 1605.5 If the employee does not receive a written answer within ten (10) days following the second level supervisor's receipt of the Step 2 appeal (and the parties have not agreed upon an extension of time), or if the employee disagrees with the second level supervisor's decision, the employee shall have the right to appeal the grievance to Step 3.

1606 FORMAL GRIEVANCE PROCEDURE: STEP 3

- 1606.1 Within five (5) days of receipt of the Step 2 decision or the expiration of the required period for a decision to be made, the grievant may appeal the action to the appropriate Cabinet member (the official within the employee's chain of command or a Cabinet member designated by the President).

- 1606.2 The Step 2 grievance appeal shall be in writing, shall contain the materials presented at Step 2 and enough details to clearly identify the basis for the appeal, and the relief sought by the employee. No new allegations may be added to the Step 3 grievance.
- 1606.3 The appropriate Cabinet member shall review the grievance materials and advise the employee in writing of his or her decision within ten (10) days from receipt of the Step 2 appeal or advise the employee of the need for additional information. The parties may agree to extend timeframes to permit the gathering of such additional information.
- 1606.4 If the appropriate Cabinet member does not grant the relief sought by the employee, or lacks authority to grant the relief sought, the appropriate Cabinet member shall advise the employee in writing, stating the basis for the decision and inform the employee of his or her right to appeal the grievance to the Step 4 level within five (5) days from the date of receipt of the Step 3 decision.
- 1606.5 If the employee does not receive a written answer within ten (10) days following receipt of the Step 3 appeal (and the parties have not agreed upon an extension of time), or if the employee disagrees with the appropriate Cabinet member's decision, the employee shall have the right to appeal the grievance to Step 4.

1607 FORMAL GRIEVANCE PROCEDURE: STEP 4 – FINAL APPEAL TO THE PRESIDENT

- 1607.1 Within ten (10) days of the Step 3 decision or the expiration of the required period for a decision to be made, the grievant may appeal the action to the President.
- 1607.2 The appeal must be in writing with all documentation from the previous appeals attached, and enough details to clearly identify the basis for the appeal, and the relief sought by the employee. No new allegations may be added to the Step 4 grievance.
- 1607.3 The President shall review the grievance materials, and advise the employee in writing of his or her decision within ten (10) days from receipt of the Step 3 appeal, or advise the employee of the need for additional information, in which case, the President shall advise the employee of the date by which a final decision will be issued.
- 1607.4 The decision of the President shall be final.

1608 EMPLOYEES REPORTING TO THE PRESIDENT OR A CABINET MEMBER

1608.1 In all instances where the President is the first or second line supervisor, the employee's appeal rights shall terminate with the President, whose decision shall be final.

1609 DISMISSAL OF GRIEVANCE

1609.1 An employee may request a dismissal of the grievance at any time.

1609.2 A supervisor or second level supervisor may dismiss a grievance if the employee fails to carry out his or her responsibilities; fails to participate; separates from the University; or otherwise impedes the grievance process under this chapter.

1609.3 A dismissal requested by an employee or issued pursuant to this section following the issuance of a Step 2 grievance shall be final.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.06(10); 38-1202.06)(13)(16) (2018 Repl. & 2019 Supp.)) hereby gives notice of its intent to amend Chapter 1 (Board of Trustees) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to amend Title 8-B DCMR, Chapter 1, Subsection 105.10 of the University Rules, to provide that all Board members, including the Chair of the Board of Trustees and Chair of standing committees or ad hoc meetings may participate by telephone, electronic video or internet medium during such emergency declaration issued by the Board of Trustees Executive Committee or other public emergency declaration.

The Board of Trustees will take final action to adopt this amendment to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 1, MEETINGS OF THE BOARD OF TRUSTEES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 105, QUORUM AND VOTING, is amended as follows:

Subsection 105.10(b), is amended as follows:

105.10

...

- (b) A quorum at an emergency or special meeting where notice is received less than five (5) days prior to the meeting may be established by the presence of a majority of the voting members of the Board participating in person or by telephone, video, or internet. ~~Other than at an emergency or Executive Committee meeting, the Chair of the standing committees shall be physically present at each meeting.~~ Notwithstanding this section Board members shall make every reasonable effort to be physically present at all Board meetings.

Subsection 105.10(d) is amended to read as follows:

- (d) All Board members including the Chair of the Board of Trustees, Chair of standing committees or ad hoc meetings may participate remotely by telephone, electronic video or internet medium during an emergency

declaration issued by Board of Trustees Executive Committee or other public emergency declaration. The Chair of the Board of Trustees may unilaterally issue such emergency declaration and authorize the convening of meetings remotely by telephone, electronic video or internet medium subject to subsequent ratification of the emergency declaration by the Executive Committee.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: "Amendment to Meetings of the Board of Trustees" in the subject line.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(8)(13) (2018 Repl. & 2019 Supp.)) hereby gives notice of its intent to amend Chapter 7 (Campus Life) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to implement a student UPASS transportation fee for AY 2020-2021 to apply to all students in the associates, bachelor's, master's, doctoral and law degree programs. The fee will cover the cost of the UPASS program providing unlimited rides throughout the semester on Metrorail and Metrobus.

The Board of Trustees will take final action to adopt this amendment to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 728, UPASS TRANSPORTATION FEE, is amended as follows:

A new Subsection 728.9(u) is added to read as follows:

(u) UPASS Transportation fee (per semester)	\$300.00
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All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39- Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: UPASS Transportation fee" in the subject line.

OFFICE OF THE CITY ADMINISTRATOR
CONCEALED PISTOL LICENSING REVIEW BOARD

NOTICE OF EMERGENCY RULEMAKING

The City Administrator, on behalf of the Mayor, and pursuant to the authority under Section 908(d) of the Firearms Regulations Control Act of 1975 (Act), effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(d) (2018 Repl.)), Mayor's Order 2015-036, dated January 9, 2015, the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093 (March 20, 2020)), and Mayor's Order 2020-052, dated March 23, 2020, hereby gives notice of the adoption of emergency amendments to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking modifies the Concealed Pistol Licensing Review Board (Board) deadlines for receiving and deciding appeals, and holding summary suspension hearings during and after the public emergency and public health emergency declared by the Mayor in Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof. This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the effects of COVID-19 by amending Board appeals deadlines to ensure appellants' procedural due process rights.

This emergency rulemaking was adopted on April 23, 2020, and became effective immediately. This emergency rulemaking shall remain in effect for one hundred twenty (120) days after the date of effectiveness, pursuant to Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), unless superseded by a further emergency or final rulemaking.

Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

Section 1202, APPEALS, is amended as follows:

A new Subsection 1202.8 is added to read as follows:

1202.8

- (a) Notwithstanding Subsection 1202.2 and Sections 902(g) and 903(c) of the Act (D.C. Official Code §§ 7-2509.02(g) and 7-2509.03(c)) (as authorized by Section 502 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093 (March 20, 2020)) and Mayor's Order 2020-052, dated March 23, 2020), the deadline for filing an appeal of the denial of an initial application shall be tolled during the public emergency and public health emergency declared pursuant to Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions

thereof (collectively, the “emergency”), and during the ninety (90) days after the end of the emergency. The deadline for filing an appeal of the denial of a renewal application or an appeal of a limitation or revocation of a license shall not be tolled during the emergency.

- (b) The Board may, as practicable, proceed with appeals during the emergency.
- (c) During the emergency, appellants of the denial of an initial application are strongly encouraged to submit any filings to the Board via email at cplrb@dc.gov and to consent to service by email. Filings mailed to the Board’s street address will not be considered filed until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board’s sole discretion, be considered filed on the date the Board is in actual receipt).
- (d) During the emergency, appellants of the denial of a renewal application or a limitation or revocation of a license must submit their filings to the Board via email at cplrb@dc.gov and consent to service by email in order for the filings to be eligible for review by the Board during the emergency. An appeal of the denial of a renewal application or a limitation or revocation of a license that is submitted by postal mail during the emergency shall not be considered filed with the Board until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board’s sole discretion, be considered filed on the date the Board is in actual receipt).
- (e) Each appeal filed with the Board during the emergency, or thereafter, must include the information described in §§ 1202.3(a)-(f).

Section 1226, SUMMARY SUSPENSION HEARINGS, is amended as follows:

Subsections 1226.1 and 1226.2 are amended to read as follows:

- 1226.1 A person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3(a)-(f), within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board. The request for a hearing must be submitted to the Board via email at cplrb@dc.gov.

- 1226.2
- (a) The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing; provided, that if the request is filed during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 502 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093 (March 20, 2020)) and Mayor’s Order 2020-052, dated March 23, 2020), hold the hearing up to twenty-one (21) days after the request is filed.
 - (b) The Board shall issue a written decision within seventy-two (72) hours after the conclusion of the hearing; provided, that if the hearing is held during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 502 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093 (March 20, 2020)) and Mayor’s Order 2020-052, dated March 23, 2020), issue the written decision up to seven (7) days after the conclusion of the hearing.

Subsection 1226.6 is amended by striking the phrase “thirty (30) days” and inserting the phrase “sixty (60) days” in its place.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes (SSA) approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 86 (Behavioral Health Transformation Demonstration Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This second emergency and proposed rulemaking sets forth requirements governing beneficiary eligibility, provider participation, and Medicaid fee-for-service reimbursement for behavioral health services authorized under the Medicaid Section 1115 Behavioral Health Transformation Demonstration program (demonstration program). Services and program changes authorized under the demonstration program will be phased in during the first demonstration year. This second emergency and proposed rulemaking retains requirements for services and programs that began on January 1, 2020 while also adding requirements for new services to begin March and June 2020, which include Supported Employment for Substance Use Disorder and Crisis Stabilization services, respectively. This rulemaking also corresponds to changes to the District's local authority to oversee behavioral health services being proposed by the Department of Behavioral Health under Title 22-A DCMR.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 29, 2019, at 66 DCR 015883. The public comment period closed on December 30, 2019. The District received comments from the DC Behavioral Health Association (DCBHA) and AmeriHealth Caritas (AmeriHealth). The District carefully considered all comments received and made technical and substantive changes in response to the comments received and in consideration of additional changes identified by DHCF and DBH, as outlined below.

Medication Assisted Treatment (MAT) Services in institutions for mental disease (IMD)

Telehealth services

Amerihealth commented that the language in Section 8608 regarding requirements for services provided in an IMD needs an amendment to clarify that telehealth visits would provide an appropriate means to facilitate access to MAT services for individuals in an IMD. Under Section 8608, for an IMD to be eligible for Medicaid reimbursement for inpatient and residential SUD treatment, providers must facilitate access MAT services and assist beneficiaries in obtaining appropriate medications. AmeriHealth recommended adding language to the rule to expand access to MAT services with the inclusion of "telehealth visits" as an applicable method of coordination.

While the District agrees with AmeriHealth that an IMD provider may satisfy the requirements of this subsection by facilitating access to MAT services provided via telemedicine, the District

does not agree that amendment to the rule is needed to accomplish this goal. Medicaid reimbursement for services provided via telemedicine is set forth in Chapter 9 of Title 29 of the DCMR. Under Chapter 9, both MAT and hospital providers are designated as permissible originating or distance site providers for telemedicine services that may be reimbursed by Medicaid. This rulemaking, as drafted, empowers hospitals to facilitate access to MAT via telemedicine services, so long as the provision of the service and participation of providers is consistent with the DHCF provider telemedicine guidance, which is available on the DHCF website at <https://dhcf.dc.gov/page/telemedicine>. Telemedicine services can be provided under this chapter without special reference, so the District is declining to amend Section 8608 at this time.

MAT Transportation

DCBHA raised concerns regarding the requirement in the proposed rule that IMD providers provide transportation for beneficiaries to obtain medications from a MAT provider under Section 8608. Under Section 8608, providers are required to make transportation services available to beneficiaries to obtain medications at a MAT provider and to participate in the coordination of care, in conjunction with a MAT provider. DCBHA has recommended that the District consider removing the requirement to provide transportation for beneficiaries to obtain medications from a MAT provider because the waiver does not provide reimbursement for transportation costs to providers.

The District agrees that this section needs an amendment to clarify the obligation of an IMD regarding transportation to MAT services. To provide additional clarification, the District is proposing an amendment to Section 8608 that will clarify that IMD providers are required to ensure transportation is made available, not provide it directly. The purpose of this subsection is to ensure IMD providers facilitate access to MAT services for Medicaid beneficiaries where clinically appropriate. If a beneficiary is not able to access MAT services onsite at the IMD, it is the duty of the provider to assist with reducing any barrier to receipt of MAT services by ensuring the beneficiary has access to transportation to a facility in which they can receive MAT services. The District provides reimbursement for transportation costs as a Medicaid benefit and through local funding to allow providers to properly assist beneficiaries in accessing transportation to MAT services. For example, all District Medicaid beneficiaries have access to non-emergency medical transportation services. Information on the scope of this benefit and how beneficiaries can access these services is available on the DHCF website at dhcf.dc.gov.

Quality Oversight and Provider Reporting

AmeriHealth raised concerns that the quality oversight and reporting requirements under the demonstration program may pose new burdens for managed care plans given other existing reporting requirements. To reduce this burden, AmeriHealth recommended that DHCF and DBH's quality oversight and reporting be aligned with the Quality Enhancement Program (QEP) reporting requirements AmeriHealth currently utilizes.

Section 8617 under this chapter refers to the quality and provider reporting requirements as required under the special terms and conditions (STCs) with the Center for Medicaid Services. For the purpose of demonstration program evaluation, providers may be required to report

additional clinical, billing, or utilization information related to services allowed under the waiver.

The District declines to accept the recommended change. Under the STCs, the District is required to work with an independent evaluation entity, develop a plan to evaluate the effectiveness of the demonstration program, and submit quarterly monitoring reports and one annual monitoring report each year to track demonstration program experience at the federal level. The District will have more information for providers with regard to quality reporting requirements following development of the final evaluation plan. Many elements of the District's reporting and evaluation are based on federal requirements, so the District does not have unlimited flexibility to adapt these monitoring metrics. For these reasons, the District is not proposing changes to this section at this time.

Additional guidance and updates on demonstration program oversight and evaluation will be published to DHCF's website at dhcf.dc.gov.

Plan of Care Development

DCBHA raised concerns regarding the requirement that a multi-disciplinary team create individualized plans of care for beneficiaries receiving treatment in SUD residential settings. Language previously included in Subsections 8608.3 and 8608.4 set forth requirements for IMD providers to create individualized plans of care for beneficiaries residing in inpatient and residential settings. As drafted, Subsections 8608.3 and 8608.4 required that a multi-disciplinary team work together to create the plan of care. DCBHA highlighted that many of the providers identified in the previous Subsection 8608.4 as a part of the multi-disciplinary team do not typically practice within SUD residential settings. To address this issue, DCBHA recommended clarifying that the applicability of the care planning requirements set forth Subsections 8608.3 and 8608.4.

The District agrees that the language previously included in Section 8608 was potentially confusing for SUD residential providers. The intention of the language in the previous rulemaking was to ensure IMD providers were responsible to provide proper assessment and care planning for individuals in IMDs. Care planning helps ensure appropriate utilization of services. However, DHCF understands that SUD residential providers provide services in accordance with the assessment and care planning requirements set forth in Chapter 63 of Title 22-A DCMR, which require assessment and care planning for the individuals they treat. For this reason, SUD providers operating under the demonstration program should already be in compliance with the care planning requirements under Section 8608. For this reason, the District is proposing to remove the list of providers previously included in Section 8608 to avoid conflicting requirements regarding care planning.

Licensure Requirements

DCBHA requests clarification regarding IMD provider certification requirements set forth in Section 8608. DCBHA recommended that DHCF, either by rulemaking or guidance, clarify the applicable licensure and certification requirements for SUD residential providers.

The District is proposing amendments to Section 8608 to clarify that District SUD residential providers shall be certified in accordance with Chapter 63 of Title 22-A DCMR. IMD providers outside of the District shall be certified in accordance with the applicable state regulations where the facility is located. Additional information on reimbursement of IMD services is available on DHCF's website <https://dhcf.dc.gov/1115-waiver-initiative>.

Definition of Institutions for Mental Disease for Medicaid Beneficiaries Aged 21-64

DCBHA has requested that the District issue guidance clarifying the definition of an institution for mental disease. Specifically, DCBHA has requested the District carefully identify how the 16-bed count will be implemented and provide a clear distinction on which beds are available for treatment versus beds that will not be utilized in treatment. Section 8608 establishes the definition of an IMD, consistent with the federal definition under 42 CFR § 435.1010.

The District agrees with DCBHA's recommendation regarding the need for additional guidance. On December 31, 2019, DHCF issued guidance on how the agency will determine whether or not a provider meets the definition of an IMD in Transmittal #19-31 located at <https://dhcf.dc.gov/1115-waiver-initiative>. If additional changes are needed regarding how an IMD is defined, all such information will be updated via guidance posted on the DHCF website. The District is proposing amendments to Section 8608 to reference IMD provider guidance posted on DHCF's website to clarify that additional requirements are provided in sub-regulatory guidance.

"In lieu of" Services

DCBHA raised concerns about the lack of clarity regarding how "in lieu of" services are reimbursed. DCBHA recommended that the DHCF provide more clarity, either in the rule or by issued guidance, regarding the application of the managed care organizations (MCOs) "in lieu of" payment for IMD services for SUD residential services. Section 8608 establishes how (MCOs) will continue to reimburse for IMD stays pursuant to "in lieu of" requirements set forth under 42 CFR § 438.

The District agrees with DCBHA's recommendation regarding the need for additional guidance on "in lieu of" payments. To that end, the District has published provider reimbursement guidance in DHCF Transmittals #19-26 and #19-31 located at <https://dhcf.dc.gov/1115-waiver-initiative>. All transmittals and provider guidance are available on the DHCF website for review. The District has already provided guidance on this matter, so the District is not proposing further amendments at this time.

Provider Billing and Reimbursement Rates

DCBHA recommended that DHCF remove specific references to provider billing or billable units in Section 8608 and instead indicate that the adjustment to payment rates and methodology will be made through updates to the Medicaid fee schedule located on the DHCF website. Section 8608 specifies how IMD providers will be reimbursed for both inpatient SUD and serious mental illness (SMI) treatment as well as residential SUD treatment. DCBHA suggests that the DHCF provide DBH flexibility to update its own rate setting methodologies directly through Chapter 64 Title 22-A DCMR.

The District agrees with DCBHA's suggestion. The District will provide specific information related to payment rates and provider billing in provider guidance and the District of Columbia Medicaid fee schedule located on the DHCF website. However, some District inpatient IMD providers or out-of-state IMD providers are reimbursed in accordance with unique hospital reimbursement methodologies. The District is proposing amendments to Section 8608 to clarify that billing and reimbursement information will be clarified in provider guidance and updates to fee-for-service reimbursement rates will be made for applicable providers through the Medicaid fee schedule on the DHCF website.

HIE Participation Requirements

DCBHA raised concerns regarding the lack of available guidance on the expectations for providers to become compliant with the requirement that providers develop and implement health information exchange tools. Section 8608 states that, effective April 1, 2020, IMD providers are required to participate through a formal agreement with a registered Health Information Exchange (HIE) entity of the DC Health Information Exchange (DC HIE), defined in Chapter 87 of Title 29 DCMR. DCBHA recommends that the District clarify its expectations for SUD residential providers subject to the requirements under 42 CFR Part 2 restrictions on sharing health information related to substance use disorders. Specifically, DCBHA requested additional information on the development and implementation of management tools that will enable sharing across the HIE prior to the required effective date of April 1, 2020.

The District agrees with the DCBHA recommendation. As referenced in the notice of emergency and proposed rulemaking, the District has published HIE connectivity guidance on the District website at www.dhcf.dc.gov. The transmittal explains the steps IMD providers will take to fulfill the connectivity requirement and the District's rationale for including this requirement. The District believes that IMD provider participation in the DC HIE is vital to the success of the demonstration program. Participation in the DC HIE will give providers a system-wide view of the care patients receive across the District. The more District providers participating in the DC HIE, the more opportunities there are to improve service at the point of care, improve transitions between care providers or settings, and ensure all District residents have the opportunity for better health outcomes based on providers having a more holistic view of their treatment records. The District acknowledges the specific challenges posed by federal privacy restriction on information related to SUD treatment under 42 CFR Part 2, but believes the transmittal clarifies a pathway to connectivity for SUD residential treatment providers.

To permit IMD providers additional time to comply with HIE participation requirements, the District is delaying the effective date until July 1, 2020.

Recovery Support Services

Services

DCBHA raised concerns that the recovery support service (RSS) activities outlined under Chapter 86 were not in aligned with the services as listed under DBH's Chapter 63. Subsection 8606.2 sets forth the reimbursable activities included under the service definition for recovery support services. DCBHA requested that DHCF confirm that the list of reimbursable RSS are

compatible with the service definition established under Chapter 63 of Title 22-A DCMR; specifically, that the services included are able to match the coding and billing guidance issued.

The District agrees that there was a lack of alignment of RSS services in the initial rulemaking and is proposing amendments to ensure alignment between this chapter and Chapter 63 of Title 22-A DCMR. Per DCBHA's recommendation, the District is proposing amendments to remove reference to the listed services and will refer to requirements set forth under Chapter 63 of Title 22-A DCMR to ensure alignment.

Eligibility

DCBHA raised concerns regarding the RSS eligibility criteria. Subsection 8606.3 sets forth requirements for beneficiary eligibility to receive RSS. DCBHA recommends that the DHCF expand the RSS eligibility criteria to include those not engaged in treatment but whose untreated substance use disorders pose a danger to themselves or others, reduce their independence and functioning in other domains of life, or reduce their health or quality of life. DCBHA also suggests a broad definition of self-identification to include self-reported symptoms of SUD, even if they have not yet acknowledged the presence of a SUD.

The District agrees with DCBHA in that the eligibility language should allot for those who do not have a formal diagnosis of SUD. The purpose of the demonstration program is to increase access to services for beneficiaries who both have a diagnosis of a SUD and for those who are self-identified as having an SUD. To ensure the rule is consistent with this goal, the District is proposing amendments to reference the eligibility requirements set forth in Chapter 63 of Title 22-A DCMR.

Location of Delivery of Services

DCBHA raised concerns about the lack of flexibility regarding the setting in which RSS services may be furnished. Subsection 8606.4 sets forth the requirement that RSS services shall be furnished by Medicaid-enrolled providers certified as RSS providers. DCBHA has recommended that the District adopt a change to the language of Subsection 8606.4 that permits recovery support services to be delivered in other settings, including those outside the premises of certified facilities. DCBHA indicates that individuals who participate in ASAM level 1 or 2, as well as 0.5, would likely benefit from additional home-based care or other community-based settings to support their recovery.

The District disagrees with DCBHA's characterization of the RSS benefit. RSS is a community-based behavioral health service that must be provided by a Medicaid-enrolled provider certified in accordance with the requirements set forth in Chapter 63 of Title 22-A DCMR. For this reason, it would not be possible for such services to be delivered by home health or other community-based providers that have not received such certification. Given this standard, the District declines to make additional changes to the benefit at this time.

Recordkeeping Requirements

DCBHA expressed concerns about the lack of alignment between DHCF and DBH's rules regarding the length of time providers must maintain their records. DCBHA indicates that

DBH’s rules require holding records for only six (6) years, unless any of the listed exceptions apply. Under Section 8614, DHCF is requiring providers of services under the waiver to maintain records for a period of no less than ten (10) years. DCBHA recommended that DHCF consider aligning recordkeeping requirements to be consistent with the licensure/certification requirements by other District Agencies.

The District agrees that alignment is appropriate. As the District’s single state Medicaid agency, DHCF is subject to federal Medicaid requirements regarding recordkeeping, which require a ten (10) year timeframe for organizations to keep records. Given these federal requirements, DHCF does not have flexibility to reduce recordkeeping requirements for Medicaid providers that provide services under this demonstration program and cannot align requirements to DBH’s six (6) year standard. DBH will be updating its requirements to align with the ten (10) year timeframe.

Additional Changes

The District is proposing additional changes to Sections 8610 and 8611 of this rulemaking by establishing the service definitions, beneficiary eligibility, and provider participation requirements for: (1) supported employment services for beneficiaries with SUD; and (2) crisis stabilization services. Finally, DHCF is making technical changes throughout the rulemaking to clarify intent and further align with rulemaking published by DBH.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents. This demonstration program was conceived, in large part, as a response to the crisis unfolding in the District relating to opioid use and abuse. DHCF and DBH expect implementation of the proposed changes to improve the quality of health outcomes for individuals diagnosed with SMI/SED and increase access to potentially life-saving treatment for individuals diagnosed with SUD.

This emergency rulemaking was adopted on April 24, 2020 and shall become effective on the date of publication of this notice in the *D.C. Register*. The emergency rules will remain in effect for one hundred and twenty (120) days from the adoption date, or until August 22, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

**CHAPTER 86 BEHAVIORAL HEALTH TRANSFORMATION
 DEMONSTRATION PROGRAM**

- 8600 GENERAL PROVISIONS**
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 (CLUBHOUSE)**
- 8604 PROGRAM SERVICES: TRAUMA RECOVERY AND EMPOWERMENT
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- 8605 PROGRAM SERVICES: TRAUMA SYSTEMS THERAPY
- 8606 PROGRAM SERVICES: RECOVERY SUPPORT SERVICES
- 8607 PROGRAM SERVICES: SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS
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- 8610 CRISIS STABILIZATION SERVICES
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- 8612 TRANSITION PLANNING SERVICES [RESERVED]
- 8613 MEDICATION ASSISTED TREATMENT BENEFICIARY COST SHARING
- 8614 RECORDKEEPING
- 8615 ACCESS TO RECORDS
- 8616 AUDITS AND REVIEWS
- 8617 QUALITY OVERSIGHT AND PROVIDER REPORTING
- 8699 DEFINITIONS

8600 GENERAL PROVISIONS

- 8600.1 The purpose of this chapter is to establish standards governing the administration of the Medicaid Section 1115 Behavioral Health Transformation Demonstration Program (demonstration program) as authorized by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under Section 1115 of the Social Security Act (SSA).
- 8600.2 Services and requirements set forth in this chapter shall be effective January 1, 2020 through December 31, 2024, in accordance with the Special Terms and Conditions (STCs), as set forth by CMS, in its approval of the demonstration program. The STCs are available on the Department of Health Care Finance's (DHCF) website at <https://dhcf.dc.gov/1115-waiver-initiative>.
- 8600.3 Except for services identified in § 8608, expenditure authority under this demonstration program will expire on December 31, 2021.
- 8600.4 Medicaid services authorized under this chapter are subject to evaluation and monitoring requirements consistent with the STCs and policy guidance published to the DHCF website at www.dhcf.dc.gov.
- 8600.5 The demonstration program may be terminated by CMS, or withdrawn, extended, or amended by DHCF in accordance with the requirements set forth in the approved STCs.
- 8600.6 DHCF shall publish and maintain provider guidance that supports implementation of the demonstration program on the DHCF website at www.dhcf.dc.gov.

8601 ELIGIBILITY REQUIREMENTS

- 8601.1 The demonstration program does not amend or change District of Columbia Medicaid eligibility requirements, standards, or methodologies set forth under the District of Columbia Medicaid State Plan and applicable regulations under Title 29 of the District of Columbia Municipal Regulation (DCMR).
- 8601.2 Services outlined in this chapter will be available to individuals enrolled in District of Columbia Medicaid Program to the extent that the individual meets the criteria established for the service in this chapter.

8602 REIMBURSEMENT

- 8602.1 In order to receive Medicaid reimbursement, each demonstration program services provider shall enter into a provider agreement with DHCF and comply with the screening and enrollment requirements set forth in Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR.
- 8602.2 Effective January 1, 2020, reimbursement for services set forth in this chapter shall be made according to the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. All future updates to Medicaid reimbursement rates for demonstration program services shall comply with the public notice requirements set forth under Section 988 of Chapter 9 of Title 29 DCMR and be posted to the DHCF website at www.dhcf.dc.gov.
- 8602.3 A public notice of demonstration program rate changes shall be published in the D.C. Register at least thirty (30) calendar days in advance of any changes and shall include a link to the Medicaid fee schedule.
- 8602.4 For services outlined in this chapter, the Department of Behavioral Health (DBH) shall be responsible for payment of the non-federal share of total expenditures in accordance with the terms and conditions set forth in the Memoranda of Understanding between DHCF and DBH.

8603 PROGRAM SERVICES: PSYCHOSOCIAL REHABILITATION (CLUBHOUSE)

- 8603.1 Psychosocial rehabilitation (also known as “Clubhouse”) services are behavioral, cognitive, or supportive interventions that assist individuals with the development of social networking, independent living, budgeting, self-care, and other skills to enable independent living and ongoing employment. Services under this section shall become effective January 1, 2020.
- 8603.2 Medicaid beneficiaries, at least eighteen (18) years of age, who meet the requirements set forth in Chapter 34 and Chapter 39 of Title 22-A DCMR are considered individuals eligible to receive psychosocial rehabilitation services.

8603.3 Psychosocial rehabilitation services shall be delivered in accordance with the requirements set forth in Chapters 34 and 39 of Title 22-A DCMR.

8603.4 Psychosocial rehabilitation service providers shall be certified in accordance with the requirements set forth in Chapters 34 and 39 of Title 22-A DCMR.

8604 PROGRAM SERVICES: TRAUMA RECOVERY AND EMPOWERMENT MODEL

8604.1 The Trauma Recovery and Empowerment Model (TREM) is a structured group therapy intervention for individuals who have survived trauma and have substance use disorders or mental health conditions.

8604.2 Effective March 1, 2020, Medicaid beneficiaries who meet requirements set forth in Chapter 34 or Chapter 63 of Title 22-A DCMR shall be eligible to receive TREM services.

8604.3 Medicaid reimbursable TREM services shall include therapy sessions focused on:

- (a) Empowerment, self-comfort, and accurate self-monitoring, as well as ways to establish safe physical and emotional boundaries;
- (b) The trauma experience and its consequences; and
- (c) Skills building, including emphases on communication style, decision-making, regulating overwhelming feelings, and establishing safer, more reciprocal relationships.

8604.4 TREM services shall be furnished by a TREM provider certified in accordance with the requirements set forth in Chapter 34 or Chapter 63 of Title 22-A DCMR. TREM provider staff must complete DBH-approved TREM training.

8605 PROGRAM SERVICES: TRAUMA SYSTEMS THERAPY

8605.1 Trauma Systems Therapy (TST) is a comprehensive, phase-based treatment program for children and adolescents, aged six (6) to eighteen (18), who have experienced traumatic events or who live in environments with ongoing stress or traumatic reminders.

8605.2 Effective March 1, 2020, Medicaid reimbursable TST services shall include:

- (a) Psychotherapy;
- (b) Home or community-based stabilization;
- (c) Emotion regulation skills training; and
- (d) Consultation with the psychopharmacologic treatment team.

8605.3 Children and adolescents who meet the requirements set forth in Chapter 34 of Title 22-A DCMR shall be eligible to receive Trauma Systems Therapy (TST) services, as provided under the Demonstration Program.

8605.4 TST services shall be furnished by providers that have been certified by DBH in accordance with requirements set forth in Chapter 34 of Title 22-A DCMR. TST provider staff must complete DBH-approved TST training.

8606 PROGRAM SERVICES: RECOVERY SUPPORT SERVICES

8606.1 Recovery support services are non-clinical services and supports designed to support and maintain ongoing recovery from a substance use disorder (SUD). Services under this section shall become effective January 1, 2020.

8606.2 Medicaid reimbursable recovery support services shall include services set forth under Chapter 63 of Title 22-A DCMR.

8606.3 Medicaid beneficiaries eligible to receive recovery support services shall meet criteria set forth in Chapter 63 of Title 22-A DCMR.

8606.4 Recovery support services shall be furnished by Medicaid-enrolled providers certified as recovery support service providers in accordance with Chapter 63 of Title 22-A DCMR.

8606.5 Recovery support provider qualified staff include:

- (a) Certified recovery coaches;
- (b) Certified peer specialists; and
- (c) Other qualified providers authorized under Chapter 63 of Title 22-A DCMR.

8607 PROGRAM SERVICES: SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS

8607.1 Supported employment is an evidence-based practice that:

- (a) Provides ongoing work-based vocational assessment, job development, job coaching, treatment team coordination, and vocational and therapeutic follow-along supports;
- (b) Involves community-based employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer;
- (c) Provides services at various work sites; and

- (d) Provides part-time and full-time job options that: are diverse, competitive, and integrated with co-workers without disabilities; are based in business or employment settings that have permanent status rather than temporary or time-limited status; and which pay at least minimum wage of the jurisdiction in which the job is located.

8607.2 Effective February 1, 2020, Medicaid reimbursable vocational supported employment services shall include the following, as defined in Chapter 37 of Title 22-A DCMR:

- (a) Intake;
- (b) Vocational Assessment;
- (c) Individualized Work Plan Development;
- (d) Treatment Team Coordination;
- (e) Disclosure Counseling;
- (f) Job Development;
- (g) Job Coaching; and
- (h) Vocational Follow-Along Supports for the beneficiary and employer.

8607.3 In accordance with the eligibility requirements set forth in Chapter 37 of Title 22-A DCMR, individuals eligible for vocational supported employment services shall:

- (a) Be a Medicaid beneficiary at least eighteen (18) years of age;
- (b) Indicate an interest in employment;
- (c) Have supported employment identified as a needed service on a current, person-centered plan of care that has been reviewed by DBH;
- (d) Not be concurrently receiving Assertive Community Treatment (ACT) services, as defined in Chapter 34 of Title 22-A DCMR; and
- (e) Be determined by DBH as meeting the following needs-based criteria set forth in Chapter 37 of Title 22-A DCMR.

8607.4 Individuals shall be assessed for supported employment services by an entity designated by DBH.

- 8607.5 The designated assessment entity shall conduct the needs-based assessment in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR and shall conduct a reassessment at least every one hundred and eighty (180) days or upon significant change in the beneficiary's condition.
- 8607.6 The designated assessment entity shall also be responsible for developing the person-centered plan of care, as identified in § 8607.3(c), in accordance with federal regulations under 42 CFR § 441.725 and requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.7 The person-centered plan of care must be reviewed and revised by the designated assessment entity in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.8 The designated assessment entity shall also assist the Medicaid beneficiary in identification and selection of a supported employment provider.
- 8607.9 The assessment and the person-centered plan of care shall be reviewed by DBH, consistent with the requirements set forth in Chapter 37 of Title 22-A DCMR prior to initiation of supported employment services.
- 8607.10 Following review and approval of the assessment information and person-centered plan of care, DBH shall issue an authorization for the initiation of supported employment services by the beneficiary-selected supported employment provider, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.11 The designated assessment entity shall inform the beneficiary of his or her eligibility for supported employment services.
- 8607.12 Supported employment providers shall be certified in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.13 A supported employment provider shall develop an Individualized Work Plan for each Medicaid beneficiary receiving supported employment services, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.14 Medicaid reimbursement shall not be made available for supported employment services provided to a Medicaid beneficiary residing in an institutional setting or any setting that is not in compliance with the Home and Community-Based Services (HCBS) setting requirements consistent with 42 CFR § 441.301.
- 8608 PROGRAM SERVICES: SERVICES PROVIDED IN INSTITUTIONS FOR MENTAL DISEASE FOR MEDICAID BENEFICIARIES AGED 21-64**
- 8608.1 Medicaid reimbursable treatment provided in inpatient or residential treatment settings that qualify as institutions for mental disease (IMD) shall include services which are:

- (a) Medically necessary to diagnose, treat, or stabilize the underlying illness, condition, or disease;
- (b) Identified within and provided in accordance with an individualized plan of care; and
- (c) Authorized under the District of Columbia Medicaid State Plan or a waiver thereof.

8608.2 Medicaid beneficiaries are eligible for services provided within an IMD under the demonstration program, if they meet the following criteria:

- (a) Are aged twenty-one (21) to sixty-four (64); and
- (b) Require short-term inpatient or residential treatment to resolve or ameliorate the symptoms associated with the acute phase of a behavioral health crisis or symptoms associated with SMI or SUD, as determined by a qualified practitioner practicing in accordance with licensure requirements, as set forth under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*) and its implementing regulations.

8608.3 The individualized plan of care, identified in § 8608.1(b) shall be developed by a multi-disciplinary team of practitioners following diagnosis of the beneficiary's underlying condition and comprehensive assessment of the beneficiary's treatment needs.

8608.4 District SUD residential providers shall comply with plan of care requirements set forth in Chapter 63 of Title 22-A DCMR.

8608.5 District inpatient and residential behavioral health service providers shall be licensed or certified in accordance with the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*) or otherwise applicable licensure or certification requirements as set forth under District law.

8608.6 District SUD residential treatment providers shall be certified in accordance with requirements set forth under Chapter 63 of Title 22-A DCMR.

8608.7 Eligible providers must meet the definition of an institution for mental disease as set forth at 42 CFR § 435.1010 and District guidance provided by DHCF on its website at www.dhcf.dc.gov.

8608.8 Inpatient mental health and SUD treatment shall be delivered by a facility that meets the conditions of participation set forth in 42 CFR § 482 and be either:

- (a) A licensed or certified facility that meets the conditions of participation; or
- (b) Accredited by nationally recognized accreditation entity by a national accrediting organization whose psychiatric hospital accreditation program or acute hospital accreditation program has been approved by CMS.

- 8608.9 Residential SUD treatment providers shall deliver care consistent with American Society of Addiction Medicine criteria or other nationally recognized, SUD-specific program standards for residential treatment facilities. Residential SUD treatment delivered by a District certified facility shall be provided in accordance with requirements set forth under Chapter 63 of Title 22-A DCMR.
- 8608.10 Residential mental health treatment shall be delivered by a facility that, as assessed by the District or a nationally recognized accreditation organization, delivers care consistent with nationally recognized, mental health-specific program standards for residential treatment facilities.
- 8608.11 To be eligible for Medicaid reimbursement, inpatient and residential SUD treatment providers must provide Medication Assisted Treatment (MAT) services directly or facilitate the provision of MAT services by ensuring transportation for beneficiaries to obtain medications at a MAT providing and participating in the coordination of care in conjunction with MAT providers.
- 8608.12 Effective January 1, 2020, Medicaid reimbursement for services provided in an IMD located in the District of Columbia shall be made according to the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>.
- 8608.13 DHCF shall reimburse IMD providers located outside the District of Columbia at the rate established by the Medicaid State Agency where the IMD is located.
- 8608.14 For Medicaid beneficiaries enrolled in a District Medicaid Managed Care Plan, DHCF shall only provide fee-for-service reimbursement to eligible providers for IMD stays that exceed the stays reimbursed by the Medicaid Managed Care Plan, pursuant to “in lieu of” requirements set forth under 42 CFR § 438 and subject to provider guidance provided by DHCF on its website at www.dhcf.dc.gov.
- 8608.15 DHCF will provide services for a targeted statewide average length of stay of thirty (30) days in inpatient and residential treatment settings.
- 8608.16 IMD stays for the treatment of SMI that exceed sixty (60) days are not Medicaid reimbursable.
- 8608.17 Medicaid fee-for-service reimbursement for IMD stays shall be authorized by DHCF or its designee. DHCF or its designee shall provide oversight of total length of stay by conducting concurrent utilization reviews.

- 8608.18 Inpatient SUD and SMI treatment services shall be billed in accordance with guidance published on the DHCF website at dhcf.dc.gov and shall be reimbursed in accordance with the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>, unless otherwise indicated in guidance published to the DHCF website at www.dhcf.dc.gov.
- 8608.19 Residential SUD services shall be billed in accordance with guidance published on the DHCF website at dhcf.dc.gov and shall be reimbursed in accordance with the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>.
- 8608.20 Reimbursement under this section is available for acute inpatient or residential treatment provided in settings that qualify as IMDs. Medicaid reimbursement for long-term residential or long-term inpatient treatment is not available under this section.
- 8608.21 Effective July 1, 2020, IMD providers are required, as a condition of reimbursement for services authorized under this chapter, to participate through a formal agreement with a registered HIE entity of the DC Health Information Exchange (DC HIE), defined in Chapter 87 of Title 29 DCMR. Once they become a participating provider, IMD providers must also participate in a reporting process via the DC HIE throughout the demonstration period, in accordance with provider guidance published to the DHCF website at www.dhcf.dc.gov.
- 8608.22 Medicaid reimbursement for services provided in general hospitals, intermediate care facilities, nursing facilities, or skilled nursing facilities is not governed or authorized under this section.
- 8608.23 Medicaid reimbursement is not available for services provided to beneficiaries who are involuntarily residing in an inpatient or residential treatment facility by operation of criminal law.
- 8608.24 The STCs governing the demonstration program set forth milestones and goals IMD providers must meet. DHCF shall publish additional guidance on demonstration milestones and goals on its website at dhcf.dc.gov.

8609 PROGRAM SERVICES: LICENSED BEHAVIORAL HEALTH PRACTITIONERS

- 8609.1 Effective January 1, 2020, the following licensed behavioral health providers shall be eligible to enroll in the District of Columbia Medicaid Program and provide behavioral health services, regardless of program affiliation:
- (a) Psychologists;
 - (b) Licensed Independent Clinical Social Workers;

- (c) Licensed Professional Counselors; and
- (d) Licensed Marriage and Family Therapists.

8609.2 Medicaid reimbursement will be available for the following services, when provided to an eligible Medicaid beneficiary by a licensed behavioral health practitioner identified in § 8609.1, practicing within the scope of their licensure, in accordance with requirements set forth under the District of Columbia Health Occupations Revision Act of 1985, District of Columbia Official Code Title 3, Chapter 12 §§ 3-1201.01-3-1213.13, 3-1251.01-3.1251.16 and applicable regulations:

- (a) Assessment, Diagnostic, and Screening services; and
- (b) Psychological Testing.

8609.3 Medicaid reimbursement will be available for the following services, when provided to an eligible Medicaid beneficiary diagnosed with a serious emotional disturbance, SMI, or SUD by a licensed behavioral health practitioner identified in § 8609.1 by a licensed behavioral health practitioner, practicing within the scope of their licensure, in accordance with requirements set forth under the District of Columbia Health Occupations Revision Act of 1985 District of Columbia Official Code Title 3, Chapter 12 §§ 3-1201.01-3-1213.13, 3-1251.01-3.1251.16 and applicable regulations:

- (a) Counseling and Psychotherapy; and
- (b) Treatment Planning and Care Coordination.

8609.4 Medicaid reimbursement rates for fee-for-service behavioral health services provided in accordance with this section shall be eighty percent (80%) of the rates paid by the Medicare Program. The reimbursement rates for behavioral health services shall be posted on Department of Health Care Finance's website at www.dc-medicaid.com and updated annually.

8609.5 For services identified in §§ 8609.2 and 8609.3, where the procedure code does not fall within the Medicare fee schedule, the methodology set forth § 8609.6 shall be used to establish the Medicaid reimbursement rate.

8609.6 DHCF shall consider the following factors to establish the Medicaid reimbursement rate for procedure codes that do not fall within the Medicare fee schedule:

- (a) Practitioner fees;
- (b) Fee schedules from other states;
- (c) Similar procedures with established fees; or

- (d) Private insurance payments.

8610 CRISIS STABILIZATION SERVICES

8610.1 Crisis stabilization services address an unplanned event requiring a response when an individual struggles to manage their psychiatric or substance use related symptoms without de-escalation or other intervention. This also includes situations in which daily life challenges result in or put an individual at risk of an escalation in symptoms.

8610.2 Effective June 1, 2020, Medicaid reimbursable crisis stabilization services shall include interventions in the following programs:

- (a) Comprehensive Psychiatric Emergency Program;
- (b) Psychiatric Stabilization Program;
- (c) Youth Mobile Crisis Intervention Program; and
- (d) Adult Mobile Crisis and Outreach Program.

8610.3 Medicaid beneficiaries who meet the requirements set forth in Chapter 80 of Title 22-A DCMR shall be eligible to receive crisis stabilization services are

8610.4 Crisis stabilization services shall be delivered in accordance with the requirements set forth in Chapter 80 of Title 22-A DCMR.

8610.5 Crisis stabilization service providers shall be certified in accordance with the requirements set forth in Chapters 80 of Title 22-A DCMR.

8611 SUPPORTED EMPLOYMENT SERVICES FOR BENEFICIARIES WITH A SUBSTANCE USE DISORDER

8611.1 Supported employment services for beneficiaries with an SUD:

- (a) Provide ongoing work-based vocational assessment, job development, job coaching, treatment team coordination, and vocational and therapeutic follow-along supports;
- (b) Involve community-based employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer;
- (c) Provide services at various work sites; and
- (d) Provide part-time and full-time job options that are:

- (1) Diverse, competitive, and integrated with co-workers without disabilities;
- (2) Based in business or employment settings that have permanent status rather than temporary or time-limited status; and
- (3) Pay minimum wage, or greater, of the jurisdiction in which the job is located.

8611.2 Effective March 27, 2020, Medicaid reimbursable supported employment services for individuals with SUD are those set forth in Chapter 37 of Title 22-A DCMR.

8611.3 In accordance with the eligibility requirements set forth in Chapter 37 of Title 22-A DCMR, individuals eligible for supported employment services shall:

- (a) Be a Medicaid beneficiary at least eighteen (18) years of age;
- (b) Indicate an interest in employment;
- (c) Have supported employment identified as a needed service on a current, person-centered plan of care that has been reviewed by DBH;
- (d) Not be concurrently receiving Assertive Community Treatment (ACT) services, as defined in Chapter 34 of Title 22-A DCMR;
- (e) Be receiving services in one of the following SUD levels of care, as defined in Chapter 63 of Title 22-A DCMR:
 - (1) Level: Opioid Treatment Program (OTP) on an outpatient basis;
 - (2) Level 1: Outpatient;
 - (3) Level 2.1: Intensive Outpatient; or
 - (4) Level 2.5: Day Treatment;
- (f) Be assessed as being able to benefit from and meaningfully engage in SUD supported employment services; and
- (g) Be determined by DBH as meeting the following needs-based criteria set forth in Chapter 37 of Title 22-A DCMR.

8611.4 Individuals shall be assessed for supported employment services by an entity designated by DBH.

8611.5 The designated assessment entity shall conduct the needs-based assessment in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR

and shall conduct a reassessment at least every one-hundred eighty (180) days or upon significant change in the beneficiary's condition.

- 8611.6 The designated assessment entity shall also be responsible for developing the person-centered plan of care, as identified in § 8607.3(c), in accordance with federal regulations under 43 CFR § 441.725 and requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.7 The person-centered plan of care shall be reviewed and revised by the designated assessment entity in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.8 The designated assessment entity shall also assist the Medicaid beneficiary in identification and selection of a supported employment provider.
- 8611.9 The assessment and the person-centered plan of care shall be reviewed by DBH, consistent with the requirements set forth in Chapter 37 of Title 22-A DCMR prior to initiation of supported employment services.
- 8611.10 Following review and approval of the assessment information and person-centered plan of care, DBH shall issue an authorization for the initiation of supported employment services by the beneficiary-selected supported employment provider, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.11 The designated assessment entity shall inform the beneficiary of his or her eligibility for supported employment services.
- 8611.12 Supported employment providers shall be certified in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.13 A supported employment provider shall develop an Individualized Work Plan for each Medicaid beneficiary receiving supported employment services, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.14 Medicaid reimbursement is not available for supported employment services provided to beneficiaries that reside in an institutional setting or any setting that is not in compliance with HCBS setting requirements consistent with 42 CFR § 441.301.

8612 TRANSITION PLANNING SERVICES [RESERVED]

8613 MEDICATION ASSISTED TREATMENT BENEFICIARY COST SHARING

- 8613.1 Medicaid amount, duration and scope requirements, as set forth under § 1902(a)(10)(B) of the SSA, and comparability requirements, as set forth under §§ 1902(a)(10) and 1902(a)(17), are waived under this demonstration program to

enable the DHCF to exempt beneficiaries receiving SUD treatment under this demonstration from one-dollar (\$1) pharmacy cost-sharing requirements when they are receiving prescriptions associated with MAT.

8613.2 There shall be no Medicaid beneficiary cost-sharing for prescriptions associated with the provision of MAT services.

8613.3 Medicaid reimbursement for prescriptions associated with the provision of MAT services shall increase by the cost-sharing amount set forth in the District of Columbia Medicaid State Plan fee-for-service pharmacy services.

8613.4 Effective January 1, 2020, DHCF shall increase fee-for-service pharmacy provider reimbursement rates for prescriptions associated with provision of MAT services by the cost-sharing amount identified in § 8613.3.

8614 RECORDKEEPING

8614.1 Each provider of demonstration program services shall establish and implement a privacy plan to protect the privacy and confidentiality of a beneficiary's records.

8614.2 The disclosure of information by a provider of demonstration program services shall be subject to all provisions of applicable District and federal laws governing the privacy and security of health and personal information.

8614.3 Each provider of demonstration program services shall maintain complete beneficiary records, financial records covering its operations, and individual treatment plans, in accordance with the service requirements set forth in this chapter, and shall maintain each record for at least ten (10) years.

8615 ACCESS TO RECORDS

8615.1 Each Medicaid-enrolled provider of waiver services shall maintain beneficiary records and individual treatment plans in a manner that will render them amenable to audit and review by the U.S. Department of Health and Human Services, DHCF, DBH, and their authorized designees or agents. Providers must allow appropriate DHCF personnel, DBH personnel, representatives of the U.S. Department of Health and Human Services, and other authorized designees or officials of the District of Columbia government and federal government full access to all records upon request and during announced or unannounced audits or reviews.

8616 AUDITS AND REVIEWS

8616.1 This section sets forth the requirements for audits and reviews of demonstration program services set forth in this chapter. DHCF, or its designee, shall perform regular audits of eligible providers to ensure that Medicaid payments are consistent with efficiency, economy and quality of care, and made in accordance

with federal and District conditions of payment. The audits shall be conducted at least annually and when necessary to investigate and maintain program integrity.

8616.2 DHCF, or its designee, shall perform routine audits of claims, by statistically valid scientific sampling, to determine the appropriateness of demonstration program services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in this rule, and made in accordance with federal and District rules governing Medicaid.

8616.3 The audit process may utilize statistically valid sampling methods to ensure that a statistically valid sample is drawn when the audit is based on claims sampling. The audit process may review all claims by type, time-period, or other criteria established by DHCF or other entities. Statistically valid and commonly accepted standards methods for calculating overpayments will be followed. If DHCF denies a claim during an audit, DHCF shall recoup, by the most expeditious means available, those monies erroneously paid to the provider for denied claims, following the process for administrative review as outlined below:

- (a) DHCF shall issue a Notice of Proposed Medicaid Overpayment Recovery (NPMOR), which sets forth the reasons for the recoupment, including the specific reference to the particular sections of the statute, rules, or provider agreement, the amount to be recouped, and the procedures for requesting an administrative review;
- (b) The Provider shall have thirty (30) days from the date of the NPMOR to submit documentary evidence and written argument to DHCF against the proposed action;
- (c) The documentary evidence and written argument shall include a specific description of the item to be reviewed, the reason for the request for review, the relief requested, and documentation in support of the relief requested;
- (d) Based on review of the documentary evidence and written argument, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNMOR);
- (e) Within fifteen (15) days of receipt of the FNMOR, the Provider may appeal the written determination by filing a written notice of appeal with the Office of Administrative Hearings (OAH), 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001; and
- (f) Filing an appeal with the OAH shall not stay any action to recover any overpayment.

8616.4 All participant, personnel, program, administrative, and fiscal records shall be maintained so that they are accessible and readily retrievable for inspection and

review by authorized government officials or their agents, as requested. DHCF shall retain the right to conduct audits or reviews at any time and audits or reviews may be announced or unannounced.

8616.5 All records and documents required to be kept under this chapter and other applicable laws and regulations which are not maintained or accessible in the operating office visited during an audit shall be produced for inspection within twenty-four (24) hours, or within a shorter reasonable time if specified, upon the request of the auditing official.

8616.6 The failure of a provider to release or to grant access to program documents and records to the DHCF auditors in a timely manner, after reasonable notice by DHCF to the provider to produce the same, shall constitute grounds to terminate the Medicaid Provider Agreement. This provision in no way limits DHCF's ability to terminate any Medicaid Provider Agreement for any other reason.

8616.7 As part of the audit process, documents providers shall grant access, which may include, at a minimum, the following:

- (a) Relevant financial records;
- (b) Statistical data to verify costs previously reported;
- (c) Program documentation;
- (d) A record of all service authorization and prior authorizations for services;
- (e) A record for all request for change in services;
- (f) Any records listed in § 8614, in addition to any other records relating to the adjudication of claims, including, the number of units of the delivered service, the period during which the service was delivered and dates of service, and the name, signature, and credentials of the service provider(s); and
- (g) Any record necessary to demonstrate compliance with rules, requirements, guidelines, and standards for implementation and administration of demonstration program services.

8616.8 Nothing in this rule effects a provider's independent legal obligation under this chapter and federal and District law to self-identify overpayments and repay within sixty (60) days of discovery.

8617 QUALITY OVERSIGHT AND PROVIDER REPORTING

8617.1 Medicaid reimbursement for services provided under this chapter are authorized under Section 1115(a)(2) of the SSA and are subject to evaluation and monitoring

requirements consistent with the terms and conditions of the authorized demonstration.

8617.2 As a condition of reimbursement for services authorized under this chapter, providers are required to report any clinical, billing, or utilization information related to provision of service authorized under this chapter to DHCF, its designee, or CMS upon request.

8617.3 DHCF shall publish and maintain provider guidance with regard to quality oversight and provider reporting requirements, or subsequent changes, on the DHCF website at www.dhcf.dc.gov.

8699 DEFINITIONS

8699.1 For purposes of this chapter, the following terms shall have the meanings ascribed:

Case Management – A collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet the beneficiary’s behavioral health needs through communication and available resources.

Clubhouse – See Psychosocial Rehabilitation Services.

Counseling - Individual, group, or family face-to-face services for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills.

Department of Behavioral Health (DBH) – The executive department that is the successor in interest to the Department of Mental Health (DMH), pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.01 *et seq.*).

Department of Health Care Finance (DHCF) - The executive department responsible for administering the Medicaid program within the District of Columbia effective October 1, 2008.

Institutions for Mental Disease (IMD) – Shall have the same meaning as set forth in 42 CFR § 435.1010.

Medication Assisted Treatment (MAT) - The use of FDA-approved medications, in combination with counseling and behavioral therapies, to provide a "whole-patient" approach to the treatment of substance use disorders.

Medicaid Fee Schedule - A comprehensive list of fee maximums used to reimburse providers on a fee-for-service basis located at www.dc-medicaid.com.

Psychosocial Rehabilitation Services – Behavioral health, cognitive, or supportive interventions assisting individuals with the development of life skills. Also known as Clubhouse services.

Recovery Support Services (RSS) - Non-clinical services provided to a beneficiary by a certified RSS provider to assist the beneficiary in achieving or sustaining recovery from an SUD. Recovery Support Services are available to individuals with an SUD who are currently in treatment or have moved into recovery from substance use/abuse, and individuals who have self-identified with SUD, but are assessed as not needing treatment.

Substance Use Disorder (SUD) – A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the client continues using a substance despite significant substance-related problems. A diagnosis of SUD requires a client to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the most recent version of the DSM.

Trauma Recovery and Empowerment Model (TREM) - A structured group therapy intervention for individuals who have survived trauma and have substance use disorders or mental health conditions. TREM draws on cognitive restructuring, skills training, and psychoeducational and peer support to address recovery and healing from sexual, physical, and emotional abuse.

Trauma System Therapy (TST) - A comprehensive, phase-based model for treating traumatic stress in children and adolescents that adds to individually-based approaches, by specifically addressing the child’s or youth’s social environment and/or system of care. TST is designed to provide an integrated, highly coordinated system of services guided by the specific understanding of the nature of child or youth traumatic stress.

Vocational Services – Services necessary to enable an individual with a disability to engage in competitive employment.

Comments on this proposed rulemaking shall be submitted in writing to Melisa Byrd, Medicaid Director, Department of Health Care Finance, 441 4th Street, N.W., 9th Floor, Washington, D.C. 20001, via email to DHCFPublicComments@dc.gov, online at www.dcregs.dc.gov, or by telephone to (202) 442-8742, within thirty (30) days after the date of publication of this notice in the *D.C. Register* or online at DHCF’s website. Additional copies of these rules may be obtained from the above address.

OFFICE OF ADMINISTRATIVE HEARINGS
DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES

NOTICE OF PUBLIC MEETING

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that, in light of the Government of the District of Columbia's shutdown of in-person public services due to the Coronavirus epidemic, it will conduct a teleconference meeting on Friday, May 8, 2020, at 2:00 p.m. in order to consider the reappointments of three Administrative Law Judges. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Vote on Reappointments of Eligible Administrative Law Judges**
 - a. Christopher Costa**
 - b. John "JP" Howard**
 - c. Tannisha Bell**
- V. Discussion of Next Meeting**
- VI. Adjournment (Board Chair)**

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING****WEDNESDAY, MAY 6, 2020 AT 10:00 AM
TELEPHONIC MEETING**

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, May 6, 2020 at 10am. The meeting will be telephonic and members of the public may hear the meeting by calling:

Dial-in number: 1-650-479-3208

Access code: 472 039 791.

The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or ccrc@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments On:
 - (A) First Draft of Report #50 - Cumulative Update to the Revised Criminal Code Other than Chapter 6 (2-19-20);
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties.
 - (B) First Draft of Report #51 – Jury Demandable Offenses (2-25-20);
 - (C) Advisory Group Memo #31 - Supplemental Materials to the First Draft of Report #51;
 - (D) First Draft of Report #52 - Cumulative Update to the Revised Criminal Code Chapter 6; and
 - (E) Advisory Group Memo #32 - Supplemental Materials to the First Draft of Report #52.
- IV. Adjournment.

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.

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Special Education Consultant**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Laura Ressler for contracted Special Education coaching and consulting for the 2020-21 school year. Laura Ressler will support the onboarding of the Manager of Student Support, manage DCSPCS Related Service Providers, co-lead internal professional development for special education teachers, and lead LEA-wide communication, pertaining to IDEA compliance, to external stakeholders. Ms. Ressler will also observe meetings, professional development, and internal document management to ensure high-quality services to all students with disabilities. DCSPCS anticipates that the consulting agreement will exceed \$25,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

The decision to sole source is due to the fact that DC Scholars Public Charter School previously partnered with Laura Ressler for Special Education consulting services during SY 2019-20. In school year 2019-20, consultant Laura Ressler supervised and coached special education leaders, ensured compliance with ELL regulations, and supported and coached the ELL teacher. It would be most effective to continue a partnership with Ms. Ressler in SY 2020-21. Laura Ressler is uniquely qualified to continue this partnership and has a proven history in leading special education compliance and coaching special education teachers and leaders.

The Sole Source Contract will be awarded at the close of business on May 21, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at **estone@dcscholars.org** no later than **5:00 pm on May 18, 2020**.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
HIGHER EDUCATION LICENSURE COMMISSION**

ANNOUNCES MAY 14, 2020 PUBLIC MEETING

The Higher Education Licensure Commission (HELIC) within the Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the HELIC as follows:

**Thursday May 14, 2020
9:30am**

Please use the following link to register for the meeting

<https://attendee.gotowebinar.com/register/8941190480565118989>.

After registering, you will receive a confirmation email containing information about joining the webinar.

For additional information, please contact:

Maia Bailey-Turner
Administrative Assistant/Contract Administrator
Higher Education Licensure Commission
Division of Postsecondary Career Education
[Office of the State Superintendent of Education \(OSSE\)](#)
Government of the District of Columbia
1050 1st Street N.E. 5th Floor
Washington, DC 20002
202-481-3951 (Direct)
202-741-0229 (Fax)
Maia.turner@dc.gov
helc.osse.dc.gov

The draft agenda for the above-referenced meeting is:

- I. Call to Order
- II. Approval of agenda for the May 14, 2020 public meeting
- III. Approval of minutes for the March 5, 2020 public meeting
- IV. Executive Director's Report
- V. Review of Degree-Granting and Non-Degree Granting Institution Licensure
- VI. Complaints and Correspondence

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) and posted on HELIC's website (<https://osse.dc.gov/service/higher-education-licensure-commission-meetings>) no later than two (2) business days prior to the meeting.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FILING OF A REQUEST FOR A
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION

300 MORSE STREET, NE
Case No. VCP2016-042

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D.C. Law 13-312, D.C. Official Code § 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as 300 Morse Street NE , consisting of square 3587 and lots 2001-2044. The applicant is KJ Morse Street Property LLC, % Kettler, Inc., 1751 Pinnacle Drive, Suite 700, McLean, Virginia 22102 .

The participant plans to re-develop the site with two buildings: one will be eleven stories high and the other will be six stories high. The first level of each building will be retail. The upper levels of the buildings will consist of a total of 535 apartment units. A revised Cleanup Action Plan (CAP) for this site was approved by the Program on December 20, 2017. Based on the cleanup oversight and review of the Site Completion Report, the Voluntary Cleanup Program may issue a Certificate of Completion.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5D) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address, calling (202) 535-2600, or by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the proposed issuance of a Certificate of Completion must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on request for a Certificate of Completion.

Please refer to Case No. VCP2016-042 in any correspondence related to this notice

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FILING OF A REQUEST FOR A
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION

680 Rhode Island Avenue, NE
Case No. VCP2018-055

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D.C. Law 13-312, D.C. Official Code § 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as 680 Rhode Island Avenue, NE, consisting of square 3629 and lots 0007. The applicant is Bryant Street Partners, LLC, c/o MRP Realty, 3050 K Street, NW, Washington, DC 20007.

The application identifies the presence of petroleum related organics (TPH-DRO) and polycyclic aromatic hydrocarbons (PAHs) in the soil and groundwater. The applicant intends to redevelop the subject property into three buildings: one six-story apartment building with ground floor retail, one seven-story apartment building with ground-floor retail, and a three-story cinema and retail. A Cleanup Action Plan (CAP) for this site was approved by the Program on January 30, 2019. Based on the cleanup oversight and review of the Site Completion Report, the Voluntary Cleanup Program may issue a Certificate of Completion.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5E) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address, calling (202) 535-2600, or by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the proposed issuance of a Certificate of Completion must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on request for a Certificate of Completion.

Please refer to Case No. VCP2018-055 in any correspondence related to this notice

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY – GLOBAL IDEAS FOR U.S. SOLUTIONS
REQUEST FOR PARTNERS**

The Department of Energy and Environment (the Department) seeks to identify collaborative partners for the Department’s Global Ideas for U.S. Solutions: Cities Taking Action to Address Health, Equity, and Climate Change grant application to the Robert Wood Johnson Foundation (RWJF). Applications are requested for project partner(s) to support workforce development, climate change adaptation/mitigation, environmental education, and health equity programs on Kingman and Heritage Islands.

DOEE may request approximately \$550,000 in funding from the RWJF for one or more projects.

Beginning 05/08/2020, the full text of the Request for Applications (RFA) will be available on the Department’s website. A person may obtain a copy of this RFA by any of the following means:

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

Email a request to 2020RWJF.Grants@dc.gov with “Request copy of RFA 2020-2023-WPD-RWJF” in the subject line.

The deadline for application submissions is 05/22/2020, at 4:30 p.m. A complete electronic copy must be e-mailed to 2020RWJF.Grants@dc.gov.

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

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

For additional information regarding this RFA, write to: 2020RWJF.Grants@dc.gov.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held virtually on **Thursday, June 4, 2020, at 2:30 PM** during a webinar.

Please note in order to attend the meeting, you will have to register at the website: https://magellanhealth.zoom.us/webinar/register/WN_kQhTP50iRJuNYmOY-i6raQ. Once you have registered you will receive an email with instructions on how to attend the webinar.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Acne Agents, Topical	Ophthalmics For Allergic Conjunctivitis
Analgesics, Narcotics Long Acting & Tramadol Like agents	Ophthalmics, Anti-Inflammatories
Antibiotics, Inhaled	Ophthalmics, Anti-Inflammatories-Immunomodulators
Antihistamines, Minimally Sedating	Ophthalmics, Glaucoma Agents
Antimigraine Agents, Triptans and Others	Opiate Dependence Treatments
Bronchodilators, Beta Agonists	Otic Antibiotics
COPD Agents	Otic Anti-inflammatories
Epinephrine, Self-Injected	PAH Agents, Oral and Inhaled
Glucocorticoids, Inhaled	Skeletal Muscle Relaxants
Intranasal Rhinitis Agents	Smoking Cessation Agents
Leukotriene Modifiers	Steroids, Topical High
NSAIDs	Steroids, Topical Low
Ophthalmic Antibiotics	Steroids, Topical Medium
Ophthalmic Antibiotic-Steroid Combinations	Steroids, Topical Very High
	Stimulants and Related Agents

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Thursday, May 28, 2020**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov). Once we have the above information, the presenter will be sent instructions on how to sign-up as a presenter during the June P&T Committee webinar.

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply a copy of the written information to the P&T Committee **no later than 4:45pm on May 28, 2020. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of “bulleted” points (or one page front and back).** The ready-to-disseminate, written information should be emailed to charlene.fairfax@dc.gov to arrive no later than May 28, 2020.

DEPARTMENT OF HEALTH CARE FINANCE

**PUBLIC NOTICE OF TEMPORARY ELIGIBILITY POLICY CHANGES
GOVERNING MEDICAID, CHILDREN’S HEALTH INSURANCE PROGRAM, DC
HEALTH CARE ALLIANCE, AND IMMIGRANT CHILDREN’S PROGRAM**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority delegated by Mayor Muriel Bowser under the Mayor’s Executive Order #2020-052, arising from the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-0247, expires on June 15, 2020), hereby gives notice of temporary changes to eligibility policies for Medicaid, Children’s Health Insurance Program (CHIP), DC Healthcare Alliance (Alliance), and Immigrant Children’s Program (ICP). On March 17, 2020, Mayor Bowser signed the COVID-19 Response Emergency Amendment Act of 2020, which allows the Mayor to extend the eligibility period for individuals receiving benefits and to take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program during the Public Health Emergency period declared by Mayor Bowser on March 11, 2020, plus an additional 60 days. Under Mayor’s Order #2020-052, the Director of DHCF was directed to make emergency policy changes necessary to effectuate this authority. The changes noted below are deemed essential to extend eligibility and support continuity of and access to the public benefit programs under DHCF’s authority.

In consideration of the declaration of a Public Health Emergency by the U.S. Department of Health and Human Services, National Emergency by the President of the United States of America, and the Public Health Emergency by the District of Columbia Government, DHCF, in its capacity as the single state agency for administering Medicaid, CHIP, Alliance, and ICP in the District of Columbia, has adopted temporary eligibility related policy changes during the pendency of the District’s Public Health Emergency, plus an additional 60 days, as follows:

Program	D.C. Medicaid and CHIP Programs
Temporary Policy Change(s)	<p>A. For <u>currently enrolled</u> Medicaid/CHIP beneficiaries as of March 11, 2020:</p> <ul style="list-style-type: none"> a. Eligibility will be <i>automatically extended</i> (no beneficiary action required) b. The requirement to report individual or household changes in circumstance is <i>waived</i> c. Any individuals whose eligibility was dependent upon submission of additional information will be automatically extended d. Any pending terminations of eligibility are withdrawn and eligibility is extended <p>B. For <u>newly enrolling</u> applicants as of March 11, 2020: DHCF will allow self-attestation of verification requirements without requiring documentation <i>except for</i>:</p> <ul style="list-style-type: none"> a. U.S. citizenship and eligible immigration status b. Level of care determination for applications for long term services and supports and Katie Beckett/TEFRA eligibility groups. <p>C. Administrative/Operational Changes:</p> <ul style="list-style-type: none"> a. DHCF may exercise extended time to make eligibility

	<p>determinations if needed to ensure continuity of all essential operations while balancing reduced workforce and resource reallocation</p> <ul style="list-style-type: none"> b. DHCF is not required to act on any changes in circumstance that might affect eligibility c. DHCF reserves the right to waive the level of care requirements for determinations of eligibility for long term services and supports or TEFRA/Katie Beckett in emergency circumstances identified by DHCF that impede access to the level of care assessment vendor, the beneficiary, or the technology needed to perform the assessments.
Program	D.C. Healthcare Alliance Program (Alliance)
Temporary Policy Change(s)	<ul style="list-style-type: none"> A. For <u>currently enrolled</u> Alliance beneficiaries as of March 11, 2020: <ul style="list-style-type: none"> a. Eligibility will be automatically extended (no beneficiary action, including face-to-face interview, required) b. The requirement to report individual or household changes in circumstance is <i>waived</i> c. Any individuals whose eligibility was dependent upon submission of additional information will be automatically extended d. Any pending terminations of eligibility are withdrawn and eligibility is extended B. For <u>newly enrolling</u> applicants as of March 11, 2020: <ul style="list-style-type: none"> a. The requirement for face-to-face application is waived b. DHCF will allow self-attestation of verification requirements except U.S. citizenship and eligible immigration status, where applicable to determine ineligibility for Medicaid
Program	D.C. Immigrant Children’s Program
Temporary Policy Change(s)	<ul style="list-style-type: none"> A. For <u>currently enrolled</u> Immigrant Children’s Program beneficiaries as of March 11, 2020: <ul style="list-style-type: none"> a. Eligibility will be automatically extended (no beneficiary action required) b. The requirement to report individual or household changes in circumstance is <i>waived</i> c. Any individuals whose eligibility was dependent upon submission of additional information will be automatically extended d. Any pending terminations of eligibility are withdrawn and eligibility is extended B. For <u>newly enrolling</u> applicants as of March 11, 2020: <ul style="list-style-type: none"> a. DHCF will allow self-attestation of verification requirements except U.S. citizenship and eligible immigration status, where applicable to determine ineligibility for Medicaid

Comments on this notice shall be submitted in writing to Alice Weiss, Director, Health Care Policy and Research Administration at 441 4th Street, Suite 900S, Washington, DC 20001, or email at alice.weiss@dc.gov, online at www.dcregs.dc.gov, or by telephone to (202) 442-8742, within thirty (30) days after the date of publication of this notice in the D.C. Register.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Physical Therapy (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

The Board meets monthly on the second Wednesday of each month from 3:30 PM to 5:30 PM. The meeting will be open to the public from 3:30 PM until 4:00 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 4:30 PM to 5:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 479 403 336

Password: YTkx7yAnb49

<https://dcnet.webex.com/dcnet/j.php?MTID=md5048bc65bb56b7a3ace46084f3742b9>

By phone:

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 479 403 336

The agenda is available at <https://dchealth.dc.gov/node/1169761>. For additional information, contact the Health Licensing Specialist at ashley.balma@dc.gov.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Psychology (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board holds its meetings on a bi-monthly basis on the second Tuesday every other month. The next meeting will be held on Tuesday, May 12, 2020 from 2:30 PM to 5:30 PM. The meeting will be open to the public from 2:30 PM until 3:00 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 3:00 PM to 5:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 473 220 621

Password: 2Xdir6Z36Ud

<https://dcnet.webex.com/dcnet/j.php?MTID=m932fe6e3781980eb2c70dd15bed4e894>

By phone:

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 473 220 621

The agenda is available at

<https://dchealth.dc.gov/page/board-psychology-meeting-agenda>. For additional information, contact the Health Licensing Specialist at fatima.abby@dc.gov.

The next meeting will be held on July 14, 2020.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Respiratory Care (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board holds its meetings on a quarterly basis and the next meeting will be held on Monday, May 11, 2020 from 9:00 AM – 11:00 AM. The meeting will be open to the public from 9:00 AM until 9:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b) (2016 Repl.)), the meeting will be closed from 9:30 AM to 11:00 AM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 477 137 957

Password: UMbTZjac243

<https://dcnet.webex.com/dcnet/j.php?MTID=m8dfc2e4f75cda543eb5246eb3ddcd794>

By phone:

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 477 137 957

The agenda is available at <https://dchealth.dc.gov/node/1171773>. For additional information, contact the Health Licensing Specialist at kevin.waugh@dc.gov.

The next meeting will be held on August 10, 2020.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

Wednesday, May 20, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. During the open session, the Board will conduct a disciplinary action hearing in the matter of Kianoush Alem, DDS, at 10:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case, and to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, June 17, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, July 15, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Due to the COVID-19 pandemic and in compliance with the Mayor’s Order for social distancing, unless otherwise scheduled, the District of Columbia Board of Dentistry will meet via videoconference on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002.

The agendas and teleconference link information for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF AMENDMENTS TO THE DISTRICT OF COLUMBIA'S CITIZEN
PARTICIPATION PLAN AND THE DC FY 2020 ANNUAL ACTION PLAN

The District of Columbia's Department of Housing and Community Development (DHCD), Department of Human Services (DHS), and Department of Health (DC Health) are amending the District of Columbia's Citizen Participation Plan and FY 2020 Annual Action Plan to access CARES Act supplemental funding in order to assist citizens and businesses effected by the COVID-19 State of Emergency and Public Health Emergency.

In order to stay in compliance with federal and local Stay-At-Home public health orders, DHCD, DHS, and DC Health will post the amendments to the following websites beginning May 8, 2020 and commence the 5-day public comment period. On May 14, 2020, the amendments will be submitted to the US Department of Housing and Urban Development (HUD) for approval and disbursement of CARES Act Supplemental Funding.

1. DC Department of Housing and Community Development (DHCD) at <https://dhcd.dc.gov/>
2. DC Department of Human Services (DHS) at <https://dhs.dc.gov/>
3. DC Department of Health (DC Health) at <https://dchealth.dc.gov/>

On March 11, 2020, Mayor Muriel Bowser issued Mayor's orders 2020-045 and 2020-046 declaring both a state of emergency and public health emergency effective immediately as a result of the Coronavirus Disease 2019 (COVID-19) pandemic. On March 13, 2020, President Donald Trump and the Federal government issued a nationwide State of Emergency due to the COVID-19 pandemic. March 19, 2020, the 116th United States Congress passed S. 3548/H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in response to the COVID-19 Disease Pandemic Outbreak in the United States. On March 27, 2020, President Trump signed the CARES Act (P.L. 116-136) into public law. The legislation provided \$2 trillion in emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic. March 30, 2020, Mayor Bowser issued Mayor's Order 2020-054, the Stay-At-Home Order for all District of Columbia residents as a result of the spread of COVID-19 in the District. The order specified all residents to stay home and not gather in public places.

District of Columbia residents are encouraged to submit their questions and comments in advance by e-mail at OPM.QUESTIONS@dc.gov. Written statements may be submitted for the record by close of business on Friday, May 15, 2020. Mail written statements to Polly Donaldson, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

D.C. DEPARTMENT OF HUMAN RESOURCES
NOTICE OF CERTIFICATE OF GOOD STANDING

Pursuant to D.C. Official Code § 1-608.81(a)(1), each attorney, hearing examiner, or administrative law judge who is required to be a member of the D.C. Bar as a condition of employment with the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or any independent agency, shall file a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15th of each year. The D.C. Department of Human Resources (“DCHR”) is required to publish a listing in the D.C. Register of those attorneys, hearing officers, or administrative law judges who have not met the filing requirements, in accordance with D.C. Official Code § 1-608.81(b).

This year, DCHR is pleased to announce that every attorney, hearing examiner, and administrative law judge employed by the District Government has met the filing requirements as established by law and established their membership in good standing with the D.C. Bar.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

PEPPOR 2020-01, PURCHASE OF RECEIVABLES

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code,¹ of our intent to act upon the tariff filing of the Potomac Electric Power Company (Pepco or the Company) revising the Purchase of Receivables (POR) tariff and Supplier Discount Rate.² The Commission will act upon Pepco's tariff in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. Pepco initially implemented the POR Supplier Discount on October 7, 2013. This Proposed Tariff represents Pepco's most current POR Supplier Discount Rate true-up and is derived based on POR activity from January through December 2019. Pepco's proposed tariff modifies the Company's Electric Supplier Coordination Tariff (Electric Supplier—P.S.C. of D.C. No. 1). Attachment A to the Proposed Tariff provides language of the Supplier Tariff, Schedule 3, which describes in detail the components and derivation of the POR Supplier Discount Rates, including the proposed Discount Factors.³ The Proposed Tariff will revise the following tariff pages:

Electricity Supplier Coordination Tariff, P.S.C. of D.C. No.1**(Current) Sixth Revised Page No. i****(New) Seventh Revised Page No. i****(Current) Sixth Revised Page No. ii****(New) Seventh Revised Page No. ii****(Current) Sixth Revised Page No. iii****(New) Seventh Revised Page No. iii****(Current) Sixth Revised Page No. iv****(New) Seventh Revised Page No. iv****(Current) Third Revised Page No. 41****(New) Fourth Revised Page No. 41****and (Current) Third Revised Page No. 42****(New) Fourth Revised Page No. 42**

3. Pepco proposes to apply a discount rate on the receivables associated with Residential customers of 0.0000% on Schedules R and MMA, 0.0000% on receivables associated with Small Commercial customers, schedules GS-LV ND, T, SL, TS, TN and OL-LED, 0.0000% on the receivables associated with Large Commercial customers,

¹ D.C. Official Code §§ 34-802 (2019 Repl.) and 2-505 (2016 Repl.).

² *PEPPOR 2020-01*, Purchase of Receivables Tariff Filing, filed April 15, 2020 (Proposed Tariff).

³ Proposed Tariff Attachment A at 7-8.

schedules GS-LV, GS-3A, MGT-LV, GT-LV, GT-3A, GT-3B and RT, and finally 0.0000% for Market Priced Service Customers, schedules GSLV-ND, GS-LV, GS-3A, MGT-LV, GT-LV, GT-3A, T, SL, AND TS.

4. Pepco explains in Attachment B through Attachment D of the Proposed Tariff how the Discount Rates are derived using the POR data for the period January through December 2019. Pepco states that Attachment B to this tariff filing is a summary showing the results of the Write-Offs, including Reinstatements, and Late Payment Revenues expressed as a percentage of Third-Party Supplier Revenues for Residential Customers served under Schedules R and MMA, Small Commercial customers served under Schedules GS-LV-ND, T, SL, TS, TN and OL-LED, Large Commercial customers served under Schedules GS-LV, GS-3A, MGT-LV, GT-LV, GT-3A, GT-3B and RT, and Market Priced Service customers served under Schedules GS-LV-ND, GS-LV, GS-3A, MGT-LV, GT-LV, GT-3A, T, SL and TS.

5. In Order No. 16916,⁴ the Commission approved a Risk Component to be included in the Discount Rate. In the same Order, the Commission allowed for a Cash Working Capital adjustment. Pepco states that the Commission directed in that Order that both the Risk Component and Cash Working Capital adjustment be set to zero and that they may not be changed without the Commission's written authorization.⁵ Pepco provides that the Risk Component and the Cash Working Capital adjustment are therefore set to zero. Pepco states that the Interest and Reconciliation Factors are added to arrive at the Discount Rates for each of the four rate classes described above.

6. Pepco states that Attachment C lists from January through December 2019, by month and by customer type Electric Revenues Billed, less POR Discounts, Net Electric Revenues Billed, Late Payment Revenues, and Write-Offs, net of Reinstatements. There is a timing difference of about six months between billing the customer and writing off the account as uncollectible. Pepco represents that its policy for uncollectibles is to write off delinquent accounts after 120 days. The interest, according to Pepco, is calculated based on the cumulative Over/(Under) Collection of POR Discounts less Write-Offs, plus Late Fee Revenues at 7.45% per Order No. 19433⁶ with an effective date of August 13, 2018.

7. Pepco states that Attachment D provides the detailed calculation by customer type for the Reconciliation and Interest Factor. Pepco explains that the Reconciliation factor is derived by first adding the POR Discounts less Write-Offs, plus Late Fee Revenues and Interest Expense, less Amortization of Program Cost. Pepco explains further that the net Over/(Under) Collection is then divided by the Electric

⁴ *Formal Case No. 1085, In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Order No. 16916, rel. September 20, 2012 (Order No. 16916) at 32.

⁵ Order No. 16916 at 34.

⁶ *Formal Case No. 1150, In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service*, and *Formal Case No. 1151, In the Matter of the Impact of the Tax Cuts and Jobs Act of 2017 on the Existing Distribution Service Rates and Charges for Potomac Electric Power Company and Washington Gas Light Company*, Order No. 19433, rel. August 9, 2018, at 24.

Revenues billed for January through December 2019 to arrive at the Reconciliation factor. Pepco states that the Interest Factor is derived by dividing the Interest listed on Attachment C by the Electric Revenues billed for January 1 through December 31, 2019.

8. Pepco states that because the Program Development and Operation Cost is fully amortized, Attachments E through G are omitted in this tariff filing. Pepco requests that the Commission accept these proposed POR Discount Rates with the effective date of June 1, 2020.

9. 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 Pepco's Proposed Tariff.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Coach Bus Transportation**

Two Rivers PCS is seeking a company to provide coach bus transportation for field trips for students preschool to 8th grade. To request a copy of the RFP or additional information, email Liz Riddle at procurement@tworiverspcs.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, May 21, 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 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 | Vice-President, Wastewater Ops |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Senior VP |
| 4. | Project Status Updates | Director, Engineering & Technical Services |
| 5. | Action Items | Senior VP |
| | - Joint Use | |
| | - Non-Joint Use | |
| 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
DEPARTMENT OF YOUTH REHABILITATION SERVICES**

CAPACITY BUILDING FOR THE COMMUNITY PROGRAM INITIATIVE GRANT

**NOTICE OF CANCELLATION OF
FUNDING AVAILABILITY
For RFA# 2021-21-01**

This notice cancels and supersedes the notice of funding availability published in the DC Register on Friday, May 1, 2020 at 67 DCR 004809.

The text of the cancelled notice follows:

NOTICE OF FUNDING AVAILABILITY

The Department of Youth Rehabilitation Services (DYRS) seeks eligible entities to propose a plan for the implementation and management of a comprehensive and coordinated system of programs and services for D.C. court-involved youth and families. The amount available for the project is approximately \$4 to 7 million for a one-year period - starting October 1, 2020 – with the possibility to renew for up two additional years pending funding availability and grantee performance.

Beginning 5/1/2020, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request to dyrscapacitybuilding.2021@dc.gov with “Request copy of Capacity Building RFA” in the subject line.

Pick up a copy in person from the DYRS grants management division, located at 450 H Street, NW 7th Floor, Washington, DC 20001.

Write DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – Capacity Building RFA” on the outside of the envelope.

The deadline for application submissions is 6/1/2020, at 4:30 p.m. All applications must be submitted through the Philantrack system.

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

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

For additional information regarding this RFA, write to: dyrscapacitybuilding.2021@dc.gov.

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

Application No. 19843 of Penny Boyd, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the lot dimension requirements of Subtitle C § 302.1 and from the front setback requirements of Subtitle D § 305.1 to expand the existing principal dwelling unit, subdivide the property, and construct a new principal dwelling unit on the new lot in the R-1-B Zone at premises 2853 Belair Place, N.E. (Square 4287, Lot 816).

HEARING DATE: October 31, 2018

DECISION DATE: October 31, 2018

DECISION AND ORDER

This self-certified application was submitted on July 18, 2018 on behalf of Penny Boyd, the owner of the property that is the subject of the application (the “Applicant”). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By letters and memoranda dated August 27, 2018, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Council member for Ward 5 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 5C, the ANC in which the subject property is located, Single Member District/ANC 5C07, and the owners of all property within 200 feet of the subject property. Notice was published in the D.C. Register on September 7, 2018. (65 DCR 9196.)

Party Status. The Applicant and ANC 5C were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant provided evidence and testimony about the proposed project from Gozde Tanyeri, an architect; Cynthia Johnson, the project manager; and Valerie Sanderlin, a real estate developer.

OP Report. By memorandum dated October 19, 2018, the Office of Planning recommended denial of the application. (Exhibit 34.)

DDOT. By memorandum dated October 12, 2018, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 33.)

ANC Report. By report dated October 17, 2018, ANC 5C indicated that, at a properly noticed public meeting on the same date with a quorum present, the ANC voted to recommend denial of the application. (Exhibit 35.)

Person in opposition. The Board received letters and heard testimony from persons in opposition to the application. The persons in opposition objected to the construction of a dwelling behind existing houses and asserted that the new construction would exacerbate water run-off problems and adversely change the character of the neighborhood.

FINDINGS OF FACT

1. The property that is the subject of this application is located on the east side of Belair Place, N.E. near its intersection with Hamlin Street, N.E. (Square 4287, Lot 816).
2. The subject property is rectangular, 62.5 feet wide and 173.5 feet deep. The lot area is 10,842.5 square feet.
3. The subject property is improved with a two-story detached principal dwelling approximately 23.7 feet in height. The structure is located approximately 15.4 feet from the west lot line fronting on Belair Place and has two side yards. The rear yard is 105.8 feet deep. The existing lot occupancy is nine percent.
4. The subject property abuts parcels that are similar in size and are also improved with detached dwellings. The Applicant's property does not abut any public alleys.
5. The Applicant proposed to subdivide the subject property into two lots, designated Lots A and B. Lot A would be closer to Belair Place and would contain the existing dwelling, which would be enlarged. Lot B would be located in the existing rear yard to the east of the existing dwelling. The Applicant planned to build a new detached principal dwelling on Lot B. A new curb cut at the southern edge of the property would provide access to a parking pad on Lot A and a driveway serving Lot B.
6. Pursuant to Subtitle D § 302.1, the R-1-B zone requires a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet. The lots created by the proposed subdivision would have lot areas of 5,000 square feet (Lot A) and 5,842.5 square feet (Lot B). Lot A would be 50 feet wide. Lot B would be 62.5 feet wide at the rear, accessed via a "pipestem" 12.5 feet in width extending from Belair Place past Lot A.
7. Pursuant to Subtitle D § 303.1, the R-1-B zone allows a maximum building height of 40 feet. The Applicant proposed detached dwellings with heights of 27.5 feet (Lot A) and 31.4 feet (Lot B).

8. Pursuant to Subtitle D § 304.1, the R-1-B zone allows a maximum lot occupancy of 40% for a detached dwelling. As proposed, the new lots would have lot occupancies of 31% (Lot A) and 29% (Lot B).
9. Pursuant to Subtitle D § 306.1, the R-1-B zone requires a rear yard of at least 25 feet. The Applicant proposed dwellings that would each have a rear yard of 25 feet.
10. Pursuant to Subtitle D § 307.1, the R-1-B zone requires two side yards of at least eight feet. The detached dwellings proposed by the Applicant would each have two side yards of at least eight feet.
11. Pursuant to Subtitle D § 305.1, in the R-1-B zone, a front setback must be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where a new building is proposed. According to the Office of Planning, the range of existing front setbacks relevant to the Applicant's project was 0 to 20 feet. The Applicant's proposal would provide front setbacks of 15.44 feet (both existing and proposed on Lot A) and 108 feet (for the proposed dwelling on Lot B).
12. The subject property and surrounding properties are located in an R-1-B zone.
13. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.) The provisions of the R zones are intended to: (a) provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of record; (e) establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 100.2.)
14. The purposes of the R-1-A and R-1-B zones are to: (a) protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and (b) stabilize the residential areas and promote a suitable environment for family life. (Subtitle D § 300.1.) The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. (Subtitle D § 300.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks area variances from the subdivision requirements of Subtitle C § 302.1 and the front setback requirements of Subtitle D § 305.1 to permit the subdivision of an existing lot

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into two lots and construction of a new principal dwelling unit on the new lot in the R-1-B zone at 2853 Belair Place, N.E. (Square 4287, Lot 816).¹ The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See* 11 DCMR Subtitle X § 1000.1.

For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases....); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

An applicant for area variance relief is also required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia*

¹ The Applicant’s statement (Exhibit No. 3) addressed a request for a variance only from Subtitle C § 303.4, while the self-certification forms (Exhibits 9 and 10) listed the requested relief as area variances from Subtitle C § 302.1 for minimum lot width and from the front setback requirements of Subtitle D § 305.1. Subtitle C § 302.1 specifies that, where a lot is divided, the division must be effected in a manner that will not violate zoning provisions for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created. Subtitle C § 303.4 imposes a requirement for width of street frontage: when a lot is divided, each new lot being created to be used and occupied by a single dwelling unit must have a street frontage measured along the street lot line a distance equal to at least 40% of the required minimum width of lot and in no case less than 14 feet. In this case, 40% of the minimum lot width of 50 feet would require street frontage of at least 20 feet. The Applicant’s proposal to provide 12.5 feet of street frontage for Lot B would not satisfy that requirement. Accordingly, the Board considered the application a request for a variance under Subtitle C § 302.1 from the street frontage width requirement of Subtitle C § 303.4.

Bd. of Zoning Adjustment, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011).

In this proceeding, the Applicant claimed that “several physical conditions” of the subject property caused undue hardship to the owner as a result of the current use as a single detached residence, citing the current lot frontage of 62.5 feet on Belair Place, which “cannot support a 50’ lot width on lot A and a 20’ lot width for Lot B” without razing the existing dwelling.² The Applicant also cited the large size of the lot, “more than twice the size of allowable detached dwelling lot size” for the zone, and the financial difficulty for the owner that would arise from renovation of the existing house for sale as one residence on the current lot size. (Exhibit 3.)

The Board concludes that the Applicant has not demonstrated either that the property is faced with any exceptional circumstances or situation or that the strict application of the Zoning Regulations would result in practical difficulties to the owner of the property.³ Rather, the application merely recognized some of the zoning provisions that precluded the development proposed by the Applicant as a matter of right. Nor did the application provide substantial evidence of any practical difficulty, including the claim of financial hardship. *See* Subtitle X § 1002.2 (an applicant for a variance has the burden of proof to justify the granting of the application, which must be demonstrated through evidence in the public record; the applicant is not relieved of this responsibility even if no evidence is presented in opposition to the case). *See Salsbery v. District of Columbia Bd. of Zoning Adjustment*, 357 A.2d 402, 405 (D.C. 1976), quoting *Taylor v. District of Columbia Bd. of Zoning Adjustment*, 308 A.2d 230, 236 (D.C. 1973) (Board has no authority to grant a variance in order to assure a profit for the property owner); contrast *Russell v. District of Columbia Bd. of Zoning Adjustment*, 402 A.2d 1231, 1236 (D.C. 1979) (variance from minimum lot area requirement, allowing construction of a detached dwelling on a substandard lot, was appropriate where the owner was not merely seeking the most profitable use for the land but would otherwise be unable to develop the lot or reasonably dispose of the property for a permitted use).

The Applicant asserted that approval of the requested variance relief would not result in substantial detriment to the public good or cause any impairment of the zone plan. According to the Applicant, the proposed subdivision would benefit the neighborhood by allowing for the repair and enlargement of the existing dwelling as well as construction of a new dwelling consistent with the current neighborhood scale and with the purposes of the R-1-B zoning

² This reference to a lot width of 20 feet for Lot B apparently relates to the provision in Subtitle C § 303.4 requiring a street frontage a distance equal to at least 40% of the required minimum width of lot, and not to the minimum lot width requirement of Subtitle D § 302.1.

³ The Board recognizes that “a more stringent showing” of undue hardship “is warranted with respect to the more drastic relief inherent in a use variance,” and instead considered whether the Applicant made a showing of practical difficulty sufficient to support this application for area variance relief. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972).

designation of the property. The Office of Planning disagreed, acknowledging that the construction of a new detached dwelling in the R-1-B zone would not typically result in substantial detriment in the public good but concluding in this case that the proposed configuration of Lots A and B would result in a new principal dwelling at the rear of the subject property, closer than anticipated to the dwellings fronting on Hamlin Street to the north and to the rear yards of properties to the south. OP also concluded that the creation of a substandard lot, not meeting zoning requirements, would not be consistent with the purpose and intent of the Zoning Regulations, which discouraged the creation of substandard lots and in particular the creation of a new flag lot, or panhandle lot, as proposed by the Applicant.

The Board is unable to find that approval of the requested variances would not cause substantial detriment to the public good. The Board heard testimony describing changes in grade between the subject property and neighboring parcels, as well as issues pertaining to storm-water runoff. The application did not indicate how the proposal would address those matters nor provide evidence demonstrating that approval of the application would not result in adverse impacts with respect to the light and air available to neighboring properties.

The Board concurs with the Office of Planning that the proposed subdivision, which would result in the creation of a lot not meeting zoning requirements, would impair the purpose and intent of the Zoning Regulations. The provisions of the R zones are intended, among other things, to provide for the orderly development and use of land and structures, allow for the matter-of-right development of existing lots of record, and to establish minimum lot area and dimensions for the subdivision and creation of new lots of record. Approval of the requested area variances would run counter to those provisions, especially considering the significant degree of relief requested by the Applicant. See *Gilmartin* at 1171 (when considering an application for variances, the Board has the flexibility to consider a number of factors, among them the weight of the burden of strict compliance, the severity of the variances requested, and the effect those variances would have on the overall zone plan).

The Board is required to give “great weight” to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board concurs with OP’s recommendation that the application should be denied in this case.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)). In this case ANC 5C opposed the application, stating issues and concerns pertaining to water runoff and the impact of the proposed construction of a new dwelling, taller than the existing dwelling closer to the street, would affect the neighborhood character. For the reasons discussed in this order, the Board concurs with the ANC that the application should not be approved.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for area variances to allow subdivision of the property and construction of a new principal dwelling unit on the new lot in the R-1-B zone at 2853 Belair Place N.E. (Square 4287, Lot 816). Accordingly, it is **ORDERED** that the application is **DENIED**.

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VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull voting to DENY.)

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

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

FINAL DATE OF ORDER: April 24, 2020

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

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

Application No. 19985 of District Properties.com, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.2 to construct a new detached principal dwelling unit in the R-2 Zone at premises 419 57th Street, N.E. (Square 5228, Lot 14).¹

HEARING DATE: May 1, June 5, and July 3, 2019
DECISION DATE: July 3, 2019

DECISION AND ORDER

This self-certified application was submitted on February 4, 2019 on behalf of District Properties.com, the owner of the property that is the subject of the application (the “Applicant”). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda and letters dated March 15, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 7 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 7C, the ANC in which the subject property is located, Single Member District/ANC 7C05, and the owners of all property within 200 feet of the subject property. Notice was published in the D.C. Register on March 8, 2019. (66 DCR 2729.)

Party Status. The Applicant and ANC 7C were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant provided evidence and testimony in support of the application.

¹ The application initially requested area variances from requirements for side yard, lot area, and lot width. Because the subject property is an existing nonconforming record lot, only relief from the side yard requirements was needed for the Applicant’s proposal in accordance with Subtitle C § 301.1 (a record lot existing before the effective date of the Zoning Regulations that does not conform with lot dimension and lot area requirements may be considered a conforming lot for the purposes of building permits and uses provided that any building will meet applicable development standards and the non-conformity will not be increased). The application was amended to withdraw the requests for variances from requirements for lot area and lot width.

OP Report. By memorandum dated April 19, 2019, the Office of Planning recommended approval of the application. (Exhibit 30.)

DDOT. By memorandum dated April 19, 2019, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 29.)

ANC Report. By letter dated May 9, 2019, ANC 7C indicated that, at a properly noticed public meeting on the same date with a quorum present, the ANC voted to support the request for a variance from the side yard requirements “contingent to approval by the Northeast Boundary Civic Association.” However, according to the ANC’s letter, the association decided, at its meeting on May 29, 2019, not to support the application “as the construction of the proposed building would be too close to the neighbors on all sides.” The letter stated that therefore ANC 7C “does not support the variance for this applicant.” (Exhibits 47, 55.)

Persons in opposition. The Board received letters and heard testimony from persons in opposition to the application. The persons in opposition objected that the Applicant’s lot was too small for the proposed dwelling, which would crowd neighboring residences, and contended that approval of the application would create adverse impacts with respect to parking and trash.

FINDINGS OF FACT

1. The property that is the subject of this application is an unimproved parcel located on the east side of 57th Place, N.E. between Dix and Eads Streets, N.E. (Square 1818, Lot 849).
2. The subject property is rectangular, 25 feet wide and 140 feet deep. The lot area is 3,500 square feet.
3. The lot abuts an unimproved public alley, 20 feet wide, along its rear (east) lot line.
4. The Applicant proposed to build a detached dwelling on the subject property. The planned structure would be 19 feet wide, providing side yards of three feet on each side.
5. The subject property and the surrounding area are located in an R-2 zone.
6. Pursuant to Subtitle D § 206.2, two side yards, each at least eight feet in width, are required for a detached building in the R-2 zone. Pursuant to Subtitle D § 206.3, one side yard, at least eight feet wide, is required for a semi-detached building in the R-2 zone.
7. The proposed detached principal dwelling would comply with development standards applicable in the R-2 zone other than the side yard requirements. The building height would be 28 feet and two stories, where a maximum of 40 feet and three stories is permitted. (Subtitle D § 303.1.) The lot occupancy would be 22.5%, where a maximum

- of 40% is permitted as a matter of right. (Subtitle D § 304.1.) A rear yard of 84 feet would be provided, where a minimum of 20 feet is required. (Subtitle D § 306.2.)
8. The subject property is nonconforming with respect to lot width and lot area. In accordance with Subtitle D § 302.1, the required minimum lot width is 30 feet (for a semi-detached building) or 40 feet (for all other structures), and the required minimum lot area is 3,000 square feet (for a semi-detached building) or 4,000 square feet (for all other structures).
 9. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.) The provisions of the R zones are intended to: (a) provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of record; (e) establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 100.2.)
 10. The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings. (Subtitle D § 300.5.)
 11. The lots abutting the subject property are developed with a semi-detached dwelling, to the south, and a detached dwelling, to the north. The dwelling to the north is located approximately eight feet from the lot line shared with the subject property. The dwelling to the south is set back approximately 13 feet from the lot line shared with the subject property; the setback area contains a driveway that measures approximately 10 feet wide.
 12. The surrounding neighborhood has a residential character and is developed primarily with attached and semi-detached dwellings as well as low-density apartment houses.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the side yard requirements applicable in the R-2 zone under Subtitle D § 206.2 to allow construction of a detached principal dwelling with two side yards of three feet, where a minimum of eight feet on both sides is required. The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict

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application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See* 11 DCMR Subtitle X § 1000.1.

For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases...); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

In this proceeding, the Applicant asserted that the subject property faced an exceptional situation because the adjoining properties were already developed and under separate ownership, thereby precluding their acquisition by the Applicant as a means of forming a larger lot consistent with zoning requirements. The Board does not agree. The subject property is a regular, rectangular parcel that does not exhibit any unusual topographic conditions or other exceptional features. Neither its narrow size nor the separate ownership of adjoining parcels is unusual.

An applicant for area variance relief is required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). In assessing a claim of practical difficulty, proper factors for the Board’s consideration include the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Board finds the Applicant's claim of practical difficulty unpersuasive. According to the Applicant, the requested variance relief from side yard requirements was necessary because otherwise the property could not be developed with a functional dwelling. However, the Applicant acknowledged that a semi-detached dwelling, 17 feet wide, could be built on the lot in compliance with all development standards applicable in the R-2 zone, including side yard setback. In light of the availability of a viable option that would not require zoning relief, the Board concludes that the Applicant did not demonstrate that compliance with the side yard requirements would be unnecessarily burdensome.

In its report, the Office of Planning also recognized that a semi-detached dwelling could be built as a matter of right but opined that the matter-of-right option was "not as practical because there is no opportunity to attach to a neighboring building," resulting in creation of an at-risk wall on one side of the property. The Board was not persuaded that the absence of an existing building necessitates a grant of variance relief under the circumstances presented in this application, including the absence of any exceptional circumstances of the property.

The requested variance could be granted without resulting in substantial detriment to the public good. However, approval of the application would cause impairment of the zone plan through the granting of a variance where the property does not exhibit any exceptional situation and the strict application of the Zoning Regulations would not cause any practical difficulty to the owner because another option, consistent with all zoning requirements, is available. Under the circumstances, approval of a variance to allow a detached dwelling, not meeting side yard requirements, would not be consistent with the purposes of the Residential House zones to provide for the orderly development and use of land and structures and to allow for the matter-of-right development of existing lots of record, or with the intent of the R-2 zone to provide for areas predominantly developed with semi-detached houses on moderately sized lots.

The Board is required to give "great weight" to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board does not agree with OP's recommendation that the application should be approved in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)). In this case ANC 7C voted to support the application subject to the condition that the application would also be supported by the Northeast Boundary Civic Association; when the association declined to support the application due to the small size of the lot, the ANC also declined to support the application. For the reasons discussed above, the Board concludes that the application should not be granted in this case.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for an area variance from the side yard requirements of Subtitle D § 206.2 to construct a new detached principal dwelling unit in

the R-2 zone at 419 57th Street, N.E. (Square 5228, Lot 14). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull voting to DENY.)

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

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

FINAL DATE OF ORDER: April 28, 2020

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

**BZA APPLICATION NO. 19985
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20194 of Hamilton St NW, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third story and a three-story rear addition to an existing principal dwelling unit and convert it to a flat in the RF-1 zone at premises 752 Lamont Street, N.W. (Square 2892, Lot 45).

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATES: March 11 and April 29, 2020¹ (Expedited Review Calendar)

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 12 (Revised); Exhibit 6 (Original).)

Expedited Review. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "Board" or "BZA") expedited review calendar for decision as a result of the applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do under Subtitle Y §§ 401.7 and 401.8.

Notice of the Application and Public Meeting. The Board referred the application to the appropriate agencies and provided proper and timely notice of the public meeting in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting, at which a quorum was present, the ANC voted to support the application. (Exhibit 20.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 40.)

¹ The Application was originally considered at the Board's public meeting of March 11, 2020 and, at that time, the Board requested additional submissions and scheduled its decision for March 25, 2020. The decision was administratively postponed to April 29, 2020.

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

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third story and a three-story rear addition to an existing principal dwelling unit and convert it to a flat in the RF-1 zone.

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

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 11A AND 11B, AS UPDATED BY EXHIBITS 14 AND 45.**

VOTE: 4-0-1 (Frederick L. Hill, Anthony J. Hood, Lorna L. John, and Carlton E. Hart (by absentee vote) to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: April 30, 2020

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

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

BZA APPLICATION NO. 20194

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

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

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

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

Application No. 20222 of Jack Spicer Properties LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot dimension requirements of Subtitle D § 302.1, to subdivide the existing record lot into two separate lots of record and to internally divide the existing detached principal dwelling unit in two separate, semi-detached, principal dwelling units in the R-2 zone at premises 5104-5106 Jay Street, N.E. (Square 5176, Lot 369).

HEARING DATE: March 11, 2020
DECISION DATE: April 29, 2020¹

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37 (Revised);² Exhibits 14, 16 (Original).)

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

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 13, 2020, at which a quorum was present, the ANC voted to support the application, contingent on the Applicant presenting the proposal to the Deanwood Citizens Association ("DCA"). (Exhibit 41.) The ANC Report noted that the Applicant presented to the DCA on February 24, 2020, thus meeting this condition. The ANC Report also indicated that issues relating to construction and other neighborhood developments by the Applicant were raised by the DCA, but the Board notes that these issues are outside the Board's jurisdiction.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 33.)

¹ The application was originally scheduled for decision at the Board's public meeting of March 18, 2020. The decision was administratively postponed to April 29, 2020.

² The application was amended to add a request for special exception relief under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5.

DDOT Report. The District Department of Transportation (“DDOT”) submitted a report indicating that it had no objection to the application, subject to conditions relating to the existing curb cut and driveway and the grade of the public parking area. (Exhibit 30.) The Applicant agreed to the proposed conditions; however, because the conditions relate to public space, and are thus outside the Board’s jurisdiction, the Board did not adopt them as part of its approval. Additionally, in response to the Board’s questions at the public hearing, the Applicant submitted confirmation from DDOT that a transportation demand management plan would not be required for this project to satisfy Subtitle C § 703.4. (Exhibit 45B.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the lot dimension requirements of Subtitle D § 302.1 to subdivide the existing record lot into two separate lots of record and to internally divide the existing detached principal dwelling unit in two separate, semi-detached, principal dwelling units.

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

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5 to provide no parking spaces where one parking space is required.

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

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS³ AT EXHIBIT 5.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart (by absentee vote), and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: April 30, 2020

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

³ Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 04-08D/02-45
Z.C. Case No. 04-08D/02-45
Cellco Partnership d/b/a Verizon Wireless
(Modification of Consequence of PUD @ Lot 805 in Square 5868S)
July 30, 2018

Pursuant to notice, at its July 30, 2018 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Cellco Partnership d/b/a Verizon Wireless (the “Applicant”) for:

1. A Modification of Consequence to the plans approved for a planned unit development (a “PUD”) approved by Z.C. Order Nos. 02-45 and 04-08, as modified by Z.C. Order Nos. 04-08A/02-45, 04-08B/02-45, and 04-08C/02-45; and
2. A special exception to permit a monopole pursuant to Subtitle C § 1313.3 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations to which all subsequent citations refer unless otherwise specified).

The Application would authorize a temporary Cell on Wheels (“COW”) monopole for two years on Lot 805 in Square 5868S (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. Pursuant to the Z.C. Order No. 02-45, the Commission approved a first-stage PUD, together with a related map amendment from unzoned to the SP-1 zone (MU-1 zone under the Zoning Regulations of 2016), in order to develop a new mental health facility on the Property.
2. Pursuant to Z.C. Order No. 04-08, the Commission approved a second-stage PUD for the Property (together with Z.C. Order No. 02-45, the “Approved PUD”).
3. Pursuant to Z.C. Order Nos. 04-08A/02-45A, 04-08B/02-45, and 04-08C/02-45, the Commission approved minor modifications to adjust the boundaries of the Approved PUD.

Parties

4. The only party to Z.C Case Nos. 02-45 and 04-08, other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 8C, the “affected” ANC pursuant to Subtitle Z § 101.8. At the time of filing the Application, ANC 8E is also an “affected ANC” because it abuts the Property, and so is also a party to this case.

The Application

5. On May 2, 2018, the Applicant served the Application on ANCs 8C and 8E, the Office of Planning (“OP”), and the District Department of Transportation (“DDOT”), as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 1.)
6. The Application stated that the proposed COW would allow the Applicant to maintain antenna coverage for the Property, which is currently provided by 12 cell antennas located on a water tank scheduled to be removed in the summer of 2018. The Application stated that the existing St. Elizabeths tower cannot support additional equipment because it currently exceeds its structural capacity and that the Applicant was unable to locate any other existing structures that were suitable for collocation. (Ex. 2.)
7. The Application asserted that the proposed COW’s temporary status will be the least intrusive means to provide coverage given the Property’s location and existing development. The COW is proposed to be located on the perimeter of the St. Elizabeths’ campus and set back more than 300 feet from all property lines except that shared with the St. Elizabeths cemetery to the northeast, which is only 37.4 feet away. The Application asserted that the proposed COW’s 150-foot height is the minimum needed to achieve the desired coverage, but that the COW will be largely shielded from view by the existing structures on the site. The Application stated that the existing tree line is approximately 60 feet high and the Application does not propose to remove any trees. (Ex. 2.)
8. The Application was revised to note that the COW would not be able to comply with the 50-foot minimum required setback from the nearest property line pursuant to Subtitle C § 1313.9 and would only provide a 37.4-foot setback. The property line at issue is the southwestern boundary of a cemetery that is owned by the District and contains no inhabited buildings. The Application noted that compliance with the setback requirements would necessitate moving the COW closer to the St. Elizabeths hospital buildings and asserted that the proposed location would be preferable in order to minimize impacts on the hospital. (Ex. 6, 7.)
9. The Application included the written and graphic documentation and responses required pursuant to the requirements of Subtitle C §§ 1312 and 1313, including:
 - Maps showing the coverage area that is currently served by the antennas on the water tower, the reduced coverage area with the water tower removed, and the coverage area with the proposed monopole;
 - Information on the monopole’s appearance and maintenance plan;
 - A statement that the Applicant would obtain the required mayoral permission as part of the permitting process; and
 - A statement that the Applicant would comply with all applicable FCC requirements. (Ex. 2.)

Responses to the Application**OP**

10. OP submitted a June 1, 2018, report (the “OP Report”), as required by Subtitle C § 1313.10, recommending approval of the Application for a period of two years as consistent with the design and programmatic intents of the Approved PUD. (Ex. 8.) The OP Report noted that while the Application requested special exception relief not originally granted by the Approved PUD. OP recommended that the Application be considered as a modification of consequence because the “special exception is straightforward and presents no factual issues that require a public hearing to resolve.”
11. The OP Report analyzed the Application against the special exception criteria of Subtitle C §§ 1312 and 1313 and concluded that the Applicant had met its burden of proof. On the matter of the reduced setback, the OP Report concurred with the Applicant that the COW’s proposed location would not result in any adverse impacts to the neighboring cemetery property and would also minimize impacts to the St. Elizabeths hospital buildings. The OP Report noted that the COW would otherwise be properly setback from all other property lines and neighboring residential zones.

ANC 8C

12. ANC 8C did not submit a report or any correspondence to the record, but the Applicant submitted a letter to the record indicating that it had met with the ANC to discuss the installation of the COW and that the ANC had voted to support the required modifications. At the July 30, 2018 public meeting of the Commission, the Office of Zoning stated that the chair of the ANC had confirmed that the ANC had voted to support of the Application but had been unable to file a report prior to the meeting. (Ex. 10; July 30, 2018 Public Meeting Transcript at 14.)

ANC 8E

13. ANC 8E did not submit a report or response to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of modifications of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC

8C. The Applicant also served ANC 8E, which is considered an “affected ANC” pursuant to Subtitle Z § 101.8.

5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify a final condition and redesign of the architectural elements approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2). The Commission concurs with the conclusions of OP that the requested special exception relief can be considered as a modification of consequence because it does not present any factual issues that would require a public hearing to resolve, especially as it is for a temporary use that will maintain existing service.

6. Subtitle X § 303.13 provides that:

As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.

7. As the Application did not request any flexibility from the special exception standards, the Application does not affect the PUD’s development flexibility.

8. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); see also Subtitle X § 901.2) authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Commission, the special exception:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;*
- (b) *Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and*
- (c) *Complies with the special conditions specified in the Zoning Regulations.*

9. For the relief requested by the Application, the “specific conditions” are those of Subtitle C §§ 1312 and 1313.

10. Relief granted by the Commission through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” (*First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).)

11. The Commission concludes that the Application has met the special exception criteria of Subtitle C §§ 1312 and 1313 by demonstrating that the proposed COW:
 - Will be the least intrusive means to maintain the current coverage;
 - Is the lowest height feasible to maintain that coverage;
 - Will not remove any trees;
 - Is temporary; and
 - Will comply with the applicable laws and regulations of the District and the FCC.
12. The Commission concludes that although the COW does not meet the setback requirements of Subtitle C § 1313.6, the proposed location of COW will not result in any adverse impacts to the neighboring cemetery property and will minimize impacts to the St. Elizabeths hospital buildings. The Commission notes that pursuant to Subtitle C § 1313.6, it can grant a special exception not meeting the other special exception requirements of Subtitle C § 1313 if the application demonstrates that “the proposed location will generate the least adverse impacts.” (Subtitle C § 1313.6(d).) The Commission notes that the OP Report supported this substandard setback as reducing the potential adverse impacts of the COW on other properties that are more heavily used and concludes therefore that the proposed location generates the least adverse impacts because it allows the COW to be setback much further from all other lot lines.
13. The Commission also concludes that the Application has met the general special exception criteria of Subtitle X § 901.2 because:
 - (a) The COW monopole use is in harmony with the Zoning Regulations and Map because it is a permitted use in the MU-1 zone if it meets the specific special exception criteria, as the Application does;
 - (b) The COW monopole is temporary and is located to limit adverse impacts on neighboring properties; and
 - (c) The COW monopole has met the specific requirements of Subtitle C §§ 1312 and 1313, as asserted in the Application and as confirmed by the OP Report.
14. The Commission concludes that the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met because ANC 8C, the only party other than the Applicant to the Approved PUD, did not file a response to the Application within the time frame set by the Commission, and therefore, the Commission could consider the merits of the Application at its July 30, 2018 public meeting.
15. The Commission finds that the modification proposed by the Application is consistent with the Approved PUD because the COW will allow the Applicant to continue to provide antenna coverage for the Property during the construction of the Approved PUD and the COW’s impact on the Approved PUD will only be for the two-year period of the special exception

“Great Weight” to the Recommendations of OP

16. The Commission must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
17. The Commission found OP’s lack of objection to the Application being considered as a modification of consequence and recommendation that the Commission approve the Application persuasive and concurred in that judgment.

“Great Weight” to the Written Report of the ANC

18. The Commission must give “great weight” to the issues and concerns of the affected ANC expressed in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
19. The Commission notes that as neither ANC submitted a written report, there are no issues or concerns to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request for a Modification of Consequence to:

- Modify the approved plans and conditions of the PUD approved in Z.C. Order Nos. 02-45 and 04-08, as modified by Z.C. Order Nos. 04-08A/02-45, 04-08B/02-45, and 04-08C/02-45; and
- Add special exception relief pursuant to Subtitle C §§ 1312 and 1313.

The approved Application allows placement of a 150-foot-tall Cell on Wheels on the Property for a two-year period from the effective date of this Order. All provisions of Z.C. Order Nos. 02-45, 04-08, 04-08A/02-45, 04-08B/02-45, and 04-08C/02-45 remain unchanged and in effect.

VOTE (July 30, 2018): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 04-08D/02-45 shall become final and effective upon publication in the *D.C. Register*; that is, on May 8, 2020.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 20-09
(Wagner, LLC – Consolidated PUD and Related Map Amendment @
Square 5740, Lot 337 [2419 25th Street, S.E.]
April 27, 2020

THIS CASE IS OF INTEREST TO ANC 8B

On April 17, 2020, the Office of Zoning received an application from Wagner, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related Zoning Map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 337 in Square 5740 in southeast Washington, D.C. (Ward 8) at 2419 25th Street, N.W. The property is currently zoned R-3. The Applicant is proposing to rezone the property, for the purposes of this project, to the RA-2 zone. The Applicant is proposing to redevelop the site with a 67-unit housing project for seniors with all units dedicated to seniors not exceeding 60% of the median family income. The maximum height of the building is proposed to be 55 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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